How to 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*®

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All information provided in this document is general in nature and is provided for educational purposes only. It should not be construed as legal advice. For legal advice applicable to the facts of your particular situation, you should obtain the services of a qualified attorney licensed to practice in your state.
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cases have not been reversed on appeal, overruled or criticized by subsequent cases, and that statutes have not been repealed or found unconstitutional.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 in 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.

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.
How to Shepardize

Using Shepard's on LexisNexis

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 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.

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 F.2d 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.)

5

References are organized by jurisdiction and court, then sorted by date, most recent first.
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.

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.”
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.

Choose Total (125) to go back to the top of your Shepard’s report.

Select any category with a number succeeding it.

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.

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

**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.
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.)

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.

Your Shepard’s report will display a list of only those citing references that contain your FOCUS words or phrases.
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 it 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 F.Supp. 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.
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.

Click here for an explanation of Shepard's Signal indicators.  
Click on the case name to view the full text of a citing reference.  
Use the FOCUS feature to search for terms, specific facts, or points of law mentioned in the cited references.  
Hide/Show all parallel citations (the default is Hide).  
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.  
Jump to the first location in Juncker where Parratt is cited by using the First Link Reference.  
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**.

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**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 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 RTF, PDF, WPD, DOC or HTML
   • Deliver to LexisNexis Printer
   • Deliver to attached printer
   Click 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.

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

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

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

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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., E2d and E.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.
How to Shepardize

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.
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 Ore’258, 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.

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).

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### Table: Shepardizing 21 U.S.C. §848(q)(9)

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<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Citation</th>
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<tr>
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<td>1999</td>
<td>SDex LX3570</td>
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<td>1999</td>
<td>SDex LX3570</td>
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</table>

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

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.

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”:

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.E264*1978
   100SC355*1978
   Cir. 3
   481F2d261*1972
   Cir. 9
   764F2d729*1984
   Cir. Fed.
   V5F3d1457*1992

   **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.
How to Legal Research Using the Shepard's® Citations Service on the LexisNexis® Total Research System