



How to *Shepardize*[®]

Legal Research Using the
Shepard's[®] Citations Service
on the LexisNexis[™] Total Research System

Frank Shepard invented the legal citator as we know it today, and for more than 125 years *Shepard's* Citations has been a cornerstone of the legal-research process.

Shepard's is used in two important ways:

- as a finding tool, and
- as a validation tool.

Generations of lawyers have *Shepardized*[™] to retrieve comprehensive lists of authorities that have cited their cases, and to be sure that their cases, statutes and other authorities are good law.

With today's *Shepard's*[®] Citations Service exclusively on the LexisNexis Total Research System, it is easier and faster than ever before to organize, prioritize and narrow your research, without wasting time. *Shepard's* reliable, time-tested editorial analysis with powerful navigational tools is simply the best way to make sure that you've come to sound conclusions about your research.

How to *Shepardize*[®]

Table of Contents

Introduction

Why Do You Need to <i>Shepardize</i> [®]	2
---	---

Section 1: Getting Started

<i>Shepard's</i> [®] Citations	3
---	---

Section 2: Using *Shepard's* on the LexisNexis[™] services

To <i>Shepardize</i> a Case Citation	4
--------------------------------------	---

Reading <i>Shepard's</i> Results	5
----------------------------------	---

As You Review Your <i>Shepard's</i> Results	6
---	---

<i>Shepard's</i> Signal [™] Indicators in Search Results	7
---	---

<i>Shepard's</i> Summary—Look Here First!	8
---	---

<i>Shepard's</i> Navigation Bar: Expand Your Review Capabilities	9
--	---

Custom Restrictions Form: Customize Your Results	10
--	----

To Customize Your <i>Shepard's</i> Report	10
---	----

The FOCUS [™] Feature: Pinpoint Specific Language	11
--	----

To Use the FOCUS Feature	11
--------------------------	----

<i>Shepard's</i> Table of Authorities	12
---------------------------------------	----

To Request a TOA Report	12
-------------------------	----

<i>Shepard's</i> Table of Authorities Order of Display	12
--	----

Interpreting Your <i>Shepard's</i> Table of Authorities Results	13
---	----

<i>Shepardizing</i> [™] Statutes and Regulations	14
---	----

Search Tips	14
-------------	----

LexisNexis [™] Get & Print: Retrieve Multiple <i>Shepard's</i> Reports	15
---	----

Editorial Analysis	16
--------------------	----

Statutes and Regulations	17
--------------------------	----

Section 3: Using *Shepard's* in Print

Differences between <i>Shepard's</i> in Print and <i>Shepard's</i> on LexisNexis	18
--	----

<i>Shepard's</i> Citations Service in Print	18
---	----

Case Names Citators	24
---------------------	----

Research Steps for Statutes	25
-----------------------------	----

Research Steps for Regulations and Other Legal Sources	26
--	----

Watch for These Frequently Made Mistakes When Using <i>Shepard's</i> in Print	28
---	----

Introduction

Why Do You Need to Shepardize?

Under the doctrine of *stare decisis*, previously decided cases serve as a model for resolution of future disputes involving similar legal principles or fact patterns.

Following the doctrine of *stare decisis*, legal researchers cite to cases in support of their arguments in order to convince the court that the issues or facts presented in their cases should be decided in the same way as the earlier cases, or to argue that the facts or issues presented in their cases are sufficiently different to warrant different treatment. Because of this reliance on precedent, you need to be sure that the authority you cite is still “good law”—in other words, you need to make sure that cases have not been reversed on appeal, overruled or criticized by subsequent cases, and that statutes have not been repealed or found unconstitutional.

Several courts have discussed the importance of proper updating and lawyers’ professional responsibility to ensure the reliability of the authority they cite. An example of one such discussion is found in *Meadowbrook v. Flower*, 959 P.2d. 115, 120 n. 11 (Utah 1998), where the court stated, “*The process of ‘Shepardizing’ [updating] a case is fundamental to legal research.*”

Updating the law isn’t something you save for the end of your research—it is important to incorporate updating into all phases of your research process. You should begin updating authorities as soon as you find them. This will keep you from wasting time with authorities that are no longer “good law.” Updating can also lead you to other authorities that will help you build your legal argument. You will also return to updating before you file any pleading or make any argument with a court. This will help you to make sure you have fulfilled your legal-research responsibilities and will save you from potential embarrassment or even sanction. Finally, you can use updating tools to expose weaknesses or errors in your opponents’ arguments.

The principal tool for updating legal authorities is called a citator. A citator is an index or compilation listing every instance in which a legal authority has been cited.

The following terms are used when discussing citators:

Cited authority—the authority you are updating (i.e., the original authority)

Citing authority—an authority that cites the original authority

To update your research, look up the cited authority in the citator (as you would look up a word in the dictionary). A list of citing authorities shows you where the cited authority appears in each citing authority.

Legal researchers use citators to:

- trace the history of a given authority
- determine if the authority is still “good law”
- see how courts have treated the authority
- obtain references to secondary sources addressing the same legal issues as the authority
- expand research with additional authority that addresses the same legal issues as the authority

Section 1

Getting Started

Shepard's® Citations

The largest publisher of legal citators in the United States is *Shepard's*. *Shepard's* is the premier practice for updating case law, statutes, and other sources of law. *Shepard's* Citations publishes nearly 200 different citators and is available in print form and exclusively online through the LexisNexis™ services.

You can use *Shepard's* to update:

- Federal and state case law, including unpublished decisions
- *United States Code* sections
- Statutes from all 50 states
- Regulations, including the *Code of Federal Regulations*
- U.S. and state constitutional provisions
- Court rules, including the *Federal Rules of Civil Procedure* and *Rules of Evidence*
- Annotations
- Law review articles from selected publications
- Individual U.S. patents
- Canadian case law (online only)

Using the *Shepard's* Citations Service on LexisNexis can greatly simplify the updating process and allows you to easily integrate updating into your research.

Unlike *Shepard's* in print, which requires you to consult multiple volumes to ensure complete coverage, the *Shepard's* Citations Service on LexisNexis **consolidates all of your citing references into a single result**. You do not need to *Shepardize* parallel citations, and each citing reference is in citation-sentence form.

***Shepard's* on LexisNexis provides some considerable advantages over the print version:**

- *Shepardizing*™ on the LexisNexis™ Total Research System produces **more citing references** than *Shepard's* in print, because LexisNexis includes unpublished decisions, more law reviews and statutory annotations.
- All volumes and current supplements are **automatically searched**, so there is no need to consult the multiple volumes and supplements listed in the print version under *What Your Library Should Contain*.
- Editorial analysis is available within **24–48 hours** after a case decision is available online.
- When you *Shepardize* a state case using its official citation, *Shepard's* on LexisNexis will also retrieve citing references for the case's **unofficial citations**.
- **Citing cases** can immediately be retrieved by clicking on their citations.
- Searches can be performed to find citing cases with **specific language or fact patterns**.

Shepard's Citations Service on the LexisNexis services integrates three citator tools: *Shepard's* Citations; the Auto-Cite® service, which provides subsequent and prior history; and the LEXCITE® feature, which offers additional law reviews and references to unpublished opinions.

A *Shepard's* Citations report on LexisNexis offers full treatment and history analysis needed to verify the status of a case. You get a complete and timely listing of authorities that have cited your case, with citing references organized by jurisdiction and court, followed by secondary sources.

Section 2

Using *Shepard's* on the LexisNexis services

To illustrate the maximum potential of *Shepard's* Citations Service on the LexisNexis Total Research System, the following examples use the **FULL view** (below) and show how *Shepard's* **Summary** (page 8) and the *Shepard's* screen **Navigation Bar** (page 9) can pinpoint vital citing references for quick review. Then discover how **Custom Restrictions** can narrow the list of results (page 10), and the **FOCUS** feature (page 11) can help you find authorities dealing with a particular issue or fact.

To *Shepardize* a case on LexisNexis when you have its citation:

- 1 Click the **Shepard's®—Check a Citation** tab at the top of the screen.
Note: You can also move into *Shepard's* directly from a case you are viewing by clicking on the **Shepardize®** link at the top of the screen.
- 2 Type the citation in the open field (e.g., 800 f2d 111).
- 3 Click the radio button to select the FULL or the KWIC™ report format (e.g., FULL is the default).
- 4 Click **Check**.

Click here for a brief tutorial of new features at Shepard's Online.

Report Formats

- The **Shepard's for Research (FULL)** format shows you the universe in which your case has been cited. This set of results will include all prior and subsequent history and every citing reference from case law, law reviews, periodicals, annotated statutes, treatises and annotations. The FULL format also includes the *Shepard's* Summary, which shows you at a glance how citing references impact your authority.
- The **Shepard's for Validation (KWIC)** format helps you determine whether your case is still “good law,” and retrieves all subsequent appellate history, citing references that contain any editorial treatment of your case, and new citing cases that have yet to be analyzed by *Shepard's* editors.

Reading *Shepard's* Results

Pages referenced below show the major *Shepard's* features in more detail. Check the page numbers below.

