

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is available for every case published in Thomson Reuters West’s National Reporter System®; more than one million unpublished cases; all federal statutes and regulations; all state statutes; selected federal administrative decisions; regulations and administrative decisions from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:

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[West Digests](#)

[Reading Citations](#)

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:
 - Filings (some out of plan)
 - Negative Treatment
 - History
 - Citing References
 - Table of Authorities
- 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.
- Next to the search box, the default setting for jurisdiction is “California and all Federal” cases. To change the jurisdiction, click on “CA: All Fed” and select other state or federal courts.

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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.
- A blue-striped flag warns that the case was appealed to the U.S. Court of Appeals or the U.S. Supreme Court (excluding appeals originating from agencies).

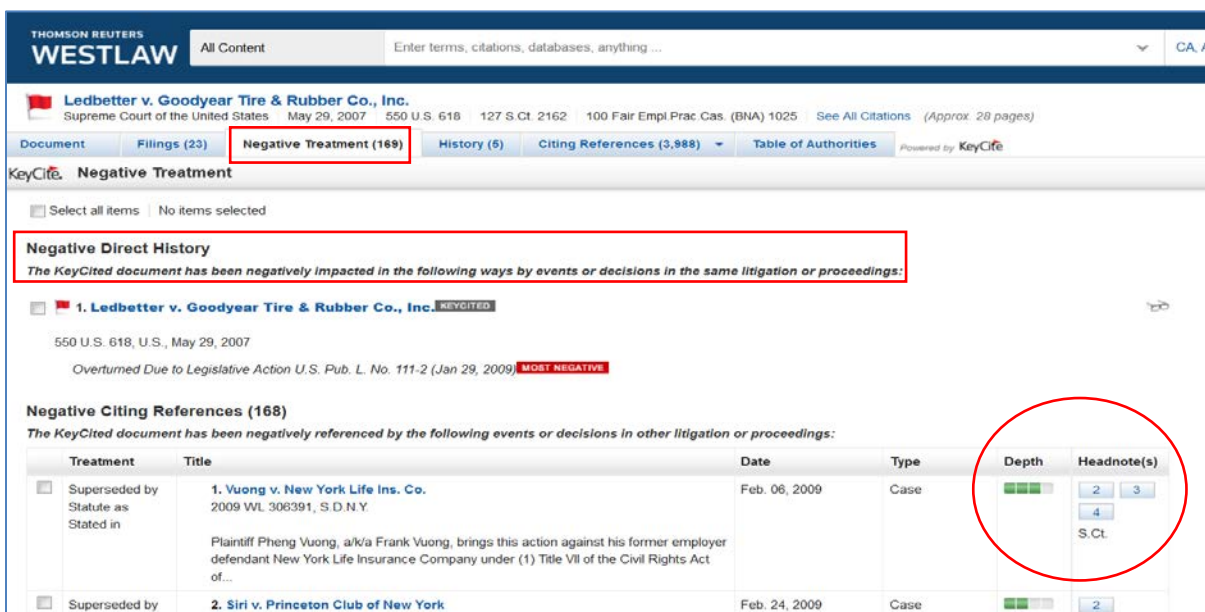
The screenshot shows the Westlaw interface for the case *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*. At the top, there is a search bar and navigation tabs including "Document", "Filings (23)", "Negative Treatment (169)", "History (5)", "Citing References (3,988)", and "Table of Authorities". A red flag icon is highlighted in a red box at the top left of the document content area, next to the text "Overturned Due to Legislative Action U.S. Pub. L. No. 111-2 January 29, 2009". Below this, the case title and court information are displayed: "127 S.Ct. 2162 Supreme Court of the United States". The parties are listed as "Lilly M. LEDBETTER, Petitioner, v. The GOODYEAR TIRE & RUBBER CO., INC.". The case number is "No. 05-1074", argued on "Nov. 27, 2006", and decided on "May 29, 2007". A "Synopsis" section follows, containing a "Background" paragraph and a "Holding" paragraph. At the bottom, there is a "West Headnotes (5)" section.

