

Using Shepard's® Citation Service on Lexis

How to *Shepardize*™ a Case in Lexis+®

The most common use for the *Shepard's* Citations Services is determining if a case is “Good Law,” valid and citable. This process is referred to as *Shepardizing*.

Shepard's provides a comprehensive report of the cases, statutes, secondary sources, and annotations that cite your document, including more recent cases that rely on your starting case.

Shepardizing: Running the report

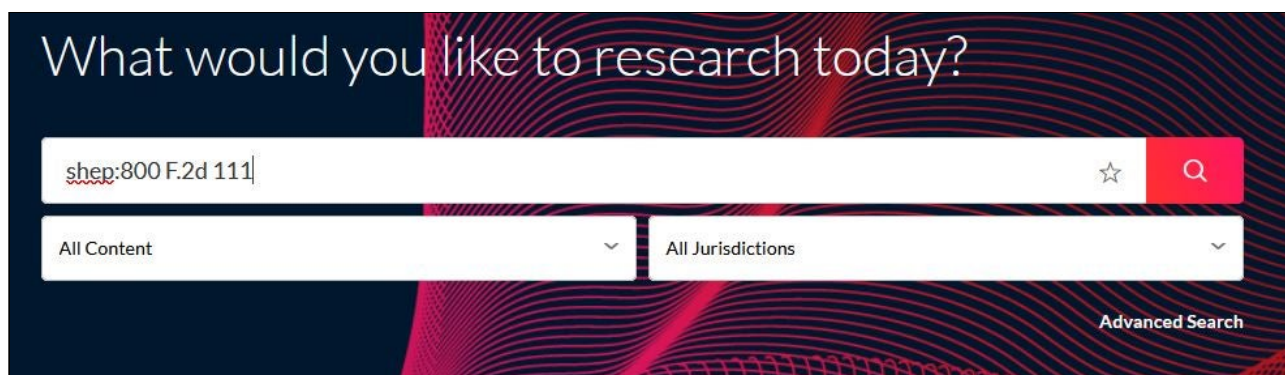
Retrieving a *Shepard's* report for your case can be done in various ways.

1. Step: enter your citation directly into Lexis

The easiest way to *Shepardize* a document if you know its citation is to simply enter “shep:” followed by the citation, and click on the search button as shown.

For example:

