

Section 3

Using *Shepard's* in Print

Differences between *Shepard's* in Print and *Shepard's* through LexisNexis

For over 100 years, *Shepard's* Citations were available only in print. And when *Shepard's* information first went online in the early 1980s, the electronic view basically duplicated the citations that appeared in print. Today, there are **significant differences** in both content and navigational ease between *Shepard's* in print and *Shepard's* online through the LexisNexis research system. While *Shepard's* in print remains a valuable resource, *Shepard's* through the LexisNexis research system is, quite simply, the very best tool for citation research.

Shepard's through the LexisNexis research system will almost always produce additional citing references. First, your results will frequently include older **unpublished decisions** that traditionally have not been included in *Shepard's* print products. Second, your results will typically include **significantly more law-review citations**. *Shepard's* through the LexisNexis research system includes most of the law reviews and legal periodicals that are available through the LexisNexis research system, while *Shepard's* in print includes a relatively small number of leading law reviews and journals. Finally, *Shepard's* through the LexisNexis research system includes citations to your case in **statutory annotations**.

Another important difference between *Shepard's* in print and *Shepard's* through the LexisNexis research system is **citing reference scope**. In print, *Shepard's* publishes nearly 200 different citators, each corresponding to a particular set of cited and citing references. In instances where your authority can be *Shepardized* in more than one print product, your citing reference list will vary depending on which citator you choose.

In *Shepard's* through the LexisNexis research system, these scope differences have been eliminated. No matter which parallel citation you *Shepardize*, you will retrieve the same comprehensive list of citations to your case.

As an example of scope differences in print, the case of *Oregon v. Plowman*, 314 Or. 157, 838 P.2d 558 (1992), can be *Shepardized* in two separate print citators, *Shepard's Oregon Citations* and *Shepard's Pacific Reporter Citations*. And within *Shepard's Oregon Citations*, the *Plowman* case can be *Shepardized* in two divisions: the *Oregon Reports* division and the *Pacific Reporter* division.

The official reporter division of *Shepard's Oregon Citations*, in which you would use 314 Or. 157 to *Shepardize* the *Plowman* case, shows citations from state reports, selected law reviews and annotations. The regional reporter division, in which you would look up *Plowman's* parallel citation, 838 P.2d 558, shows citations from that state as published in the West regional reporter. To ensure complete coverage, you would need to *Shepardize* your citation in both divisions.

State citators, like *Shepard's Oregon Citations*, also include citing decisions from the lower federal courts and the U.S. Supreme Court.

Regional citators, like *Shepard's Pacific Reporter Citations*, include citations from all decisions published in a West regional reporter, but do not include law-review citations. In print, if you were seeking

precedent from multiple states, you would need to consult a regional citator. In *Plowman*, for example, *Shepardizing* in the regional citator will produce cases from California and Iowa in addition to Oregon.

Here are close-up views illustrating these differences for the *Plowman* case:

—157—

**Oregon v
Plowman
1992**

(838P2d558)

s 107OrA782
cc 314Ore170
e 315Ore375
315Ore380
317Ore*258
317Ore451
f 317Ore452
j 317Ore472
f 318Ore488
318Ore492
d 318Ore497
116OrA189
e 116OrA192
h 116OrA265
j 119OrA303
j 120OrA333
121OrA384
j 128OrA14
71OLR689
22A5268n

Shepard's Oregon Citations, *Oregon Reports* division, shows citations from:

- state reports
- Oregon Law Review
- annotations (ALR® 5th)

—558—

**Oregon v
Plowman
1992**

(314Ore157)

s 813P2d1114
cc 813P2d1115
cc 838P2d566
840P2d1324
e 840P2d1325
841P2d650
e 845P2d1285
845P2d1289
j 851P2d1147
j 852P2d888
854P2d959
855P2d*625
857P2d107
f 857P2d108
j 857P2d119
f 871P2d458
871P2d461
d 871P2d463
j 874P2d1348

Shepard's Oregon Citations, *Oregon Cases* division, shows citations from Oregon as published in the Pacific Reporter.

—558—

**Oregon v
Plowman
1992**

(314Ore157)

s 813P2d1114
cc 813P2d1115
cc 838P2d566
840P2d1324
e 840P2d1325
841P2d650
e 845P2d1285
845P2d1289
j 851P2d1147
j 852P2d888
854P2d959
855P2d*625
Calif
17CaR2d296
e 19CaR2d448
e 19CaR2d449
Iowa
500N W 42

Shepard's Pacific Reporter Citations, *P.2d* division, shows citations from all cases published in a West regional reporter.

