

Building a Free, Open Source Legal Citator

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Background

- Legal research today
- What's missing – information access and justice

Legal citations

- What is a citator?
- The information organization problem

Our project

- The vision
- Implementation
- Results

Roadmap for the future

Acknowledgements

Q & A

Legal research

Westlaw®



LexisNexis®

EXPENSIVE

Per minute: **\$9 - 24**

Per search query: **\$61-194**

Source: store.westlaw.com

Half hour of browsing
Supreme Court decisions
= \$720

Source: Emory University Law Library

All-you-can-eat plan:
≈\$1000 per month for a two-
person firm

Source: store.westlaw.com

Public domain

Law of the land

Problem one:
Making the data
accessible

Solved!

(Mostly)



(Public.Resource.Org)

Google
scholar

Justia
com

COURT
LISTENER
(Michael Lissner,
MIMS 2010)

Problem two:
Making the data more
useful

citator, *n.*

1) A service that tracks how court decisions cite each other.

2) Tells you whether a given case is “good law.”

3) Helps find other cases relevant to your research problem

Legal research and
jurisprudence is all about
precedent.

“stare decisis”

“What do you **mean**,
the case my whole argument
is based on was **overturned**
last year?!?”

Identifying legal citations and
linking cases together...
that's easy, right?

The information organization system

The standard case law
info organization system is
insane.

Ingle v. Landis Tool Co. (C.C.A.) 272 F. 464

Ingle v. Landis Tool Co., 272 Fed. 464 (3d Cir. 1921)

Ingle v. Landis Tool Co., (CCA 3d Cir. 1921) 272 Fed. 464

Ingle v. Landis Tool Co., 272 F. 464 (3d Cir. 1921)

Ingle v. Landis Tool Co., 272 Fed. 464 (3rd Circ., 1921)

Ingle v. Landis Tool Co., 272 Fed. 464 (C. C. A. 3d, 1921)

Ingle v. Landis Tool Co., 272 _____ LINE BREAK
_____ F. 464 (3d Cir. 1921)

Bender v. West, 158 F.3d 674 (2nd Cir. 1998)

Bender v. West, 158 F.3d 674 (2nd Cir. 1998)

Bender v. West, 158 F.3d 674 (**2nd Cir.** 1998)

Bender *v.* West, 158 F.3d 674 (2nd Cir. **1998**)

Bender v. West, **158 F.3d 674** (2nd Cir. 1998)

Bender v. West, **158 F.3d 674** (2nd Cir. 1998)

158th volume,
of the **3rd Federal Reporter**
(group of what will be
999 volumes of federal cases),
page **674**

Physical book

Lots of physical books



(Even though nobody* owns
the dead tree court reporters
anymore.)

* Except law libraries and Luddites

When a decision is first handed down, it has no unique identifier!

Citation doesn't exist until it
has been printed by a private
company (West)

No free API for citation
checking / parsing

What about court docket
numbers?

Wildly different standards

Regularly reused

Hefty information
organization problem

Lots of previous attempts

“We’re gonna kill Westlaw!”

1) Become a non-public, for-pay
research service.

2) Apply computation to some special niche (e.g. patent filings).

3) Run out of money
and die.

What would it take to build a
free citator?

“Berkeley National Reporter
Service” vision

1) Not-for-profit, backed by prominent university

2) Open source from
the start

How we did it

Built on existing
CourtListener code and
database

... Service Co., 499 **U.S.** 340 (S. Ct.1991) ...

Step one: look for court
reporter

... Service Co., 499 U.S. 340 (S. Ct.1991) ...

Number to the left...

... Service Co., 499 U.S. 340 (S. Ct.1991) ...

Number to the right...

... Service Co., **499 U.S. 340** (S. Ct.1991) ...

Base citation!

Do we have it in our
database?

(darn)

... Service Co., 499 U.S. 340 (1991) ...

Look for a parenthetical to
the right...

... v. Rural Telephone Service Co., 499 U.S. 340
(1991) ...

Look for a “*v.*” or an “*in re*”
to the left...

“v. United States”

“v. Holder”

Feist v. Rural Telephone Service Co., 499 U.S.
340 (1991) ...

Take the next word to the
left of the *v*.

Match against case names in
database

Best case scenario,
**plaintiff + defendant + court +
year
=
one match in our db!**

Multiple matches?

(darn)

Reverse matching

Search case text for each of the
matched case names!

Add citation relationship
to database

Turn citations into HTML
links

Ta da!

Results

<http://courtlister.com>

Source:

<https://bitbucket.org/mlissner/search-and-awareness-platform-courtlister/>

750,000 opinions
4.2 million citation links
10.9 million queries

Matched over 80% of the
citations we found (more for
Supreme Court cases)

What U.S. court case is the
most cited?

Strickland *v.* Washington,
466 U.S. 668 (1984)

9,592 citations!

