

CAP Metadata Feature Design Brief

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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.¹ 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."¹ 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".¹ Simard estimates that about 13 percent of cases are one or two citations away from a key slave case.⁶

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.² In the U.S. Supreme Court citation network, a mere 2 percent of cases garner 56 percent of all citations.”⁴ Smith calls for a collaboration between network scientists and legal scholars, taking advantage of complete record of case law in electronic form.⁵

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

The screenshot shows the Oyez website interface. At the top, the 'Oyez' logo is on the left, and four navigation icons (Cases, Justices, Argument 2.0, News) are on the right. Below the navigation bar, the main content area is titled 'Cases - Bank robbery'. On the left side of this section, there are three blue filter buttons: 'View by: Issue', 'Sort by: Name', and 'Issue: Bank robbery'. The main content area displays a list of cases. The first case is 'Boyle v. United States', with a description: 'A case in which the Court held that the government need not spell out a connection between criminal enterprises beyond what is apparent in the criminal activity itself.' Below the description is a table with four columns: GRANTED, ARGUED, DECIDED, and CITATION. The values are: Oct 1, 2008; Jan 14, 2009; Jun 8, 2009; and 556 US 938 (2009). The second case is 'Carter v. United States', with a description: 'May defendants charged with federal bank robbery have the jury consider whether they committed the lesser crime of federal bank larceny?'. Below the description is a table with three columns: ARGUED, DECIDED, and CITATION. The values are: Apr 19, 2000; Jun 12, 2000; and 530 US 255 (2000). The third case is 'Heflin v. United States'.

GRANTED	ARGUED	DECIDED	CITATION
Oct 1, 2008	Jan 14, 2009	Jun 8, 2009	556 US 938 (2009)

ARGUED	DECIDED	CITATION
Apr 19, 2000	Jun 12, 2000	530 US 255 (2000)

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”.³ 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

☐ Select all items No items selected

Negative Direct History

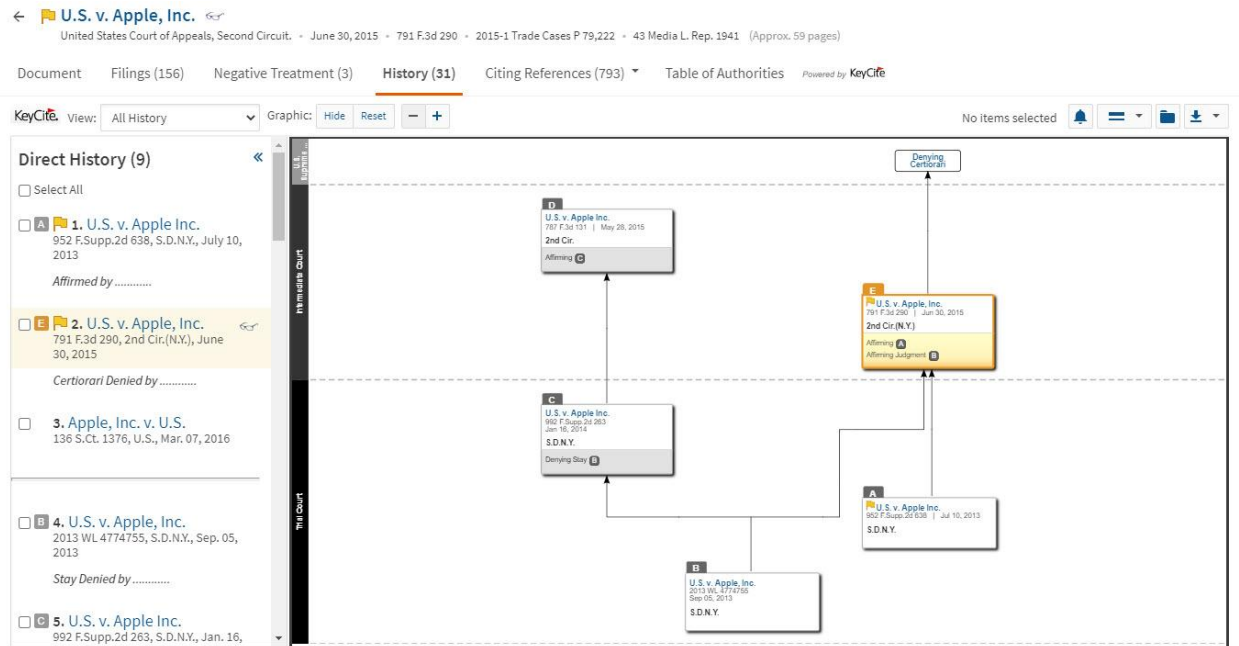
The KeyCited document has been negatively impacted in the following ways by events or decisions in the same litigation or proceedings:

There is no negative direct history.

Negative Citing References (3)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
<input type="checkbox"/> Distinguished by	1. American Steel Erectors v. Local Union No. 7, Intern. Ass'n of Bridge, Structural, Ornamental & Reinforcing Iron Workers 815 F.3d 43, 205 L.R.R.M. (BNA) 3558, 166 Lab.Cas. P 10,863, 2016-1 Trade Cases P 79,517, 26 Wage & Hour Cas.2d (BNA) 169, 1st Cir.(Mass.), (NO. 13-1531, 13-1665, 13-1705, 13-1714) ANTITRUST - Exclusive Dealing Arrangements. Four vertical agreements between union and steel fabricators did not violate Sherman Act. ...with or give rise to an unlawful horizontal relationship.Cf. MM Steel, L.P. v. JSW Steel (USA) Inc., 806 F.3d 835 (5th Cir.2015) United States v. Apple, Inc., 791 F.3d 290 (2d Cir.2015) Here, there is no such horizontal arrangement to speak of.To the extent the...	Feb. 25, 2016	Case	<div><div></div><div></div><div></div></div>	14 F.3d
<input type="checkbox"/> Distinguished by	2. Barry's Cut Rate Stores Inc. v. Visa, Inc. 2019 WL 7584728, 2019-2 Trade Cases P 81,014, E.D.N.Y., (NO. 05MD1720MKBJO)	Nov. 20, 2019	Case	<div><div></div><div></div><div></div></div>	4 7 8 F.3d



- Lexis: Shepardizing feature and yellow caution triangle tag

▲ United States v. Apple, Inc., 791 F.3d 290 Actions

Goto Page Page # Search Document

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▲ United States v. Apple, Inc., 791 F.3d 290

Copy Citation Law School Case Brief

United States Court of Appeals for the Second Circuit

December 15, 2014, Argued; June 30, 2015, Decided

Nos. 13-3741-cv, 13-3748-cv, 13-3783-cv, 13-3857-cv, 13-3864-cv, 13-3867-cv

Reporter

791 F.3d 290 * | 2015 U.S. App. LEXIS 11271 ** | 2015-1 Trade Cas. (CCH) P79,222 | 43 Media L. Rep. 1941

UNITED STATES OF AMERICA, STATE OF TEXAS, STATE OF CONNECTICUT, STATE OF ALABAMA, STATE OF ALASKA, STATE OF ARIZONA, STATE OF ARKANSAS, STATE OF COLORADO, STATE OF DELAWARE, STATE OF IDAHO, STATE OF ILLINOIS, STATE OF INDIANA, STATE OF IOWA, STATE OF KANSAS, STATE OF LOUISIANA, STATE OF MARYLAND, COMMONWEALTH OF MASSACHUSETTS, STATE OF MICHIGAN, STATE OF MISSOURI, STATE OF NEBRASKA, STATE OF NEW MEXICO, STATE OF NEW YORK, STATE OF NORTH

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- ◆ Positive (11)
- Ⓜ Neutral (2)
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791 F.3d 290

Source Information

2nd Circuit - US Court of Appeals Cases

Related Content

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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.