There are still a few types of citations that can be *Shepardized* **only in print**. For example, citations to U.S. trademarks and copyrights are available exclusively in print using *Shepard's Intellectual Property Law Citations*.

Especially when you are *Shepardizing* in print, be sure you understand the steps you must follow to obtain complete citation coverage. Each print preface contains information that will help you make the most of the citator you are using. Pay special attention to the lists of citing sources from which the citing references in a particular citator have been obtained.

Research Steps for Cases

This case is on point for you: *McNeil v. Economics Laboratory, Inc.*, 800 F.2d 111 (7th Cir. Ill. 1986). Is it good law? *Shepardize* the *McNeil* case to check its precedential value and locate other authorities that have cited *McNeil*.

Here's what you do:

1. **Select the right citator.** Select the citator that corresponds to the reporter type. For example, if you are using *Federal Reporter, 2d Series*, you would *Shepardize* the *McNeil* decision in *Shepard's Federal Citations*.
2. **Check currentness and completeness.** Are you using the most current and complete edition of your citator? A complete set of *Shepard's Citations* in print generally includes:
 - one or more maroon volumes;
 - a red paperback cumulative supplement; and
 - a gold annual or semi-annual supplement and/or a white advance sheet.

To ensure that your research is complete, you need to find the most recent supplement. The cover lists *What Your Library Should Contain*, which shows all of the bound volumes and supplements you must consult. The illustration on this page shows a typical *Shepard's* cumulative supplement cover.

If you are not sure you have the most current supplement, ask a reference librarian or check HelpCite on *Shepards.com* at <http://helpcite.shepards.com> to see *What Your Library Should Contain* and to order supplement copies.

Multi-volume sets of hardbound *Shepard's Citations* are divided into volumes covering either cases or statutes as cited references.

Book spines in the multi-volume sets show which reporter volumes are included. When you *Shepardize* in a multi-volume set, a quick check of the spines will allow you to assemble the books that you need for your citation. In our example, volume 800 of *Federal Reporter, 2d Series*, is in volume 13 of *Shepard's Federal Citations, Part 1*. Also note that there are bound supplements containing more recent decisions.



Shepard's Skill Builder

Shepard's publishes nearly 200 different print citators, including:

- **Federal citators** – like *Shepard's Federal Citations* and *Shepard's United States Citations*.
- **Specialized citators** – including Specialized Federal Practice Citators (for specialized practice areas such as labor, bankruptcy and intellectual property); Federal Practice Citators (for federal legal authorities such as the *Code of Federal Regulations* and the *Federal Rules*); General Practice Citators (including *Shepard's Acts and Cases by Popular Name* and *Shepard's Citations for Annotations*); and Specialized National Coverage Citators (including *Shepard's Criminal Justice Citations* and *Shepard's Uniform Commercial Code Citations*).
- **Jurisdictional citators** – i.e., state and regional citators. There are differences. State citators show cited references to its official reporter and references to state statutes, court rules, constitutions and jury instructions, plus citing references from decisions of that state to the *U.S. Code*, *U.S. Constitution* and *U.S. Court Rules*. Regional citators do not include statute and other non-case legal authorities as cited references. However, regional citators contain additional case-law citing references because they cover decisions from other states.



3. **Understand your citator.** Review the table of contents and preface, which explain the citator's scope of coverage and features. Many of the citators include unique features. Become acquainted with them.

4. **Find 800 F.2d 111.** Look for:

A. The right division

Divisions are listed in the table of contents in the front of the citator. Look for *Federal Reporter, 2d Series*.

B. Volume number

After turning to the correct division, look for the reporter's volume number across the top of the page. Within the columns on the page, volume numbers are shown in easy-to-find boxes.

C. Initial page number, case name and decision date

Once you've found the correct volume number, scan the page numbers shown in bold print between dashes. In our example, find **-111-**.

REPEAT STEPS A–C until you have reviewed 800 F.2d 111 in each publication listed in *What Your Library Should Contain*. Be methodical; check all supplements.

REPEAT STEPS 1–4 to *Shepardize* all parallel citations to ensure complete coverage.

