

# Shepard's® Citations Service

## What is the Shepard's Citations Service?

It is the largest publisher of legal citators in the United States. *Shepard's* has been the premier service for updating case law, statutes, and other sources of law for over 100 years. *Shepard's* Citations Service publishes nearly 200 different citators and is available in print form and exclusively online through the LexisNexis services.

## Validate your research: Is your case good law?

Determine if your case is good law and whether you can use your case for the legal point you support.

The reliance on precedent means you need to be sure that the authority you cite is still valid, recognized as "good law." You need to make certain that cases have not been reversed on appeal or overruled by more recent cases, and that statutes have not been repealed or found unconstitutional.

Use *Shepard's* Citations Service to quickly update:

Material to be updated	Sample citation
Federal and state case law	410 us 113
United States Code sections	42 usc 12101
Statutes from all 50 states	ne code 30-2806 /ny gen mun 370
Regulations, including the Code of Federal Regulations	49 cfr 27.1
U.S. and state constitutional provisions	U.S. Const. art. 6
Court rules, including the Federal Rules of Civil Procedure and Evidence Annotations	frcp 31
Law review articles from selected publications	21 mich j int'l l 527
Individual U.S. patents	patno 4596812
Canadian case law	88 C.L.L.C. 17,023

When you *Shepardize*® a case, you will receive a full treatment and history analysis as well as a complete listing of authorities that have cited your case with citing references organized by jurisdiction and court, followed by secondary sources (e.g., annotations and law reviews). *Shepard's* expert analysis is typically available within 24 – 48 hours of receipt of a new citation to your case.

## Shepardize a case when you have its citation

1. Click the **Shepard's** tab.
2. **Type the citation** in the open field.
3. **Click the radio button** beside a report format to select either **FULL** (the default) or **KWIC**.
4. Click **Check**.

**Note:** You can also move into Shepard's directly from a case you are viewing. Click the Shepardize link at the top of a page.



The screenshot shows the Shepard's Citations Service interface. At the top, there are navigation tabs: Search, Research Tasks, Search Advisor, Get a Document, and Shepard's®. Below these are sub-tabs: Shepard's®, Table of Authorities, Auto-Cite®, and LEXCITE®. The main content area features a heading: "Fast, easy, reliable citation research. The new Shepard's® Summary gives you the essential information-- up front. See instantly why a Shepard's Signal™ was generated and then use new Navigation Tools to link directly to just the authoritative analysis you need." There is a "Show Me..." button. Below this is a search box titled "Enter the Citation to be Checked" with the input "800 F.2d 111" and a "Citation Formats" link. Underneath, there are two radio button options: "Shepard's® for Validation - subsequent history and citing references with analysis (KWIC™)" (labeled A) and "Shepard's® for Research - prior and subsequent history and all citing references (FULL)" (labeled B). At the bottom right, there is a "Check" button with a checkmark icon.

- A** **Shepard's for Validation (KWIC™)** includes 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. This format does not include prior history.
- B** **Shepard's for Research (FULL)** includes all prior and subsequent history, every citing reference from case law, law review articles, periodicals, annotated statutes, treatises, annotations, and the *Shepard's* Summary that shows you how citing references impact your authority.
- C** **Citation Formats** — If you do not know a citation format, click here to locate the proper format and enter the correct citation.

# Review Shepard's results

The screenshot displays the LexisNexis Total Research System interface. At the top, there are navigation tabs for Search, Research Tasks, Search Advisor, and Get a Document. The main content area shows the Shepard's report for the case *McNeil v. Economics Laboratory, Inc.*, 800 F.2d 111. Key sections include:

- Navigation Bar:** Shows "1 - 50 of 130 Total Cites" and options for "FAST Print...", "Print", "Download", "Fax", "Email", and "Text Only".
- Signal and Trail:** A warning signal is present: "Warning: Negative treatment is indicated" and the trail is "Unrestricted".
- Shepard's FULL Summary:** A warning is shown: "Warning - Negative treatment is indicated". It lists various analyses: Overruled (2), Distinguished (5), Followed (9), Concurring Opinion (1), Dissenting Op. (2), Explained (1), Law Reviews (12), Statutes (1), Treatises (9), American Law Rpts/Lawyers' Edition Annos (3).
- PRIOR HISTORY ( 2 citing references ):** Lists two items: 1. *McNeil v. Economics Laboratory, Inc.*, 1985 U.S. Dist. LEXIS 22994, 41 Fair Empl. Prac. Cas. (BNA) 1774 (N.D. Ill. Jan. 30, 1985); 2. **Later proceeding at:** *McNeil v. Economics Laboratory, Inc.*, 1985 U.S. Dist. LEXIS 18850, 41 Fair Empl. Prac. Cas. (BNA) 1779 (N.D. Ill. June 17, 1985); **Affirmed by (CITATION YOU ENTERED):** *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).
- SUBSEQUENT APPELLATE HISTORY ( 2 citing references ):** Lists two items: 3. **Writ of certiorari denied:** *McNeil v. Economics Laboratory, Inc.*, 481 U.S. 1041, 95 L. Ed. 2d 823, 107 S. Ct. 1983, 1987 U.S. LEXIS 2021, 55 U.S.L.W. 3746, 42 Empl. Prac. Dec. (CCH) P36984, 43 Fair Empl. Prac. Cas. (BNA) 1056 (1987).
- CITING DECISIONS ( 101 citing decisions ):**
  - 2ND CIRCUIT - U.S. DISTRICT COURTS:**
    - 5. **Cited by:** *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 (S.D.N.Y. 1990). 736 F. Supp. 1267 p.1270
    - 6. **Cited by:** *Nobler v. Beth Israel Medical Center*, 715 F. Supp. 570, 1989 U.S. Dist. LEXIS 6667, 50 Empl. Prac. Dec. (CCH) P39160, 55 Fair Empl. Prac. Cas. (BNA) 1531 (S.D.N.Y. 1989). 715 F. Supp. 570 p.573
  - 4TH CIRCUIT - COURT OF APPEALS:**
    - 7. **Followed by:** (Link to next page)