- A** Shows the total number of citing references in the FULL view—and the number of references on this Web page. Use Next Page to move to more citing references.
- B** Shepard's Signal Indicator shows that citing references for McNeil include strong negative history. (See page 7.)
- C** Shepard's Summary provides key references at a glance and bolds editorial treatment that generated the Shepard's Signal. (See page 8)
- D** Link to citing references with specific treatments, or move directly to law reviews, statutes and treatises.
- E** Use the Navigation Bar to move among the references easily, e.g., to go to a specific jurisdiction or a particular treatment. (See page 9.)
- F** Select Custom Restrictions to restrict your view to particular treatments, jurisdictions, date ranges and reporter headnotes. (See page 10.)
- G** Click on a treatment type, e.g., followed by. An analysis definition pops up!
- H** Click FOCUS to search for particular points of law or facts patterns in your citing references. (See page 11.)
- I** Link to Shepard's Table of Authorities, which shows you how the authorities McNeil used have been treated subsequently. If these authorities have been weakened, McNeil may have been weakened. (See page 12.)
- J** Click on the Legend link for a list of all Shepard's Signals and definitions.

The screenshot displays the LexisNexis Total Research System interface. At the top, there's a search bar with 'Shepardize@:' and a 'GO' button. Below it, navigation options like 'View: KWIC | Full' and 'Display Options' are visible. The main content area shows the case 'McNeil v. Economics Laboratory, Inc., 800 F.2d 111, 1986 U.S. App. LEXIS 29174, 41 Empl. Prac. Dec. (CCH) P36492, 41 Fair Empl. Prac. Cas. (BNA) 1789 (7th Cir. Ill. 1986)'. A 'SHEPARD'S SUMMARY' section is expanded, showing a 'Warning - Negative treatment is indicated' and a list of 'Citing References' including 'Overruled(2)', 'Distinguished(5)', 'Followed(9)', and 'Concurring Opinion(1), Dissenting Op.(2), Explained(1)'. Below this, 'PRIOR HISTORY' and 'SUBSEQUENT APPELLATE HISTORY' sections are visible, listing various court decisions. A 'CITING DECISIONS' section is also present, listing decisions like 'Buscemi v. PepsiCo, Inc.' and 'Nobler v. Beth Israel Medical Center'. A pop-up window titled 'Shepard's Analysis Definitions' is open, showing a table with 'Analysis' and 'Definition' columns. The 'Definition' for 'Followed by' states: 'The citing opinion relies on the case you are Shepardizing™ as controlling or persuasive authority. Shepard's Signal™: Positive treatment is indicated.'

- K** Citing references are numbered for easy referral. References are organized by jurisdiction and court, then sorted by date, most recent first.
- L** Click on the case name to link to the first place in that case that mentions McNeil. Click on a page number in the indented reference to link directly to that reporter page.
- M** Print, download, e-mail or fax your Shepard's report. (To shorten your report, you can mask pinpoint page-number references and headnote numbers. Click Display Options on the top left of the screen.)
- N** Click here to see the full text of the authority you Shepardized.
- O** Type a citation in the box and click GO to Shepardize another cite.
- P** All of these parallel citations are checked simultaneously when you Shepardize 800 f2d 111.
- Q** Click the Hide/Show links to display or mask these history fields. (Be sure to check case history before Custom Restrictions to preview and narrow references that are not part of the direct history.)

Your LexisNexis *Shepard's* result includes all of the features found in print *Shepard's* and a few more.

As you review your *Shepard's* report you will find:

- Prior History
- Subsequent Appellate History
- Citing Decisions

Notice that it includes both prior and subsequent history with a short explanation of what happened at each stage of the case (e.g., writ of certiorari denied, or cost and fees proceeding).

After the history citations, you find the list of citing references, arranged by jurisdiction and court, followed by secondary authorities. The total number of citing references is provided in the parentheses at the beginning of the “Citing Decisions” section.

The editorial treatment of your case by the citing authority is indicated by a short explanation preceding its citation. For example, look at the results for *McNeil v. Economics Laboratory, Inc.*, 800 F.2d 111 (7th Cir. Ill. 1986). You can see that *Buscemi v. Pepsico, Inc.* merely cited the *McNeil* case, while *Duke v. Uniroyal, Inc.* followed it.

You can link to the full text of the citing reference by clicking on its name hyperlink or by clicking on the individual page hyperlink directly below the full citation.

A graphical *Shepard's Signal*[™] indicator provides an at-a-glance indication of your case's precedential status:

- Like a traffic stop sign, the red indicator is for “warning”: your case has received negative treatment, e.g., it has been reversed or overruled.
- Like a yield sign, the yellow indicator is for “caution”: your case has received possible negative treatment, e.g., it has been criticized or distinguished.
- Like a traffic light, the green indicator is a “true positive”: your case has received express positive treatment, e.g., it has been followed or affirmed and with no negative treatment. Unlike other citators, *Shepard's* on LexisNexis shows you that your case has been strengthened through express positive treatment.



Warning—Negative treatment indicated

Contains strong negative history or treatment of your case (for example, *overruled* or *reversed*).



Caution—Possible negative treatment indicated

Contains history or treatment that may have a significant negative impact on your case (for example, *distinguished* or *criticized*).



Positive treatment indicated

Contains history or treatment of your case that has a positive impact on your case (for example, *affirmed* or *followed*).



Cited and neutral analysis indicated

Contains treatment of your case that is neither positive or negative (for example, *explained*).



Citation information available

Citing references are available for your case, but do not have history or treatment analysis (for example, *law review citations*).

Shepard's Signal Indicators in Search Results

The *McNeil* case has a red “warning indicator,” which indicates that it has received negative treatment. It is important to remember that this does not necessarily mean that the *McNeil* case is no longer “good law.” What it does mean is that you need to explore further to find out what effect, if any, this treatment has had on the point of law for which you want to cite *McNeil*.

Shepard's Signal indicators also show the precedential status of the citing references for the case you are *Shepardizing*. This feature is not related in any way to how the citing references treated the *Shepardized* case (e.g., followed). Rather, it indicates how other cases have treated each citing reference to your case.

For viewing and printing purposes, these citing reference Signal indicators can be shown or hidden. The default is to show the citing reference signals. To hide them, click the **Display Options** link. Uncheck Citing Reference Signals.

To help you effectively analyze citing references with negative and positive treatments (and with certain points of law and fact patterns), *Shepard's* Citations Service offers several navigating and finding features. Turn the page to read more about the:

- *Shepard's* Summary
- *Shepard's* Navigation Bar
- Custom Restrictions Form
- FOCUS Feature

Shepard's Summary: Look Here First!

The place to begin analysis of your *Shepard's* citing references is the *Shepard's* Summary, which appears at the top of the report when you select the FULL unrestricted view.

Each *Shepard's* Summary presents an easy-to-read synopsis that shows you why your case received the *Shepard's* Signal indicator. For example, in the summary for the *McNeil* case, shown below, you can quickly determine *McNeil* has been overruled on one point of law. You also discover it has been followed—a possible split of authority. Plus see:

- Citing references that provided cautionary or neutral analysis;
- Non-case sources—law reviews, statutes, treatises and annotations—that cited to *McNeil*; and
- Details on subsequent negative appellate history.

The screenshot shows the LexisNexis Total Research System interface. At the top, there are navigation links like 'Practice Area Pages', 'Change Client', 'Options', 'Feedback', 'Sign Off', and 'Help'. Below that is a search bar with 'Shepardize@:' and a 'GO' button. The main content area displays the case name 'McNeil v. Economics Laboratory, Inc., 800 F.2d 111, 1986 U.S. App. LEXIS 29174, 41 Empl. Prac. Dec. (CCH) P36492, 41 Fair Empl. Prac. Cas. (BNA) 1789 (7th Cir. Ill. 1986)'. Below the case name is the 'SHEPARD'S SUMMARY' section, which includes a 'Warning - Negative treatment is indicated' and a list of 'Citing References' categorized by analysis type: Overruled (2), Distinguished (5), Followed (9), Concurring Opinion (1), Dissenting Op. (2), Explained (1), Law Reviews (12), Statutes (1), Treatises (3), American Law Rpts/Lawyer's Edition Annos (3).

Move to any grouping shown in the *Shepard's* Summary, e.g., Overruled (2).

1. Click on the link for an analysis type, e.g., “Overruled.” Move to first reference (case, law review, etc.) Click on the reference’s name to move to the first mention of *McNeil*.

If the citing reference is an opinion, click on the pinpoint page-number link, e.g., [p. 836](#), to move directly to the portion of the reference where the specific analysis is given. Just click the [Return to Shepard's](#) link to return to your *Shepard's* report.

2. To move to the next citing reference with the same treatment, go to the *Shepard's* Navigation Bar in the lower right corner. Click on the right arrow. (Read more about using the navigation bar on page 9.)

- (A) Move to the full text of the case.
- (B) Move directly to an internal page.
- (C) Move to the next case with “Overruled by” treatment.
- (D) Click this arrow to move back one reference. Or type a specific reference number in the box and click GO.
- (E) Click here to get a detailed definition of “Overruled by.”

This screenshot shows the 'Overruled by' section of the Shepard's Summary. It lists 'Boston v. Pitt Theatres, Inc., 860 F.2d 834, 1988 U.S. App. LEXIS 14758, 48 Empl. Prac. Dec. (CCH) P38422, 48 Fair Empl. Prac. Cas. (BNA) 248 (7th Cir. Ill. 1988)'. A red circle highlights the pinpoint page number 'p. 836'. Below this, it lists 'Cited by' references, including 'Overland v. Cambridge Bank Co., 858 F.2d 371, 1988 U.S. App. LEXIS 16564, 47 Empl. Prac. Dec. (CCH) P30340, 47 Fair Empl. Prac. Cas. (BNA) 1623 (7th Cir. Wis. 1988)'. A red circle highlights the pinpoint page number 'p. 327'. At the bottom, there is a 'Cites - Overruled (2)' section with a right-pointing arrow. Red callout boxes labeled A through E point to various elements: A points to the case name, B points to the pinpoint page number, C points to the right arrow in the navigation bar, D points to the 'Cited by' section, and E points to the 'Return to Shepard's' link.