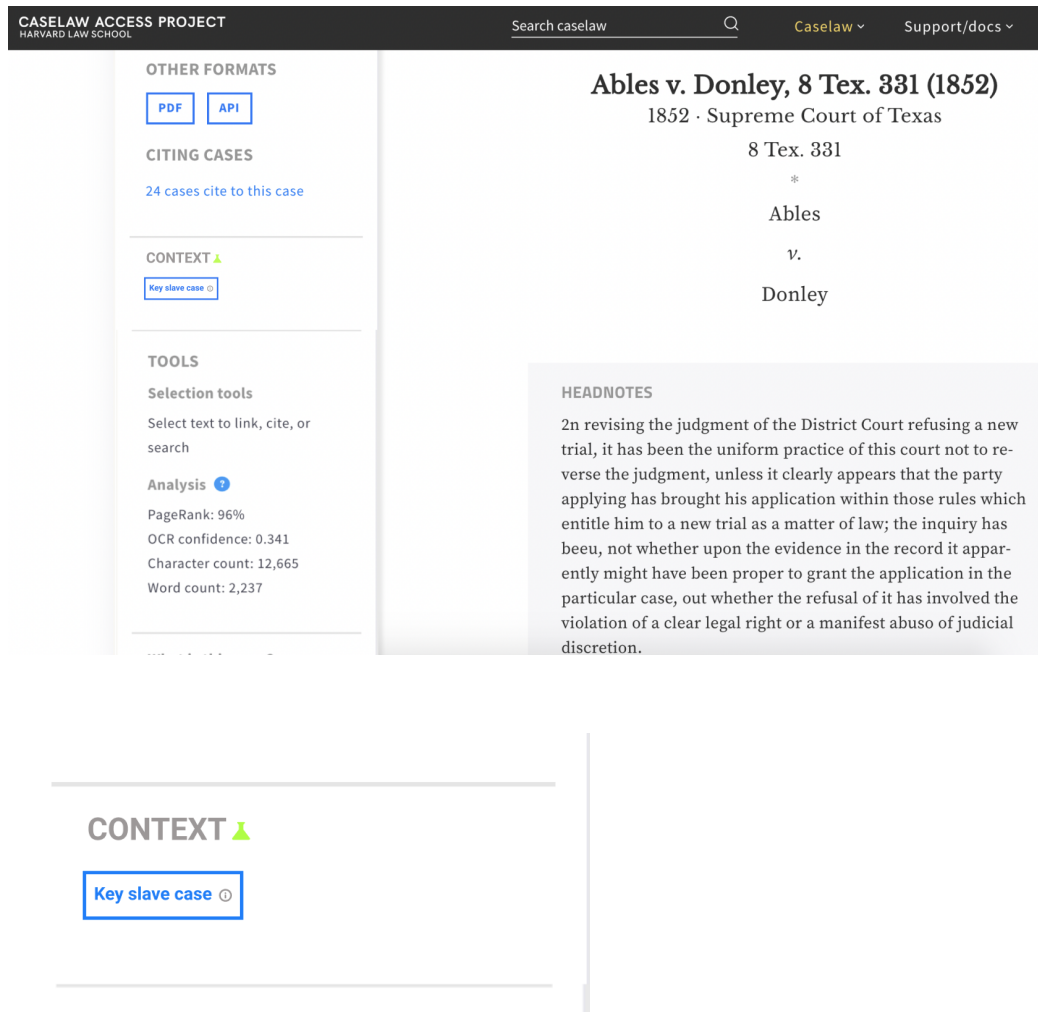
Design process

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>)

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

1. Citing Slavery Stanford Law Review Justin Simard
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
6. <https://www.law.virginia.edu/system/files/Simard%20Not%20Citing%20Slavery%20for%20OWCAL%20Noon%20Panel%201.pdf>