Vol. 800	FEDERAL REPORTER, 2d SERIES				
77	867374790 11F28909 8148F136 9948F282a 9948F130a	Mid 103 M4471 646 A28118 Mass 37 Ma A286 638 N4E199 639 N4E480 N J 224 N4E537 538 A28757	8750749165 82482471165 8750749166 1831F247132 831F247130 831F247132 831F247133 8572F2465 858F247377 864F24836	Term 839 S24433 78.88F275a	Utah 852 P54992
James v Shankland 1986	— 87 — Saunders v Bennett 1986	N M 112 N4M261 814 P48129 Wis 141 Wis24877 418 Wis2498	87007491301 87007491201 87007491305 87007491212 90007491051	110 Epilepsy v Sisters v Society of Mercy Health Corp. 1986	United States v Miller 1986
US cert den in 4811S10048 in 1075A2177 cc 439S2883 cc 581 B196 cc 995K223 cc 578074818 cc 575F241144 cc 4780S485	857F2445 857F2445 857F2445 857F2445 857F2445	Wyo 228 P2687 67.8.2455	87007491051 87007491051 87007491051 87007491051 87007491051	87007491051 87007491051 87007491051 87007491051 87007491051	Ct. 7 817F241275 825F24156 841F2471844 854F247980 858F247388 864F248223
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5. **Interpret your case citation information.**

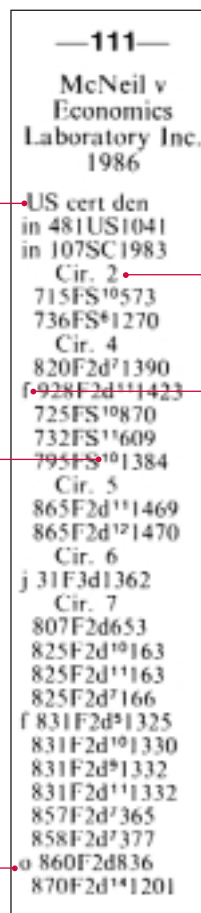
This is a close-up view of *McNeil's* citing references:

6. **Update your research.** Use *Shepard's* Daily Update® service to find out what has happened to your case since your last supplement arrived. Your *Shepard's* Daily Update answer includes the full range of *Shepard's* editorial analysis and is available only 24–48 hours after opinions are received by *Shepard's*. *Shepard's* Daily Update is available at 1-800-899-6000 (press 5).

History citations follow immediately after any parallel citations. These references tell you the Supreme Court denied certiorari in *McNeil*.

Headnote analysis is shown using superscript numbers preceding the citing case's page number.

Be especially alert for **negative treatment**. The "o" tells you that this decision has overruled all or part of *McNeil*. It's probably the case you'll want to read first!



Citations are organized by jurisdiction and court.

Shepard's **editorial analysis** is shown using letters to the left of the citing references. The "f" tells you that this decision followed *McNeil*.

Case Names Citators

Know the name of a case but not the citation? If you know the name of just one party and the jurisdiction or area of specialization in which a case was litigated, then you can use *Shepard's Case Names Citators* to find a citation. (In some products, case-name information is part of the main citator set.)

Shepard's Case Names Citators are arranged alphabetically by party name. Look for either plaintiff's or defendant's name and find the full case name, date of decision and the full citation, including parallel citations.

Shepard's Skill Builder

The first time a case is cited, the case name and date of decision are shown with its citation. In later supplements, the case name and date do not appear again. Look for the citation alone. If your case has a parallel citation, it will appear in parentheses below the case name and date.



Research Steps for Statutes

When your issue is governed by statutory law, use *Shepard's* statute citations to pinpoint relevant case law, statutes or other legal authorities that impact your statutory section.

This statute is on point for your research: 21 U.S.C. §848(q)(9).

Shepardize it to determine its precedential value and to see authorities that have cited this section.

Here's what you do:

1. **Select the right citator.** Match the jurisdiction of your statute. For example, to *Shepardize* a state statute, use a state citator, because only state citators include state statutes as cited references. In this example, use *Shepard's Federal Statutes Citations, 1998-1999 Bound Supplement*.
2. **Check currentness and completeness.** See the cover of the most recent supplement and collect all of the bound volumes and supplements listed in *What Your Library Should Contain*.
3. **Understand your citator.** Study the table of contents and preface.

The title of your division appears at the top of the page.