At the bottom, there is a "Cites" section showing "Total (130)" and a "Legend" link.

- 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 Indicators shows that citing references for McNeil include strong negative history.
- C** Shepard's Summary provides key references at a glance and bolds editorial treatment that generated the Shepard's Signal.
- D** Link to citing references with specific treatments, or move directly to law reviews, statutes and treatises. Use the arrow in the bottom right corner of the navigation bar to jump through citing references. (See E.)
- E** Use the Navigation Bar to move among the references easily, e.g., to go to a specific jurisdiction or a particular treatment.
- F** Select Custom Restrictions to restrict your view to particular treatments, jurisdictions, date ranges and reporter headnotes.
- G** Click a treatment type, e.g., cited by. An analysis definition pops up!
- H** Click FOCUS™ to search for particular points of law or fact patterns in your citing references.
- 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.
- J** Click the Legend link for a list of all Shepard's Signals and definitions.
- K** Click the Hide/Show links to display or mask these history fields. Check case history before Custom Restrictions to preview and narrow references that are not part of the direct history.
- L** Use checkboxes to select documents from your result set for document delivery.

Look at the Shepard's Summary first for an easy-to-read synopsis that shows why your case received the Shepard's Signal Indicator.

The Shepard's Navigation Bar is like an electronic table of contents of your Shepard's report. Use this bar to move to any report category. Just highlight and go!

## Narrow your results with Custom Restrictions

*Shepard's* Custom Restrictions is a fast and easy way to preview where and how your case has been cited. You can narrow your *Shepard's* results by analysis, jurisdiction, headnotes, and date.

### To customize your *Shepard's* report:

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

## Pinpoint specific language with the FOCUS feature

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 fact patterns or issues within the full text of your references. If you plan to use Custom Restrictions, use this feature before using the FOCUS feature. Custom Restrictions is not available within the FOCUS feature.

### To use the FOCUS feature:

1. Click **FOCUS** at the top of the page.
2. Type your search terms in the open field of the template, using a Terms and Connectors search request.
3. Click **FOCUS**.

To return to the screen you were viewing before the FOCUS search, click **Unrestricted** at **Trail** in the upper left corner of the page.

## Validate multiple citations when you have the citations

Use the LexisNexis™ Get & Print form to retrieve multiple documents when you have the citations, then print all the documents without first viewing the documents:

1. Click the **Get & Print** link at the bottom of the **Get a Document by Citation** template or the **Shepard's** template.
2. Sign on with your LexisNexis ID and click **Sign On**
3. Type or select the required information on the template. *Note: Separate citations with a hard return (press the Enter key) or type semicolons between citations.*
4. Click inside the checkbox for **Shepardize these citations.**
5. Click **Get**

After you click **Get**, a dialog box confirms your submitted request. Next, your requested report displays.

**Search Tip:** Click the Citations Format link on the Get & Print template if you're unsure of the correct format for a citation you want to enter.



## Validate a Statute or Regulation

When your issue is governed by statutory law, the *Shepard's* Citations Service will pinpoint relevant case law, statutes and other legal authorities that impact your statutory or regulatory section.

In addition to statutes, you can *Shepardize*:

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






### To validate a statute:

1. Click the **Shepard's** tab.
2. Type the citation (e.g., **21 usc 848 (q)(9)**) in the open field.
3. Select **Shepard's for Research (Full)** to see the universe in which the statute has been cited.
4. Click **Check**.

## Validate a case when you are viewing it

You can also *Shepardize* a case you are viewing by clicking on the *Shepard's* Signal Indicator attached to your case.

The *Shepard's* Signal Indicator gives you an at-a-glance indication of the precedential value of your case.

	<b>Warning – Negative treatment indicated</b> Contains strong negative history or treatment of your case (e.g., overruled or reversed).
	<b>Caution – Possible negative treatment indicated</b> Contains history or treatment that may have a significant negative impact on your case (e.g., limited or criticized).
	<b>Positive treatment indicated</b> Contains history or treatment of your case that has a positive impact on your case (e.g., affirmed or followed).
	<b>Cited and neutral analysis indicated</b> Contains treatment of your case that is neither positive or negative (e.g., explained).
	<b>Citation information available</b> Citing references are available for your case but do not have history or treatment analysis (e.g., law review citations).