Shepard's Navigation Bar: Expand Your Review Capabilities

After you review your *Shepard's* report summary, you may be ready to concentrate on other research requirements. For example, you want to review citing references from a particular federal jurisdiction or from a specific state....Or perhaps you want to know which jurisdictions have cited to *McNeil* most....Or maybe you want to move between “Overruled by” and “Followed By” references for closer examination....Or maybe you just want to get back to the top of your *Shepard's* report—quickly.

The *Shepard's* Navigation Bar can do all of this for you. Think of it as an electronic table of contents of your *Shepard's* report. Use it to fit the way you work. Move to any report category whenever you want. Just highlight and go.

Here's how. The *Shepard's* Navigation Bar is located on the bottom of your report screen—right in the middle.

1. Click on the drop-down menu next to the Cites box to see the report category.
2. Click on the category you wish to see—and the navigation bar takes you there. The name of the first citing reference in that group is highlighted, just as it is with *Shepard's* Summary. Click on the left and right arrows to move among the citing references in that category.

The screenshot shows the LexisNexis Total Research System interface. At the top, there's a search bar and navigation tabs. The main content area displays a Shepard's report for *McNeil v. Economics*. The report includes a list of citing references, such as "Overruled by: *Coston v. Plitt Theatres*, 860 F.2d 834, 1988 U.S. App. P38422, 48 Fair Empl. Prac. Cas. (BNA) 248 (7th Cir. 1988)". On the right side, there's a navigation bar with a list of categories, including "Total (125)", "History Refs", "Prior History", "Sub. App. History", "Citing Analysis", "Neg. Analysis", "Distinguished", "Pos. Analysis", "Followed", "Other Analysis", "Concurring Opinion", "Dissenting Op.", "Explained", "Citing Jurisdiction", "All Federal", "2nd Circuit", "4th Circuit", "5th Circuit", "6th Circuit", "7th Circuit", "8th Circuit", "9th Circuit", "10th Circuit", "11th Circuit", "D.C. Circuit", "Other Federal Decisions", "All State", "California", "Colorado", "Connecticut", "Delaware", "Iowa", "Illinois", "Minnesota", "Ohio", "Tennessee", "Wisconsin", "Other Citing Refs", "Other Citing Refs (19)", "Law Reviews", "Statutes", "Treatises", and "American Law Reports/Lawyer's Edition Annots". At the bottom of the page, there's a "Cites" dropdown menu showing "Overruled (2)". Three red circles labeled A, B, and C point to specific elements: A points to the "Total (125)" dropdown menu, B points to a category in the navigation bar, and C points to the "Cites" dropdown menu at the bottom of the page.

- A Choose Total (125) to go back to the top of your *Shepard's* report.
- B Select any category with a number succeeding it.
- C Click on the drop-down menu to select a category.

Custom Restrictions Form: Customize Your Results

While *Shepard's* Summary and *Shepard's* Navigation Bar are excellent navigating tools, *Shepard's* Custom Restrictions Form is a tool for restricting, or narrowing, your answer set to fit your research needs.

Use *Shepard's* Custom Restrictions Form when you:

- Select the KWIC view for your *Shepard's* report and you want to restrict an answer set to certain analyses, jurisdictions, etc. (The KWIC view does not offer a *Shepard's* Summary.)
- Are ready to print or download your *Shepard's* report and want to limit it to only the citing references you're sure you'll need.
- Need to restrict the date range of your citing references.
- Need to see citing reference *combinations*, i.e., particular analysis in a certain jurisdiction.

Shepard's Custom Restriction Form is also the tool to use when you know what you're looking for, and you want to move to a smaller answer set immediately.

To customize your *Shepard's* report:

1. Click **Custom** link at the top of the report to display the Custom Restrictions Form.
2. Using the checkboxes, click to select the restrictions you want for your *Shepard's* report.
3. Click **Show Restrictions**.
4. To clear your restrictions and return to the previous viewing format, click **Unrestricted** at the top of the *Shepard's* report.

Only those analyses, jurisdictions, and headnotes available for your citation will appear on the form. For example, if your case has not been cited by the 1st Circuit, 1st Circuit will not appear as an option on the Custom Restrictions Form for that case.

Jurisdiction restrictions allow you to limit your results to cases arising from a particular jurisdiction. For example, you could limit your result to cases arising from the courts within the Tenth Circuit. Notice that "jurisdictions" also include *Secondary Sources*, so you can also see law review articles that cite to your case.

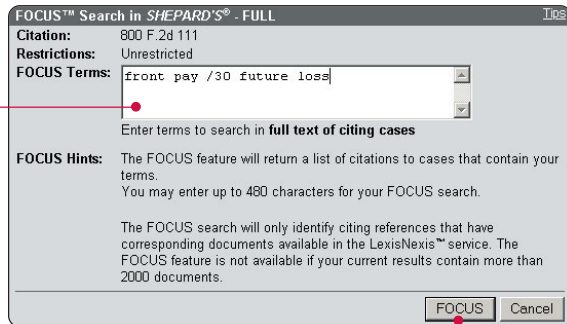
Analysis restrictions are similar to the treatment codes, divided into three categories: negative, positive, and other.

Headnote restrictions limit your Shepard's results to those cases that cite your case for the particular point of law addressed within a particular headnote of your case.

Date restrictions allow you to limit your results to cases within a specified time period.

The FOCUS™ feature: Pinpoint Specific Language

Use the **FOCUS** feature to look for specific words or phrases within the citing references listed in your *Shepard's* report. This will help you pinpoint issues or fact patterns within the full text of your references. (If you also plan to use Custom Restrictions, restrict first. Custom Restrictions is not available when you are within the **FOCUS** feature.)



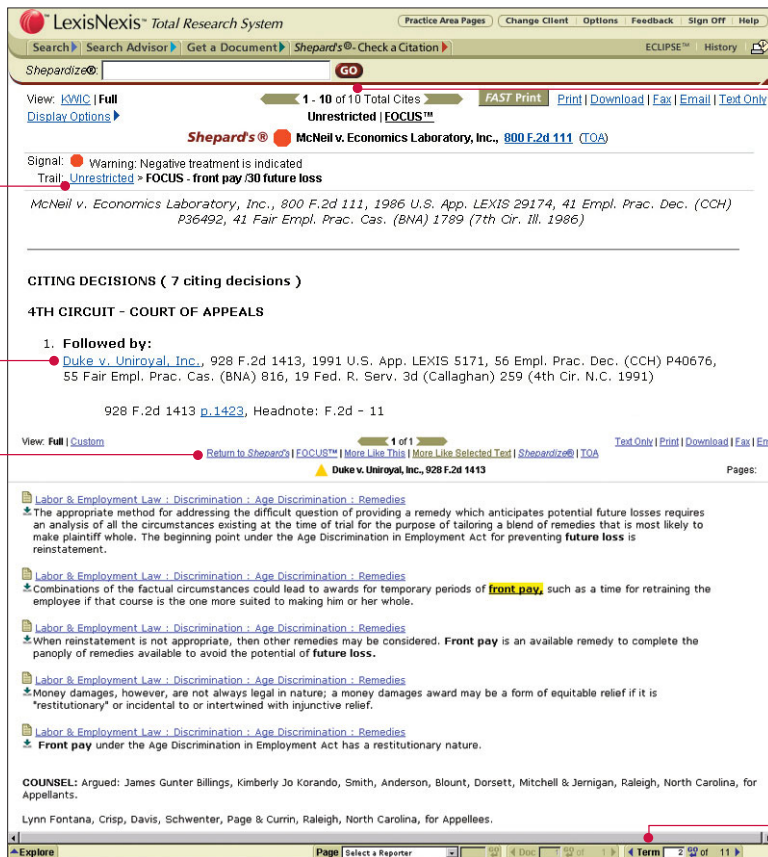
Type your search terms here. Remember, you must use connectors (e.g., and, or, /n) for multiple terms.

To use the FOCUS feature:

1. Click **FOCUS** at the top of the screen to display the **FOCUS** search template.
2. Type your search terms in the open field. Use Terms and Connectors to join your search terms (e.g., *front pay /30 future loss*).
3. Click **FOCUS**.

Click here to start your FOCUS search.

Your *Shepard's* report will display a list of only those citing references that contain your FOCUS words or phrases.



Click **Unrestricted** to exit FOCUS and return to the answer set you started with. The *Shepard's Trail* also allows you to move in and out of FOCUS and restricted reports.

View discussions of your facts or issues by clicking on a reference to see the full text.

Click here to return to your *Shepard's* search results.

See the number of citing references your FOCUS search retrieved.

Use Term Browse to see subsequent references to your FOCUS search terms. Click the arrow and move to the next term that is highlighted.

Shepard's Table of Authorities

Shepard's Table of Authorities (TOA) is a validation tool that analyzes the authorities your cited case used as the basis for its opinion. Shepard's TOA provides:

- An at-a-glance analysis of a case's foundation, uncovering hidden weaknesses even in cases that have no subsequent negative treatment.
- In-depth information on the legal authorities cited within a case.
- Law reviews available through the LexisNexis Total Research System.

Use Shepard's TOA to evaluate the authorities upon which your case relied. If validity or an authority is in doubt, your case also may be suspect, even though it's never been cited in a negative way.

For example, the Shepard's report for *Juncker v. Tinney*, 549 F.Supp. 574, shows positive treatment and indicates that it is still good law. But is it? Request a Table of Authorities report to get a closer look.

