

LORD JUSTICE LINDLEY ON LAW  
REPORTING.

Let us consider, then, what are the legitimate wants of all branches of the legal profession with respect to law reports. They are both negative and affirmative.

The profession does not want reports of cases valueless as precedents, nor long reports of complicated facts when a short condensation of them is all that is necessary to understand the legal principle involved in the decision. This observation applies not only to the reports themselves, but particularly to the head-notes of the cases reported. The legal pith of a case, and nothing more, should appear in its head-note.

The affirmative wants may be considered under three heads—viz. (1) The subjects reported; (2) The mode of reporting them; (3) The time and form of their publication.

1. The subjects reported should include all cases which introduce, or appear to introduce, a new principle or new rule, or which materially modify an existing principle or rule, or which settle, or tend to settle, a question on which the law is doubtful, or which for any other reason are peculiarly instructive.

If these principles are not attended to, the reports will be unnecessarily bulky, and time and labour will be wasted. But in applying these principles to practice, it must be borne in mind that the reports are wanted not only by men who are already well-informed lawyers, but also by men of a different class; and for their sakes it is better to err on the side of reporting too many cases than of reporting too few. Collections of rubbish must be carefully avoided; but if an experienced reporter is in doubt as to whether a case is worth reporting or not, it will be safer to report it, however shortly, than wholly to omit it.

Practically the great difficulty is to decide what ought to be done with cases turning on the construction of written documents, and with what are called Practice cases. As regards cases on the construction of documents, they should be excluded, unless there is some good reason for including them. Cases turning on obscure sentences in wills,

contracts, or letters, which sorely puzzle those who have to put a meaning on them, are absolutely useless for future guidance, and should not be reported at all. At one time there was a tendency, especially in the Chancery Courts, to try and construe one will by means of decisions on other wills more or less like it; but this tendency has been checked of late years, and there is not now any excuse for reporting decisions on wills simply because they were difficult to construe. Similar observations apply to other documents. Some cases on the construction of documents are, however, very useful. Such are new lights thrown upon common forms—e.g. in charter-parties, policies of insurance, ordinary covenants or trusts, etc., or new interpretations of some Act of Parliament of general application, or of rules of Court. Cases of this kind are unquestionably useful as guides, and should be reported.

2. As regards the mode of reporting. The great point to bear in mind is that what the profession wants is law, and such facts only as are necessary to enable the reader of the report to appreciate the law found in the case. Keeping this in mind, reports should be accurate, full in the sense of conveying everything material and useful, and as concise as is consistent with these requirements. The points contended for by counsel should be noticed, and the grounds on which the judgment is based should receive especial attention. The whole value of a report depends on this part of it, and on the distinctness with which it is brought out. In this respect much of course depends on the judge, and the care he takes to make plain the grounds of his decision. But much also depends on the reporter. Even when a judgment is written, much of it may relate to matters requiring decision but not worth reporting; and it should be shortened accordingly.

3. As regards the time and form of publication, the profession wants the reports published as speedily as possible—good print, good paper, a convenient portable size, convenient arrangement of matter, good indexes, and the lowest price consistent with the payment of the expenses of publication.—*The Law Quarterly Review*.