

# Leveraging the RECAP Suite to Support Litigation

# Leveraging the RECAP Suite to Support Litigation

How RECAP, CourtListener, and other free tools can be used to support civil legal aid advocates.

Free Law  
Project



# Presenters:

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Free Law Project

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Legal Aid Society of Northeastern New York



# What is Your Practice Area?

- Housing/Landlord Tenant
- Social Security Disability
- Immigration
- Public Benefits
- Bankruptcy
- Other



# What is Your Role?

- Case Handler/Advocate
- IT
- Management
- Other







# Where do you have cases?

- Federal Court
- State Court
- County Court
- Local/Town/Village Court





# Do you Use?

- PACER
- RECAP
- CourtListener
- Google Scholar
- Lexis Nexis or Westlaw
- Bound Treatise
- Other





# RECAP

01

What is  
RECAP?



# CourtListener.com – Case Law

- 9M opinions from over a thousand jurisdictions
- Nearly complete SCOTUS record
- More opinions scraped from court websites daily (about 300/day)
- Search and docket alerts for journalists, lawyers, and the public
- API, bulk data, searchable interface

COURT LISTENER

# CourtListener.com – RECAP Suite



“Turning PACER Around”

# RECAP Extension

## **RECAP The Law — “Turning PACER Around” since 2009**

- Browser extensions for Chrome, Safari, Edge, and Firefox that save you money while you use PACER.
- Everything you purchase gets added to our public archive and gets a permalink.
- Everything anybody else purchased you get for free.
- Use RECAP to save money and contribute to a public archive.
- Over 20k users

 <https://free.law/recap/>



# CourtListener.com - RECAP Archive

- Biggest open collection of federal filings online — 60M cases and 300M items
- Sourced from:
  - Crawling free opinions from PACER
  - RECAP Extension and @recap.email
  - PACER RSS feeds
  - Bulk data gathering services
  - Big Cases Twitter bot & handful of topical case bots
- Full text searchable including scanned docs



# CourtListener.com - RECAP Archive

- Excellent for investigative research:
  - Full text search makes background checks more complete
  - Biggest open and searchable collection of federal court filings
- Innumerable historical documents from federal cases:
  - U.S. v. Manafort, U.S. v. Gates, U.S. v. Michael Cohen
  - The “Citizenship on the Census” case
  - “DNC v. Russian Trolls” case
  - Trump Emoluments
- Alerts for dockets to know when new filings are available
- Services available for bulk research without having law clerks click thousands of PACER documents

# RECAP Advanced Search

## Advanced RECAP Search

Search our database of millions of PACER documents and dockets.

[Learn More](#)

Search

Select Jurisdictions

Search Results Order:  
Relevance

Docket Number:

Document Description:

Case Name:

Filed After:

Filed Before:

Document #:

Attachment #:

Assigned To Judge:

Referred To Judge:

Nature of Suit:

Party Name:

Attorney Name:

☒ Exclude items not in RECAP

### Operators Quick List

**AND** - Intersection  
**OR** - Union  
**-, !, NOT** - Negation  
**" "** - Phrase search  
**()** - Grouped queries  
**:** - Fielded search  
**\*, ?** - Wildcard  
**~** - Fuzzy and proximity  
**[x TO y]** - Ranges  
**^** - Field boosting  
[More details...](#)

# RECAP Search Results

## Refine Your Query

Select Jurisdictions **103**

### Search Results Order:

Relevance

☐ Only show results with PDFs

### Case Name:

lehman brothers

### Document Description:

### Docket Number:

### Nature of Suit:

### Cause:

transcript

Search

[Query Help](#)