There are three ways to request a TOA report:

1. Click the **TOA link** at the top right side of the screen while viewing a case.
2. Click the **Table of Authorities** tab after selecting the **Shepard's—Check a Citation** tab.
3. Click the **TOA link** in the report heading while reviewing a Shepard's report.

To retrieve the Shepard's TOA for *Juncker v. Tinney*:

- 1 Click the **Shepard's—Check a Citation** tab.
- 2 Click the **Table of Authorities** tab.
- 3 Type your citation in the open field (e.g., 549 fsupp 574).
- 4 Click **Check**.

Shepard's Table of Authorities displays cases cited in the following order:

- Supreme Court
- U.S. Circuit Courts then U.S. District Courts in numeric court order
- Specialty Courts
- State Courts (alphabetically, highest court to lowest)

Within the jurisdiction, the cases are arranged in the order in which they are found in the decision, then by volume number of the reporter if both appear on the same page.

The screenshot shows the LexisNexis Total Research System interface. At the top, there is a navigation bar with the following items: LexisNexis Total Research System, Practice Area Pages, Change Client, Options, Feedback, Sign Off, Help. Below the navigation bar, there is a search bar with the text 'Search' and a dropdown menu with 'Search Advisor', 'Get a Document', and 'Shepard's - Check a Citation'. The 'Shepard's - Check a Citation' option is selected. Below the search bar, there is a 'Table of Authorities' tab. The main content area contains a 'ShowMe' button, a text input field with the text '549 fsupp 574', and a 'Check' button. Red numbered callouts (1-4) point to the 'Shepard's - Check a Citation' tab, the 'Table of Authorities' tab, the citation input field, and the 'Check' button respectively.

Interpreting Your *Shepard's* Table of Authorities Results

Juncker v. Tinney followed a case that has received negative treatment. Note the red *Shepard's* Signal indicator. *Parratt v. Taylor* was overruled which may indicate that *Juncker* is “bad law” since it relied on *Parratt*.

LexisNexis™ Total Research System

Practice Area Pages | Change Client | Options | Feedback | Sign Off | Help

Search | Search Advisor | Get a Document | Shepard's® - Check a Citation | ECLIPSE™ | History

New TOA: [] GO

View: Full | 1 - 27 of 27 Total Cites | FAST Print | Print | Download | Fax | Email | Text Only

Show Parallel Cites | FOCUS™

Shepard's® TABLE OF AUTHORITIES for: 549 F. Supp. 574 (Shepardize®)

Signal: Positive treatment is indicated (Legend)

Trail: Unrestricted

Juncker v. Tinney, 549 F. Supp. 574, 1982 U.S. Dist. LEXIS 15255 (D. Md. 1982)

TABLE OF AUTHORITIES (Copyright 2003 SHEPARD'S Company. All rights reserved.)

27 DECISION(S) CITED BY: 549 F. Supp. 574

U.S. Supreme Court

- Following:**
 - [Parratt v. Taylor](#), 451 U.S. 527 (1981) ●
First Ref: 549 F. Supp. 574 at p. 575
- Explaining:**
 - [Ingraham v. Wright](#), 430 U.S. 651 (1977) ▲
First Ref: 549 F. Supp. 574 at p. 576
- Citing:**
 - [Baker v. McCollan](#), 443 U.S. 137 (1979) ▲
First Ref: 549 F. Supp. 574 at p. 577
- Citing:**
 - [Estelle v. Gamble](#), 429 U.S. 97 (1976) ▲
First Ref: 549 F. Supp. 574 at p. 577
- Citing:**
 - [Paul v. Davis](#), 424 U.S. 693 (1976) ●
First Ref: 549 F. Supp. 574 at p. 577
- Citing:**
 - [Imbler v. Pachtman](#), 424 U.S. 409 (1976) ▲
First Ref: 549 F. Supp. 574 at p. 580

- (A) Click here for an explanation of *Shepard's* Signal indicators.
- (B) Click on the case name to view the full text of a citing reference.
- (C) Use the FOCUS feature to search for terms, specific facts, or points of law mentioned in the cited references.
- (D) Hide/Show all parallel citations (the default is Hide).
- (E) Click here to link to the *Shepard's* report for that reference. *Shepard's* Signal indicator shows the treatment and history of a cited reference.
- (F) Jump to the first location in *Juncker* where *Parratt* is cited by using the First Link Reference.
- (G) Print, download, fax or e-mail your results*

*Subject to terms and conditions of your LexisNexis subscription.

Shepardizing Statutes and Regulations

Annotated statutes can be a useful starting point for statutory research, however the list of citing cases may be incomplete and could cause you to miss decisions on point for your research. *Shepardizing* your statute citation will provide a comprehensive list of citing references, including citations to law review articles. Use Custom Restrictions and/or the FOCUS feature to refine your research, retrieving the most relevant authorities.

The *Shepard's* research process for statutes and regulations is similar to the process for case citations. With statute citations you can *Shepardize* to a section's subparagraph level.

For example, *United States Code* citation 21 U.S.C. § 848(q)(9) seems to be on point for your research. To determine its authority and to find more cases, annotations and law review articles that have cited to this section:

1. Click the **Shepard's®—Check a Citation** tab at the top of the screen.
2. Type the citation in the open field (e.g., *21 usc sec. 848 (q) (9)*).
3. Click on the radio button for the FULL report format to see the universe of citing references.
4. Click **Check**.

Review legislative history.

The screenshot shows the LexisNexis Total Research System interface. At the top, there is a search bar with the text "Shepardize:" and a "GO" button. Below the search bar, there are several tabs: "View: LWC | Full", "Unrestricted | All Neg | All Pos | Custom | FOCUS™", and "Shepard's® 21 U.S.C. sec. 848 (q) (9), 21 U.S.C. sec. 848 (q) (9)". The main content area is titled "Trail: Unrestricted" and contains the following sections:

- LEGISLATIVE HISTORY (1 citing reference)** - Hide Legislative History
 - 1. Amended by:
 - 1996 Stat.
 - 110S11226
- CITING DECISIONS (66 citing decisions)**
 - U.S. SUPREME COURT**
 - 2. Cited by:
 - McFarland v. Scott, 512 U.S. 849, 129 L. Ed. 2d 666, 114 S. Ct. 2568, 1994 U.S. LEXIS 5085, 62 U.S.L.W. 4713, 8 Fla. L. Weekly Fed. S 405, 94 Cal. Daily Op. Service 5054, 94 D.A.R. 9257 (1994)
 - 129 L. Ed. 2d 666 p.674
 - 114 S. Ct. 2568 p.2572
 - 512 U.S. 849 p.855
 - 3RD CIRCUIT - COURT OF APPEALS**
 - 3. Cited by:
 - Riley v. Taylor, 277 F.3d 261, 2001 U.S. App. LEXIS 27336 (3d Cir. Del. 2001)
 - 277 F.3d 261 p.314
 - 4. Cited by:

Click **Custom** to select specific analyses, jurisdictions, and dates.

Search Tips:

The abbreviations for *Shepardizing* statutes, regulations and court rules are often intuitive. For a comprehensive listing of abbreviations, click **Citation Formats** in the *Shepard's*—Check a Citation template.

While there is not a *Shepard's* Summary for statutes' or regulations' reports, you can utilize the *Shepard's* Navigation Bar to move among citing references. Plus, you can use Custom Restrictions to narrow the list, then use the FOCUS search to locate authorities that deal specifically with your facts/issues.

Using LexisNexis Get & Print for Multiple Shepard's Reports

LexisNexis™ Get & Print is a fast and easy way to retrieve and deliver multiple *Shepard's* Citations Service reports. One citation or many, Get & Print makes it easy with one search from one screen.

Deliver *Shepard's* report(s) directly to your LexisNexis printer or to your browser.* Whenever you have a list of citations for case, law reviews, statutes, IRS materials or *Federal Register* documents, you can submit them all at once.

- Enter www.lexis.com/getandprint/ and bookmark this site for easy reference. (You will be asked for to enter your LexisNexis ID and password.)
- Identify the research session and the client for whom you are doing research.

Then:

- 1 Type one or multiple citations in the box. Use the ENTER key to create hard returns or use semicolons to separate citations.
- 2 Select a Report Format
 - *Shepard's* FULL or KWIC reports
 - *Shepard's* Restrictions—Unrestricted, Negative, Positive or Any
 - Include the *Shepard's* Summary? (Default is to include.) Available only in the FULL/Unrestricted view.
- 3 Select a Delivery Format (Delivery options available to your PC will show on the screen.)
 - Deliver to Browser in RTE, PDF, WPD, DOC or HTML
 - Deliver to LexisNexis Printer
 - Deliver to attached printerClick the [Advanced Options](#) link to restrict delivery by date and/or to include citing reference Signal indicators.
- 4 Click **GET** to process the Get & Print request.

The screenshot shows the 'Define Your Job' window with the following details:

- Session:** GP010423
- Client:** (blank)
- 1. Enter your citations:** A text box with the instruction '(Separate citations by a hard return or semicolon.)' and a 'Citation Formats...' link below it.
- 2. Select report format:** Includes a checked box 'Retrieve the full text of these citations', an unchecked box 'Show Annotations for Statutes', an unchecked box 'Shepardize these citations.', a dropdown 'Shepard's Report Format' set to 'Full', a dropdown 'Shepard's Restrictions' set to 'Unrestricted', and a checked box 'Show Shepard's Summary'.
- 3. Select delivery method:** Includes radio buttons for 'Deliver to Browser' (selected), 'Attached Printer *', and 'Download *'.
- 4. Get:** A red button in the bottom right corner.
- Footer:** A note about installing a utility for streamlined printing and downloading, and another note about additional charges for citations not included in the subscription plan.

