

Digests, Headnotes, and Annotations: The Most Useful Research Tools

Headnotes: Lexis and West Headnotes Compared

Headnotes are summaries of legal points of law that are found at the beginning of many published court opinions. West reporters contain them, and are indeed famous because of them. While headnotes are primarily editorial summaries, they also serve to classify cases by legal topic, thus providing users with an aid for finding subject matter.

Three years ago, Lexis cases began to appear with headnotes, although they were initially referred to as "Core Concepts." Last year, Lexis began to refer to them as "headnotes."

Lexis and West headnotes both appear at the beginning of the cases. They are written and classified by Lexis and West editors. They both serve to provide summaries of legal issues within the case, and those headnotes are generally useful in helping one determine whether a case will be useful.

West headnotes have existed for more than 100 years, while Lexis headnotes have existed for only three years. Lexis is writing headnotes for older cases. Most cases published in Lexis during the last five years now contain headnotes. Coverage is spotty for older cases.

Lexis headnotes are nearly verbatim extracts of black letter law from the cases, with only occasional minor modifications. West headnotes are not extracts. They are written by a crew of about 70 editors. These headnotes are always one sentence in length, even if the sentence contains 250 words.

West cases and their headnotes exist in both print and electronic formats. Lexis opinions and their headnotes are only available in electronic format.

Digests

A digest is a compilation of headnotes/ annotations, arranged and classified by legal

topic. West cases begin with headnotes. These headnotes are assigned a legal topic, called a "Digest Topic." They are also assigned a subtopic, which is given a "Key Number." When a researcher has found a good case, that researcher can note the Digest Topic and Key Number of the relevant headnote, and then use a West digest to find additional cases on that topic.

A researcher can find opinions in a digest by starting with a known case, as noted above, or by browsing the digest topics and subtopics within the West digests themselves. These digests also include multi-volume indexes, and an often forgotten feature, called the "Table of Cases," which allows a user to find a cite or a parallel cite when only the party's names are known.

West headnotes are republished in their various digests. The headnotes from Michigan cases are reprinted in the *West's Michigan Digest*, *West's Northwestern Digest*, 2d, and West's General/Decennial Digests. West digests are also accessible online in their various "headnote" databases, and are directly accessible from within a case merely by clicking on any headnote.

West online (Westlaw) allows the user to browse the digests by topic. At the time of this writing, they called the feature "Custom Digest," but hid it in a drop-down menu labeled "More," where the name for Custom Digest in that menu was called "Key Numbers and Digest" (but names, menus, and screens change every few months for West and Lexis, so who knows what this feature will be called or where it will be hidden by the time you read this). Custom Digest is rather nice, because the user can tag specific digest topics and subtopics and then add additional restrictions such as dates, jurisdiction, and key words.

Lexis headnotes are not republished. They exist in electronic format only. And they only

exist within the context of the case for which they were written. Accordingly, there are no "digests" of Lexis headnotes.

As with West, Lexis allows the user to click on the headnote in order to retrieve related cases. Unlike West, however, clicking on a Lexis headnote does not lead to a list of cases that include that same legal topic and subtopic that you started with. Clicking the Lexis headnotes brings the user to a window that permits the user to limit the search by date, jurisdiction and key words.

However, after the search is conducted, many of the cases returned do not contain the headnote that you started with. A call to Lexis technical support reveals that, in fact, a natural language search has been conducted based on the contents of the original headnote. Thus, while the Lexis headnotes are like the West headnotes in that they provide a summary of the legal issues in a particular case, clicking on them does not necessarily lead to additional cases with the same headnote. The cases retrieved, however, are generally cases that address a closely related legal issue.

Lexis owns *Callaghan's Michigan Digest*. This title exists both in paper and electronic forms. It contains "annotations" of cases. These "annotations" are indistinguishable from West and Lexis headnotes in that they are also short legal statements of black letter law contained within Michigan cases. And just as with the West Digests, *Callaghan's Michigan Digest* is arranged by legal topic and subtopic.

Even though Lexis owns *Callaghan's*, the annotations in *Callaghan's* are *not* the Lexis headnotes that appear at the beginning of the Lexis online cases. Most of the annotations in *Callaghan's* were written long before Lexis bought the company. Annotations written for *Callaghan's* since its acquisition by Lexis

continue to be different than the headnotes written for Lexis cases.

Headnotes and Annotations for Statutes

Annotations are those little case squibs that follow a statute section in the annotated statutes such as West's *Michigan Compiled Laws Annotated* (MCLA), and Lexis' *United States Code Service* (USCS). There is little or no difference between a headnote and an annotation. In both instances, the annotation/headnote is a short summary of a legal issue from a court case. When these summaries appear as annotations to a statute it is because the court has been applying or interpreting that statute.

In West publications such as *Michigan Compiled Laws Annotated* (MCLA), and *United States Code Annotated* (USCA), the annotations are, in fact, the very same head-

notes that appeared in the cases. When a headnote to a West published case discusses a statute, (and the West editor notices), then that headnote is added to the MCLA, or USCA annotations. Thus, a West headnote appears in a case, and in two or three digests, and may also appear as an annotation to a West published set of annotated statutes. And, of course, the headnotes are also online in the West headnote databases and as annotations in the online versions of the West annotated statutes.

Lexis publishes *Michigan Compiled Laws Service* (MCLS) and *United States Code Service* (USCS). These annotated statutes exist in both print and electronic forms. The annotations in the printed volumes are the same as the annotations in the online versions, but they are *not* the same as the Lexis headnotes in the cases.

Thus, Lexis writes three different sets of Michigan annotations/headnotes: headnotes

for the online cases, annotations for *Callaghan's Michigan Digest*, and annotations for the MCLS. West writes just one set of headnotes, and they appear in the cases, in the digests, and in West's annotated statutes.

For a more detailed description of the headnote and digest functions of West and Lexis, as well as discussion on other digests and annotations available, visit <http://www.michbar.org/journal/home.cfm>. ♦

Randy Foreman, Educational Services Librarian at Thomas M. Cooley Law School, has been a librarian since 1990 and a law librarian since 2001. Prior to coming to Cooley, he worked as a judicial law clerk for Ingham County Circuit Court. He has a J.D. from Thomas M. Cooley, an M.L.S. from the State University of New York at Albany, and a B.A. from Michigan State University. Randy is a member of the State Bar of Michigan and a member of the State Bar Committee on Libraries, Legal Research, and Legal Publications.