Enter **Shep: 800 F.2d 111**

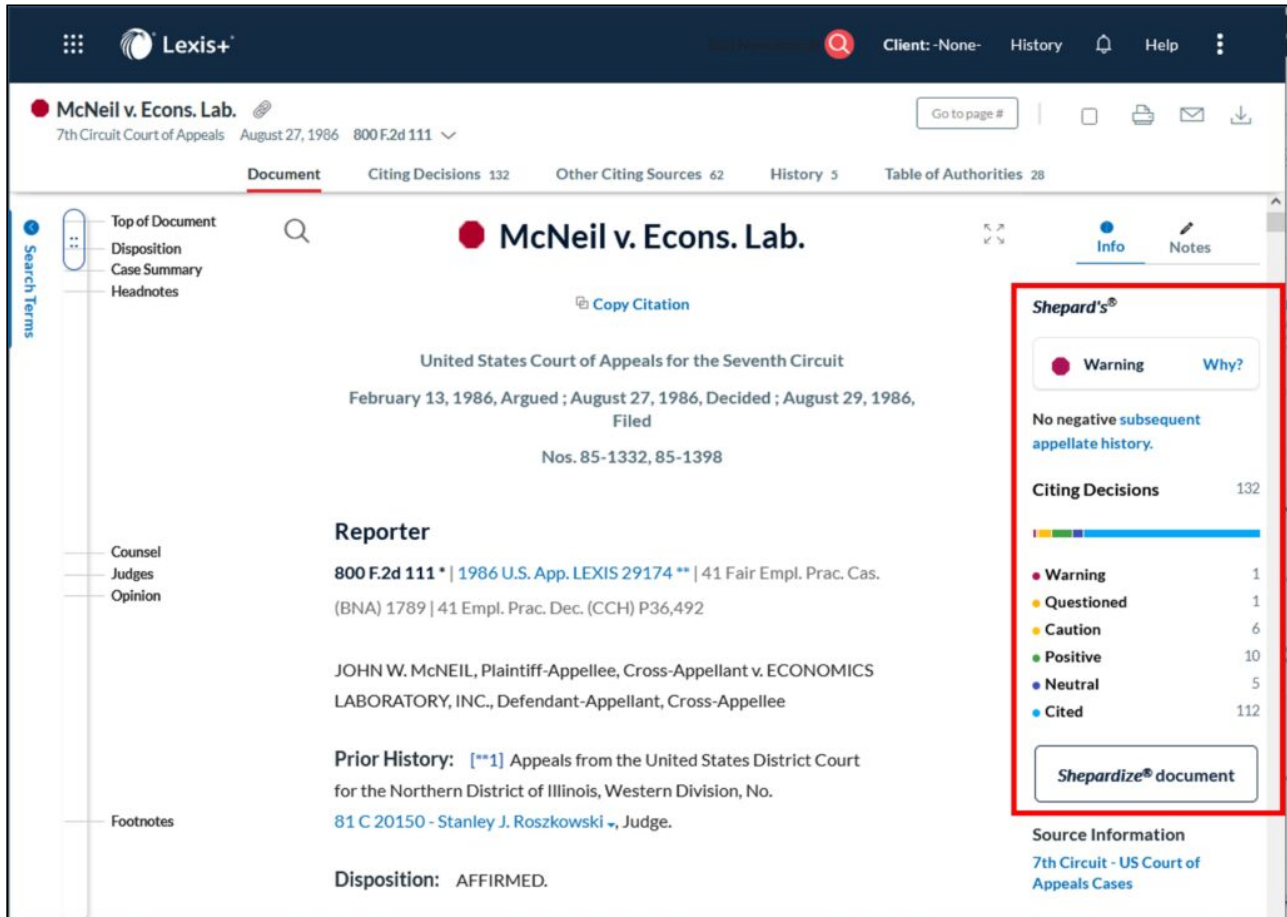
The image shows a screenshot of the Lexis search interface. At the top, it asks "What would you like to research today?". Below this is a search bar containing the text "shep:800 F.2d 111". To the right of the search bar is a star icon and a red search button with a magnifying glass. Below the search bar are two dropdown menus: "All Content" and "All Jurisdictions". In the bottom right corner, there is a link for "Advanced Search".

The *Shepard's* report will display.

2. Preview pane within case view

If you already are looking at your case in *Lexis*, the case will have a *Shepard's* signal by the title that gives you an immediate indication of its precedential value. In the example case, the red stop sign shape indicates that this case has been overturned on at least one legal issue. Hover over any *Shepard's* signal to see a short definition.

You can also detect possible issues in the *Shepard's* preview pane visible on the right side of the page.

