

Shepard's® Citations Service



# LEGAL CASES ARE BUILT ON HISTORY, AUTHORITY AND PRINCIPLE

## YOU BRING THE THINKING

Be confident you've built your case and strategy on good law. You've covered the right bases and compiled the most extensive, timely and relevant sources—all with critical insights to support your position.

That's what happens when you turn to  
*Shepard's*® Citations Service.



## Here's why you should build your case with *Shepard's*<sup>®</sup> Citations Service.

Comprehensive *Shepard's*<sup>®</sup> coverage and exclusive, powerful refining tools help you validate your position and uncover additional support.

### COUNT ON AUTHORITATIVE ANALYSIS THAT RELIABLY REFLECTS COURT HOLDINGS

Experienced attorney-editors read each case and make their assessments according to strict standards and guidelines. Editors map the history chain and also provide **headnotes written in the language of the court** to ensure a true reflection of court holdings.

### UNCOVER MORE ANALYSIS THAT'S RELEVANT TO YOUR LEGAL ISSUE

**Find better support for your argument with *Shepard's*.** Only *Shepard's* offers a full range of editorial treatments—positive treatment as well as negative treatment like Overruled and Distinguished. KeyCite<sup>®</sup> doesn't offer positive treatment.\*

**Discover patterns in subsequent history you've never seen before.** The *Shepard's* Citing Decisions Grid gives you a visual of vital history events so you can better determine if your point of law is still evolving. KeyCite has no such grid.\*

### BRING THE MOST VALUABLE INFORMATION FRONT AND CENTER QUICKLY

**See a quick preview.** When you view a full-text case, you get a *Shepard's* preview that offers highlights of the *Shepard's* report, as well as a link to the citing reference that most strongly influenced the *Shepard's* Signal<sup>™</sup> indicator.

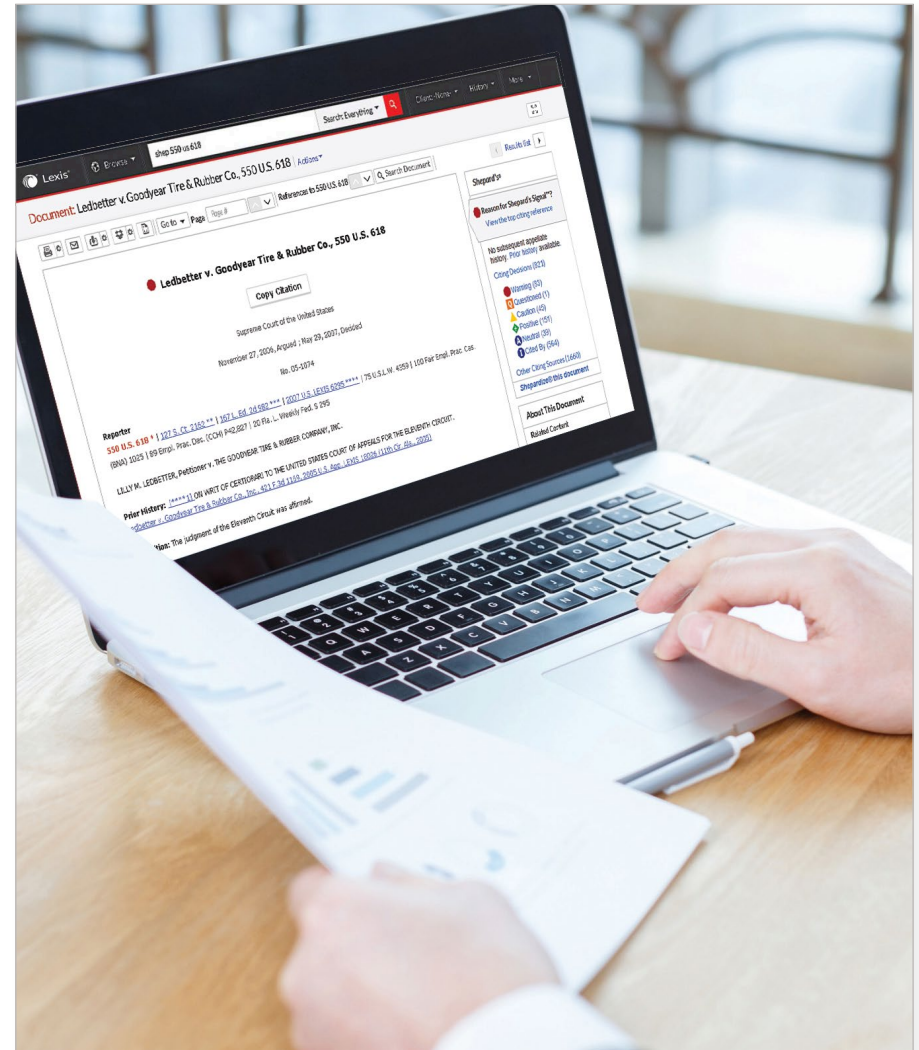
**Know where to begin researching immediately.** Navigation is designed to highlight the areas you need to investigate.