**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.**

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Viewing Negative Direct History and Negative Citing References for a Case

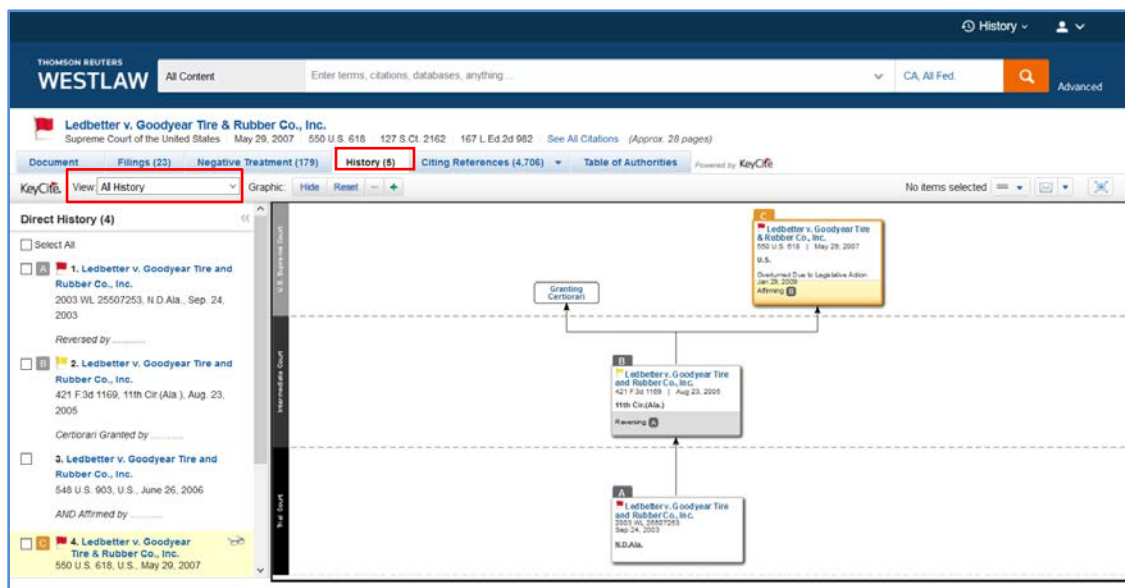
Click the Negative Treatment tab to view negative direct history and negative citing references. Negative citing references are listed in a table format. The depth of treatment bars in the *Depth* column indicate the extent to which the citing cases discuss the cited case, and the headnote numbers in 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 History.”



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

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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.

The screenshot displays the Westlaw interface for the case **Ledbetter v. Goodyear Tire & Rubber Co., Inc.**. The 'Citing References (3,988)' tab is selected. The interface includes a search bar at the top, navigation tabs (Document, Filings (23), Negative Treatment (169), History (5), Citing References (3,988), Table of Authorities), and a sidebar on the left with 'VIEW' and 'NARROW' sections. The main table lists citing references with columns for Treatment, Title, Date, Type, Depth, and Headnote(s).

Treatment	Title	Date	Type	Depth	Headnote(s)
Superseded by Statute as Stated in NEGATIVE	1. Holt v. Deer-Mt. Judea School District 2015 WL 5626517, *2+, W.D.Ark. EDUCATION - Labor and Employment. Lilly Ledbetter Fair Pay Act, which reestablished paycheck rule, applied to Title VII claims brought by female elementary school principal.	Sep. 23, 2015	Case	5	2 S.Ct.
Superseded by Statute as Stated in NEGATIVE	2. Davis v. Bombardier Transp. Holdings (USA) Inc. ¶¶ 794 F.3d 266, 269+, 2nd Cir.(N.Y.) LABOR AND EMPLOYMENT - Discrimination. Diabetic employee's claim against employer for disability discrimination fell outside scope of Lilly Ledbetter Fair Pay Act.	July 22, 2015	Case	5	2 3 4 S.Ct.
Superseded by Statute as Stated in NEGATIVE	3. Dindinger v. Allsteel, Inc. 860 N.W.2d 557, 568+, Iowa LABOR AND EMPLOYMENT - Hours and Wages. Wage discrimination provision of Iowa Civil Right Act was substantive, such that it applied only prospectively.	Mar. 06, 2015	Case	5	2 S.Ct.
Superseded by Statute as Stated in NEGATIVE	4. Johnson v. Federal Exp. Corp. 996 F.Supp.2d 302, 325+, M.D.Pa. LABOR AND EMPLOYMENT - Discrimination. Employer was not entitled to summary judgment on African-American employee's claims of racially disparate compensation.	Feb. 10, 2014	Case	5	2 4 S.Ct.
Superseded by Statute as Stated in NEGATIVE	5. Shea v. Clinton 288 F.R.D. 1, 3+, D.D.C.	Dec. 07, 2012	Case	5	—

