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ONLINE ALTERNATIVE TO "SHEPARDIZING"

Make Sure Your Case is Good Law by Checking Citations in KeyCite®

The KeyCite citation research service, is available through the Law Library's subscription to *Thomson Reuters Westlaw*. You can use KeyCite at any of the Library's public computers to view the history of a case, statute, regulation, or administrative decision to help determine whether it is good law and to retrieve citing references.

KeyCite information is available for every case published in Thomson Reuters West's National Reporter System®; more than one million unpublished cases; all federal statutes and regulations; all state statutes; selected federal administrative decisions; regulations and administrative decisions from selected states; *American Law Reports* (ALR) annotations; and articles from hundreds of law reviews.

Related Guides:

Shepardizing in Print West Digests

Accessing KeyCite

There are several ways to access KeyCite information:

- While viewing a document with a KeyCite flag, click on the flag.
- While viewing any document, click on one of the tabs at the top of the page:
  - Negative Treatment
  - History
  - Citing References
- Type kc or keycite followed by a citation, e.g., "kc 93 sct 1817," or "keycite 93 sct 1817," in the text box at the top of the page, then click on Search.

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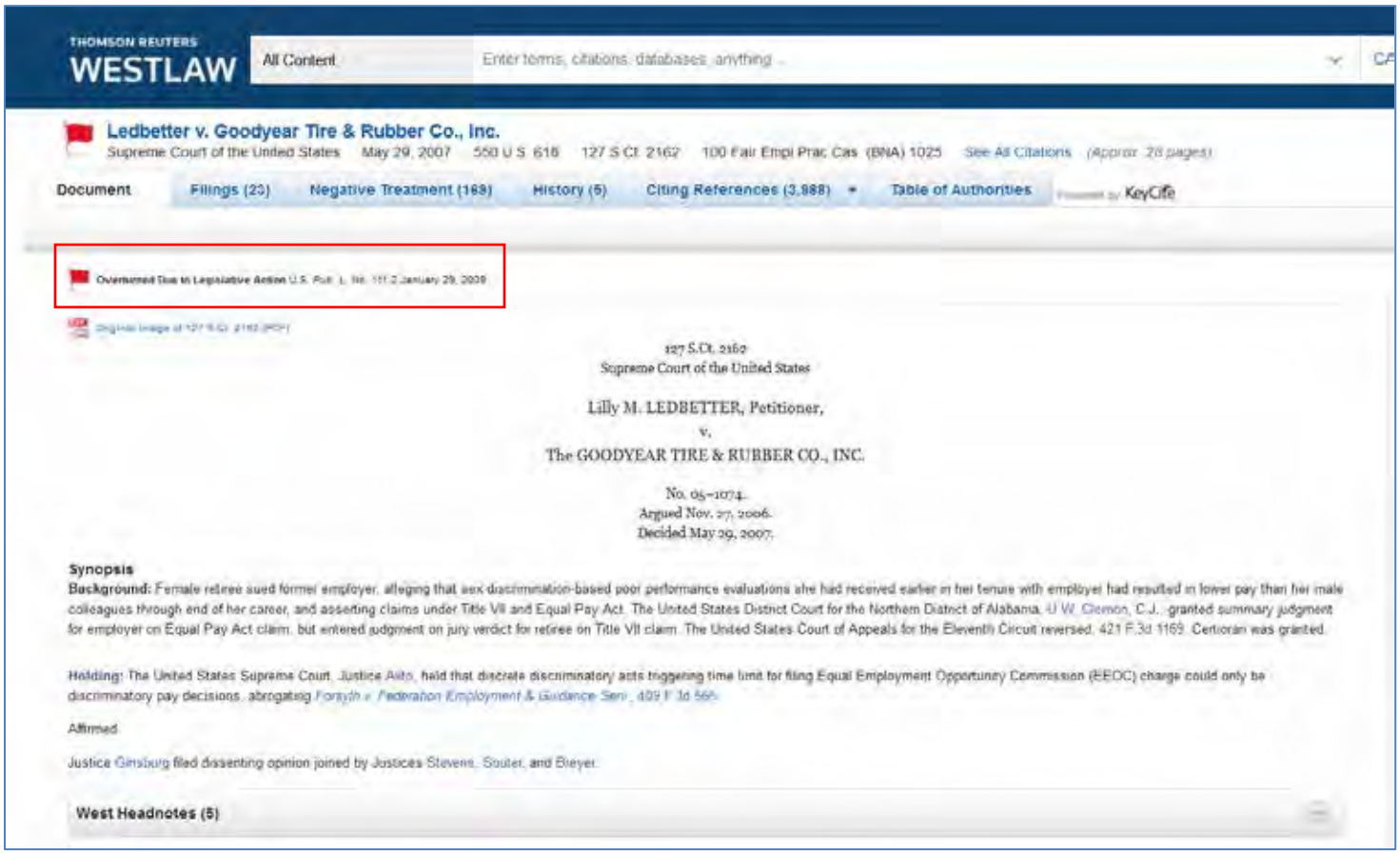
Checking Cases in KeyCite