**Surface the details you need from *Shepard's* reports easily.** One-click filter choices let you bring negative—or positive—treatment to the top of the report.

**Uncover direct relationships between your case and others in the history chain.** See the direct path from a major citing event to your case so you can quickly focus on the cases you need to read.

**Discover even more reasons to build your case with *Shepard's* Citations Service.** Make quick determinations while gaining in-depth insight.

\*Comparison data based on information available as of October 2017.





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#### Find better support for your argument with *Shepard's*.

*Shepard's* Citations Service reports can show you vital instances where a court **follows** or explains **your case** on your point of law, possibly **strengthening your argument** and directing you to more supporting authority. Without Followed by or Explained, KeyCite misses these supporting arguments.\*

Decisions rarely result in a single outcome. When one point of law is followed and another point overruled, i.e., a **split of authority**, only *Shepard's* shows you if your point is still good law.

Shepard's®: ● United States v. Lee, 22 F.3d 736 Parallel Citations Actions

Appellate History

- Citing Decisions
- Other Citing Sources
- Table of Authorities

Citing Decisions (14)

No subsequent appellate history

7th Circuit - Court of Appeals

1. United States v. Taylor, 179 Fed. Appx. 957, 2006 U.S. App. LEXIS 12840 ▲

■ Overruled as stated in: 179 Fed. Appx. 957 p.961

We also noted that thefts from persons create "the potential not only for violence but also for injury caused by the act of taking." Id. at 924. ... On the basis of this reasoning, we concluded that theft from a person is a violent felony under 18 U.S.C. § 924. Id. at 924 (overruling United States v. Lee, 22 F.3d 736 (7th Cir. 1994)).

2. United States v. Howze, 343 F.3d 919, 2003 U.S. App. LEXIS 19522 ▲

■ Overruled in part by: 343 F.3d 919 p.924

Lee neglected to apply Taylor's framework (indeed, did not cite that decision) and did not inquire whether it was significant that every street theft entails a close encounter between criminal and victim, an encounter that creates the potential not only for violence but also for injury caused by the act of taking. A purse snatching may dislocate the victim's shoulder or elbow, or lacerate her arm; a bicycle theft may injure the owner if the thief blocks his path or shoves the bike over to dislodge its rider, and so on. It was logical arguments of this kind, and not data, that won the day in Taylor and our escape cases. ... Thus Lee is out of line not only with other circuits, but also with how this circuit has analyzed related issues in later decisions such as Bryant and Franklin.

▼ Show More

■ Followed by: 343 F.3d 919 p.924

In order to bring harmony both within and among the circuits, we now overrule the portion of Lee dealing with the treatment of theft and hold that theft from a person is a violent felony under the Armed Career Criminal Act. The other principal holding of Lee—that classification must be based on the elements of the offense as revealed by the charging papers, rather than on the facts of the particular case—is compatible with Taylor and was adopted on that basis by Shannon, 110 F.3d at 384.

Narrow By

7th Circuit X

Clear

Analysis

Warning	1
Overruled in part by	1
Questioned	1
Overruled as stated in	1
Caution	1
Distinguished by	1
Positive	4
Followed by	4
Neutral	2
Cited in Dissenting Opinion at	2

Overruled in part by: 343 F.3d 919 p.924

Followed by:

Federal Circuit	14
7th Circuit	14

PublicationStatus

Unreported	6
Reported	7

\*Comparison data based on information available as of October 2017.

