

Shepardizing™

only on the LexisNexis® services



Why Shepardize®?

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

Law students, faculty and legal professionals use *Shepard's* for much more than validation checks. Outlined on the next few pages are the many uses for *Shepard's*.

Shepard's Signal™ Indicators

Use the *Shepard's* Signal indicators to quickly and easily determine the level of scrutiny to apply to your case.



WARNING: Negative treatment indicated

There is strong negative treatment of your case (e.g., Overruled by or Reversed).



QUESTIONED: Validity questioned by citing references

There is treatment questioning the precedential value of your case (e.g., Questioned by).



CAUTION: Possible negative treatment

There is negative treatment impacting your case (e.g., Distinguished by or Criticized by).



POSITIVE: Positive treatment is indicated

There is only positive treatment available for your case (e.g., Followed by or Affirmed).



NEUTRAL: Citing references with treatment is available

There is treatment available for your case that is not positive or negative (e.g., Explained by)



CITED BY: Citation information is available

There are citing references available for your case without treatment (e.g., Cited by)

Using a *Shepard's* Report:

Performing a Validation Check

To determine if your case is "Good Law" you must view the negative treatment in your case's Subsequent Appellate History and Citing Decisions.

- Sign on with your **ID and Password** at www.lexisnexis.com/lawschool
- Click the **Research System Tab** link on the right to access LexisNexis.
- Click the **Shepard's**® tab at the top of the page.
- Type **800 F.2d 111** in the Enter the Citation to be Checked form.
- Click the red **Check** button.
- Click the blue **All Neg** link at the top middle of the *Shepard's* report to display only the negative treatment.
- The **Subsequent Appellate History** lists your case's direct appellate history and the **Citing Decisions** lists the cases analyzing your case.

Find Additional Supporting Primary Authority

Through *Shepard's* you can retrieve all the cases that support your case with positive treatment and search those cases for similar facts or topics.

- Click the **Shepard's**® tab at the top of the page.
- Type **390 U.S. 629** in the Enter the Citation to be Checked form.
- Click the red **Check** button.
- Click the blue **All Pos** link at the top middle of the *Shepard's* report to display only the positive treatment.
- Use the blue **FOCUS**™-**Restrict By** link to search through the positive treatment for cases with similar facts or headnote topics.

Find Additional Supporting Law Reviews and Other Secondary Authority

Through *Shepard's* you can retrieve all the law review articles citing your case and search those articles for similar facts or topics.

- Click the **Shepard's**® tab at the top of the page.
- Type **390 U.S. 629** in the Enter the Citation to be Checked form.
- Click the red **Check** button.
- Click the blue **FOCUS**™-**Restrict By** link to customize your *Shepard's* report.
- Scroll down under Jurisdiction and check the box for **Law Reviews** under Others.
- Click the red **Apply** button to see all the law review articles citing your case.
- Use the blue **FOCUS**™-**Restrict By** link to search through the law review articles for similar facts or topics.

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Shepardizing™ Statutes

When you *Shepardize* a statute you get more than just citing references—you also get the statute's direct legislative history.

- Click the **Shepard's** tab at the top of the page.
- Type **18 U.S.C. 2234** in the Enter the Citation to be Checked form and click the red **Check** button.
- Select the link for **Exact match** from the report list.
- ✍ If you need the **Citing References** for a specific subsection, select the appropriate report from the report list. If no report exists for your subsection then there are no references.

Reading a *Shepard's* Report:

Shepard's Summary

- **What is it?**—A snapshot of the *Shepard's* report providing easy access to the most relevant citing decisions.
- **Why use it?**—Quickly see how your case was analyzed and how many cases you must review for each treatment.
- ✍ The *Shepard's* Summary helps you to quickly identify **Splits in Authority** by displaying both positive and negative treatment in one place.

Citing References

- **Prior History**—the direct treatment of your case from the trial court to the present case.
- **Subsequent Appellate History**—the direct treatment of your case from the present case moving forward through the appellate process.
- **Citing Decisions**—the indirect treatment of your case through analysis by other cases.
- **Other Sources**—the indirect treatment of your case by secondary sources and statutes citing your case.

Navigation Tools

- 1 **Total Cites**—total number of cases and secondary sources citing your case (changes based on report restrictions).
- 2 **Shepard's Signal**—alerts you to the level of scrutiny you must apply to your case.
- 3 **All Neg**—displays only citing decisions with negative treatment.
- 4 **All Pos**—displays only citing decisions with positive treatment.
- 5 **FOCUS™-Restrict By**—allows you to customize your *Shepard's* report by treatment, jurisdiction, headnote, date and search terms.
- 6 **Unrestricted**—clears all restrictions you have placed on the *Shepard's* report and returns you to the original FULL report.
- 7 **View KWIC™**—displays only the citing decisions with substantive treatment.
- 8 **View FULL**—displays all citing decisions.
- 9 **Navigation Bar**—allows you to move through the *Shepard's* report quickly by Jurisdiction, treatment, date or headnote.
- 10 **Legend**—displays the *Shepard's* signals and their explanations.

Narrowing your Shepard's Results:

Use the **FOCUS™-Restrict By** link to add custom restrictions, choose a different LexisNexis® Headnote or add FOCUS terms.

While viewing a *Shepard's* report, click the **FOCUS™-Restrict By** link at the top of your screen. Then, in the Type field, select from the following options:

- Analysis:** Restrict results to certain editorial treatments.
- Focus:** Search for particular points of law or fact patterns within citing references.
- Jurisdictions:** Restrict results to citing references from certain jurisdictions.
- Headnotes:** Restrict results to certain headnotes.
- Date:** Restrict results to citing references within a date range.

