

# USING SHEPARD'S ONLINE

## RESEARCH GUIDE

Last Updated: March 2013

### **Scope:**

“Shepard’s Online” is the computerized version of *Shepard’s Citations* in print. Coverage is identical, but is updated more frequently. For a detailed discussion of Shepardizing see *Legal Research: How to Find and Understand the Law*, by Nolo Press, at KF240.L417.

“Shepard’s Online” provides case (or code) history, locates other cases which have cited your original case, indicates whether the case is still good law, and locates other cases on that topic. It also finds cases which have interpreted a statute, regulation or ordinance, and shows whether the law is still enforceable.

### **Logging in:**

From the home page of the Library website, click on the “Services” tab and select “Legal Research Databases” on the dropdown menu. From there select the Lexis database.

In the “First” and “Last” name sections of the log-in page, enter any information into these required fields. Place a check mark into the “I agree” box and click “Continue.”

### **Beginning your search:**

Click on the *Shepard’s* tab at the top of the screen.  
You will be given four (4) search options:

#### **1. Shepard’s**

- **Shepard’s for Validation** provides any subsequent history of your case or statute and citing references with analysis.
- **Shepard’s for Research** includes prior and subsequent history of your case or statute and a list of all citing reference. This is the default selection.
- **“Shepard’s Alert”** enables you to track the future treatment of a case.
- **“Shepard’s BriefCheck”** allows you to search the history of multiple cases and/or statutes at once.

#### **2. Table of Authorities**

Provides an at-a-glance analysis of the cited references within your case and includes links to in-depth analyses. This option helps you determine the validity and usefulness of a document by giving you the subsequent treatment of each cited reference within the Shepard’s report for your case, in order, by jurisdiction.

### 3. Auto-Cite

This option verifies the accuracy of your research by giving you the procedural history of your opinion, the full case name, and a set of parallel citations (other publications in which the same opinion can be found). Note that Auto-Cite only shows the “negative” history for your selected case.

### 4. LEXCITE

This option provides more in-depth information about each of the cases which cite a particular case, including a synopsis of the court’s holding, and a quick view of the language in each part of the case where the original case is cited. You can limit the citing cases retrieved to certain jurisdictions or certain dates, add terms to limit your search, and find reported and unreported cases.

#### Searching:

- Click on a search option tab (Shepard’s, Table of Authorities, Auto-Cite, Lexcite)
- Type the citation of the document you wish to “Shepardize” into the search box.
  - If you do not know the correct citation format, or if the service does not recognize the citation you entered, click on Citation Formats to the right of the search box
  - Select the first letter of the reporter in your citation (e.g., C for Cal. App. 4<sup>th</sup>)
  - This will generate a list of publications beginning with that letter.
    - You may need to scroll down the page to find your publication or click next page until you reach the appropriate alphabetical section
    - Click the publication title and Shepard’s will automatically provide you with the correct format
    - Enter the volume and/or page number(s) in the appropriate blank(s)
    - Click on Check to Shepardize the document

#### Evaluating the results of your search:

- LexisNexis provides **Shepard’s Signals** within your search result. These symbols assist you when looking at a case or statute by indicating how other authorities have treated it.
- You can see what the signal means by holding your mouse pointer over the signal.

#### Signal Legend:

-  - Warning: Negative treatment is indicated
-  - Warning: Negative case treatment is indicated for statute
-  - Questioned: validity questioned by citing refs
-  - Caution: Possible negative treatment
-  - Positive treatment is indicated
-  - Citing Refs. With Analysis Available

- The results page will default to show *all* the subsequent history – “Comprehensive Report – Unrestricted”

- You may limit your results to show only “all negative” or “all positive” treatment by clicking on the links at the top of the page just below the “Total Cites” retrieved.
  - Under the “Citing References,” you can also jump directly to a particular type of history available for your chosen research.
- The citing case name link will take you the first page of that case
  - The individual page links below a citing case will take you to the specific page where the Shepardized case or statute appears within that cited case.
  - Cited cases also contain Shepard signals that will link to their subsequent history if you click on the symbol.

### **To narrow your search:**

- To limit your search, click on the “FOCUS – restrict by” link at the top of the page.
- Choose the option from those available that you wish to see, such as “Analysis,” “Jurisdiction,” “Headnote,” “Date,” as well as “FOCUS terms”
- After choosing your restrictive option, click on “Apply” to see the results.