UNITED STATES CODE		TITLE 21, §81	
<p>§ 848(m) Cir. 1 989FS1411997 989FS3811997</p> <p>Cir. 2 1437AB111998 Cir. 4 982FS7111997 982FS88611997</p> <p>§ 848(m)(1) Cir. 4 982FS75211997</p> <p>§ 848(m)(2) Cir. 4 982FS75711997</p> <p>§ 848(m)(7) Cir. 4 982FS75211997</p> <p>§ 848(m)(8) Cir. 2 988FS13111998 Cir. 4 982FS88611997</p> <p>§ 848(m)(9) Cir. 2 988FS13111998 Cir. 4 982FS88611997</p> <p>§ 848(m)(10) Cir. 1 982FS75211997 982FS88611997</p> <p>§ 848(n) Cir. 2 999USDistLX2594 [L1999]</p> <p>Cir. 4 986FS142811997 986FS188311997</p> <p>§ 848(n)(1) Cir. 4 984FS100111997 986FS142811997 986FS188311997</p> <p>§ 848(n)(1)(A to D) Cir. 4 986FS188311997</p> <p>§ 848(n)(1)(A) Cir. 4 986FS188311997</p> <p>§ 848(n)(1)(B) Cir. 4 984FS100111997 986FS188311997</p> <p>§ 848(n)(1)(C) Cir. 8 986FS188311997</p>	<p>Cir. 10 999USDistLX3770 [L1999]</p> <p>§ 848(n)(1)(C) Cir. 2 986FS108111997 Cir. 10 999USDistLX3770 [L1999]</p> <p>§ 848(n)(2 to 12) Cir. 4 984FS100111997 986FS142811997</p> <p>§ 848(n)(7) Cir. 2 999USDistLX2594 [L1999]</p> <p>§ 848(n)(11) A1 10092146</p> <p>§ 848(o)(1) Cir. 2 999USDistLX2594 [L1999]</p> <p>988FS17411998</p> <p>§ 848(q) 817US88011994 521US32711997 148L287611998 1185F169711998 Cir. 4 1318F327911997 984FS100211997 971FS100711997 Cir. 9 128F3627411997 Cir. 8 2352F96611998 Cir. 9 123136128611997 Cir. 10 999USAppLX12166 [L1998]</p> <p>150F36128511998 984FS31511997</p> <p>§ 848(q)(3) Cir. 3 982F3615311998</p> <p>§ 848(q)(4 to 8) Cir. 10 150F36128511998 984FS31511997</p> <p>§ 848(q)(4) Cir. 1 985FS3311997 985FS3811997 Cir. 2 999USDistLX3772 [L1998]</p> <p>Cir. 7 999USAppLX7148 [L1999]</p>	<p>§ 848(q)(4)(B) 512L385511994 521L333611997 Cir. 3 3F5267811997 Cir. 4 971FS00711997 9779875411997 9F5267811998 Cir. 5 128F3627411997 12713441411997 163F3429611998 Cir. 6 999USAppLX10213 [L1999]</p> <p>163F34103811999 296286311998 Cir. 7 118F3429611997 128F3627911997 138F378411997 Cir. 9 999USAppLX12512 [L1998]</p> <p>128F3128711997 163F3429611998 311F324119911998 Cir. 10 999USAppLX30796 [L1999]</p> <p>188F34125411999</p> <p>§ 848(q)(5) Cir. 1 989FS111997 985FS3811997</p> <p>§ 848(q)(6) 512L385411994 Cir. 1 985FS3811997 985FS3811997</p> <p>§ 848(q)(7) 512L385511994</p> <p>§ 848(q)(8) A1 10092143</p> <p>§ 848(q)(9) A1 11061226 512L385511994 Cir. 4 999USAppLX10886 [L1998]</p> <p>999USAppLX184 [L1998]</p> <p>933F3627911997 1984187611994 [L1998]</p> <p>984FS00311997 971FS00711997 4F5267811998 9F5267811998 1999USDistLX4484 [L1999]</p>	<p>999USDistLX7308 [L1999]</p> <p>999USDistLX7308 [L1999]</p> <p>3785280611999 Cir. 7 104F3625611997 138F3429611997 Cir. 9 984FS59511997 Cir. 10 190F34126411998</p> <p>§ 848(q)(10) A1 11061518 Cir. 6 984FS100111997 Cir. 9 180F34126411998 Cir. 10 190F34126411998</p> <p>§ 848(q)(10)(A) Cir. 3 148F340711998 Cir. 10 190F34126411998</p> <p>§ 848(q)(10)(B) Cir. 10 190F34126411998</p> <p>§ 848(q)(10)(C) Cir. 10 190F34126411998</p> <p>§ 848 A1 10042046 999USLX364411999 Cir. 7 128F34119111997</p> <p>§ 848(e)(1) Cir. 9 198F3407911998</p> <p>§ 850 999USLX364411999</p> <p>§ 851 Cir. 1 999USAppLX10837 [L1999]</p> <p>194F340711998 163F3414711998 Cir. 2 999USAppLX10187 [L1998]</p> <p>999USAppLX21521 [L1999]</p> <p>144F3627911998 198F3407911998 163F3407911999 10F5345811998 Cir. 3 198F3407911998 164F3407911998 999USDistLX7345 [L1998]</p> <p style="text-align: right;">Continued</p>

Find your title and section number.

