

THURGOOD MARSHALL SCHOOL OF LAW LIBRARY

Pathfinder Series

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CITE CHECKING - IS IT STILL GOOD LAW

HISTORY OF SHEPARD'S CITATIONS

Shepard's is the oldest and largest legal citator service in the United States. For more than 125 years, this citation service has been the best method for updating law. The term Shepardizing was derived from *Frank Shepard*, who, in 1873 began the process of listing each time the Illinois Supreme Court cases were cited or affected by a later case. The system became so important that his name became a verb and case verification became known as *Shepardizing*.

Shepard's is available in print, and online through LexisNexis Shepard's and Westlaw Keycite.

WHY SHEPARDIZE?

- To discover the history of a case.
- To identify if the case has been affirmed, reversed, modified, distinguished or overruled.
- To identify related cases that is discussing similar legal issues via headnote numbers.
- To identify where the case is mentioned in secondary authority such as law reviews, annotations, periodicals and encyclopedias.

You can use Shepard's to discover the:

Direct appellate history of a particular case,

Indirect history of a case, and,

Citations to cases, administrative decisions and secondary sources that cited your case.

What is a "Citation?"

A citation is simply a reference to a legal authority. It usually consists of:

- (1) an abbreviation of the name of the publication,
- (2) the volume number, and,
- (3) the first page of the case.

Within Shepard's, the headings at the top of the page (volume numbers) and the numbers in boldface type (beginning page numbers) are the **cited** cases (the cases on which you've chosen to rely).

The lists of case citations appearing under each boldface number are the **citing** cases (the cases that talk about the case choice you've made). The numbers mentioned by the citing authorities refer you to the exact page on which your cited case is in fact cited (rather than the first page of the opinion). Shepardizing in print is tedious, but extremely important. The chart below explains how Shepardizing is important to you.

What can I Shepardize?

- Federal and State Cases
- Federal & State Codes
- Uncodified Laws
- Treaties
- Administrative Law Decisions
- Federal & State Agency Regulations
- Canadian Cases
- Law Review Articles
- Restatements
- Topical Areas such as Corporate Law, Labor Law and Medical Malpractice
- Patents

Location of Shepard's

Aisle 107 on the First Floor

ARRANGEMENT OF SHEPARD'S ANALYSIS

- Divided into four sections:
 - History of case
 - Parallel citations
 - Treatment of case
 - Listing of secondary materials and annotations that have mentioned the case
- Note: lots of abbreviations; check the beginning of the book

History of Case

Indicates prior or subsequent proceeding concerning the same case.

History of Case

a	(affirmed)	Same case affirmed on appeal.
cc	(connected case)	Different case from case cited but arising out of same subject matter or intimately connected therewith.
D	(dismissed)	Appeal from or review of same case dismissed.
De	(denied)	Review or rehearing denied.
Gr	(granted)	Review or rehearing granted.
m	(modified)	Same case modified on appeal.
r	(reversed)	Same case reversed on appeal.
ReG	(reh granted)	The citing order grants rehearing or reconsideration in the case you are <i>Shepardizing</i> .
ReD	(reh denied)	The citing order denies rehearing or reconsideration in the case you are <i>Shepardizing</i> .
s	(same case)	Same case as case cited.
S	(superseded)	Substitution for former opinion.
v	(vacated)	Same case vacated.
W	(withdrawn)	Same case withdrawn.
US	cert gran	Certiorari granted by U. S. Supreme Court.
US	cert den	Certiorari denied by U. S. Supreme Court.
US	cert dis	Certiorari dismissed by U. S. Supreme Court.
US	reh den	Rehearing denied by U. S. Supreme Court.
US	reh dis	Rehearing dismissed by U. S. Supreme Court.
US	app pndg	Appeal pending before the U. S. Supreme Court.

Parallel Citations

- Will be provided in parenthesis the first time a Shepard's volume includes a case.
- Will not be listed in later supplements.

—343— Hubbard's Adm'x v Louisville & N. R. Co. 1937 (267Ky435) 152S W'277 155S W'443 162S W'546 348S W'841 3S W'365 134AR19n	—360— Springfield State Bank v Kelly 1936 (267Ky595) 126S W'1067 143S W'1842 170S W'2593 Cir. 6 101F2d2472	172S W'181 179S W'451 197S W'248 221S W'678 224S W'10172 225S W'8101 225S W'8102 290S W'848 351S W'8189 Wash 101P2d301 47A21266n	—389— Louisville Joint Stock Land Bank v McNeelv 1937 (267Ky425) 812S W'155 812S W'157 Cir. 6 229BRW141 256BRW727 Mo 432S W'792 So C 62S E826 25A21152n	140S W'2591 f 168S W'880 244S W'2376 296S W'2806 e 346S W'2487 443S W'1705 j 443S W'1709 769S W'280 938S W'208	574S W'2579 577S W'1307 613S W'16 620S W'1673 686S W'2217 692S W'1527 769S W'1651 810S W'821 810S W'822 839S W'1888 857S W'1598 Cir. 5 100F2d'265 d 100F2d'265 j 100F2d'265 s 199F2d'913 d 244F2d'189 251F2d'504 566F2d'489 328FS'483 Md 137A2d170 116AR417n 34A2247n 34A2342n
—345— Jones v Common- wealth 1936 (267Ky465) s 108S W'816 cc 108S W'812 cc 97F2d335 142S W'991 148S W'1063 179S W'2451 213S W'21021 Cir. 6 512F2d227 62A2205n 62A2234n	—363— Steau v Common- wealth 1937 (267Ky413) 137S W'702	—382— Commonwealth v Bowman 1936 (267Ky602) 102S W'1386 122S W'4760 164S W'2979 Ill 44NE956 Iowa 3NW624 Mass 82NE218 Mont 109P2d1115 Nebr 56NW709 NJ 114A2d259 120A2d113 Okla 83P2d616 91P2d809 110P2d617 112AR643n	—393— Novosad v Svrcek 1937 (129Tex34) s 84S W'247 104S W'7491 111S W'1085 112S W'262 112S W'751 124S W'9934 130S W'899 d 131S W'4101 137S W'814 159S W'862 166S W'720 168S W'889 171S W'200 172S W'303 172S W'304 172S W'304 j 175S W'7633	—399— Laubhan v Peoria Life Ins. Co. 1937 (129Tex225) s 105S W'286 s 134S W'788 cc 107S W'889 107S W'467 123S W'870 123S W'870 124S W'193 d 129S W'285 d 129S W'808 138S W'647 140S W'1592 e 161S W'1579 215S W'257	—408— Magnolia Petro- leum Co. v Guffey 1937 (129Tex293) s 59S W'174 s 95S W'690 111S W'1154 121S W'1389 121S W'3990 126S W'3261