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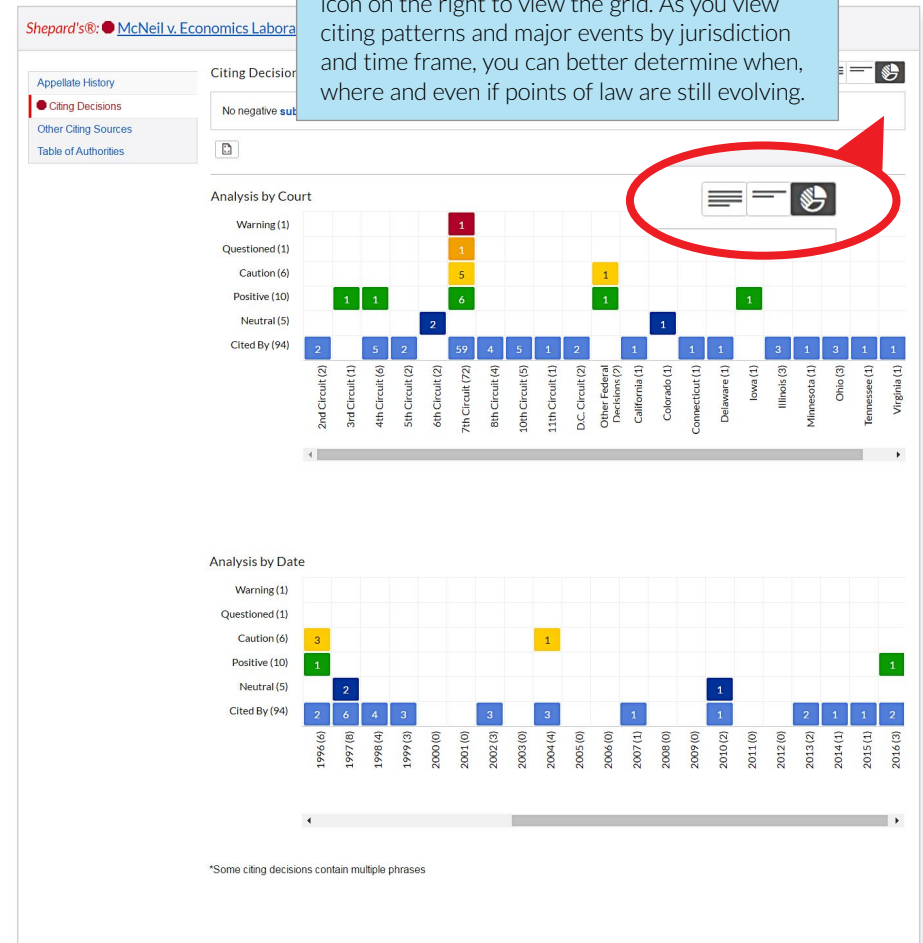
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Discover patterns in subsequent history you've never seen before.

In the Citing Decisions view, click the **Graphical** icon on the right to view the grid. As you view citing patterns and major events by jurisdiction and time frame, you can better determine when, where and even if points of law are still evolving.



\*Comparison data based on information available as of October 2017.

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**See the most influential citing references faster than ever.** The exclusive **Reason for *Shepard's* Signal** feature now displays in full-text Lexis® cases.

The screenshot displays the Lexis Shepard's Citations Service interface. At the top, a blue callout box reads: "Get a preview before *Shepardizing*™. See possible issues quickly and then move directly to the *Shepard's* report." Below this, the main case preview shows the title "er Co., 550 U.S. 618" and a search bar. A secondary callout box, titled "Reason for Shepard's Signal™?", is circled in red and contains the text "View the top citing reference". The main preview area shows a snippet of text: "having the strongest influence on the overall *Shepard's* Signal™ indicator of" followed by a link "ew all 83)". Below this, a snippet of text from a citing decision is shown: "c. 794 F.3d 266, 2015 U.S. App. LEXIS 12624, 16 Accom. Disabilities Dec. 1446" with a green diamond icon. The snippet continues: "to overrule the Supreme Court's decision in 618, 127 S. Ct. 2162, 167 L. Ed. 2d 982 verruled the Court's narrow interpretation of vartz, 665 F.3d at 449. ... The Ledbetter Act's on imposed by the Court on the filing of ality of wage discrimination and is at odds hat Congress intended." To the right of this snippet, a table lists "Court 2d Cir." and "Date 2015". On the right side of the interface, the "Shepard's®" section shows "Reason for Shepard's Signal™?" with a red circle icon and "View the top citing reference". Below this, it states "No subsequent appellate history. Prior history available." and "Citing Decisions (821)". A list of categories follows: "Warning (83)", "Questioned (1)", "Caution (45)", "Positive (151)", "Neutral (39)", and "Cited By (564)". At the bottom of this section, it says "Other Citing Sources (1660)" and "Shepardize® this document". The "About This Document" section includes "Related Content" and "Find references to this case", along with an "Original Source Image" icon.