Roadmap for the future

Identifying positive or negative
citations

“Depth of treatment” scores
(how much does this case talk
about another case?)

User testing UI ideas

[<< Back to search](#)
Keywords:

"GPS tracking"

From dates:

1-1-1980 to present

In courts:

- US Supreme Court
- First Circuit Court of Appeals
- Ninth Circuit Court of Appeals

[New search](#)
 **United States v. Jones**

Date: 2-17-1991

[Cited by 38 cases >>](#)

Cited as:

- United States v. Jones, 11-1259 (S. Ct. 1991)

[Case details >>](#)
 [Add West citation](#)
Summary:

In *United States v. Jones*, the Supreme Court of the United States considered whether the warrantless use of a tracking device on a motor vehicle constituted a "search" and therefore violated the protections guaranteed by the Fourth Amendment. On January 23, 2012, the Supreme Court unanimously held that "the Government's attachment of the GPS device to the vehicle, and its use of that device to monitor the vehicle's movements, constitutes a search under the Fourth Amendment."

Although the court unanimously agreed on the holding of the case, the justices split 5-4 about whether to view the Fourth Amendment violation as a governmental trespass upon private property or as a governmental violation of a private citizen's reasonable expectation of privacy. Scalia delivered the majority opinion of the Court[...]

 From Wikipedia, *United States v. Antoine Jones*
 [Edit summary](#)
Contents:
[Opinion](#) | [Concurrence](#) | [Dissent 1](#) | [Dissent 2](#)

132 S.Ct. 945
 Supreme Court of the United States

UNITED STATES, Petitioner
 v.
 Antoine JONES.

No. 10-1259.
 Argued Nov. 8, 1990. Decided Feb. 17, 1991.

946 Syllabus

The Government obtained a search warrant permitting it to install a Global-Positioning-System (GPS) tracking device on a vehicle registered to respondent Jones's wife. The warrant authorized installation in the District of Columbia and within 10 days, but agents installed the device on the 11th day and in Maryland. The Government then tracked the vehicle's movements for 28 days. It subsequently secured an indictment of Jones and others on drug trafficking conspiracy charges. The District Court suppressed the GPS data obtained while the vehicle was parked at Jones's residence, but held the remaining data admissible because Jones had no reasonable expectation of privacy when the vehicle was on public streets. Jones was convicted. The D.C. Circuit reversed, concluding that admission of the evidence obtained by warrantless use of the GPS device violated the Fourth Amendment.

Held: The Government's attachment of the GPS device to the vehicle, and its use of that device to monitor the vehicle's movements, constitutes a search under the Fourth Amendment. Pp. 948 – 954.

(a) The Fourth Amendment protects the "right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." Here, the Government's physical intrusion on an "effect" for the purpose of obtaining information constitutes a "search." This type of encroachment on *947 an area enumerated in the Amendment would have been considered a search within the meaning of the Amendment at the time it was adopted. Pp. 948 – 949.

(b) This conclusion is consistent with this Court's Fourth Amendment jurisprudence, which until the latter half of the 20th century was tied to common-law trespass. Later cases, which have deviated from that exclusively property-based approach, have applied the analysis of Justice

because "[a] person traveling in an automobile on public thoroughfares has no reasonable expectation of privacy in his movements from one place to another." Ibid. (quoting *United States v. Knotts*, 460 U.S. 276, 281, 103 S.Ct. 1081, 75 L.Ed.2d 55 (1983)). Jones's trial in October 2006 produced a hung jury on the conspiracy count.

In March 2007, a grand jury returned another indictment, charging Jones and others with the same conspiracy. The Government introduced at trial the same GPS-derived locational data admitted in the first trial, which connected Jones to the alleged conspirators' stash house that contained \$850,000 in cash, 97 kilograms of *949 cocaine, and 1 kilogram of cocaine base. The jury returned a guilty verdict, and the District Court sentenced Jones to life imprisonment.

The United States Court of Appeals for the District of Columbia Circuit reversed the conviction because of admission of the evidence obtained by warrantless use of the GPS device which, it said, violated the Fourth Amendment. *United States v. Maynard*, 615 F.3d 544 (2010). The D.C. Circuit denied the Government's petition for rehearing en banc, with four judges dissenting. 625 F.3d 766 (2010). We granted certiorari, 564 U.S. ----, 131 S.Ct. 3064, 180 L.Ed.2d 885 (2011).