If a case has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Most negative treatment consists of phrases such as Overruled by, Abrogated by, or Distinguished by and includes a link to the underlying document, if available. These flags tell you that you should not rely on a case.

KeyCite Status Flags for Cases

- A red flag warns that the case is no longer good law for at least one of the points of law it contains.
- A yellow flag warns that the case has some negative history but has not been reversed or overruled.



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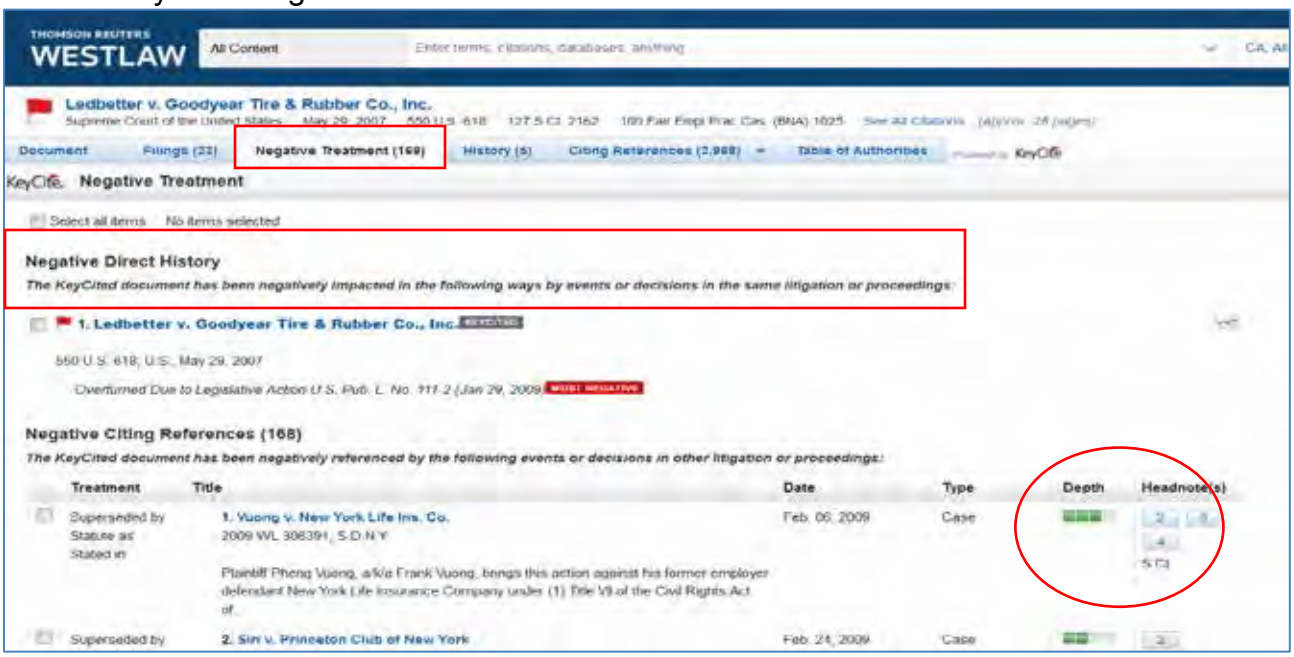
Red flag showing most negative treatment at the top of the document.
Case is no longer good law for at least one of the points of law it contains.