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Know where to begin researching immediately. Navigation is designed to highlight the areas you need to investigate.

#### Get a high-level indication of where you need to investigate.

Each *Shepard's* Signal indicator—like the red negative treatment stop sign—gives you a starting point for further research. The default is **Citing Decisions**, but you can also choose **Appellate History** to find indicators. In addition, the **Narrow By** filtering options show you the number of references for each analysis phrase.

The screenshot shows the Shepard's Citations Service interface. The 'Citing Decisions' tab is selected and highlighted with a red circle. The interface displays a list of cases under 'Narrow By' filters and a detailed view of a case, 'United States v. Davis', with its citation and analysis.

**Shepard's® Citations Service**

Appellate History  
● Citing Decisions  
Other Citing Sources  
Table of Authorities

No subsequent appellate history

Narrow By

Analysis	Count
Warning	1
Overruled in part by	1
Questioned	3
Validity questioned by	2
Overruled as stated in	1
Caution	2
Distinguished by	2
Criticized by	1
Positive	4
Followed by	4
Neutral	3
Cited in Dissenting Opinion at	3
"Cited by"	21

Select multiple

Court	Count
Federal Courts	22
1st Circuit	1
2nd Circuit	2
4th Circuit	2
6th Circuit	2
7th Circuit	14
9th Circuit	1

Select multiple

Publication Status	Count
Unreported	4
Reported	16

Select multiple

Discussion	Count
Analyzed	2
Discussed	2
Mentioned	3

1st Circuit - U.S. District Courts

1. **United States v. Davis**, 353 F. Supp. 2d 91, 2005 U.S. Dist. LEXIS 609 ◆  
**Cited by:**  
**Validity questioned by:** 353 F. Supp. 2d 91 p.95  
Howze is particularly instructive, because previously the Seventh Circuit had held that theft from a crime of violence. See *United States v. Lee*, 22 F.3d 736 (7th Cir. 1994). Noting that every other circuit addressed the question of whether street crimes were crimes of violence had ruled they were, the overruled *Lee*. *United States v. Howze*, 343 F.3d 919, 924. (HN2)  
... , 343 F.3d 919 (7th Cir. 2003) (theft from a person constitutes crime of violence); 7 *Howze* is par because previously the Seventh Circuit had held that theft from a person was not a crime of violence. *States v. Lee*, 22 F.3d 736(7th Cir. 1994) . Noting that every other circuit that had addressed the crime of violence were crimes of violence had ruled they were, the Seventh Circuit overruled *Lee*. *United States v. Howze*, 343 F.3d 919, ...

2nd Circuit - Court of Appeals

2. *United States v. Palmer*, Ct. App. 2nd Dkt. No. 94-1501  
**Cited by:** Ct. App. 2nd Dkt. No. 94-1501

3rd Circuit - U.S. District Courts

3. **United States v. Palmer**, 68 F.3d 52, 1995 U.S. App. LEXIS 36628 ▲  
**Cited by:** 68 F.3d 52 p.57  
... commentary, courts have emphasized the limitations upon a sentencing court's inquiry to establish whether a defendant has previously been convicted of a "crime of violence." For instance, Gallman, the Seventh Circuit's opinion in *United States v. Palmer*, 68 F.3d 52, 1995 U.S. App. LEXIS 36628, at 57, n.10, invoked by the government in support of an investigation of a plea agreement or transcript in furtherance of a "crime of violence" inquiry, has been circumscribed by *United States v. Lee*, 22 F.3d 736(7th Cir. 1994) , at 736, n.10, that: "This Court's inquiry . . . is limited . . ."