281 Cases — 702 Docket Entries

1,405ms

**Lehman Brothers Holdings Inc. v. Goldwater Bank, N.A., as successor to Community Ba (Bankr. S.D.N.Y. 2018)**

**Docket Number:** 18-01754 **Date Filed:** October 28th, 2018

**Date Terminated:** April 26th, 2021 **Nature of Suit:** 14 Recovery of money/property - other

**Assigned To:** Shelley Clauson Chapman

**Parties:** Lehman Brothers Holdings Inc., Goldwater Bank, N.A., as successor to Community Banks of ...

**Attorneys:** Paul R. DeFilippo, Albenia Petrakov, James N. Lawlor, Brant Kuehn, Brad Jeffrey Axelrod, ...

**Transcript** — **Document #27**

**Description:** Transcript regarding Hearing Held on 06/19/19 At 10:11 AM RE: Pre-Motion Conference. Remote electronic access to the transcript is restricted until 9/19/2019. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext Legal Solutions.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 6/28/2019. Statement of Redaction Request Due By 7/12/2019. Redacted Transcript Submission Due By 7/22/2019. Transcript access will be restricted through 9/19/2019. (Ramos, Jonathan) (Entered: 10/18/2019)

# RECAP Dockets

## ☆ In the Matter of Search Warrants Executed on April 9, 2018 (1:18-mj-03161)

District Court, S.D. New York

[View on PACER](#)

[Search this Docket](#)

[Get Alerts](#)



Last Updated: Jan. 16, 2019, 8:52 a.m. EST

Assigned To: [Kimba Maureen Wood](#)

Date Filed: April 13, 2018

Date of Last Known Filing: Aug. 20, 2018

[DOCKET ENTRIES](#)

[PARTIES AND ATTORNEYS](#)

Filed

YYYY-MM-DD

to YYYY-MM-DD

Documents

to

[Ascending](#)

[Descending](#)

Document  
Number

Date Filed

Description

1

Apr 13, 2018

MEMORANDUM OF LAW in Opposition to Michael Cohen's Motion for a Temporary Restraining Order by USA as to UNITED STATES OF AMERICA. (vb) (Entered: 04/13/2018)

[Main Document](#)

Memorandum of Law in Opposition

[Download PDF](#)

Apr 13, 2018

Case Designated ECF

Apr 13, 2018

Case Designated ECF as to In the Matter of Search Warrants Executed on April 9, 2018. (jm)

Apr 13, 2018

Show Cause Hearing





02

# Security Concerns & Sealed Cases

# Security Concerns:

- How are cases with restricted access pursuant to FRCP 5.2(c) treated?
  - i.e., Social Security cases where there are clients' medical records, description of medical records, and SSNs.
- How are sealed submissions treated?
- What about when Court staff in error fail to seal a document?
- Is there a way to selectively choose which submissions to share?
- What is the method for review on Free Law Project's end?
- What if attorney wants to remove something that has been shared to RECAP?

# Responses to Concerns:

- Users are encouraged to use PACER accounts, not ECF accounts.
- RECAP is designed to detect sealed content and not upload it.
- RECAP can be easily set to not upload at all.
- A new feature provides two buttons to users: (1) “Purchase and RECAP” and (2) “Purchase without Sharing” (thanks LASNNY).
- Documents can be pulled out of the RECAP Archive if needed.
- In practice this hasn’t been a big issue.