Viewing Negative Direct History and Negative Citing References for a Case

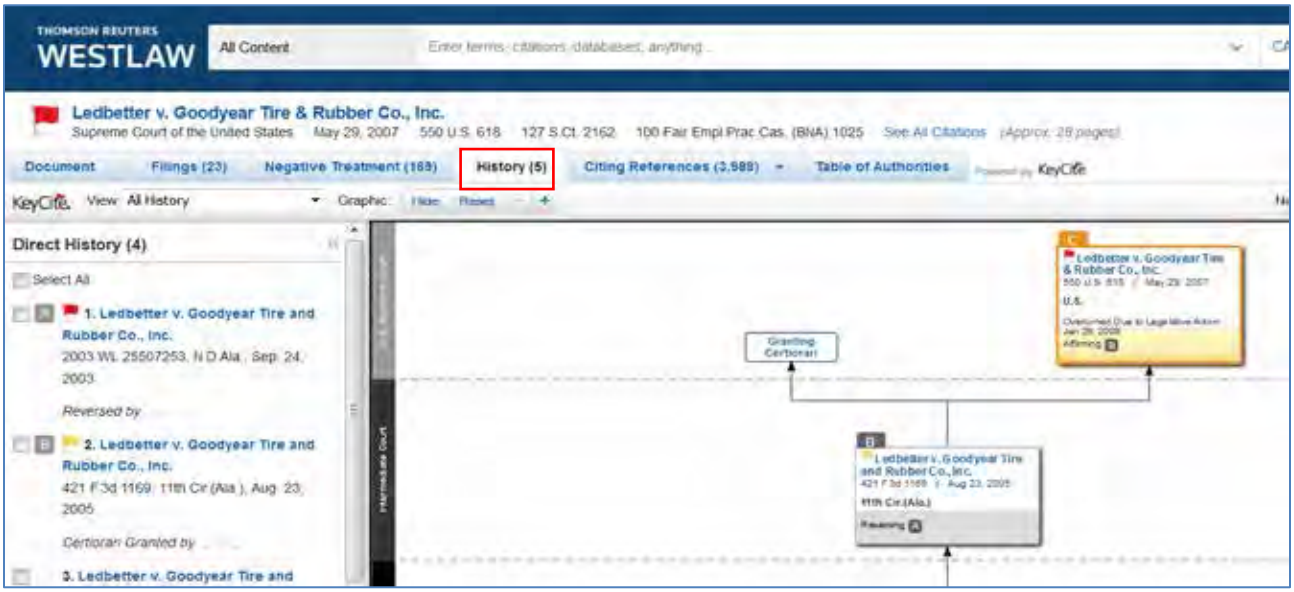
Click the Negative Treatment tab to view negative direct history and negative citing references. Negative citing references are listed in a table format. The depth of treatment bars in the *Depth* column indicate the extent to which the citing cases discuss the cited case, and the headnote numbers in the *Headnote(s)* column indicate which headnotes in the cited case contain the points of law discussed by the citing cases.



Negative Treatment Tab; Depth of Treatment Bars; Headnote Numbers.

