Overview
Digitized law databases have allowed for lawyers and the general public to look up individual law cases with much more ease than in the past. Computational methods can be utilized to better understand connections between and patterns within law cases. However, CAP, Westlaw, LexisNexis, Oyez, and other law databases have not fully taken advantage of the ability to use code to provide insights to users that would be too time consuming for someone to discover otherwise.

Professor Justin Simard and a team at Michigan State University have assembled a database of key slavery cases and the modern cases that continue to cite them as precedent. American judges and lawyers frequently cite cases without acknowledging their connection to slavery. Currently there is no way for lawyers to see the results of his work to better understand the context of cases and their past influences without directly visiting the Citing Slavery Project website. Law databases can highlight the Citing Slavery Project by linking the cases on their website to cases that have been identified as key slavery cases with contextual metadata tags. Metadata tags could be created for other manually created datasets about specific law cases as well.

This design brief identifies a process for how CAP could add a metadata tag feature to the case.law website, but this process could be applied to any other law database website as well.

Theory
In Justin Simard’s “Citing Slavery” article in the Stanford Law Review, he explains how the law of slavery is still considered “good law” by many lawyers today. Simard says, “judges cite these cases without acknowledging that the cases grew out of American slavery and without considering that a case’s slave origins might lessen its persuasive authority. Nor do they examine the dignitary harms that the citation of slavery may impose. In citing slavery, lawyers thus demonstrate a myopic historical perspective that creates legal harms and reveals the ethical limitations of their profession.” Simard argues that lawyers have an obligation to understand the influence of slavery within the law and address “the continued role of slave precedent in the American legal system”.

Simard estimates that about 13 percent of cases are one or two citations away from a key slave case.

In Thomas Smith’s “The Web of Law” paper, he explains that the majority of cases are infrequently cited, and legal authority is concentrated in relatively few cases. For all
federal and state cases, approximately 4 million total cases, about 400,000 cases are not cited at all, and another 773,000 are cited only once. In the U.S. Supreme Court citation network, a mere 2 percent of cases garner 56 percent of all citations. Smith calls for a collaboration between network scientists and legal scholars, taking advantage of complete record of case law in electronic form.

**User motivations for a contextual metadata feature**

*For lawyers/judges:* to better understand the history of the cases they are citing and determine if it is really “good law”, to discover other cases which might be helpful or interesting to read

*For researchers:* to see connections between cases and reveal new findings, to better understand how the law has been applied through history

*For users with minimal law knowledge:* to better understand the law! Visualizations and other features using the connections can help provide a better understanding of how the law has been applied over time and how it relates to the reader of a case. This format also would allow for a layperson to look at the law through the lens of a topic or issue.

**Existing examples of flags and tags**

Oyez has the ability to sort cases by manually tagged issue topics. However, the issue topic is not visible within the individual case page. The feature does not have the ability for the user to see the influence of a case over time (e.g. a case that cites Carter v. United States does not have a tag to indicate that it cites a case about bank robbery).
WestLaw and Lexis flags
Stanford Law School recommends understanding the subsequent history and subsequent citations of a case to determine whether a case is “bad law”. Both Lexis and Westlaw indicate if a lawyer should caution citing a case, due to whether a case was appealed and overturned, unpublished, or another court-related reason.

- WestLaw’s KeyCiting feature, yellow/red flags
- Lexis: Shepardizing feature and yellow caution triangle tag
Current features of CAP that connect to this idea
Right now, you can see the cases that a case cites to in CAP. However, you would not know if a case is a key slavery case or a descendent of a key slavery case. A user would have to read through the case to find this information.

Within CAP, the ngrams tool allows for users to see trends over time based on words within the text of a case. In the future, the ngrams tool could show connections between cases with metadata tags.

Design process
CAP users could upload JSON/CSV documents of data to be converted into metadata. This metadata would be accessible in the CAP API, as well as in the case viewer user interface. A metadata feature would allow for CAP users to see connections between cases (such as the influence of decisions on future cases) that they may not have realized existed otherwise.

A resource for determining the correct terminology for a tag related to slavery is enslaved.org’s controlled vocabularies factsheet. [https://docs.enslaved.org/controlledVocabulary/v2/enslavedcontrolledvocabularies-v2.pdf](https://docs.enslaved.org/controlledVocabulary/v2/enslavedcontrolledvocabularies-v2.pdf)
Prototypes of what the metadata tag feature could look like

Code process for connecting outside research to CAP database

If the data is not already in JSON form, it needs to be converted to JSON. The required JSON format is:

```
"11276169": {
    "degree": "0"
},
"8567847": {
    "degree": 1,
    "cites_to": ["11276169"]
},
"8626407": {
    "degree": 1,
    "cites_to": ["11276169"]
}
```
Within capstone, the files that need to be connected are:
- case.html
- sidebar.vue
- fabfile.py
- models.py
- documents.py

The overall goal is to only display a tag within the context sidebar section if the case that a user is looking at matches a case that is in a JSON file in the community generated data folder.

**Open call for community-generated research**

Datasets can be generated from currently existing work such as K-Sue Park's research on the development of American property law and understanding the creation of the American real estate market through the histories of colonization and enslavement. Datasets also can be generated on brand new topics, such as understanding the influence of pro-fossil fuel decisions on climate law at large.

CAP can put out an open call for community-generated datasets. Researchers from the community or academic institutions could create datasets highlighting key cases for title IX rights, disability rights, etc.

**Future directions**

In the future, I hope that the CAP team is able to fully build out the context section and metadata tag feature. It would be awesome to contribute a dataset to add to the community generated insights database.

It would also be helpful if a visualization feature were created so users could visualize the connections between cases with corresponding metadata tags.

**Sources**

2. Web of Law article page 14
3. https://guides.law.stanford.edu/cases/goodlaw
4. Web of law page 2
5. Web of law page 39