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).

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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.

The screenshot shows the Westlaw KeyCite interface for 29 U.S.C. § 2617. At the top, there is a search bar and navigation tabs. The statute text is displayed below, with a yellow flag at the top left corner. The flag is labeled "Unconstitutional or Preempted" and includes a link to the case "Laro v. New Hampshire". The text of the statute is as follows:

Effective: January 28, 2008
 29 U.S.C.A. § 2617
 § 2617. Enforcement
 Currentness

(a) Civil action by employees

(1) Liability

Any employer who violates [section 2615](#) of this title shall be liable to any eligible employee affected--

(A) for damages equal to--

(i) the amount of--

(I) any wages, salary, employment benefits, or other compensation denied or lost to such employee by reason of the violation; or

(II) in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the employee, any actual monetary losses sustained by the employee as a direct result of the violation, such as the cost of providing care, up to a sum equal to 12 weeks (or 26 weeks, in a case involving leave under [section 2612\(a\)\(3\)](#) of this title) of wages or salary for the employee;

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.

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Viewing History for a Statute

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

- Graphical Statute—to track changes to a statute or court rule.
- Validity— includes cases affecting the validity of the statute; recent session laws that have amended or repealed the statute; and new, proposed amendments.
- Versions— includes provides prior versions of the statute or court rule, when available.
- Editor’s and Revisor’s Notes— summarizes legislative changes affecting the section.
- Bill Drafts— includes drafts of bills introduced before a section was enacted into law.
- Legislative History Materials— lists reports, journals, *Congressional Record* documents, presidential and executive messages, and floor testimony relevant to the section.

The screenshot shows the Westlaw interface for § 2617. Enforcement. The 'History' tab is selected and highlighted with a red box. Below the navigation tabs, the 'KeyCite History' section is displayed, featuring six categories of history:

- Graphical Statute**: The graphical statute map includes references to prior texts, presidential messages, congressional records, reports and proposed legislation you may want to review.
- Validity (3)**: Investigate the validity of a statute section by viewing cases, session laws and public laws (enacted legislation), and proposed legislation that may negatively impact the statute.
- Versions (3)**: Read the text of a statute section as it appeared on a particular effective date.
- Editor's and Revisor's Notes (8)**: Review legislative changes affecting a statute section as detailed by West attorney editors or state revisors' offices.
- Bill Drafts (4)**: Determine legislative intent by reviewing drafts of former bills introduced before a statute section was enacted into law.
- Legislative History Materials (329)**: Access legislative history materials relevant to a statute section such as committee reports, floor testimony, and executive messages.

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

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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.

The screenshot shows the Westlaw interface for § 2617, Enforcement. The 'Citing References (12,765)' tab is selected. The left sidebar shows 'VIEW' options with 'Cases' circled in red. Below it, the 'NARROW' section has a 'Search within results' box also circled in red. The main table lists citing references, with items 2, 3, and 4 marked as 'Out of Plan' in yellow. A red box highlights the table area, and a red arrow points from a red box labeled 'OUT OF PLAN' to the 'Out of Plan' label on item 2.