Getting Started from www.lexis.com

On this sign-on screen, select the [Get & Print](#) link. (You will be asked to enter your ID and password.)

Or

From any screen in www.lexis.com, click **Shepard's—Check a Citation**.
To *Shepardize* multiple citations, click **Get & Print**.

*In Microsoft Word, WordPerfect®, Rich Text, PDF or HTML (which allows you to print to your network printer or the printer attached to your PC.)

Editorial Analysis

Here's a list of some of the most commonly used *Shepard's* editorial analysis codes.

You will also find these definitions online. When you are looking at a *Shepard's* report, click on a treatment listed with a citing reference, e.g., Followed by, and the definition pops up.

Cases

Print	Electronic	Definition
a	Affirmed	On appeal, reconsideration or rehearing, the citing case affirms or adheres to the case you are <i>Shepardizing</i> .
c	Criticized	The citing opinion disagrees with the reasoning/result of the case you are <i>Shepardizing</i> , although the citing court may not have the authority to materially affect its precedential value.
d	Distinguished	The citing case differs from the case you are <i>Shepardizing</i> in a significant way.
e	Explained	The citing opinion interprets or clarifies the case you are <i>Shepardizing</i> in a significant way.
f	Followed	The citing opinion relies on the case you are <i>Shepardizing</i> as controlling or persuasive authority.
L	Limited	The citing opinion restricts the applications of the case you are <i>Shepardizing</i> , finding that its reasoning applied only in specific, limited circumstances.
m	Modified	On appeal, reconsideration or rehearing, the citing case modifies or changes in some way, including affirmance in part and reversal in part, the case you are <i>Shepardizing</i> .
o	Overruled	The citing case expressly overrules or disapproves all or part of the case you are <i>Shepardizing</i> .
q	Questioned	The citing opinion questions the continuing validity or precedential value of the case you <i>Shepardizing</i> because of intervening circumstances, including judicial or legislative overruling.
r	Reversed	On appeal, reconsideration, or rehearing, the citing case reverses the case you are <i>Shepardizing</i> .

Statutes and Regulations

Print	Electronic	Definition
A	Amended	The citing reference, typically a session law or other record of legislative action, or a record of administrative action, amends or alters the statute, regulation or order you are <i>Shepardizing</i> .
C	Constitutional	The citing case upholds the constitutionality of the statute, rule, or regulation you are <i>Shepardizing</i> .
i	Interpreted or Construed	The citing opinion interprets the statute, rule or regulation you are <i>Shepardizing</i> in some significant way, often including a discussion of the statute's legislative history.
R	Repealed	The citing reference, typically a session law or other record of legislative action, repeals or abrogates the statute you are <i>Shepardizing</i> .
U	Unconstitutional	The citing case declares unconstitutional the statute, rule or regulation you are <i>Shepardizing</i> .
Va	Valid	The citing case upholds the validity of the statute, rule, regulation or order you are <i>Shepardizing</i> .
V	Void or Invalid	The citing case declares void or invalid the statute, rule, regulation or order you are <i>Shepardizing</i> because it conflicts with an authority that takes priority.

Section 3

Using *Shepard's* in Print

Differences between *Shepard's* in Print and *Shepard's* on LexisNexis

For over 100 years, *Shepard's* Citations were available only in print. When *Shepard's* information first went online in the early 1980s, the electronic view basically duplicated the citations that appeared in print. Today, there are **significant differences** in both content and navigational ease between *Shepard's* in print and *Shepard's* online on LexisNexis. While *Shepard's* in print remains a valuable resource, *Shepard's* on LexisNexis is, quite simply, one of the very best tools for citation research.

Shepard's on LexisNexis will almost always produce additional citing references. First, your results will frequently include older **unpublished decisions** that traditionally have not been included in *Shepard's* print products. Second, your results will typically include **significantly more law review citations**. *Shepard's* on LexisNexis includes most of the law reviews and legal periodicals that are available on LexisNexis, while *Shepard's* in print includes a relatively small number of leading law reviews and journals. Finally, *Shepard's* on LexisNexis includes citations to your case in **statutory annotations**.

Another important difference between *Shepard's* in print and *Shepard's* on LexisNexis is **citing reference scope**. In print, *Shepard's* publishes nearly 200 different citators, each corresponding to a particular set of cited and citing references. In instances where your authority can be *Shepardized* in more than one print product, your citing reference list will vary depending on which citator you choose. In *Shepard's* on LexisNexis, these differences in scope have been eliminated. No matter which parallel citation you *Shepardize*, you will retrieve the same comprehensive list of citations to your case.

Shepard's Citations in Print

Using *Shepard's* in print is similar to looking up a word in a dictionary. To find citations to a case or statute, you look up that case or statute in the appropriate citator. Citations in *Shepard's* Citations are most commonly organized by volume, reporter, and page (or, in the case of statutes, constitutions, etc., by title, section, and other subdivision reference).

Follow these steps to *Shepardize* using *Shepard's* books:

1. Know the citation to the authority you want to update. You can't *Shepardize* something if you do not have its correct citation. This includes the initial page number reference.
2. Choose the correct citator.

In many cases an authority may be found in more than one citator because *Shepard's* publishes separate citators for different court reports (e.g., a state case may be located in both the regional citator and the state-specific citator). Selecting the appropriate citator will depend on your specific objective.

State citators, like *Shepard's Oregon Citations*, show cited references to the state's official reporter and references to state statutes, court rules, constitutions, and jury instructions, plus citing references from decisions of that state to the U.S. Code, U.S. Constitution, and Federal court rules.

Regional citators, like *Shepard's Pacific Reporter Citations*, do not include statutes and other non-case legal authorities as cited references. However, they do contain additional case law citing references because they cover decisions from other states. So, if you were updating a Pennsylvania case and wanted to find possible citing references from New Jersey, you would need to use the regional citator.

For example, *Oregon v. Plowman* was published in two different reporters: 314 Ore. 157 and 838 P.2d 558. You may *Shepardize* the case in three places: *Shepard's Oregon Citations*, Oregon Reports division; *Shepard's Oregon Citations*, Pacific Reporter division; and *Shepard's Pacific Reporter Citations*.

—157—
Oregon v Plowman 1992
(838P2d558)
s 107OrA782
cc 314Ore170
e 315Ore375
315Ore380
317Ore4258
317Ore451
f 317Ore452
j 317Ore472
f 318Ore488
318Ore492
d 318Ore497
116OrA189
e 116OrA192
h 116OrA265
j 119OrA303
j 120OrA333
121OrA384
j 128OrA14
71OLR689
22A5268n

Shepard's Oregon Citations, *Oregon Reports* division shows citations from:

- state reports
- Oregon Law Review
- annotations (ALR® 5th)

—558—
Oregon v Plowman 1992
(314Ore157)
s 813P2d1114
cc 813P2d1115
cc 838P2d566
840P2d1324
e 840P2d1325
841P2d650
e 845P2d1285
845P2d1289
j 851P2d1147
j 852P2d888
854P2d959
855P2d4625
857P2d107
f 857P2d108
j 857P2d119
f 871P2d458
871P2d461
d 871P2d463
j 874P2d1348

Shepard's Oregon Citations, *Pacific Reporter* division shows citations from Oregon as published in the Pacific Reporter.

—558—
Oregon v Plowman 1992
(314Ore157)
s 813P2d1114
cc 813P2d1115
cc 838P2d566
840P2d1324
e 840P2d1325
841P2d650
e 845P2d1285
845P2d1289
j 851P2d1147
j 852P2d888
854P2d959
855P2d4625
Calif
17CaR2d296
e 19CaR2d448
e 19CaR2d449
Iowa
500N W42

Shepard's Pacific Reporter Citations, *P.2d* division, shows citations from all cases published in a West regional reporter.

Before you can make an informed decision about which citator to use, you must understand your options. To do this most effectively, review the table of contents and preface, which explain the citator's scope of coverage and features.

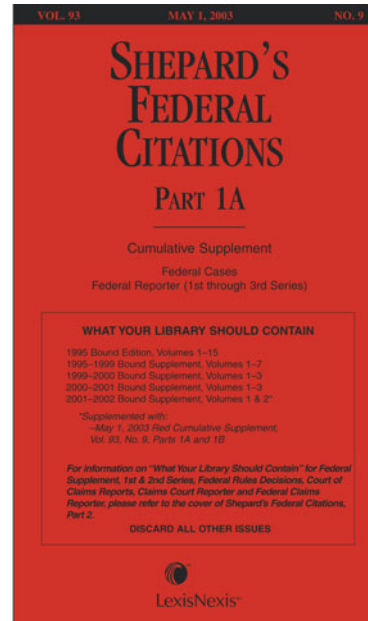
- *Shepard's Oregon Citations*, Oregon Reports Division, will list as citing cases (i.e., cases that cited *Oregon v. Plowman*) Oregon state cases published in the official court reports of Oregon.
 - *Shepard's Oregon Citations*, Pacific Reporter Division, will list as citing cases Oregon state cases published in the *Pacific Reporter*.
 - *Shepard's Pacific Reporter Citations* will list as citing cases not only Oregon cases and cases from all the states whose decisions are published in the *Pacific Reporter*, but also cases from other states as published in West® regional reporters.
3. Collect all necessary volumes to ensure current and complete coverage.
- Once you have selected the citator set, you need to collect all of the necessary volumes and supplements that may contain citations to your case. The range of citations reported in each volume is indicated on its spine. To make sure you have all of the volumes you need, you must locate the most current softbound supplement. You will find the date on the upper-right corner of the cover. The supplement should be no more than two months old. When you have located the most current supplement, refer to the list entitled "What Your Library Should Contain." You must have all volumes and supplements listed there in order to *Shepardize* properly.