Treatment of the Case

Indicates subsequent other cases which have cited your decision.

Treatment of Case

c	(criticised)	Soundness of decision or reasoning in cited case criticised for reasons given.
ca	(conflicting authorities)	Among conflicting authorities as noted in cited case.
d	(distinguished)	Case at bar different either in law or fact from case cited for reasons given.
e	(explained)	Statement of import of decision in cited case. Not merely a restatement of the facts.
f	(followed)	Cited as controlling.
h	(harmonized)	Apparent inconsistency explained and shown not to exist.
j	(dissenting)	Citation in dissenting opinion.
L	(limited)	Refusal to extend decision of cited case beyond precise issues involved.
~	(concurring)	Citation in a concurring opinion.
o	(overruled)	Ruling in cited case expressly overruled.
op	(overruled in part)	Ruling in cited case overruled partially or on other grounds or with other qualifications.
p	(parallel)	Citing case substantially alike or on all fours with cited case in its law or facts.
q	(questioned)	Soundness of decision or reasoning in cited case questioned.
su	(superseded)	superseded by statute as stated in cited case.

Listing of Secondary Materials and Annotations that cite my case

- Law Reviews
ALR annotations
Lawyers Edition annotations
treatises from Matthew Bender Publishers
CLE materials
- Restatements

What primary sources that cite my case will I find?

- reported cases
unreported cases
annotated codes
administrative decisions
attorney general opinions

How can I limit my results?	What do I find if I look up a statute?	What About Currency?
<ul style="list-style-type: none"> • West headnote • Only high courts • Official reporter headnote (all states) • Jurisdiction • All negative • All positive • Any analysis • Keywords (Focus) • Administrative Decisions • Law reviews • Treatises, ALR/L Ed 2d annotations • Date • Notes of decisions (for statutes only) 	<ul style="list-style-type: none"> • all cases that cite the statute section • all cases that cite a particular subsection • administrative decisions • secondary sources 	<ul style="list-style-type: none"> • New cases are added to the history and treatment of Shepard's three times a day • Negative treatment is updated within 48 hours by Shepard's editors

Comparing Online **Shepard's** and **KeyCite**

What can you Shepardize?

On Shepard's	On KeyCite
Cases Federal codes State codes Administrative law decisions Federal agency regulations State agency regulations Patents Uncodified laws and treaties Local ordinances Law review articles Restatements	Cases Federal codes State codes Administrative law decisions Federal agency regulations State agency regulations Patents Law reviews American Law Reports (ALRs)

What primary sources that cite my case will I find?

Shepard's	KeyCite
reported cases unreported cases attorney general opinions administrative decisions annotated codes	reported cases unreported cases attorney general opinions administrative decisions

Which is more current?

Despite the differences in editorial processes, the two citators are comparable in currentness.

Shepards	KeyCite
New cases are added to the history and treatment of Shepards three times a day.	New cases are added to KeyCite's history and citation lists as soon as they are available on Westlaw.
Negative treatment is updated within 48 hours by Shepards editors.	Editors update negative treatment within a few days.

What secondary sources that cite my case will I find?

Shepards	KeyCite
Law reviews A.L.R. and Lawyers Edition annotations Restatements Treatises from Matthew Bender C.L.E. materials	Law reviews A.L.R. annotations Restatements Treatises from West Group C.L.E. materials AM JUR 2d

How can I limit my results?

Shepards	KeyCite
Headnote Official reporter headnote (all states) Jurisdiction Only high courts All negative All positive Any analysis Keywords (FOCUS) Law reviews Date	West headnote (displayed) Official reporter headnote (Cal., Wash. only) Jurisdiction Only high courts Any negative Specific Reporter Depth of treatment Keywords (Locate) Law reviews

What do I find if I look up a statute?

Shepards	KeyCite
Administrative decisions Secondary sources Recent session laws that affect the statute All cases that cite the statute section All cases that cite a particular subsection	Administrative decisions Secondary sources Recent session laws that affect the statute Pending legislation that would affect the statute Statute section as it appears in the annotated code

REMEMBER, YOU ARE PROFESSIONALLY OBLIGED TO UPDATE ALL OF YOUR AUTHORITIES! FAILURE TO DO SO COULD MAKE YOU:

- **VUNERABLE TO MALPRACTICE SUITS FROM YOUR CLIENTS**
- **CRITICISM FROM YOUR COLLEAGUES**
- **SANCTIONS FROM THE COURT**
- **SANCTIONS FROM THE BAR DISCIPLINARY COMMITTEE, OR,**

- **ALL OF THE ABOVE.**