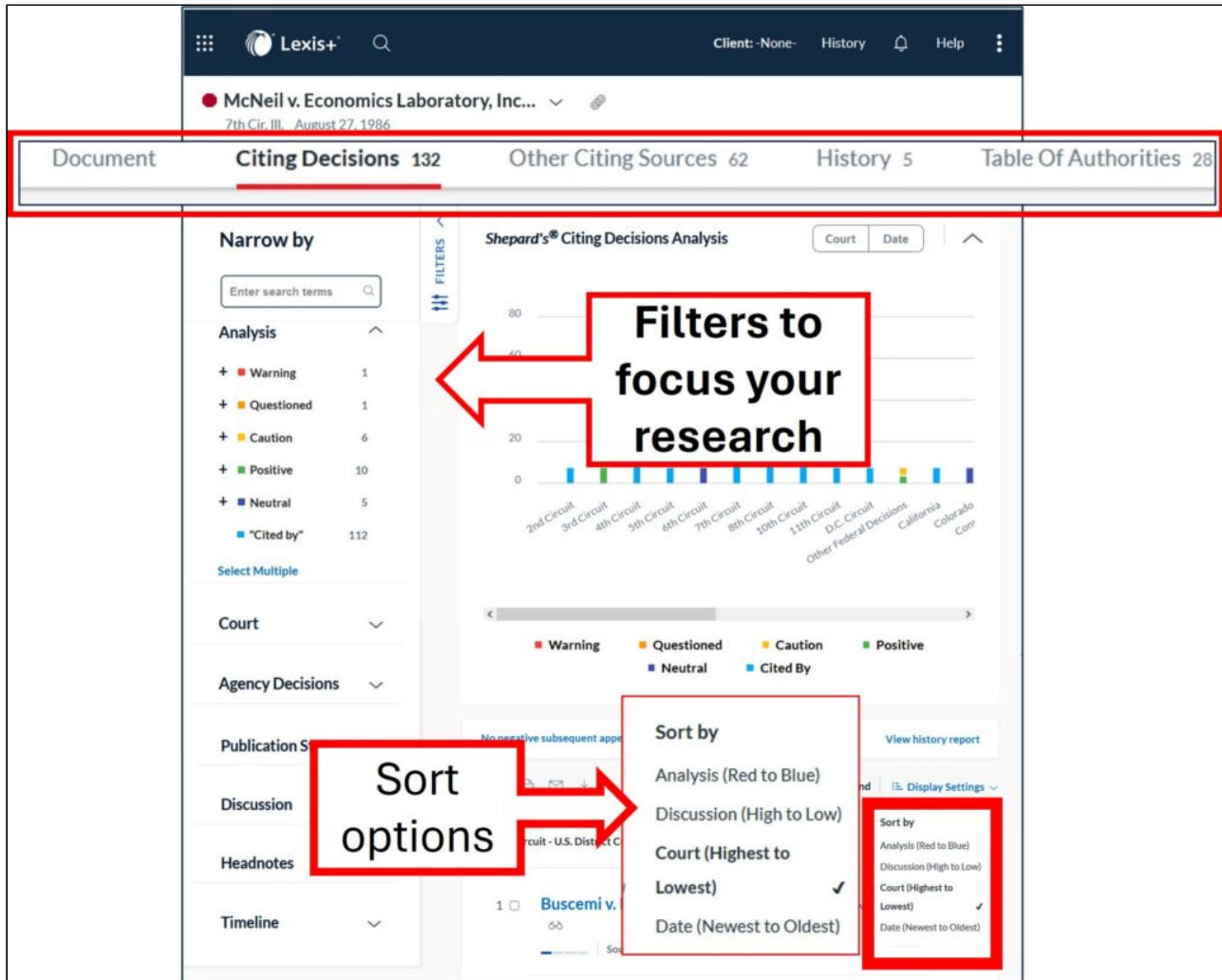


The screenshot displays the Lexis+ interface for the document **McNeil v. Econs. Lab.**. The document is from the 7th Circuit Court of Appeals, dated August 27, 1986, with citation 800 F.2d 111. The interface includes a left sidebar with navigation options like 'Top of Document', 'Disposition', 'Case Summary', 'Headnotes', 'Counsel', 'Judges', 'Opinion', and 'Footnotes'. The main content area shows the document title, court information, dates, and a 'Reporter' section with citation details. A 'Shepard's' preview pane is highlighted on the right, showing a 'Warning' status and a table of citing decisions. The table lists various statuses and their counts: Warning (1), Questioned (1), Caution (6), Positive (10), Neutral (5), and Cited (112). A 'Shepardize document' button is also visible in the preview pane.

Status	Count
Warning	1
Questioned	1
Caution	6
Positive	10
Neutral	5
Cited	112

Once you click on the signal indicator, the full *Shepard's* report will display with details on each citing decision. Alternatively, click on “*Shepardize document*” in the preview pane.

Anatomy of the Report



Filters to focus your research

Sort options

Sort by

- Analysis (Red to Blue)
- Discussion (High to Low)
- Court (Highest to Lowest) ✓
- Date (Newest to Oldest) ✓

Report Categories

The *Shepard's* Report displays results in **four** categories with links to each appearing on the top left pane, each containing valuable information about the document you *Shepardized*: Citing Decisions, Other Citing Sources, History, and Table of Authorities. "Document" takes you back to the case you are *Shepardizing*.

This article primarily covers "Citing Decisions" since those primarily affect the precedential value of the case. The other categories include:

Other Citing Sources: Secondary sources and statutes citing your case. You can focus this down to include statutes, law reviews, treatises, and/or court filings. *Search within Results* allows you to narrow your search results to terms of interest. For statutes, these also include related regulations.

