Be Confident in Your Cases with *Shepard's*®

Your legal argument is only as strong as the authority you cite to support it.

You've got your first major research assignment, and you want to really crush it. You've selected three cases for your argument. Are they the strongest authority? Have they been challenged in the courts? Have other cases followed them enough that you're sure they're the most authoritative opinions?

It's critical to know if the law you're relying on is still valid and hasn't been overruled, and whether it's the strongest authority you could cite. This process is called *Shepardizing*™. The LexisNexis® *Shepard's*® indexing system has been used since the 19th century, and it remains the industry's premier citations service.

Quickly find *Shepard's* analysis

The *Shepard's* Signal™ indicator by the case name ① in the document view on Lexis Advance® provides an overall impression of how carefully you'll need to scrutinize the case. Get a quick snapshot of the analysis of the various holdings in a case with the *Shepard's* box on the right.

Select ***Shepardize*® this document** ② to open the full *Shepard's* report.

The key, at right, shows what the various *Shepard's* Signal indicators mean. Only *Shepard's* reports on seven types of analysis, including **Followed by**—which shows how many, and which, cases and courts have followed a case, helping you to determine its precedential value.

Use *Shepard's* Signals™ to quickly see how closely you need to scrutinize a decision.

🛑 There is strong negative analysis impacting your decision

⚠ There is strong negative analysis impacting your statute

Q There is analysis questioning the precedential value of your decision

🔺 There is possible negative analysis impacting your case

➕ Your case has been followed by other cases and courts

A Analysis is available for your decision that is not positive or negative

I There are citing references available for your decision without analysis

LexisNexis®

SHEPARD'S REPORT

CASES CITING TO THIS CASE → ● Citing Decisions

FILTERING OPTIONS → Narrow By

VIEW TEXT OF HEADNOTES → View text of headnotes

SEARCH WITHIN RESULTS → Search Within Results

VIEW

DEPTH OF DISCUSSION

Lexis Advance® Research — Browse — Enter terms, sources, a citation, or shep: it — Filters ▾ 🔍 — Client: -None- ▾ — History ▾ — More ▾

Shepard's®: ● McNeil v. Economics Laboratory, Inc., 800 F.2d 111 — Parallel Citations ▾ — Actions ▾

Citing Decisions (110) — List | Grid

Appellate History
● Citing Decisions
Other Citing Sources
Table of Authorities

No negative **subsequent appellate history**

Add to — 🖨 ▾ — ⬆ ▾ — ✉ — 📄 — Sort by: Court (Highest to Lowest) ▾

Narrow By

2nd Circuit - U.S. District Courts

▸ Analysis
▸ Court
▸ Discussion
▾ Headnotes

☐ 1. **Buscemi v. Pepsico, Inc.** ◆

736 F. Supp. 1267, 1990 U.S. Dist. LEXIS 4233, 53 Empl. Prac. Dec. (CCH) P39906, 62 Fair Empl. Prac. Cas. (BNA) 425
Cited by:
736 F. Supp. 1267 p.1270
... positions in plaintiff's job category is noteworthy. However, these facts are not dispositive given that King was an executive of the defendant company whose position concerned personnel policy. No closer connection is necessary. See, **McNeil v. Economics Laboratory, Inc., 800 F.2d 111, 116-117 (7th Cir. 1986)**, cert. denied, 481 U.S. 1041, 107 S. Ct. 1983, 95 L. Ed. 2d 823 (1987) (nexus between comments and action taken with respect to plaintiff may be inferred); ...

Depth of Discussion

Court S.D.N.Y.