4th Circuit - Court of Appeals

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#### Surface the details you need from your *Shepard's* report easily.

One-click filter choices let you bring **negative—or positive—treatment** to the top of the report. Filter by **headnote**. Once in a case, only *Shepard's* lets you link to **relevant case passages** matched to the headnote you're following. Also filter by **jurisdiction, time frame** or **reported/unreported** publication status. Or filter by **depth of discussion** and move to citing cases that analyzed yours, not just mentioned it.

The screenshot displays the Shepard's Citations Service interface. On the left, a sidebar contains several filter sections: 'Treatment' (with 'Positive' circled), 'Jurisdiction' (with 'Federal Courts' and '1st Circuit' circled), 'Publication Status' (with 'Reported' circled), 'Discussion' (with 'Analyzed' circled), 'Headnotes' (with 'View text of headnotes' circled), and 'Timeline' (with 'Timeline' circled). The main content area shows a list of cases, including 'United States v. Palmer' and 'United States v. Martin'. A 'Discussion' panel is open, showing a bar chart for 'Analyzed', 'Discussed', 'Mentioned', and 'Cited' treatments. The interface also includes a search bar and a 'Timeline' section at the bottom.



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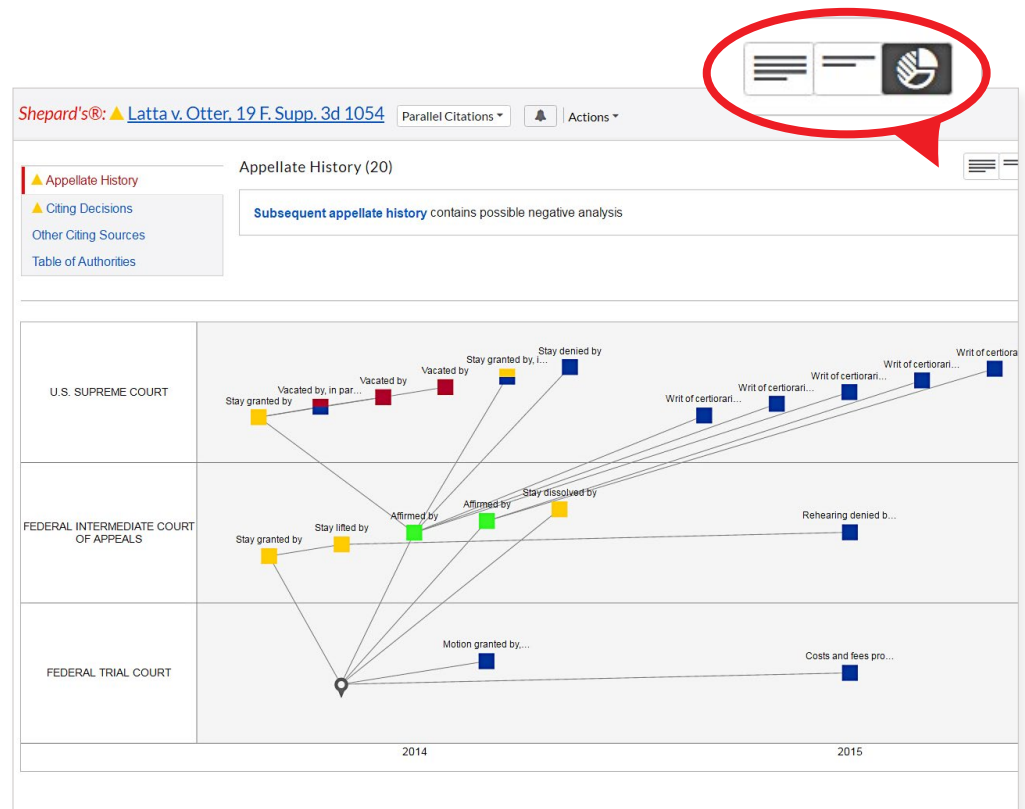
### BRING THE MOST VALUABLE INFORMATION FRONT AND CENTER QUICKLY

Uncover direct relationships between your case and others in the history chain. See the direct path from a major citing event to your case so you can quickly focus on the cases you need to read.