History: the previous and subsequent history of the specific case you are *Shepardizing*. For statutes, this is the history of the passage and amendment of the statute.

Table of Authorities: Lists all cases, statutes, etc., cited within the specific case you are *Shepardizing*.

“Narrow by” Pane: Filter your results

While viewing “Citing Decisions,” you can enter additional search terms, or use various tools:



Narrow by

Analysis

+ Warning 1

+ Questioned 1

+ Caution 6

+ Positive 10

+ Neutral 5

"Cited by" 112

Select Multiple

Court

Agency Decisions

Publication Status

Discussion

Headnotes

Timeline

Analysis: How have later cases treated the case? Has it been overturned? Is it followed as an important source of law?

Court: Limit results by Federal, State, or specific circuit or court

Agency Decisions: Limit results by Federal, State, and/or specific agency

Publication Status: Published vs. unpublished

Discussion: Which later cases have discussed the case in depth, and which have simply cited to it?

Headnotes: Selecting only cases discussing the the topic of interest

Timeline: Select a range of dates for cases of interest

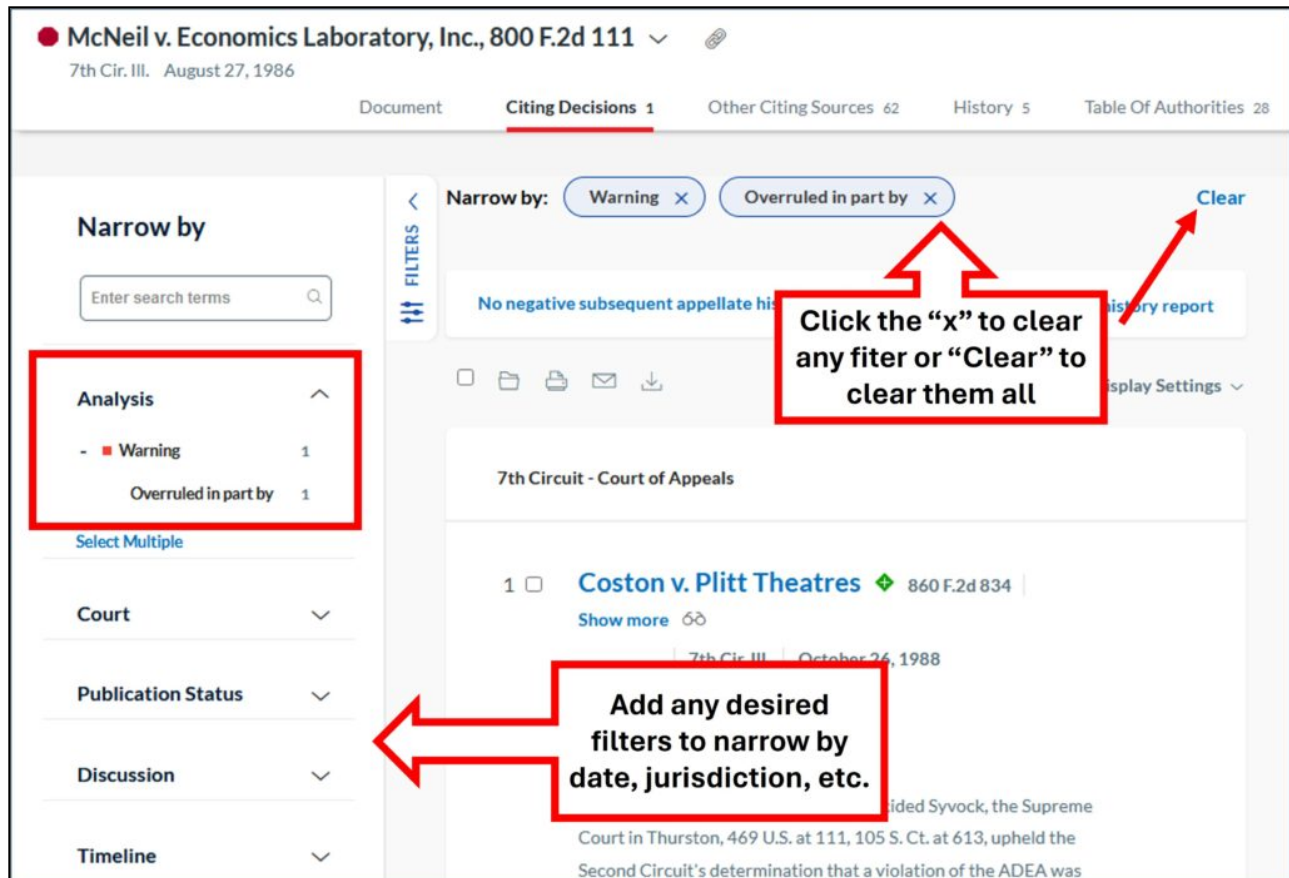
Each of these options contains its own filters. Courts, Agencies, Publication Status, and Timeline are fairly self-explanatory. Here are some examples of the remaining options.