Viewing History for a Case

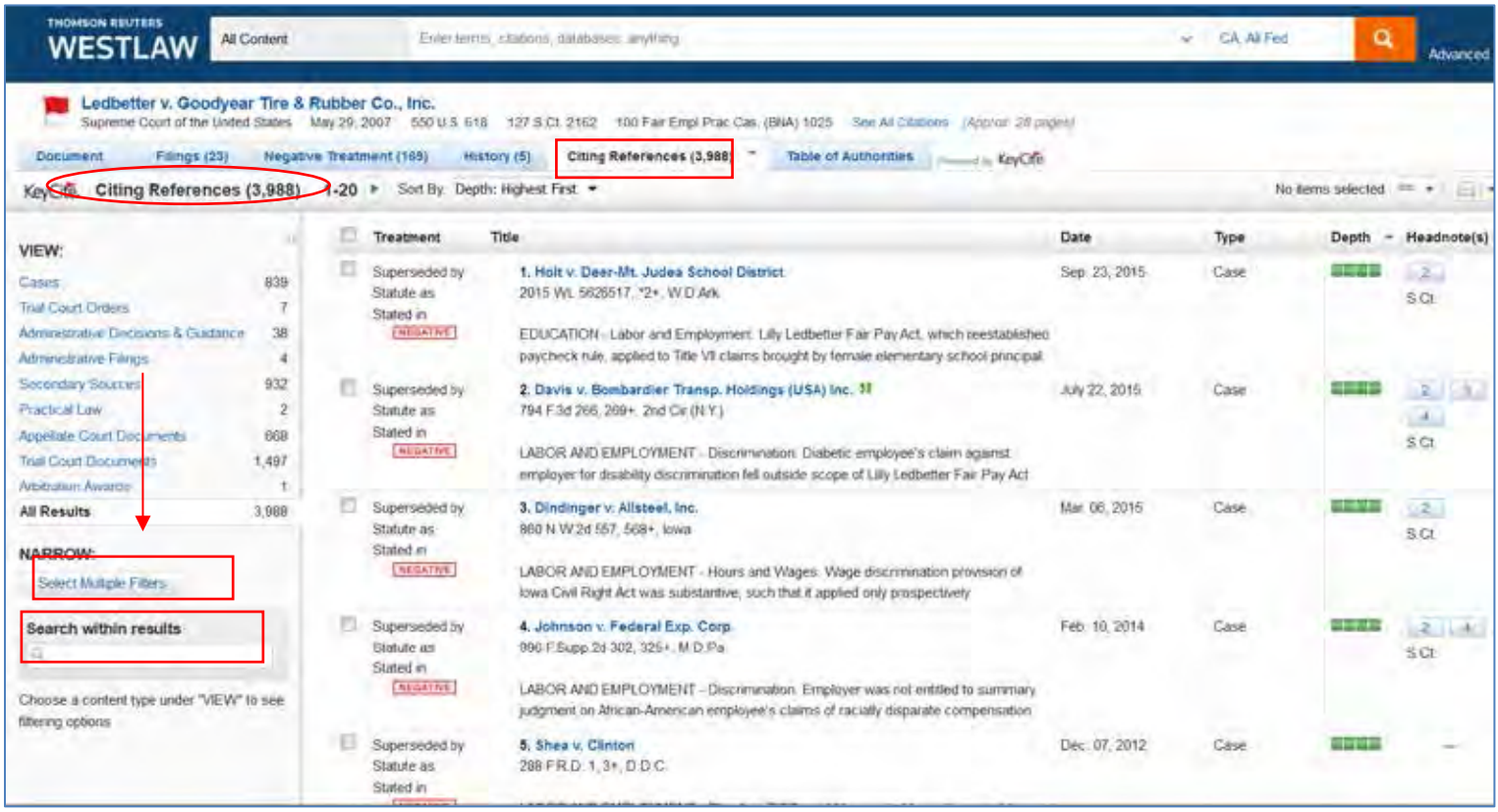
Click the History tab to view the direct history of a case and related references. The cases included in the direct history and related references are listed in the left column. Direct history is also displayed in graphical view in the right column. You can restrict direct history by choosing an option from the *View* drop-down list. The default is "All."



Direct History of a Case (Up and Down the Appellate Ladder).