Title	Date	NOD Topics	Type
1. Federal Civil Rights Acts s 14:76, Immunities for governmental entities-The complex matrix of modern Eleventh Amendment law-Congress may override the ... Federal Civil Rights Acts Congress has the power to "override" the sovereign immunity of states under the Eleventh Amendment, by exercising its power to enforce the provisions of § 5 of the Fourteenth...	2016	—	Other Secondary Source
2. Guide to Employment Law and Regulation 2d s 20:2, Employers covered An employer subject to the FMLA includes any person engaged in commerce or in any industry or activity affecting commerce and who employs 50 or more employees for each working day...	2016	—	Other Secondary Source
3. Guide to Employment Law and Regulation 2d s 20:13, Enforcement It is unlawful for an employer to interfere with, restrain, or deny the exercise, or the attempt to exercise, rights under the FMLA, or to discharge or discriminate in any other...	2016	—	Other Secondary Source
4. Wage and Hour Law: Compliance & Practice s 28:6, Publications of government agencies interpreting FMLA Congress designated the U.S. Department of Labor to administer the FMLA. The FMLA authorizes the Secretary of the U.S. Department of Labor to prescribe regulations implementing the...	2016	—	Other Secondary Source
5. Wage and Hour Law: Compliance & Practice APP 26I, Appendix 26I. 2008 Amendments to FMLA	2016	—	Other Secondary Source

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.

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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.

THOMSON REUTERS
WESTLAW All Content Enter terms, citations, databases, anything ... CA, A

Ledbetter v. Goodyear Tire & Rubber Co., Inc.
Supreme Court of the United States May 29, 2007 550 U.S. 618 127 S.Ct. 2162 100 Fair Empl.Prac.Cas. (BNA) 1025 See All Citations (Approx. 28 pages)

Document Filings (23) Negative Treatment (169) History (5) Citing References (3,988) **Table of Authorities** Powered by KeyCite

KeyCite Table of Authorities (48) 1-20 Sort By: Alphabetically by Title

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.

Don't show this message again

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
<input type="checkbox"/> Cited	1. Albemarle Paper Co. v. Moody 95 S.Ct. 2362, U.S.N.C., 1975 Class action was brought against employer for injunctive relief against any policy, practice, custom or usage violative of equal employment opportunity provisions of Civil Rights...	Case	█ █ █ █	”	2188
<input type="checkbox"/> Cited	2. Alexander v. Gardner-Denver Co. 94 S.Ct. 1011, U.S.Colo., 1974 Civil rights action was based on alleged racially motivated discriminatory employment practices by employer. The United States District Court for the District of Colorado,346...	Case	█ █ █ █		2170+
<input type="checkbox"/> Cited	3. American Pipe & Const. Co. v. Utah 94 S.Ct. 756, U.S.Cal., 1974 Eleven days short of one year after a civil action by the United States to restrain violations of the Sherman Act, Clayton Act and False Claims Act was terminated by a consent...	Case	█ █ █ █		2170
<input type="checkbox"/> Cited	4. Anderson v. Zubieta 180 F.3d 329, D.C.Cir., 1999 Employees of Panamanian or Hispanic national origin, who were excluded from various Panama Canal Commission (PCC) salary and benefit programs because they were not United States...	Case	█ █ █ █	”	2184
<input type="checkbox"/> Mentioned	5. Ashley v. Boyle's Famous Corned Beef Co. 66 F.3d 164, 8th Cir.(Mo.), 1995 Female employee brought gender discrimination action against her employer under Title VII, Equal Pay Act, and Missouri Human Rights Act. The United States District Court for the...	Case	█ █ █ █		2185
<input type="checkbox"/> Distinguished	6. Bazemore v. Friday 106 S.Ct. 3000, U.S.N.C., 1986 Black employees and the United States brought actions against North Carolina Agricultural Extension Service and various counties, alleging a pattern and practice of racial...	Case	█ █ █ █	”	2164+
<input type="checkbox"/> Cited	7. Bazemore v. Friday 751 F.2d 662, 4th Cir.(N.C.), 1984 Black employees brought racial discrimination in employment action against extension of agricultural school of university. The United States District Court for the Eastern...	Case	█ █ █ █		2173
<input type="checkbox"/> Mentioned	8. Brinkley-Obu v. Hughes Training, Inc. 36 F.3d 336, 4th Cir.(Va.), 1994	Case	█ █ █ █		2185

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