

6-1937

The Avalanche of Case Law

D. J. Moran

Member, Hammond Bar

Follow this and additional works at: <http://www.repository.law.indiana.edu/ilj>



Part of the [Legal Writing and Research Commons](#)

Recommended Citation

Moran, D. J. (1937) "The Avalanche of Case Law," *Indiana Law Journal*: Vol. 12: Iss. 5, Article 9.

Available at: <http://www.repository.law.indiana.edu/ilj/vol12/iss5/9>

This Comment is brought to you for free and open access by the Law School Journals at Digital Repository @ Maurer Law. It has been accepted for inclusion in *Indiana Law Journal* by an authorized administrator of Digital Repository @ Maurer Law. For more information, please contact wattn@indiana.edu.



JEROME HALL LAW LIBRARY

INDIANA UNIVERSITY
Maurer School of Law
Bloomington

THE AVALANCHE OF CASE LAW

By D. J. MORAN*

For a number of years the writer has been asserting to the courts that if one seeks long enough and broad enough he can find a case on any side of any question of law.

A few weeks ago he decided to ascertain if possible the probability of the truth of the above assertion. To do this he had to ascertain the scope of the field and the time it would take to search it.

Since the National Reporter System began, an average of fifty-four years, it has reported 1,200,000 opinions of the courts covered by its system. This represents 75 per cent of all the case law now extant in the United States. The total number of opinions is 1,607,000.

To digest these cases it would take a highly trained law editor, working six hours a day, 765 years.

Assuming that the opinions will continue to multiply in like manner, in 108 years we will have then 1,200,000 decisions multiplied by 27, or 32,400,000 opinions.

To digest these cases in the year 2045 it would take the expert law editor 20,355 years.

The necessity for the preservation of our case law for 108 years is to be assumed because cases 100 or 150 years old are often cited and used as binding law. Indeed a case seems like Tennyson's Brook to "go on and on forever."

Peering into the future and assuming we go on and on, in the year 2477 here it is. We will then have 318,864,000,000 opinions in the case books and it would take the expert law editor 263,165,800 years to digest them. It would take a million such editors 263 years to do the job. Since they cannot live that long and allowing forty years of working life, it would require 6,500,000 experts all their life to do the stupendous job.

It is amazing! It is appalling! 1,200,000 opinions handed down and printed in fifty-four years! It looks like a dust storm or a grasshopper plague.

Is all this science, art or just the most alarming type of boondoggling?

Assuming 450 opinions per volume, it now takes 2,666 volumes to complete the West Publishing Reporter System and at \$4.00 per volume the cost is \$14,664.00. In 2045, if we lawyers can survive the plague long, a set of the Reporter System will cost \$395,928.00.

Clearly the cost of law is getting unbearable and its mass worse than unbearable. There is gold in them thar hills if you can only find it.

* Of the Hammond Bar.

The writer concludes that he is correct because in 1,200,000 specimens of the species of Judicial Opinions you can find anything you want if you live long enough to find it.

Note: The data used is that put out in the West Publishing Company's "Manual of National Reporter System and All Key Number Digests" for 1936.