Viewing Citing References for a Case

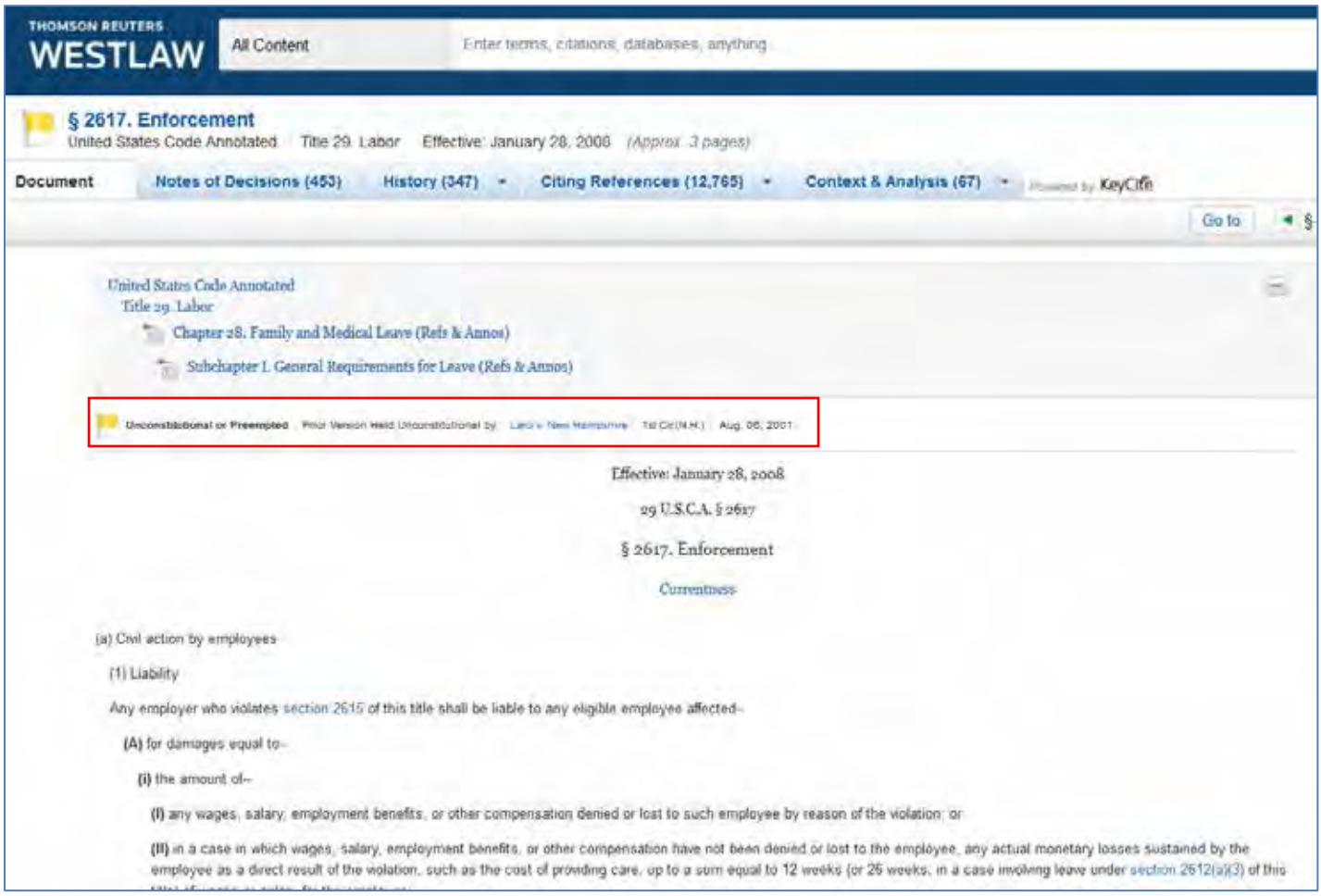
Click the Citing References tab to view a list of cases, secondary sources, and other documents that cite your case. To change the order in which the citing references are displayed (Depth: Highest-Lowest, Date: Newest-Oldest), choose an option from the Sort By drop-down list on the toolbar. To narrow the list, you can type terms in the Search within results text box or click a document type in the left column, e.g., Cases. you can further narrow this list by selecting a filter under Narrow, e.g., Jurisdiction.



Citing references for a case; narrow by searching within results or by type of document (*e.g.,* Cases). Once limited by type of document, results can be limited further by selecting a filter under *Narrow* in the left column (*e.g.,* Jurisdiction).

Checking Statutes in KeyCite

If a statute has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document. Negative treatment phrases such as "Unconstitutional or preempted," and "Proposed Legislation," include a link to the underlying document.



Yellow flag showing most negative treatment ("Unconstitutional or Preempted") at the top of the document. Prior version held unconstitutional by *Laro v. New Hampshire,* 259 F.3d 1 (1st Cir. 2001).