### **Printing Results:**

- 1) To **PRINT**, click on the “**Printer**” icon in the upper right corner of the screen
  - a. Once the “Print Documents” dialogue box appears, you may choose how your document will appear when printed by selecting under the “**Document View**” to:
    - Dual Column Print
  - b. Next choose what the “**Document Range**” will be by selecting:
    - Print my current *Shepard’s* report
    - Include reference LexisNexis Headnotes
    - Print full text of current citation
    - Print full text of:
  - c. You may also select certain “**Formatting Options**,” such as:
    - Font Type
    - Search Terms in Bold or Italic Type
    - Search Terms Underlined
    - Embedded Legal cites in Italic Type
    - Displayed Pagination in Bold type
  - d. For best printing results, keep the “**Printer**” option set to “Adobe (PDF) Format for Attached Printer,” but you may also choose between “Word (DOC), “WordPerfect (WPD), “Text Only” (TXT), “Adobe” (PDF), or “Generic” (RTF)
  - e. When finished selecting your page view, click on the blue “**Print**” button.
    - This will generate an **Adobe PDF** document, if you chose this option
    - Click on the picture of the printer at the upper left of Adobe PDF document screen to print the document
    - Follow our print program instructions to process the document through our print station

**Emailing Results:**

- 2) To **EMAIL**, click on the “**Envelope**” icon in the upper right corner of the screen.
  - a. Type your email address into the “**To**” box.
  - b. Type a “**Subject Line**” and “**Add a brief note**” if you like.
  - c. You may choose how your document will appear when received by selecting under the “**Document View**” to:
    - Dual Column Print
  - d. Next choose what the “**Document Range**” will be by selecting:
    - Email my current *Shepard’s* report
    - Include referenced LexisNexis Headnotes
    - Email full text of current citation
    - Email full text of:
  - e. You may also select certain “**Formatting Options**,” such as:
    - Font Type
    - Search Terms in Bold
    - Search Terms Underlined
    - Embedded Legal cites in Italic Type
    - Displayed Pagination in Bold type
  - f. When emailing, you also have the option to format the emailed document to “**Send as**” a “Word (DOC), “WordPerfect (WPD), “Text Only” (TXT), “Adobe” (PDF), or “Generic” (RTF).
  - g. When finished entering your email address and selecting your other options, click on the blue “**Send**” button at the bottom to email the selected document to yourself.
  - h. When retrieving your email, be aware that the Lexis material will appear as an attachment, and will not be visible within the text of the email.
    - If you don’t see the email in your inbox, check your spam or junk file.

**Saving results to disc or flash drive:**

- 3) To **SAVE** your search, click on the blue “**Disc**” icon in the upper right corner of the screen.
  - a. Once the “Download Documents” dialogue box appears, you may choose how your document will appear when saved by selecting under “**Document View**” to:
    - Dual Column Print
  - b. Next choose what the “**Document Range**” will be by selecting:
    - Download my current *Shepard’s* report
    - Include reference LexisNexis Headnotes
    - Print full text of current citation
    - Print full text of:
  - c. You may also select certain “**Formatting Options**,” such as:
    - Font Type
    - Search Terms in Bold or Italic Type
    - Search Terms Underlined

- Embedded Legal cites in Italic Type
- Displayed Pagination in Bold type
- d. For best results, keep the “**Format**” option set to “Adobe (PDF) Format,” but you may also choose between “Word (DOC), “WordPerfect (WPD), “Text Only” (TXT), “Adobe” (PDF), or “Generic” (RTF).
- e. When finished selecting your page view, click on the blue “**Download**” button.
  - This will generate the type of document you chose to save
  - Save the generated document by choosing “save as,” then save it to the appropriate drive for either a disc or flash drive, whichever you are using

### **Online Alternatives:**

- 1) Westlaw – access is available at our law library computer stations for free or outside the library by private subscription.
  - a. KEYCITE is comparable to Shepard’s Online and provides primarily the same functions. Use KeyCite to help you determine whether a case, statute, administrative decision, or regulation is good law and to retrieve citing references.
  - b. KeyCite Alert monitors the status of your case or statute and automatically sends you updates at the frequency you specify when KeyCite information changes.
- 2) FindLaw – access is available for free online, though you will have to register to access the case history function. Once you are signed in:
  - a. Visit the FindLaw website at <http://lp.findlaw.com/>.
  - b. Findlaw provides a variety of search options. For easy access to a citation search feature, select one of the sub-headings under “Browse Research Materials”
  - c. Once you have located a case, click on the link titled “Cases Citing Your Case” at the top left corner of the screen, just above the case title.
  - d. This provides you with a list of cases citing your case, though it will not provide color-coded symbols to indicate the current status. To find out the current status, you will have to read the citing cases and/or check the citation through another resource, such as the California Courts website.
- 3) California Courts website – access is available free online. Powered by LexisNexis, this website will allow you to search for case law and provide “Shepard’s Signals” indicating the current status of the opinion. However, the site does not allow you to shepardize online. Therefore, users may want to use this feature in combination with FindLaw to effectively shepardize cases without a subscription to Westlaw or Lexis.
  - a. Visit <http://www.courts.ca.gov/opinions.htm> and click on the “Official Reports Opinions (Searchable 1850 – Present)” link in the center of the page.
  - b. On the next screen, check the box next to “I have read and agree to the Terms and Conditions” and click on “Begin Searching Opinions.”
  - c. Follow instructions to search for a case.
  - d. Once you have found a case, look for the “Shepard’s Signal” at the top of the document, which will indicate the current status of the opinion.
  - e. If you’d like to review citing cases, click on the link “Use Shepard’s to validate your case” on the left side of the screen. However, you will need to pay a fee or

purchase a subscription to gain access. In the alternative, you may want to use FindLaw or Google Scholar to find citing cases for free.