Indicate your restrictions by clicking the appropriate check boxes  and/or enter your FOCUS terms, then click the red **Apply** button.

Document Delivery of Shepard's Reports

You can select a document delivery option for your *Shepard's* report from the six icons displayed at the top-right corner of your screen. Simply click on the appropriate icon and follow the instructions on your screen.



FOCUS™ - Restrict By: 800 F.2d 111
Apply → Cancel ×

[No negative subsequent appellate history.](#)

Type: [Analysis](#), [Focus](#), [Jurisdictions](#), [Date](#) [Clear Form](#)

Restrict By: **** No Jurisdiction, Analyses or Headnote restrictions are currently set ****

Analyses available in FULL: [Select All](#) [Clear All](#)

Negative: [Select All](#) [Clear All](#)

Distinguished Overruled (1) (6)

Positive:

Followed (10)

Other: [Select All](#) [Clear All](#)

Concurring Opinion (1) Dissenting Op. (2) Explained (1)

FOCUS Terms:

Return a list of citations to cases that contain your terms.

FOCUS HINT: The FOCUS search will only identify citing references that have corresponding documents available in the LexisNexis® service. The FOCUS feature is not available if your current results contain more than 2000 documents.

Jurisdictions available in FULL: [Select All](#) [Clear All](#)

Federal: [Select All](#) [Clear All](#)

2nd Circuit (2) 6th Circuit (2) 10th Circuit (5) Other Federal Decisions (4)

4th Circuit (5) 7th Circuit (66) 11th Circuit (1)

5th Circuit (2) 8th Circuit (4) D.C. Circuit (2)

State: [Select All](#) [Clear All](#)

California (1) Delaware (1) Minnesota (1) Wisconsin (2)

Colorado (1) Iowa (1) Ohio (2)

Connecticut (1) Illinois (3) Tennessee (1)

Others: [Select All](#) [Clear All](#)

Law Reviews (13) Statutes (1) Treatises (14) Court Documents (17)

Headnotes available in FULL:

LexisNexis [\[Show full text of headnotes\]](#): [Select All](#) [Clear All](#)

HN2 (3) HN5 (7) HN9 (20) HN13 (12) HN16 (60)

HN3 (7) HN6 (12) HN10 (8) HN14 (10) HN17 (29)

HN4 (11) HN8 (5) HN11 (10) HN15 (5) HN18 (14)

Dates: No additional date restrictions (4-digit year)

From: To: (4-digit years)

FOCUS™-Restrict By template

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Shepard's Tools:

Shepard's® BriefCheck™

Run your document through *Shepard's* BriefCheck to automatically cite and quote check all the citations.

Using *Shepard's* BriefCheck

1. Click the **Shepard's** tab at the top of the Research System.
2. Click the blue **Shepard's® BriefCheck™** link.
3. Click the **Browse** button to upload your brief then click the **Next** button.
4. Select **Shepard's & QuoteCheck™**, then click the **Next** button.
5. Review your citations, then click the **Next** button.
6. Specify your delivery options and click the red **Create Report** button.

 Use **Shepard's BriefCheck** to quickly cite and quote check large documents like Appellate Briefs.

Shepard's Alerts

Set up a *Shepard's* Alert to track and receive automatic updates for your case. You can track a case and receive updates by treatment, jurisdiction and headnote.

Setting Up a *Shepard's* Alert

1. *Shepardize*® **22 F.3d 736** or your own case.
2. Click the blue **Save as a *Shepard's* Alert®** link at the top of the report.
3. Fill out the *Shepard's* Alert form:
 - **Name**—the name for the Alert.
 - **Monitor**—the type of treatment Alert monitors.
 - **Delivery**—where the Alert is sent.
 - **Run**—how frequent the Alert updates.
4. Click the red **Continue** button then confirm your Alert settings.

 You can retrieve and edit your *Shepard's* Alert by clicking the **Alerts Tab** at the top of the LexisNexis Research System.

LexisNexis Headnotes in your *Shepard's* Report

LexisNexis headnotes from your case are matched to text in the report's citing cases. Results are included in the *Shepard's* Summary box.

While viewing a case, you may come across a LexisNexis headnote that has particular relevance to your issue. Click the *Shepardize*: Restrict by Headnote link to *Shepardize* the case on your screen and automatically restrict the results to the LexisNexis headnotes you are viewing.

LexisNexis Headnotes: [HN2 \(3\)](#), [HN3 \(7\)](#), [HN4 \(11\)](#), [HN5 \(7\)](#), [HN6 \(12\)](#), [HN8 \(5\)](#), [HN9 \(20\)](#), [HN10 \(8\)](#), [HN11 \(10\)](#), [HN13 \(12\)](#), [HN14 \(10\)](#), [HN15 \(5\)](#), [HN16 \(60\)](#), [HN17 \(29\)](#), [HN18 \(14\)](#)
Show full text of headnotes

- Click **HN16(n)** to view the *n* citing cases from the *Shepard's* report that discuss the subject of Headnote 16.
- Click **Show full text of headnotes** to review the full-text LexisNexis headnotes from your target case.

LexisNexis® Get & Print

Retrieve and deliver multiple *Shepard's* reports to your printer or browser.

There are three ways to access Get & Print:

1. Go to the LexisNexis® Law School home page (www.lexisnexis.com/lawschool) and click the **Get & Print** link on the right side of the page, enter relevant information and click the red **Get** button.
2. While researching on LexisNexis, click either the *Shepard's* or Get a Document tab. Then, click the **Get & Print** link, enter relevant information and click the red **Get** button.
3. Go to www.lexis.com/getandprint, enter relevant information on the Get & Print form and click the red **Get** button.

www.lexisnexis.com/lawschool

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