Page 5

This information is not legal advice. Your case may need additional or different actions.

Analysis:

For instance, you can choose to view only negative analysis to quickly determine if your case is good law:



McNeil v. Economics Laboratory, Inc., 800 F.2d 111 ▾
7th Cir. Ill. August 27, 1986

Document **Citing Decisions 1** Other Citing Sources 62 History 5 Table Of Authorities 28

Narrow by

Enter search terms

Analysis ▴

- ■ Warning 1
- Overruled in part by 1

Select Multiple

Court ▾

Publication Status ▾

Discussion ▾

Timeline ▾

Narrow by: Warning x Overruled in part by x Clear

No negative subsequent appellate history report

7th Circuit - Court of Appeals

1 ☐ **Coston v. Plitt Theatres** ◆ 860 F.2d 834 |
Show more 60

7th Cir. Ill. | October 26, 1988

ided Syvock, the Supreme Court in Thurston, 469 U.S. at 111, 105 S. Ct. at 613, upheld the Second Circuit's determination that a violation of the ADEA was

Click the "x" to clear any filter or "Clear" to clear them all

Add any desired filters to narrow by date, jurisdiction, etc.

When looking at the search results with any options, the current filters appear at the top of the results panel. To remove these filters and go back to the full set, click a the filter to dismiss it or "Clear" to dismiss them all.

To narrow by more than one category under a filter, click on Select Multiple, select the checkboxes for the categories you want to narrow your results to, and select OK.

Note: Each time you narrow your results, the results are cumulative. For example, you can narrow your results to cases, then to a specific time line within those cases, and then to a specific jurisdiction or court within those cases in the timeline.

Discussion:

Discussion refers to how much detail the case goes into when discussing your *Shepardized* case. In our example case, we can see that most cases only cited it, while 13 mentioned it specifically, and nine discussed it in depth. Those nine may be the most helpful in your research.



McNeil v. Economics Laboratory, Inc., 800 F.2d 111 ▾

7th Cir. Ill. August 27, 1986

Document **Citing Decisions 132** Other Citing Sources 62 History 5 Table Of Authorities 28

Narrow by

Enter search terms

Analysis ▾

Court

Agency Decisions

Publication Status

Discussion

Discussed 9

Mentioned 13

Cited 91

[Select Multiple](#)

Shepard's® Citing Decisions Analysis ▾

No negative subsequent appellate history [View history report](#)

Legend Display Settings ▾

Inc. 736 F. Supp. 1267 [Show more](#)

N.Y. April 16, 1990

736 F. Supp. 1267 p.1270

..., or at least to the phase out or "managing out" process said to have occurred in this case. That the statements were purportedly made by King rather than by those directly responsible for plaintiff's termination and did not expressly concern positions in plaintiff's job category is noteworthy. However, these facts are not dispositive given that King was an executive of the defendant company.

Headnotes:

Another useful tool is the ability to focus by headnote, to find cases that only discuss the specific issue you need.

When you *Shepardize* your case you may find a long list of cases that cite to your decision. In our example case, there are 132.