A complete set of *Shepard's Citations* in print generally contains:

- one or more maroon volumes;
 - a red paperback cumulative supplement; and
 - a gold annual or semi-annual supplement.
4. Look for the volume reference of your authority. Turn to the division of the citator volume that corresponds with your reporter. (Sometimes a citator volume will include more than one reporter, e.g., F.2d and F.3d will likely be found in the same volume of the Federal Citations.) The division is indicated by the reporter title at the top of each page of the *Shepard's* volume. Divisions are listed in the table of contents in the front of the citator.

After turning to the correct division, look for the reporter's volume number across the top of the page. This is very similar to a dictionary. Volume numbers are indicated by boldface type in easy-to-find boxes. In the *Plowman* example, you would look for Vol. 314 in the Oregon Reports division of *Shepard's Oregon Citations*.

If you are not sure you have the most current supplement, ask a reference librarian or check www.lexisnexis.com/shepards/print/support.asp Scroll to Product Covers section and select a title from the drop-down menus to see "What Your Library Should Contain" for that citator.



Shepard's Tip: Use *Shepard's* Daily Update® service to find out what has happened to your case since the last supplement. *Shepard's* Daily Update includes the full range of *Shepard's* editorial analysis and is available 24–48 hours after opinions are received by *Shepard's*. *Shepard's* Daily Update is available by calling 1-800-899-6000, then press 5.

5. Look for the beginning page number of your authority.

Once you've found the correct volume number, scan the page numbers shown in bold print between dashes until you find the first page of the case you are *Shepardizing*. In the *Plowman* example, you would look for “—157—”. Make sure that the page number is under the correct volume.

The first time a case is cited, the case name and date of decision are shown with its citation. In later supplements, the citation will appear alone.

If you do not find the initial page of your case (and if you are in the correct division and under the correct volume number), that means there were no citations to your authority during the period covered by that volume or supplement.

6. Interpret the *Shepard's* citations.

Once you have located your case reference you can review the cases that cite to your case.

Under your initial page number you will find a list of citing authorities, i.e., authorities that make reference to your original authority.

In order to correctly interpret the citing authorities you need to understand how *Shepard's* editors arrange and annotate these citing authorities.

- a. Parallel Citations:

If your authority has any parallel citations, they will appear in parentheses below the case name and date. It is important to recognize that parallel citations only appear in the first *Shepard's* volume that includes references to your case. They will not be repeated in future volumes.

- b. Source Abbreviations and Pinpoint Page Numbers:

The general format for the citing references will be familiar to you. Citing cases are referred to by volume number, citing source, and page number. To decipher source abbreviations, which will likely differ from abbreviations you may be familiar with, turn to the table in the front of your *Shepard's* volume. The “page” number in a *Shepard's* citing reference is a pinpoint page number—referring to the precise page where your original authority is cited—it is generally not the initial page number of the citing authority. Therefore, in order to fully cite an authority you find in *Shepard's*, you must go to the volume and determine the initial page number.

- c. Organization of Citing References:

Citing authorities are organized by jurisdiction and court, with the highest court listed first. Following the primary citing authorities, you will find references to any secondary citing authorities.

- d. History Citations:

When you *Shepardize* an authority to find out if it is still “good law,” you need to know its history. For example, if you were updating a decision from your state's appellate court you would need to know if that decision had been appealed to the state's supreme court, and you would need to know what that court's decision was. History citations provide this information for you.

Shepard's will tell you what other opinions have been issued in the same case you are *Shepardizing*. If your authority has prior or subsequent history, those citations will immediately follow any parallel citations. History citations are identified by “history abbreviations,” which can be interpreted by consulting the abbreviation table in the front of the volume. History citations can tell you important information about where your case came from or where it went. For example, “a” tells you that your case was affirmed on appeal, while “v” tells you that the case was vacated.

NOTE: Make sure that you consult the abbreviation table (page 16) to be sure you are interpreting the history abbreviations correctly.

For example, the “s” that precedes “107 OrA 782” tells you that your case—the Oregon Supreme Court’s opinion in *Oregon v. Plowman*—is the “same” case that was the subject of an opinion in volume 107 of the Oregon Appellate Court Reports on p. 782. If you were to *Shepardize* the *Plowman* opinion in the Oregon Appellate Court Reports, the direct history abbreviation would reveal whether that decision was affirmed, reversed, or modified by the Oregon Supreme Court.

Volume number.

Vol. 800		FEDERAL REPORTER, 2d SERIES			
—77— Jones v Shankland 1986 US cert den in 481US1048 in 107SC2177 cc 439US883 cc 58LE196 cc 99SC223 cc 570F2d618 cc 575F2d1164 cc 428FS405 Cir. 2 j 816F2d252 Cir. 3 692FS257 Cir. 6 818F2d499 842F2d4908 874F2d1104 661FS209 680FS1080 704FS1442 752FS243 849FS573 Cir. 8 810F2d1446 e 823F2d1258 Ohio 37 OA3d181 525 NE535 Wyo 792 P2d1342 67ARF640s —83— United States v Crachy 1986 US cert den in 479US1042 in 107SC905 Cir. 8 902F2d699 Cir. 9 e 835F2d234 —90— Dawood-Haio v Immigration & Naturalization Service 1986 Cir. 1 40F3d490 Cir. 5 932F2d421 Cir. 6 f 815F2d411 826F2d1531 j 826F2d1533	867F2d1290 13F3d939 83ARF33n 99ARF292n 99ARF320n —97— Salvador v Bennett 1986 s 622FS438 Cir. 1 857F2d45 Cir. 2 820F2d583 786FS1191 Cir. 9 941F2d793 e 723FS455 Cir. DC 906F2d749 —100— United States v Wheeler 1986 s 645FS250 Cir. 1 798FS9866 Cir. 2 736FS1278 Cir. 3 951F2d1540 Cir. 4 e 883F2d329 f 883F2d1330 Cir. 6 6f3d13136 Cir. 7 801F2d1956 818F2d1377 o 830F2d1393 838F2d242 844F2d1421 846F2d1116 854F2d13196 f 936F2d1519 974F2d911 974F2d9913 16F3d38 45F3d1074 644FS792 782FS1306 830FS9453 Cir. 9 824F2d13765 804FS1335 Cir. 10 29F3d542 Cir. 5 932F2d421 Cir. 6 f 815F2d411 826F2d1531 j 826F2d1533	Md 101 MdA421 646 A2d1108 Mass 37 MaA286 639 NE399 639 NE400 N J 224 NJS37 539 A2d752 N M 112 NM261 814 P2d129 Wis 141 Wis2d677 416 NW286 Wyo 729 P2d667 67A245s —108— Camco Convalescent Center Inc. v Percy 1986 s 738F2d836 Cir. 3 813FS398 Cir. 7 j 801F2d920 824F2d2541 d 852F2d915 920F2d435 13F3d256 732FS1513 835FS1090 Cir. DC 30F3d1516 —111— McNeil v Economics Laboratory Inc. 1986 US cert den in 481US1041 in 107SC1983 Cir. 2 715FS9573 736FS1270 Cir. 4 820F2d1390 f 928F2d11423 725FS9870 732FS1609 795FS191384 Cir. 5 865F2d11469 865F2d121470 Cir. 6 j 31F3d1362 Cir. 7 807F2d653	825F2d19163 825F2d1163 825F2d1166 f 831F2d1325 831F2d1330 831F2d1332 831F2d11332 857F2d365 858F2d377 ● 60F2d836 870F2d1201 870F2d1203 870F2d1205 870F2d1212 900F2d1053 ● 60F2d49855 f 900F2d11055 f 900F2d11055 f 900F2d11055 f 900F2d11056 908F2d1117 944F2d1381 957F2d1462 957F2d1462 957F2d1464 38F3d349 41F3d1141 41F3d1141 644FS914 f 650FS1485 670FS1418 670FS1419 670FS1419 f 676FS910 d 677FS11000 679FS758 690FS694 690FS1695 692FS1990 708FS960 710FS9238 718FS91387 745FS91360 751FS317 f 751FS11318 756FS1194 Cir. 8 38F3d1466 Cir. 10 829F2d966 836F2d1551 861F2d1638 660FS11263 Cir. 11 ● 810F2d1100 Calif 12 CaR2d927 Conn 36 CA11 647 A2d1037 Ill 180 IllA768 196 IllA756 206 IllA294 536 NE448 554 NE981 564 NE271	Tenn 839 SW433 78ARF575s —119— Ezpeleta v Sisters of Mercy Health Corp. 1986 s 621FS1262 Cir. 1 f 959F2d9336 Cir. 7 825F2d1133 844F2d413 844F2d414 844F2d414 864F2d1379 q 972F2d760 36F3d667 649FS767 701FS633 715FS918 717FS648 717FS649 803FS1431 809FS1349 811FS382 811FS387 824FS779 Cir. 9 880F2d9118 894F2d1034 827FS1512 Cir. 10 951F2d1565 Ind 511 NE469 89ARF463n —123— Haase v United States 1986 Cir. 7 806F2d135 806F2d136 808F2d509 826F2d5508 828F2d3405 930F2d1250 j 930F2d1254 958F2d1381 961F2d1341 961F2d1342 975F2d313 669FS863 669FS865 770FS421 Cir. 9 939F2d1374 968F2d841	Utah 852 P2d992 —129— United States v Miller 1986 Cir. 7 817F2d1275 825F2d156 843F2d1044 854F2d1990 885F2d368 888E2d523 943F2d1709 962F2d737 f 37F3d1263 700FS1516 Cir. 8 e 976F2d1152 Ill 199 IllA1013 557 NE1280 P R 121 DPR452 31A.1078s —136— Thronson v Meisels 1986 Cir. 7 827F2d7203 855F2d7374 874F2d464 910F2d1367 979F2d1200 982F2d1250 17F3d927 17F3d991 f 779FS940 861FS658 —143— United States v Malik 1986 s 529FS791 Cir. 2 23F3d732 N Y 83 NY668 634 NE969 612 NYS2d368 Wash 59 WAp517 799 P2d738

Title of your division, i.e., the legal source you are Shepardizing.