#### Uncover direct relationships between your case and others in the history chain.

View a graphical path from a major citing event to your case. The Appellate History map feature helps you focus on reading these cases to determine if the citing event impacted your case.

Just click **Appellate History** on the left pane of the report, and then click the **Graphical** icon at the top right to view the appellate map.





## Here are even more reasons to build your case with *Shepard's*® Citations Service.

### YOU NEED TO

Navigate and understand your *Shepard's* report quickly.

*Shepard's* Signal indicators (e.g., the stop sign) and treatment phrases (e.g., Overruled) make it easy to see how your case is treated. Each citing case also has a *Shepard's* Signal indicator to show how courts have subsequently treated it. To get definitions of signals and phrases, click the **Legend** link on the bottom right of the report screen.

**Legend**

**Shepard's Signal™ Indicator**

- Warning: Negative treatment is indicated.**  
The red *Shepard's* Signal™ indicator indicates that citing references in the *Shepard's* Citations Service contain strong negative history or treatment of your case (for example, overruled by or reversed).
- Warning**  
The red *Shepard's* Signal™ indicator indicates that citing references in the *Shepard's* Citations Service contain strong negative treatment of the section (for example, the section may have been found to be unconstitutional or void).
- Questioned: Validity questioned by citing reference.**  
The orange *Shepard's* Signal™ indicator indicates that the citing references in the *Shepard's* Citations Service contain treatment that questions the continuing validity or precedential value of your case because of intervening circumstances, including judicial or legislative overruling.
- Caution: Possible negative treatment indicated**  
The yellow *Shepard's* Signal™ indicator indicates that citing

### YOU NEED TO

Find references to more analysis that can help you build your arguments.

Clicking on the **Other Citing Sources** link on your *Shepard's* report brings you insights from thousands of law reviews, treatises, statute annotations, constitutional amendments, motions, etc.

Content	
Court Documents	149
Treatises	37
Statutes	32
Law Reviews	1

### YOU NEED TO

Ensure the authorities that **built the case you are *Shepardizing*** are still good law.

Click the **Table of Authorities** link ... no extra search needed. Look at the subsequent histories of the cases your case cited. Determine quickly if the value of these underpinning cases has eroded.

**Table of Authorities**

Narrow By

- Analysis
  - Caution **3**
  - Distinguishing **2**
  - Criticizing **1**
  - Positive **24**
  - Following **24**

### YOU NEED TO

Determine if the **citing reference** is from your jurisdiction.

The block of text below the citing case is the **first reference** or citation to your case to help you determine which court issued the opinion.

**Buscemi v. Pepsico, Inc.** ▲

736 F. Supp. 1267, 1990 U.S. Dist. LEXIS 4233, 53 Empl. Prac. Dec. (CCH) P39906, 62 Fair Empl. Prac. Cas. (BNA) 425

**Cited by:** 736 F. Supp. 1267 p.1270

### YOU NEED TO

Determine if the case discusses the **legal issue in the headnote** you're following.

Click the headnote link, e.g., HN16, in your *Shepard's* report and move to the first discussion of your headnote issue in the citing case.

**Discussion**

**Court**  
7th Cir. Wis.

**Date**  
Mar. 7, 1989

**Headnotes**  
[HN16](#) | [HN18](#)

### YOU NEED TO

Sort your *Shepard's* report to **surface other insights**.

When looking at the list of Citing Decisions, the **Sort by** box can sort your report by Analysis to display the citing cases with the most negative treatment phrases first, by Discussion amount or by Court level.

Sort by: **Court (highest-lowest)** ▼

- Analysis (red-blue)
- Discussion (high-low)
- Court (highest-lowest)
- Date (newest-oldest)

**Be confident your research is current.** New information is added to *Shepard's* Citations Service every 15 minutes. *Shepard's* analysis for new cases is available online within 48 – 72 hours on average.

Learn more at: [LEXISNEXIS.COM/SHEPARDS](https://www.lexisnexis.com/shepards)  
Contact your LexisNexis® representative. Or call **800.628.3612**.