McNeil v. Economics Laboratory, Inc., 800 F.2d 111 7th Cir. Ill. August 27, 1986

Document **Citing Decisions 132** Other Citing Sources 62 History 5 Table Of Authorities 28

Court 2nd Circuit - U.S. District Courts

Agency Decisions

Publication Status

Discussion

Headnotes
View text of headnotes

Headnote	Count
HN16	70
HN17	16
HN18	13
HN14	11
HN6	6

More

Select Multiple

Timeline

1 ☐ **Buscemi v. Pepsico, Inc.** 736 F. Supp. 1267 Show more
Southern Dist. N.Y. April 16, 1990

the phase out or "managing out" process said to have occurred
at the statements were purportedly made by King rather than by
responsible for plaintiff's termination and did not expressly
ins in plaintiff's job category is noteworthy. However, these facts
ive given that King was an executive of the defendant company
concerned personnel policy. No closer connection is necessary.
il v. Economics Laboratory, Inc., 800 F.2d 111, 116-117 (7th

2 ☐ **Nobler v. Beth Israel Medical Center** 715
F. Supp. 570 Show more
Southern Dist. N.Y. June 13, 1989 HN16

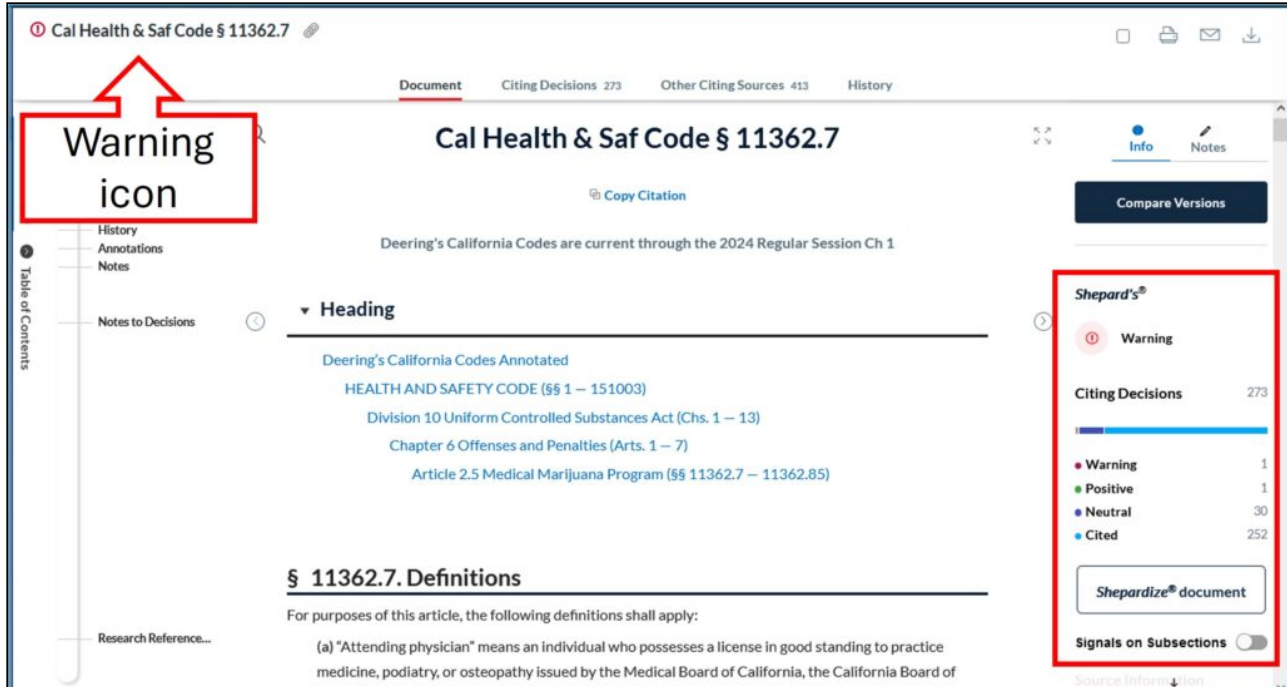
With *Lexis* headnotes you can identify when a citing case discusses an issue similar to one or more of the *Lexis* headnotes of the case you *Shepardized*.

In the headnotes box, the number indicates how many times each *Lexis* headnote from your *Shepardized* document is identified to a citing case within this report.

The links indicate which headnotes are referenced in each document. Resting the cursor on a headnote displays the topic of the headnote.