Shepard’s editorial analysis is shown by letter-form abbreviations (e.g., “o” for overruled and “f” for followed).

Initial page number of your case.

Your case name and decision date.

Citing references to your case, organized by jurisdiction and court.

e. Editorial Treatment Codes:

While history abbreviations can tell you if your authority has been directly affected by later authority, lack of negative history does not necessarily mean that your authority is still “good law.”

A judicial decision’s precedential value can be destroyed or diminished in a number of other ways. A higher court can overrule your case. Another court at the same level can reject or criticize your decision’s reasoning. As society changes, a court may draw thin distinctions to avoid overruling its own precedent—or to avoid applying precedent it finds distasteful. This negative treatment can adversely impact the value of your authority.

On the other hand, additional authority can strengthen your authority’s value. For example, a district court decision that has been followed in decisions by other courts may have more persuasive value than one that has not.

Shepard's editors add treatment codes to citations to signal positive and negative treatment by the citing authorities. For example, the “f” that precedes “317 Ore. 452” tells you that your case—*Oregon v. Plowman*—has been “followed” in a later Oregon Supreme Court case that cited *Plowman* on page 452 of volume 317 of the *Oregon Reports*. Another Oregon Supreme Court case followed *Plowman*—“f 318 Ore. 488”—and a case that has been followed by subsequent decisions will typically have more weight than a case that has not been treated positively. Abbreviations can also signal negative treatment. If you *Shepardized* *Plessy v. Ferguson*, you would see an “o” (for “overruled”) preceding the citing reference to *Brown v. Board of Ed.* A subsequent court case could diminish but not destroy the authority of your case by questioning its continuing validity (“q”) or by criticizing its reasoning (“c”).

Treatment analysis is available for statutes and regulations as well. “C” indicates that the citing case upheld the constitutionality of the cited statute, rule, or regulation, while “i” indicates that the citing opinion interprets the cited statute, rule, or regulation in some significant way, often including a discussion of the statute’s legislative history. Consult the front of each *Shepard's* volume for a full listing and interpretation of the treatment codes used within the volume.

Any citation without a treatment abbreviation in front of it means that the discussion of your case does not call for a specific editorial treatment code.

f. Headnote Analysis: Superior Numbers

Headnote analysis is an additional tool you can use as you *Shepardize* judicial opinions. If the cited case has headnotes or syllabi that identify points of law discussed within the opinion, you can use *Shepard's* headnote analysis to locate new decisions that may be useful to you because they cite your case for those same points of law. *Shepard's* editors read and compare the headnotes or official syllabus in each case cited within a newly received decision against the text of the new decision itself.

Headnote analysis is keyed to the headnote numbers of the cited case (i.e., the case you are updating), and is indicated by a raised (superior) number to the left of the page number within the citing reference. For example, if you were updating *Plowman* but were particularly interested in the point of law discussed in headnote 4, you could scan the list of citing cases for those with superior fours. The reference would look like this: 317 Ore⁴258, indicating that on page 258 of the citing reference the opinion cites your case and addresses the point of law discussed in *Plowman's* headnote 4.

Headnote numbers are assigned to citing references only when two criteria are met. First, the point of law for which a case is cited must be clear. Second, the relevant point of law for which a case is cited must have been captured as a headnote by the headnote or syllabus writer. If there is not a headnote on a point of law, *Shepard's* cannot show a headnote number for the citing reference.

Because of the varying ways in which precedent is cited by the courts, and also because case publishers will frequently use multiple headnotes to describe very similar points of law, you will sometimes need to consider several headnote numbers from the case you are updating. You may also need to consider citing cases that appear without headnote numbers.

History citations follow immediately after any parallel citations. These references tell you the Supreme Court denied certiorari in *McNeil*.

Headnote analysis is shown using superior numbers preceding the citing case's page number.

Be especially alert for **negative treatment**. The "o" tells you that this decision has overruled all or part of *McNeil*. It's probably the case you'll want to read first!

— 111 —	
McNeil v Economics Laboratory Inc. 1986	
•	US cert den in 481US1041 in 107SC1983 Cir. 2
•	715FS ¹⁰ 573 736FS ⁸ 1270 Cir. 4
•	820F2d ⁷ 1390 f 928F2d ¹¹ 1423
•	725FS ¹⁰ 870 732FS ¹¹ 609 795FS ¹⁰ 1384
•	Cir. 5 865F2d ¹¹ 1469 865F2d ¹² 1470
•	Cir. 6 j 31F3d1362 Cir. 7
•	807F2d653 825F2d ¹⁰ 163 825F2d ¹¹ 163 825F2d ⁷ 166
•	f 831F2d ⁶ 1325 831F2d ¹⁰ 1330 831F2d ⁹ 1332 831F2d ¹¹ 1332
•	857F2d ⁷ 365 858F2d ⁷ 377
•	o 860F2d836 870F2d ¹⁴ 1201

Citations are organized by jurisdiction and court.

Shepard's **editorial analysis** is shown using letters to the left of the citing references. The "f" tells you that this decision followed *McNeil*.

Shepard's Research Tip:

The first time a case is cited, the case name and date of decision are shown in its citation. In later supplements, the case name and date do not appear again. Look for the citation alone. If your case has a parallel citation, it will appear in parentheses below the case name and date.

Case Names Citators

Do you know the name of a case but not the citation? If you know the name of just one party and the jurisdiction or area of specialization in which a case was litigated, then you can use *Shepard's Case Names Citators* to find a citation. (In some *Shepard's* publications, case-name information is part of the main citator set.)

Shepard's Case Names Citators are arranged alphabetically by party name. Look for either plaintiff's or defendant's name and find the full case name, date of decision and the full citation, including parallel citations.

Research Steps for Statutes

When your issue is governed by statutory law, use *Shepard's* statute citations to pinpoint relevant case law, statutes, or other legal authorities that impact your statutory section.

For the research example below, assume that this statute is on point for your research: 21 U.S.C. §848(q)(9).

Shepardize it to determine its precedential value and to see authorities that have cited this section.

1. **Select the right citator.** Match the jurisdiction of your statute. For example, to *Shepardize* a state statute, use a state citator, because only state citators include state statutes as cited references. In this example, use *Shepard's Federal Statutes Citations*.
2. **Check currentness and completeness.** See the cover of the most recent supplement and collect all of the bound volumes and supplements listed in "What Your Library Should Contain".
3. **Understand your citator.** Review the table of contents and preface.
4. **Find Title 21, United States Code, Section 848(q)(9).**

The title of your
division appears at
the top of the page.