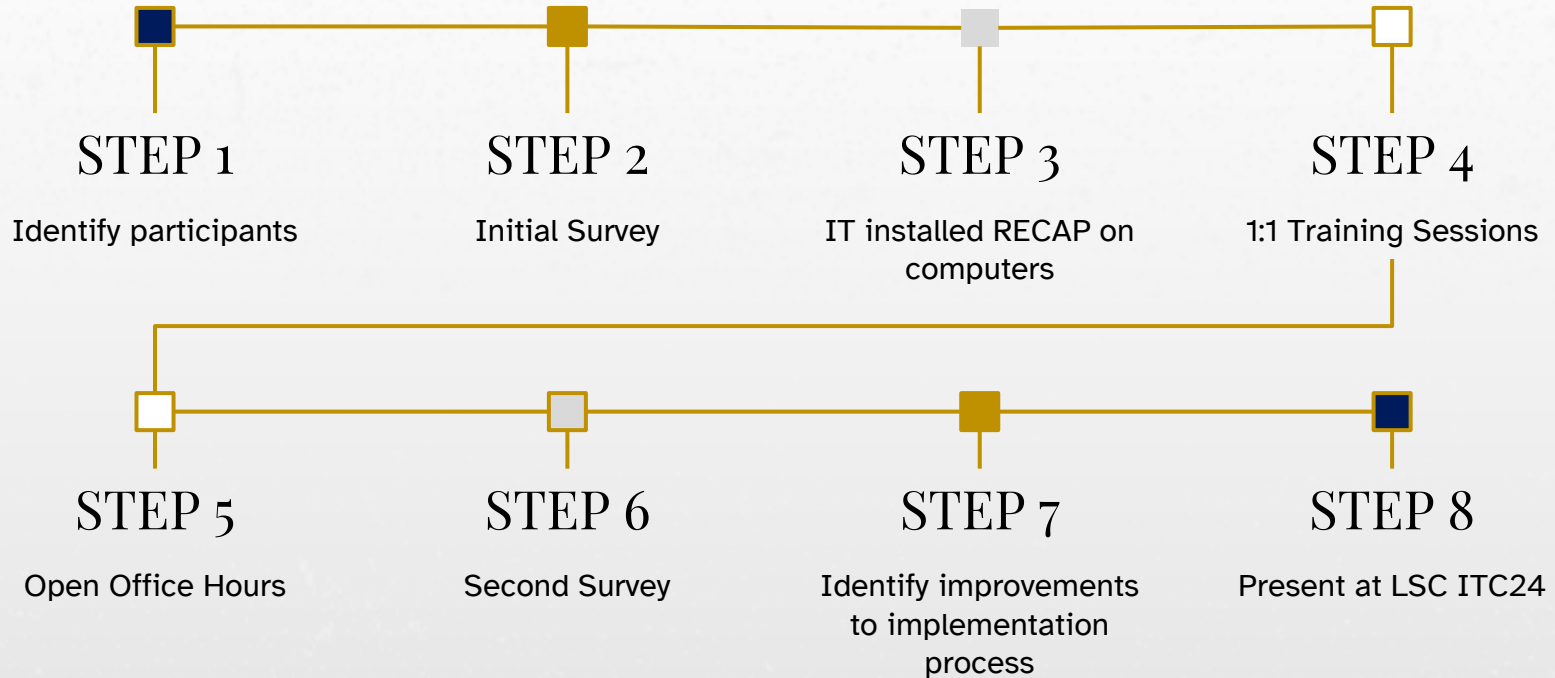


03

# CASE STUDY

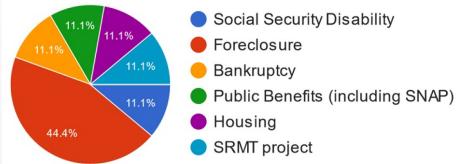


# CASE STUDY TIMELINE

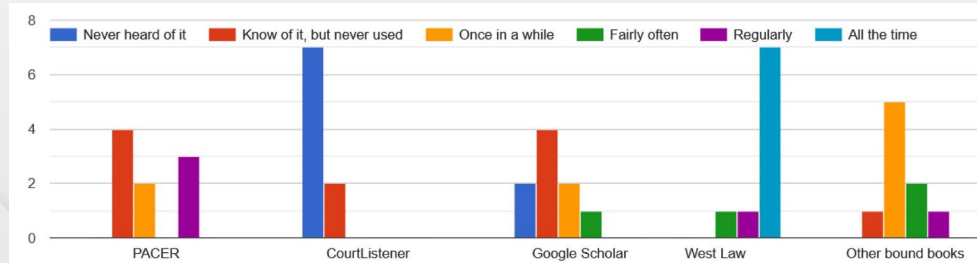


# Overview of Case Study: Demographics

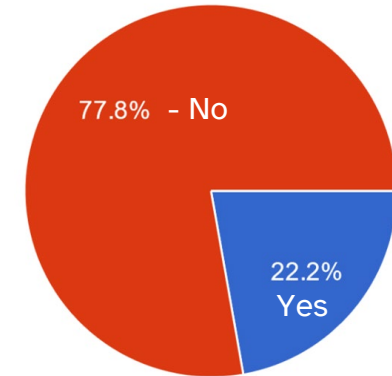
- 8 participants identified at LASNNY to participate:



- All were moderately to very comfortable with using new technology
- All spent between 1 and 10 hours per week researching cases in preparation for helping clients
- The most used source for research was West Law



Had you heard of RECAP before this project?