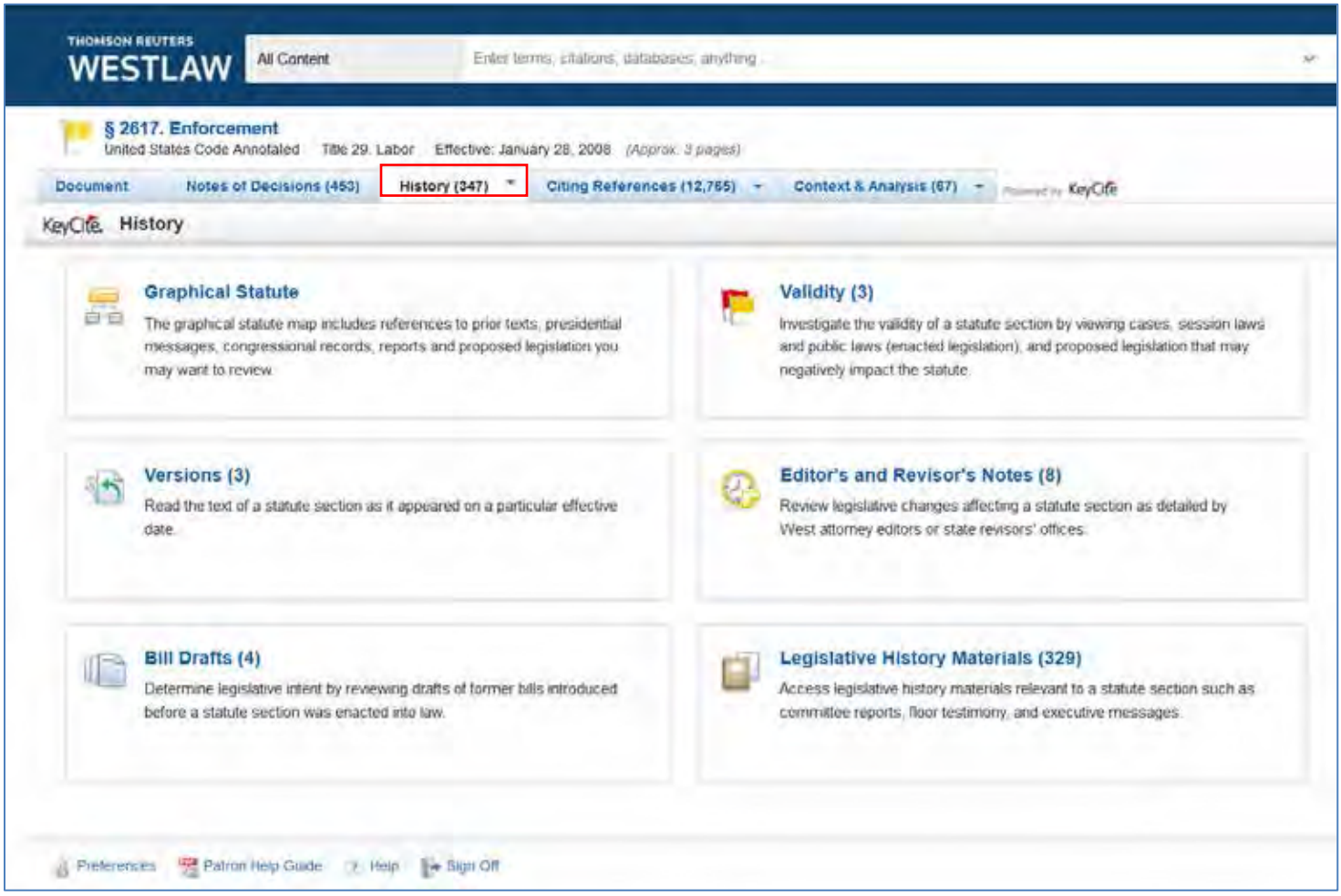
KeyCite Status Flags for Statutes

- A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.
- A yellow flag indicates that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available; that the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.

Viewing History for a Statute

Click the History tab to view history for a statute, which can include the following:

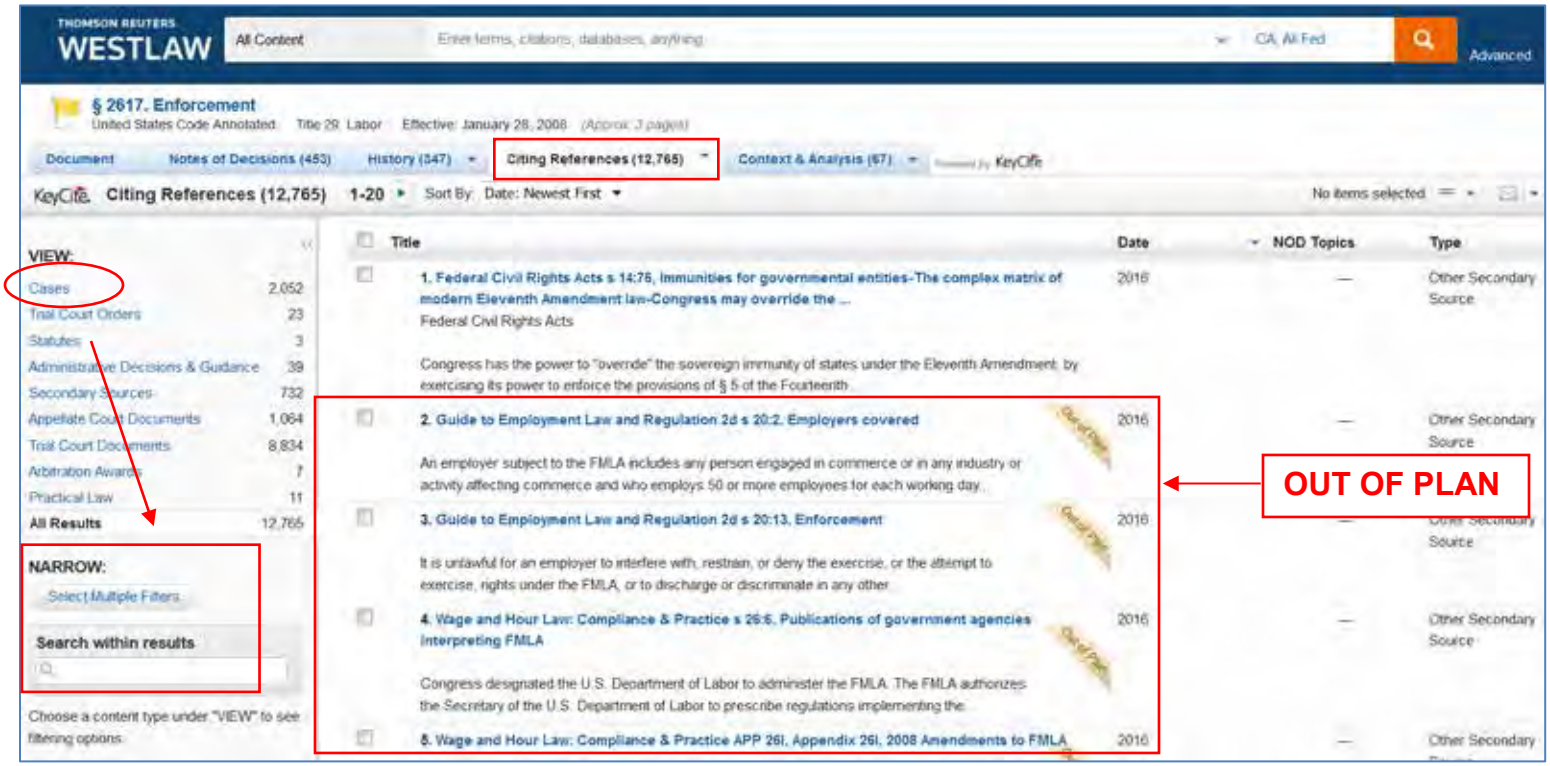
- Graphical Statute, which helps you track changes to a statute.
- History Overview, which includes cases affecting the validity of the statute; recent session laws that have amended or repealed the statute; and new, proposed legislation.
- Versions, which includes prior versions of the statute.
- Editor's and Revisor's Notes, which summarizes legislative changes affecting the section.
- Bill Drafts, which includes drafts of bills introduced before a section was enacted into law.
- Legislative History Materials, which lists reports, journals, *Congressional Record* documents, presidential and executive messages, and testimony relevant to the section.



History categories include: Graphical Statute, Validity, Versions, Editor's and Revisor's Notes, Bill Drafts and Legislative History Materials.

Viewing Citing References for a Statute

Click the Citing References tab to view a list of cases and secondary sources that have cited the section. To change the order in which the citing references are displayed, choose a date option (oldest or newest first) from the *Sort By* drop-down list on the toolbar. To narrow the list of citing references, you can type terms in the *Search within results* text box or click a document type in the left column, *e.g.,* Cases. You can further narrow this list by selecting a filter under *Narrow, e.g.,* Jurisdiction.