For viewing or printing, you can choose to show or hide the *Shepard's* Signal indicators. Click [Show Signals](#) or [Hide Signals](#) options at the top of the screen.



## Validate underlying citations using the Shepard's Table of Authorities

Use the *Shepard's* Table of Authorities (TOA) to evaluate quickly the authorities your cited case used as the basis for its opinion. *Shepard's* TOA provides:

- At-a-glance analysis of a case's foundation, uncovering hidden weaknesses even in cases with no obvious negative treatment.
- In-depth information on the legal authorities cited within a case.
- A list of cases for law reviews available through the LexisNexis services.

## To request a Shepard's Table of Authorities for your case

1. Click the **TOA link** while viewing a case or in a *Shepard's* report, or click the **TOA tab** after selecting the *Shepard's* tab.
2. Type your citation in the open field.
3. Click **Check**.

The screenshot displays the Shepard's Table of Authorities for the case 549 F. Supp. 574. The interface includes a search bar at the top with the text '1 - 27 of 27 Total Cites' and a 'FAST Print' button. Below the search bar, there are links for 'Print | Download | Fax | Email | Text Only'. The main content area shows the title 'Juncker v. Tinney, 549 F. Supp. 574, 1982 U.S. Dist. LEXIS 15255 (D. Md. 1982)' and the text 'TABLE OF AUTHORITIES (Copyright 2003 SHEPARD'S Company. All rights reserved.)'. Below this, it states '27 DECISION(S) CITED BY: 549 F. Supp. 574'. The list of cited decisions is as follows:

1. **Following:**  
[Parratt v. Taylor](#), 451 U.S. 527 (1981) ●  
 First Ref: 549 F. Supp. 574 at [p. 575](#)
2. **Explaining:**  
[Ingraham v. Wright](#), 430 U.S. 651 (1977) ▲  
 First Ref: 549 F. Supp. 574 at [p. 576](#)
3. **Citing:**  
[Baker v. McCollan](#), 443 U.S. 137 (1979) ▲  
 First Ref: 549 F. Supp. 574 at [p. 577](#)
4. **Citing:**  
[Estelle v. Gamble](#), 429 U.S. 97 (1976) ▲  
 First Ref: 549 F. Supp. 574 at [p. 577](#)
5. **Citing:**  
[Paul v. Davis](#), 424 U.S. 693 (1976) ●  
 First Ref: 549 F. Supp. 574 at [p. 577](#)
6. **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 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 Reference Link.
- (G) Print, download, fax or e-mail your results\*

\*Subject to terms and conditions of your LexisNexis subscription.








## Shepard's Editorial Analyses

The following list includes the most commonly used *Shepard's* analysis codes. When online, click the [Legend](#) link at the bottom left corner of your *Shepard's* report for a list of all the *Shepard's* Signal Indicators and definitions.

### Cases

	<b>Affirmed</b>	On appeal, reconsideration or rehearing, the citing case affirms or adheres to the case you are <i>Shepardizing</i> .
	<b>Criticized</b>	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.
	<b>Distinguished</b>	The citing case differs from the case you are <i>Shepardizing</i> either by involving dissimilar fact patterns or requiring a different application of the law.
	<b>Explained</b>	The citing opinion interprets or clarifies the case you are <i>Shepardizing</i> in a significant way.
	<b>Followed</b>	The citing opinion relies on the case you are <i>Shepardizing</i> as controlling or persuasive authority.
	<b>Limited</b>	The citing opinion restricts the application of the case you are <i>Shepardizing</i> , finding that its reasoning applies only in specific, limited circumstances.
	<b>Modified</b>	On appeal, reconsideration or rehearing, the citing case modifies or changes in some way, including affirmation in part or reversal in part, the case you are <i>Shepardizing</i> .
	<b>Overruled</b>	The citing case expressly overrules or disapproves all or part of the case you are <i>Shepardizing</i> .
	<b>Questioned</b>	The citing opinion questions the continuing validity or precedential value of the case you are <i>Shepardizing</i> because of intervening circumstances, including judicial or legislative overruling.
	<b>Reversed</b>	On appeal, reconsideration or rehearing, the citing case reverses the case you are <i>Shepardizing</i> .

### Statutes and Regulations

	<b>Amended</b>	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> .
	<b>Constitutional</b>	The citing case upholds the constitutionality of the statute, rule or regulation you are <i>Shepardizing</i> .
	<b>Interpreted or Construed</b>	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.
	<b>Repealed</b>	The citing reference, typically a session law or other record of legislative action, repeals or abrogates the statute you are <i>Shepardizing</i> .
	<b>Unconstitutional</b>	The citing case declares unconstitutional the statute, rule or regulation that you are <i>Shepardizing</i> .
	<b>Valid</b>	The citing case upholds the validity of the statute, rule, regulation or order that you are <i>Shepardizing</i> .
	<b>Void or Invalid</b>	The citing case declares void or invalid the statute, rule, regulation or order that you are <i>Shepardizing</i> .