# HOW TO IMPLEMENT:

01

## Individual Training

This is what we did:

- Ability to answer questions
- Tailor to the individuals needs
- Time consuming
- More feedback for implementers

03

## Individual Exploration

Install on everyone's computers and let people explore

02

## Group Training

- Quick and easy
- Easy to miss details

04

## Combination

This is our recommendation:

- Install on computers
- Allow for 1:1 trainings or office hours if needed
- Small group trainings that are recorded

# Overview of Case Study: Trainings

- Individuals signed up for 1:1 training sessions/user interviews with Mike Lissner
  - Allowed for individualized help depending on comfort level with PACER and technology
- What we discovered:
  - Most of the attorneys in the case study did not use, or have use for PACER in their daily work - so ended up talking more about using CourtListener instead of RECAP
  - Definite pain points in selecting jurisdictions in search interface
- Followed up with weekly open office hours via Google Meet
  - Offered to provide assistance with case research via PACER/RECAP and/or CourtListener
  - Not effectively used - wrong time? Not needed? Too soon?



# Overview of Case Study: Results

- Case study constrained due to type of work (state vs. federal)
- Adding feature to RECAP extension to address concerns with sealed cases
- Additional research needed to look at modifications to CourtListener interface and features to be more useful to civil legal services advocates

## COURT LISTENER

*"It's an excellent resource, especially for those who do not have access to Pacer. The ability to "quick sort" cases by clicking through the different filters is very fluid and makes searching easy."*

*"A few of site's functions felt unintuitive to me (such as the 'clear tab' and 'clear all' buttons in the jurisdiction search). But once it was explained to me, it was easy to navigate the functions."*

## RECAP

*"I love the idea of RECAP... Unfortunately I do not practice in Federal court, so I haven't been able to use it much personally but I fully support the idea of freely accessed data ."*



04

Use in a  
Legal  
Services  
Setting

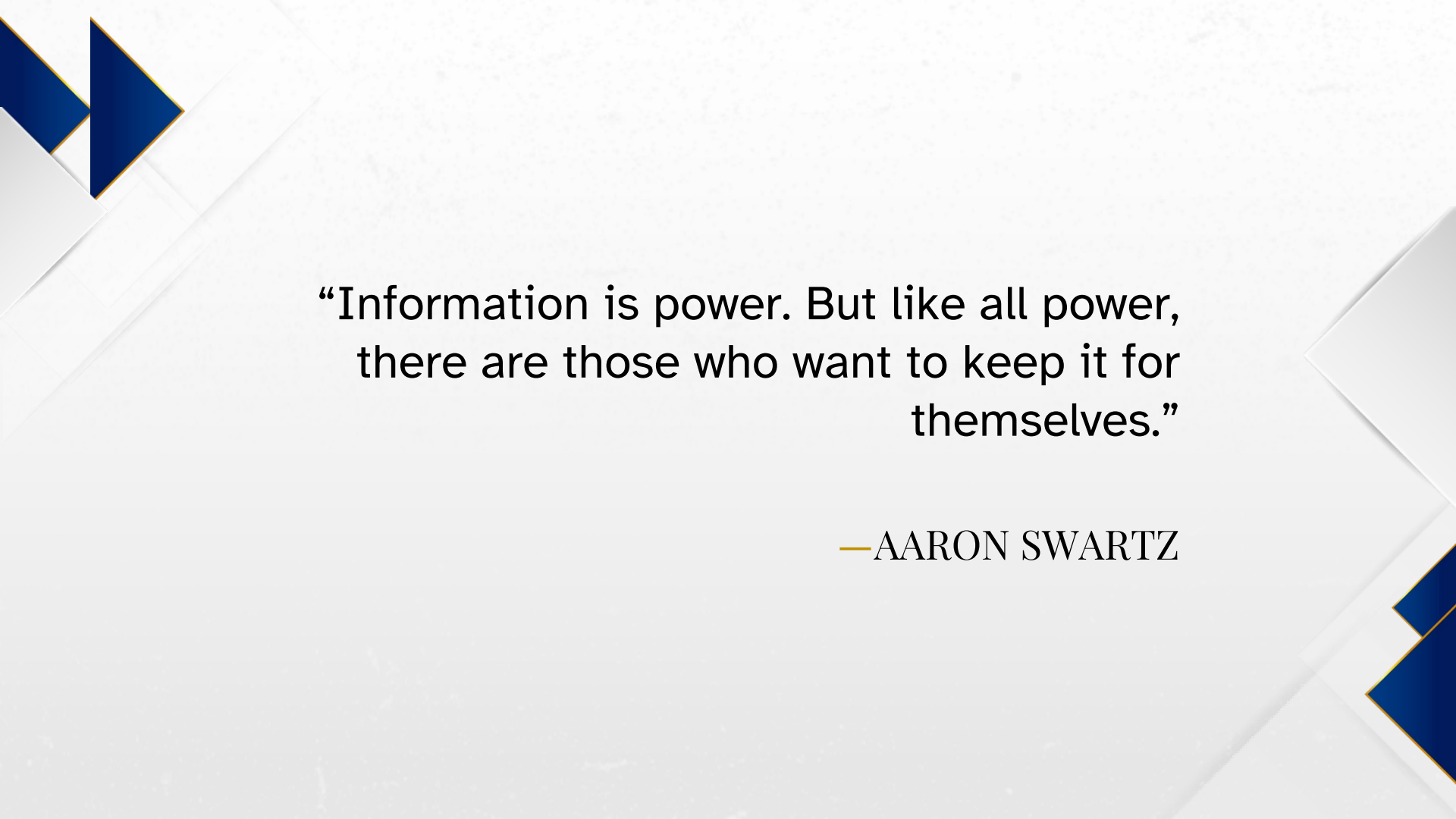
# Use In Legal Services:

- Use RECAP Archive to freely search for, download, share, and read filings
- Save costs vs. other providers by using the Archive as your first stop:
  - No subscription costs, easily accessible online
  - Very powerful search
- Create up to 15 docket alerts to follow federal cases (more alerts for members)
- Listen to oral argument audio or make podcasts for courts
- Study judges before trials:
  - Judicial Financial Disclosure reports could show conflicts
  - Judge DB has education, work history, and more for thousands of judges
- Stop paying for PACER content over and over again.
- Share links for advice only cases to assist pro se litigants



05

# Using the RECAP Extension



“Information is power. But like all power,  
there are those who want to keep it for  
themselves.”

—AARON SWARTZ

# Demo

<https://youtu.be/NdfuLlcL1CU>





06

# Other Tools



# Building Data Sets


For research, investigation, or litigation

## APIs

Programmatically analyze legal  
information

## Case Law Search

Research and stay up to date with precedent and trends



A series of overlapping geometric shapes, including triangles and squares, in shades of blue and white, located in the top-left corner of the slide.

# Google Scholar

<https://scholar.google.com/>

## Westlaw

## Lexis Nexis

A series of overlapping geometric shapes, including triangles and squares, in shades of blue and white, located in the bottom-right corner of the slide.



07

Questions?

# Thank You!



**Michael Lissner**  
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Project



<https://dot.cards/mlissner>

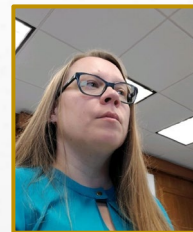
Free Law  
Project



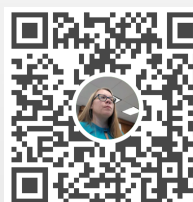
**Michael Telfer, Esq.**  
Managing Attorney, LASNNY  
<https://dot.cards/mtelfer>



**100 YEARS**  
1923 – 2023  
Legal Aid Society  
NORTHEASTERN NEW YORK



**Erica Zimny, Esq.**  
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**100 YEARS**  
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NORTHEASTERN NEW YORK




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Find the link to the **Session Survey** at the bottom of the session description.

If you don't see the survey link in your app, make sure you have added the session to **"My Schedule"** in the app.

## 2024 Innovations in Technology Conference



### Session Name

Overall, how would you rate the information presented at this session?

Poor Excellent

☆ ☆ ☆ ☆ ☆

What information in this session was most useful to you?

What would have made this session better?

Done