

Legal Research Tip from the LA Law Library: Using ‘Metadata’ to Find Relevant Case Law Quickly & Easily

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Finding relevant case law always seems to take longer than it should. You sit down at your computer, log on to Westlaw or Lexis, type in what you think are the perfect search terms, arranged using just the right ‘Boolean’ terms and connectors, and one of two things happens: you either get far too many results, or far too few. You spend time (and your client’s money) modifying the search, then more time sifting through a body of results containing many irrelevant cases.

Finally, when you settle on a list of relevant results, the nagging feeling persists that you may have missed some important cases along the way. If only case law came pre-organized in some way, perhaps hierarchically, by topic and sub-topic, and one could do away with the uncertainty and laboriousness of blind keyword searches.

In fact, case law is organized in just this way, and you can save yourself time and your client money by taking advantage of this fact. Case law in Lexis and Westlaw is tagged with descriptions of the holdings in that case, and these tags are organized and themselves made searchable. That is what those “Headnotes” at the top of each case do.

These notes about each case are a sort of precursor to what computer geeks refer to as ‘metadata’ in the context of the web – data that describes the data in webpages, making the vastness of the web easier to index and search. (In fact, it is metadata, not the content of the webpages, that Google searches for you when you do a Google search.) However, it was John P. West of the Thomson West company, purveyors of Westlaw, who first brought this concept to legal information back in the nineteenth century. His Digest system of Key Numbers made case law easily accessible for the first time and led directly to the success of his company.

So how do you use the metadata that Westlaw and Lexis have created for you, and thus save yourself time and get better search results? There are a few ways. Say, for example, that you are searching for cases involving a defense of privilege to a suit for tortious interference with contract. One good way to find cases on this topic using headnotes is to drill down into the full list of headnotes hierarchically.

On Westlaw, this is done by selecting “Key Numbers” from the very top of the homepage after you log on. From there, you would select “Torts,” then “Tortious Interference,” “Business or Contractual Relations,” and “Defense, justification or privilege in general.” By checking off the box next to this selection, and pressing the “Search Selected” button at the bottom of the page, you are taken to a page where you can select your jurisdiction, and then search only those cases dealing with defenses to interference with contract suits. By just pressing “Search” without any search terms, you can see the number of cases under this Key Number – in this instance, some 50 cases total. Being able to search among only 50 cases, all of which deal with the approximate topic you need, will obviously save you a lot of time. In addition, this list is likely to be a much more comprehensive list of cases on the topic than what you could come up with using a keyword search.

Similarly, to use the headnotes on Lexis, you would select their “Search by Topic or Headnote” option on the right-hand side of the homepage after you log on. The organization of topics is obviously different on Lexis, but the process is essentially the same. On either Lexis or Westlaw, you can also search a specific headnote by clicking on the icon next to that headnote at the top of a case you already have, without drilling through the hierarchy of headnotes.

Lastly, if you prefer doing your research in print or just get tired of staring at a computer screen, your local county law library should have up-to-date copies of the print West’s Digests. The key to using these is going to the end of the shelf for the “Words and Phrases” volume, which provides a descriptive index to all of the entries found in the digest.

Remember, your search for case law need not be a dive into uncertainty. State and federal cases have already been organized for you – you just have to know how to take advantage of it.