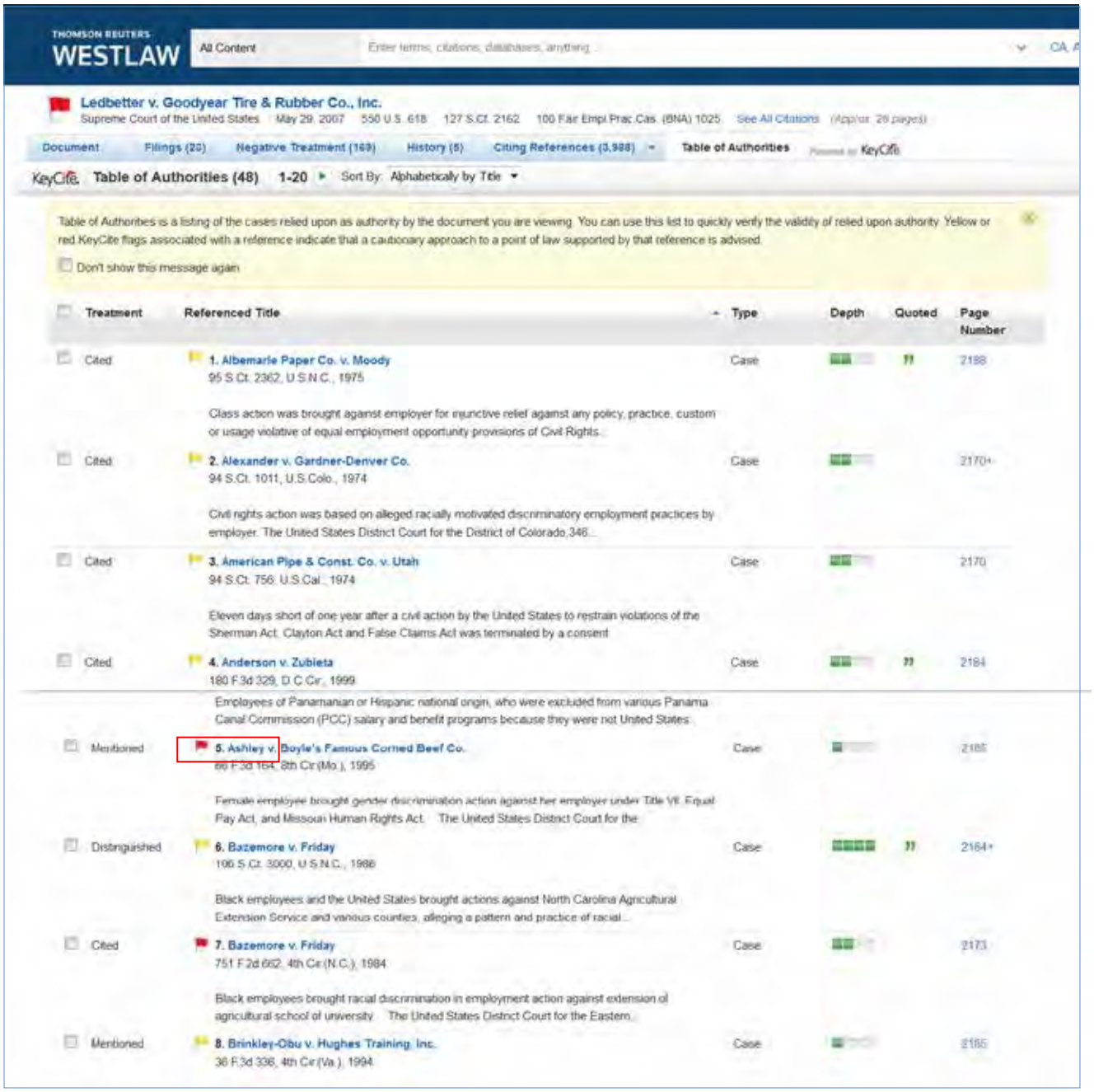


Citing references for a statute; narrow by searching within results or by type of document (*e.g.,* Cases). Once limited by type of document, results can be limited further by selecting a filter under *Narrow* in the left column (*e.g.,* Jurisdiction).

NOTE: if a source is "out of plan," SCPLL does not subscribe to it and we cannot provide access.

Table of Authorities Tab on Every Page!

Table of Authorities is a listing of the cases relied upon as authority by the document you are viewing. You can use this list to quickly verify the validity of relied upon authority. Yellow or red KeyCite flags associated with a reference indicate that a cautionary approach to a point of law supported by that reference is advised.



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