***Shepard's* for Statutes**

The *Shepard's* service also covers statutes. For the most part, the tools work the same way. You can either type "Shep:" and then the citation, or navigate to the *Shepard's* report from the text of the statute itself.



Cal Health & Saf Code § 11362.7

Document Citing Decisions 273 Other Citing Sources 413 History

Copy Citation

Deering's California Codes are current through the 2024 Regular Session Ch 1

Heading

Deering's California Codes Annotated

HEALTH AND SAFETY CODE (§§ 1 – 151003)

Division 10 Uniform Controlled Substances Act (Chs. 1 – 13)

Chapter 6 Offenses and Penalties (Arts. 1 – 7)

Article 2.5 Medical Marijuana Program (§§ 11362.7 – 11362.85)

§ 11362.7. Definitions

For purposes of this article, the following definitions shall apply:

(a) "Attending physician" means an individual who possesses a license in good standing to practice medicine, podiatry, or osteopathy issued by the Medical Board of California, the California Board of

Warning icon

Shepard's®

Warning

Citing Decisions 273

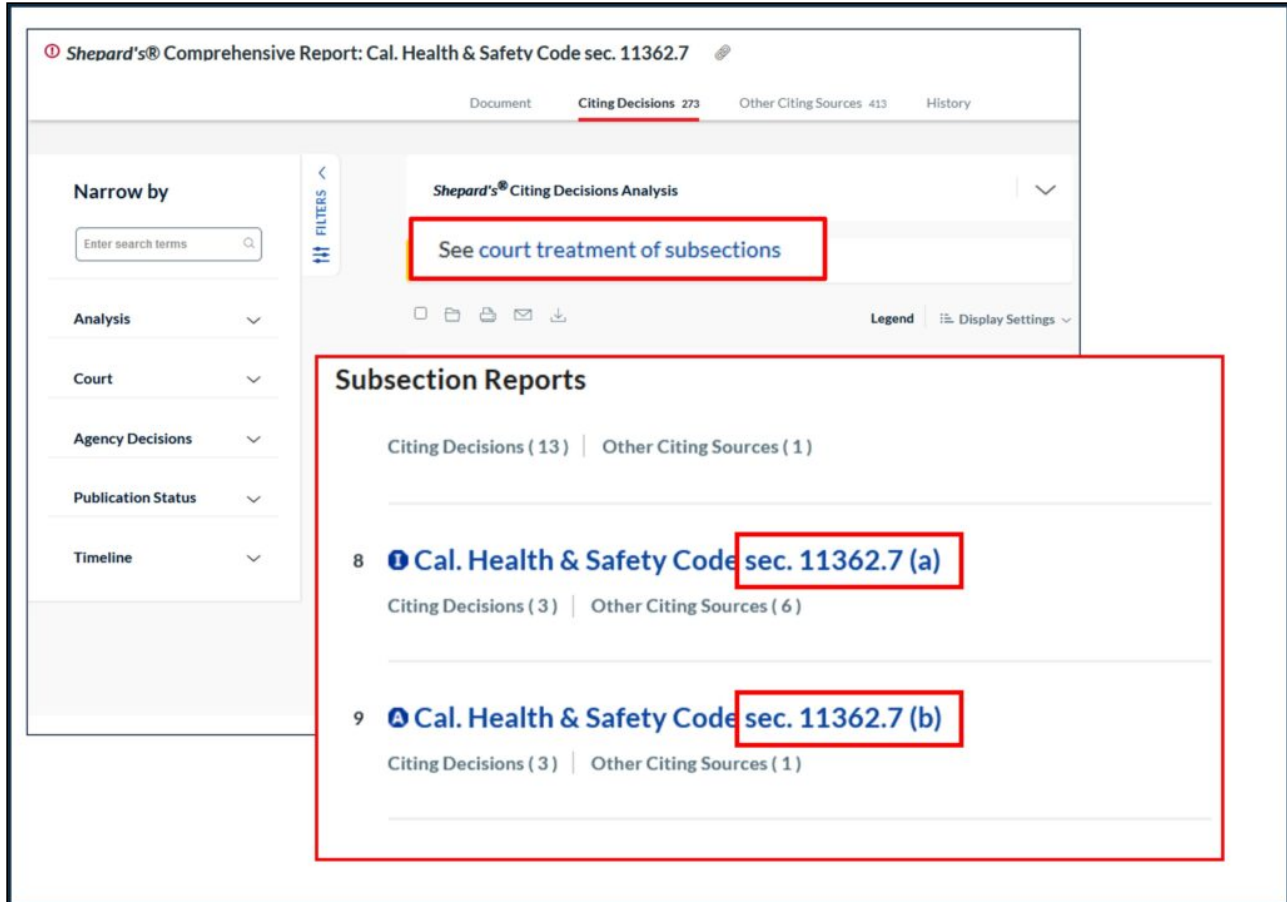
Warning	1
Positive	1
Neutral	30
Cited	252