II
A

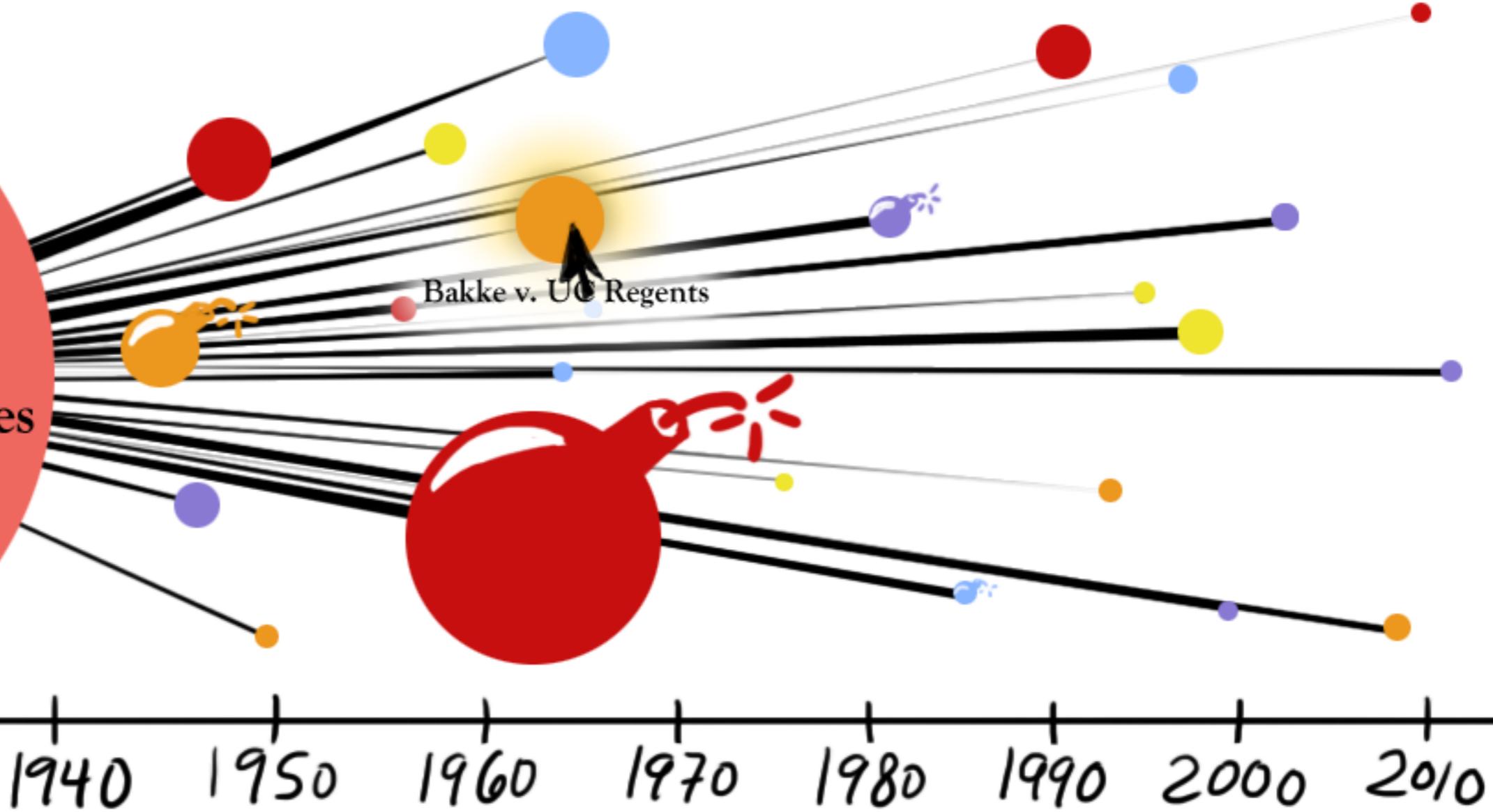
12 The Fourth Amendment provides in relevant part that "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated." It is beyond dispute that a vehicle is an "effect" as that term is used in the Amendment. *United States v. Chadwick*, 433 U.S. 1, 12, 97 S.Ct. 2476, 53 L.Ed.2d 538 (1977). We hold that the Government's installation of a GPS device on a target's vehicle,² and its use of that device to monitor the vehicle's movements, constitutes a "search."

It is important to be clear about what occurred in this case: The Government physically occupied private property for the purpose of obtaining information. We have no doubt that such a physical intrusion would have been considered a "search" within the meaning of the Fourth Amendment when it was adopted. *Entick v. Carrington*, 95 Eng. Rep. 807 (C.P. 1765), is a "case we have described as a 'monument of English freedom' 'undoubtedly familiar' to 'every American statesman' at the time

Quoted positively in:
• ***Armstrong v. Daniels*, 352 U.S. 390 (2011)**
• ***Shah v. Kansas City*, 606 F.3d 102 (2012)**

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Korematsu
v.
United States



- Supreme Court
- Circuit Court
- District Court
- State Supreme Court
- State Appeals Court

Enable volunteer contributions,
human review, crowd-sourced
content

Let the academics at it!

“What decisions are the most influential?”

“How do ideas flow between courts?”

Thanks to Brian Carver,
Michael Lissner, Itai Gurari,
and the Berkeley Law
librarians!

Q & A