UNITED STATES CODE		TITLE 21 § 851
<p>§ 848(m) Cir. 1 985FS34Δ1997 985FS38Δ1997 Cir. 2 142F3d113Δ1998 Cir. 4 962FS751Δ1997 962FS808Δ1997</p> <p>§ 848(m)(1) Cir. 4 962FS752Δ1997</p> <p>§ 848(m)(2) Cir. 4 962FS757Δ1997</p> <p>§ 848(m)(7) Cir. 4 962FS752Δ1997</p> <p>§ 848(m)(8) Cir. 2 998FS173Δ1998 Cir. 4 962FS808Δ1997</p> <p>§ 848(m)(9) Cir. 2 998FS171Δ1998 Cir. 4 962FS808Δ1997</p> <p>§ 848(m)(10) Cir. 4 962FS752Δ1997 962FS808Δ1997</p> <p>§ 848(n) Cir. 2 1999USDist LX2594 [Δ1999] Cir. 4 966FS1428Δ1997 968FS1083Δ1997</p> <p>§ 848(n)(1) Cir. 4 964FS1001Δ1997 966FS1429Δ1997 968FS1081Δ1997 i) 968FS1087Δ1997</p> <p>§ 848(n)(1)(A to D) Cir. 4 968FS1083Δ1997</p> <p>§ 848(n)(1)(A) Cir. 4 968FS1081Δ1997</p> <p>§ 848(n)(1)(B) Cir. 4 964FS1001Δ1997 968FS1084Δ1997</p> <p>§ 848(n)(1)(C) Cir. 4 968FS1084Δ1997</p>	<p>Cir. 10 1999USDist LX5770 [Δ1999]</p> <p>§ 848(n)(1)(D) Cir. 4 968FS1081Δ1997 Cir. 10 1999USDist LX5770 [Δ1999]</p> <p>§ 848(n)(2 to 12) Cir. 4 964FS1001Δ1997 966FS1430Δ1997</p> <p>§ 848(n)(7) Cir. 2 1999USDist LX2594 [Δ1999]</p> <p>§ 848(n)(11) A) 108St2146</p> <p>§ 848(o)(1) Cir. 2 1999USDist LX2594 [Δ1999]</p> <p>998FS174Δ1998</p> <p>§ 848(q) 512US860Δ1994 521US327Δ1997 140L E976Δ1998 118SC1697Δ1998 Cir. 4 133F3d279Δ1997 964FS1002Δ1997 971FS1007Δ1997 Cir. 5 125F3d274Δ1997 Cir. 6 2FS20968Δ1998 Cir. 9 123F3d1204Δ1997 Cir. 10 1998USApp LX12166 [Δ1998] 150F3d1263Δ1998 964FS315Δ1997</p> <p>§ 848(q)(3) Cir. 5 162F3d353Δ1998</p> <p>§ 848(q)(4 to 8) Cir. 10 150F3d1265Δ1998</p> <p>§ 848(q)(4) Cir. 1 985FS33Δ1997 985FS38Δ1997 Cir. 2 1998USDist LX372 [Δ1998] Cir. 7 1999USApp LX7448 [Δ1999]</p>	<p>§ 848(q)(4)(B) 512US851Δ1994 521US336Δ1997 Cir. 3 3FS24570*1997 Cir. 4 971FS1007Δ1997 977FS734Δ1997 6FS24478Δ1998 Cir. 5 125F3d274Δ1997 127F3d414Δ1997 162F3d296Δ1998 Cir. 6 1999USApp LX10213 [Δ1999] 167F3d1038Δ1999 2FS24963Δ1998 Cir. 7 116F3d259Δ1997 126F3d879Δ1997 130F3d784Δ1997 Cir. 9 1998USApp LX12512 [Δ1998] 128F3d1287Δ1997 163F3d539Δ1998 31FS2d1189Δ1998 Cir. 10 1999USApp LX8796 [Δ1999] 169F3d1254Δ1999</p> <p>§ 848(q)(5) Cir. 1 985FS33Δ1997 985FS38Δ1997</p> <p>§ 848(q)(6) 512US854Δ1994 Cir. 1 985FS33Δ1997 985FS38Δ1997</p> <p>§ 848(q)(7) 512US855Δ1994 A) 108St2143</p> <p>● § 848(q)(9) A) 110St1226 512US855Δ1994 Cir. 4 1998USApp LX10886 [Δ1998] 1999USApp LX104 [Δ1998] i) 133F3d279Δ1997 151F3d163Δ1998 1998USDist LX4671 [Δ1998] 964FS1030Δ1997 971FS1007Δ1997 4FS24519Δ1998 6FS24478Δ1998 Cir. 5 1999USDist LX6484 [Δ1999]</p> <p>1999USDist LX7308 [Δ1999] ñ 1999USDist LX7308 [Δ1999] 37FS24816Δ1999 Cir. 7 116F3d259Δ1997 130F3d784Δ1997 Cir. 9 969FS595Δ1997 Cir. 10 150F3d1264Δ1998</p> <p>§ 848(q)(10) A) 110St1318 Cir. 6 965FS1000Δ1997 na) 150F3d1034Δ1998 Cir. 10 150F3d1265Δ1998</p> <p>§ 848(q)(10)(A) Cir. 3 146F3d201Δ1998 Cir. 10 150F3d1251Δ1998</p> <p>§ 848(q)(10)(B) Cir. 10 150F3d1251Δ1998</p> <p>§ 848(q)(10)(C) Cir. 10 150F3d1264Δ1998</p> <p>§ 849 Ad) 108St2046 1999US LX3640Δ1999 Cir. 7 128F3d1191Δ1997</p> <p>§ 849(e)(1) Cir. 9 158F3d1019Δ1998</p> <p>§ 850 1999US LX3640Δ1999</p> <p>§ 851 Cir. 1 1999USApp LX10837 [Δ1999] 156F3d30Δ1998 162F3d147Δ1998 Cir. 2 1998USApp LX10182 [Δ1998] 1998USApp LX23523 [Δ1998] 143F3d729Δ1998 158F3d659Δ1998 167F3d105Δ1999 11FS24458Δ1998 Cir. 3 158F3d198Δ1998 164F3d167Δ1998 1998USDist LX9493 [Δ1998]</p> <p>Continued</p>

Find your title
and section
number.

Then find your section
and subsection.

Look for:

a. **The right division**

Look up the most recent division of *Shepard's Federal Statutes Citations* in the bound volume's table of contents.

b. **Section or title number**

After turning to the correct division, look for the section or title number of your statute across the top of the page. In our example, find Title 21 and the closest sections on the page.

c. **Citing references**

Citations to the authorities that have cited your statute are listed beneath the section or title number of your statute.

d. **Subsections**

In some statutory citators, subsections are shown in bold under the boxed section number. Scan down the column to find the subsection of interest to you. Citations to your subsection are listed beneath the subsection identifier.

e. **Editorial Analysis**

Shepard's legal editors also apply analysis codes to statute citations.

REPEAT STEPS a–e until you have reviewed 21 U.S.C. §848(q)(9) in each publication listed in “What Your Library Should Contain.” To be thorough and methodical, be sure to check all supplements.

5. **Interpret your statute citation information.**

§ 848(q)(9)	
A) 110S11226	
512US855Δ1994	
Cir. 4	
1998USApp LX10886	[Δ1998
1999USApp LX1104	[Δ1998
i) 33F3d279Δ1997	
151F3d163Δ1998	
1998USDist LX4671	[Δ1998
964FS1030Δ1997	
971FS1007Δ1997	
4FS2d519Δ1998	
6FS2d478Δ1998	
Cir. 5	
1999USDist LX6484	[Δ1999
1999USDist LX7308	[Δ1999
f) 1999USDist LX7308	[Δ1999
37FS2d816Δ1999	
Cir. 7	
116F3d259Δ1997	
130F3d784Δ1997	
Cir. 9	
969FS595Δ1997	
Cir. 10	
150F3d1264Δ1998	

This is your section number.

The letter “A” tells you section 848(q)(9) has been amended.

The letter “i” tells you this section has been interpreted by this reference.

This is a LexisNexis citation for a citing reference.

The delta followed by “1997” means the court did not specify the edition of USC it cited, but *Shepard's* tells you the citing case was decided in 1997.

Research Steps for Regulations and Other Legal Sources

In addition to cases and statutes, you can *Shepardize*:

- administrative rules and regulations, including the *Code of Federal Regulations*
- court rules, including the *Federal Rules*
- constitutional provisions
- jury instructions
- other important sources of law

Generally, *Shepardizing* these materials is similar to *Shepardizing* a statute. As an example, we will *Shepardize* section 3.358(c)(3) of the *Code of Federal Regulations*, Title 38. Follow the first four steps, repeating the process of locating citations in each publication listed in “What Your Library Should Contain”:

1. **Select *Shepard's Code of Federal Regulations Citations*.**
2. **Check currentness and completeness.**
3. **Understand your citator.**
4. **Find 38 CFR §3.358(c)(3).**

5. **Interpret your CFR citation information.**
6. **Update your research.** Check the status of your regulation in each new supplement.
The close-up views will provide more details on the valuable information that *Shepardizing* a CFR provision will give you.

§ 3.358(c)(3)
444US114*1978
62L~~E~~264*1978
100SC355*1978
Cir. 3
481F2d261*1972
Cir. 9
764F2d729*1984
Cir. Fed.
V5F3d1457*1992

Close-up view of
your section in
bound volume.

Your section number.

Citing references to your
section number.

The asterisk followed
by “1972” means
that this case cited
the 1972 edition of
CFR in its opinion.

The “V” tells you
that this decision
found your section
void or invalid.

§ 3.358(c)(3)
Vp513US115~~Δ~~1994
Vp513US116~~Δ~~1994
Vp130L~~E~~462~~Δ~~1994
Vp115SC554~~Δ~~1994

Close-up view of
your section in
later supplement.

The “Vp” in these
citations tells you
that the Supreme
Court has found your
section void or
invalid in part.

The delta followed by
“1994” means this
decision did not
specify the edition of
CFR it cited, but
Shepard's tells you
the citing case was
decided in 1994.

Shepard's Research Tip: *Shepard's* CFR citation analysis includes a special feature to make research more efficient.

If the court cites a CFR provision by its edition date, that date is shown at the end of the citation, preceded by an asterisk. If the court does not specify the CFR edition it is citing, *Shepard's* includes the date of the decision, which appears preceded by a delta. These date identifiers can help you locate cases dealing with the specific CFR edition you are *Shepardizing*.

7. **Repeat the process in other applicable volumes.**

You have not thoroughly updated your authority until you have checked each relevant volume and supplement of your set. This can be a seemingly long and tedious process, but actually it goes quite quickly, and the consequences of sloppy updating can be serious and embarrassing (remember the court's comment in the *Meadowbrook* case cited earlier).

If you check for your cite in each volume and supplement of your set and find nothing, no cases may cite your case, or your case may be too current to be reflected in the print set.

You will also want to repeat the process using your authority's parallel citations to ensure complete coverage. For example, now that you've used *Oregon v. Plowman's* official citation—314 Ore. 157—to *Shepardize* the case in *Shepard's Oregon Citations*, you can retrieve additional citing references by using *Plowman's* unofficial citation—838 P.2d 558—to *Shepardize* the case in *Shepard's Pacific Reporter Citations*.

Watch for These Frequently Made Mistakes When Using *Shepard's* in Print:

- Not using the first page of your citation when looking up a cited authority.
- Not using the correct *Shepard's* set.
- Not being in the correct reporter section of *Shepard's* (e.g., looking up a *Pacific Reporter* 2d Series citation in the *Pacific Reporter* 1st Series section).
- Not using the complete set (remember to check “What Your Library Should Contain”).
- Not being within the correct volume number.

Lexis



LexisNexis™

It's how you know™