Date 1990

View text of headnotes
HN16 — 64
HN17 — 29
HN9 — 20
HN18 — 15
HN6 — 13
▾ More

Select multiple

▾ Search Within Results

Enter search terms 🔍

▸ Timeline

☐ 2. **Nobler v. Beth Israel Medical Center** ⚠

715 F. Supp. 570, 1989 U.S. Dist. LEXIS 6667, 50 Empl. Prac. Dec. (CCH) P39160, 55 Fair Empl. Prac. Cas. (BNA) 1531
Cited by:
715 F. Supp. 570 p.573
Because the position sought by Nobler has already been filled by Vikram, reinstatement of Nobler to the position is not available as a remedy for the future. See, e.g., Whittlesey, 742

Depth of Discussion

LexisNexis® Headnotes
HN16

How to *Shepardize*®

Shepardize your research on Lexis Advance in three easy steps:

STEP 1: *Shepardize* the ruling, or decision, for your specific issue

Instead of *Shepardizing* an entire case, *Shepardize* the specific rule from a case which speaks to your issue.

For example, a rule in 800 F.2d 111 says a remedy of front pay is available in ADEA claims for wrongful discharge. You would *Shepardize* this rule to see if it's good law, not the entire case. Although it's important to notice which *Shepard's* Signal indicator has been assigned to the case, it's more important to see how your rule of law was treated by other courts.

LexisNexis® Headnotes summarize the rules of law discussed in a case. To quickly find the Headnotes, use the **Jump to** feature located at the top of the case.

JUMP TO

HEADNOTES

Choose which LexisNexis Headnote you'd like to *Shepardize* and click the **Shepardize–Narrow by this Headnote ①** link at the end. This will *Shepardize* just the rule of law which speaks to your issue.

HN18 The decision whether or not to award front pay for a violation of the Age Discrimination in Employment Act, 29 U.S.C.S. § 621 et seq., is within the discretion of the district court and is only reviewed for an abuse of discretion. *Shepardize - Narrow by this Headnote* ①

🔴 **LexisNexis®**

STEP 2: Review the citing decisions

Each *Shepard's* report lists cases analyzing the decision under Citing Decisions. Check the case analysis and quickly see how your decision was treated by other courts.

- Select **Citing Decisions** ① at the top left of the *Shepard's* report.

- Use **Search Within Results** to narrow to specific terms. For example, type **front pay** ② in the box. Then, look at the **Analysis** filter ③ to see whether the McNeil case regarding the issue of front pay was overruled, questioned or criticized.

- The Analysis filter will also show whether the issue of front pay has been followed by other courts ④. "Followed by" analysis is only available on *Shepard's* through LexisNexis. Your legal argument to rely on a case as precedent is stronger when several courts follow the same rule.

STEP 3: Review the appellate history

The appellate history allows you to see the history of a case as it progresses through the court system. The appellate history is the only place where you will see whether a case was "Reversed by" a higher court.

- From inside a *Shepard's* report, select **Appellate History** ①.

- Click the **Map** button ② on the right. The Map view quickly shows when a higher court reverses a lower court decision, so you don't accidently cite the lower case when it is no longer the best precedent.

Quickly find additional supporting cases and secondary sources

You can also find treatises, law reviews and other sources that cite your case on *Shepard's*, making it easy to learn more about your legal issue.

① *Shepardize* your case.

② Select **Other Citing Sources**.

③ **Narrow By Treatises** under the **Content** filter.

④ You can further narrow by **Search Within Results** to the specific issue of front pay to ensure a more on-point result set.

Spot weaknesses in your opponent's arguments

It's easy to spot holes in your opponent's arguments using *Shepard's* Table of Authorities that provides a list of legal authority that their case cited to as precedent. For example, if your opponent cites 860 F.2d 834, use these steps to check the current precedential value of citing that case.

① *Shepardize* the case (follow the steps at the top of this page).

② Select the **Table of Authorities** content link.

③ **Narrow By Following** under the Analysis filter. This will pull up the cases that *Coston* followed and relied on as precedent.

④ It's possible that *Coston* is relying on past precedent that is no longer considered the best law to follow. Negative *Shepard's* Signal indicators found in your result set could expose weaknesses in your opponent's decision to rely on *Coston* as precedent.

Only *Shepard's* can help you:

- Be certain you're citing good law
- Build your argument with the strongest precedents
- Identify weaknesses in your opponent's arguments

Get more research tips at
YouTube.com/LexisNexisLawSchools

lexisnexis.com/lawschool