Shepardize® document

Signals on Subsections ☐

Court treatment of subsections

One important difference in the reports: Instead of headnotes, the statutes offer a way to view reports focused on a subsection of the statute. Clicking the link brings up a list of available reports based on courts commenting on a single section or a related set of sections, which is very helpful when a statute is lengthy and discusses several discrete topics.



Shepard's® Comprehensive Report: Cal. Health & Safety Code sec. 11362.7

Document | **Citing Decisions 273** | Other Citing Sources 413 | History

Narrow by

Enter search terms

Analysis
Court
Agency Decisions
Publication Status
Timeline

Shepard's® Citing Decisions Analysis

See court treatment of subsections

Legend | Display Settings

Subsection Reports

Citing Decisions (13) | Other Citing Sources (1)

8 **Cal. Health & Safety Code sec. 11362.7 (a)**
Citing Decisions (3) | Other Citing Sources (6)

9 **Cal. Health & Safety Code sec. 11362.7 (b)**
Citing Decisions (3) | Other Citing Sources (1)

Delivering your report

Each report category has options that let you save, print, download and email your report. Just above the first case in the report, you will find icons for Folder (not active in the Law Library), Print, Email, and Download. Click on the icon of choice.



Print: Choose whether you want to print a single document, or print the results list.

To print the results list: while viewing your results list, select the specific results you want to print. If you do not make a selection, it will default to printing all cases. To print a single document: while viewing the results list, open the specific document you want to print.

	<h2>Print</h2> <h3>Document Structure</h3> <h4>Shepard's Report</h4> <p>Include Categories</p> <ul style="list-style-type: none"><input type="checkbox"/> History<input checked="" type="checkbox"/> Citing Decisions (530846)<ul style="list-style-type: none"><input checked="" type="checkbox"/> "Narrowed By" view (249)<input type="checkbox"/> Other Citing Sources (83211)	
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Email and Download: The controls are very similar to the Print controls. One difference is that in those two options, you can choose between PDF, Word, or Word Perfect format.

Shepard's Signal™ Indicators

The *Shepard's* Signal indicators are integrated into case law documents and provide an immediate indication of the subsequent history and treatment of a particular case. When these codes are present, the *Shepard's* research service displays one of the following signals:

	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: Negative treatment is indicated for statute. The red exclamation point Shepard's Signal indicator indicates that citing references in the Shepard's Citations Service contain strong negative treatment of the <u>Shepardized</u> ™ section (for example, the section may have been found to be unconstitutional or void).
	Questioned: Validity questioned by citing references. 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 references in the Shepard's Citations Service contain history or treatment that may have a significant negative impact on your case (for example, limited or criticized by).
	Positive: Positive treatment indicated. The green Shepard's Signal indicator indicates that citing references in the Shepard's Citations Service contain history or treatment that has a positive impact on your case (for example, "affirmed" or "followed by").
	Citing references with analysis available: The blue "A" Shepard's Signal indicator indicates that citing references in the Shepard's Citations Service contain treatment of your case that is neither positive nor negative (for example, explained).

For statutes, you may also see a warning that pending legislation may change the statute if passed:



For more details about what the different signals mean, read "[Shepard's® Signal indicators and treatments](https://www.lexisnexis.com/pdf/lexis-advance/Shepards-Signal-Indicators-and-analysis-phrases-Final.pdf)" (<https://www.lexisnexis.com/pdf/lexis-advance/Shepards-Signal-Indicators-and-analysis-phrases-Final.pdf>), from LexisNexis.