Then find your section and subsection.

4. **Find title 21, section 848(q)(9).** Look for:

A. The right division

Look up the most recent division of *Shepard's Federal Statutes Citations* in the bound volume's table of contents.

B. Section or title number

After turning to the correct division, look for the section or title number of your statute across the top of the page. In our example, find Title 21 and the closest sections on the page.

C. Citing references

Citations to the authorities that have cited your statute are listed beneath the section or title number of your statute.

D. Subsections

In some statutory citators, subsections are shown in bold under the boxed section number. Scan down the column to find the subsection of interest to you. Citations to your subsection are listed beneath the subsection identifier.

E. Editorial ANALYSIS

Shepard's legal editors also apply analysis codes to statute citations.

REPEAT STEPS A–E until you have reviewed **21 U.S.C. §848(q)(9)** in each publication listed in *What Your Library Should Contain*. Be methodical; check all supplements.

5. **Interpret your statute citation information.** This is a close-up view of citing references to 21 U.S.C. §848(q)(9):

<p>§ 848(q)(9)</p> <p>A) 1105d1226 512US855Δ1994 Cir. 4 1998USAppLX10886 1999USAppLX104 1999USAppLX104 1999USAppLX104 151F3d163Δ1998 1998USDA LX4671 964PS003Δ1997 971PS007Δ1997 4FSΔ519Δ1998 6FSΔ478Δ1998 Cir. 5 1999USDist LX6484 1999USDist LX7308 1999USDist LX7308 1999USDist LX7308 37FSΔ816Δ1999 Cir. 7 116F3d259Δ1997 130F3d784Δ1997 Cir. 9 969FS955Δ1997 Cir. 10 150F3d1264Δ1998</p>	<p>— This is your section number.</p> <p>— The letter “A” tells you section 848(q)(9) has been amended.</p> <p>— The letter “i” tells you this section has been interpreted by this reference.</p> <p>— This is a LexisNexis citation for a citing reference. The case name and docket number are included in an electronic table.</p> <p>— The delta followed by “1997” means the court did not specify the edition of USC it cited, but <i>Shepard's</i> tells you the citing case was decided in 1997.</p>
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Research Steps for Regulations and Other Legal Sources

In addition to cases and statutes, you can *Shepardize*:

- administrative rules and regulations, including the *Code of Federal Regulations*
- court rules, including the *Federal Rules*
- constitutional provisions
- jury instructions
- other important sources of law

Generally, *Shepardizing* these materials is similar to *Shepardizing* a statute. As an example, we will *Shepardize* section 3.358(c)(3) of the *Code of Federal Regulations*, Title 38.

Follow the first four steps, repeating the process of locating citations in each publication listed in *What Your Library Should Contain*:

Here's what to do:

1. **Select *Shepard's Code of Federal Regulations Citations*.**
2. **Check currentness and completeness.**
3. **Understand your citator.**
4. **Find 38 CFR §3.358(c)(3).**
5. **Interpret your CFR citation information.**

The close-up views will provide more details on the valuable information that *Shepardizing* a CFR provision will give you.

§ 3.358(c)(3)
444US114*1978
62L~~E~~264*1978
100SC355*1978
Cir. 3
481F2d261*1972
Cir. 9
764F2d729*1984
Cir. Fed.
V5F3d1457*1992

Close-up view of your section in bound volume.

Your section number.

Citing references to your section number.

The asterisk followed by "1972" means that this case cited the 1972 edition of CFR in its opinion.

The "V" tells you that this decision found your section void or invalid.

§ 3.358(c)(3)
Vp513US115~~Δ~~1994
Vp513US116~~Δ~~1994
Vp130L~~E~~462~~Δ~~1994
Vp115SC554~~Δ~~1994

Close-up view of your section in later supplement.

The "Vp" in these citations tells you that the Supreme Court has found your section void or invalid in part.

The delta followed by "1994" means this decision did not specify the edition of CFR it cited, but Shepard's tells you the citing case was decided in 1994.

6. **Update your research.** Check the status of your regulation in each new supplement.

Shepard's Skill Builder

Shepard's CFR citation analysis includes a special feature to make research more efficient.



If the court cites a CFR provision by its edition date, that date is shown at the end of the citation, preceded by an asterisk. If the court does not specify the CFR edition it is citing, *Shepard's* includes the date of the decision, which appears preceded by a delta. These date identifiers can help you locate cases dealing with the specific CFR edition you are *Shepardizing*.

Editorial Analysis

The following list includes some of the most commonly used *Shepard's* editorial analysis codes. For complete lists, consult on-screen help or the tables of abbreviations in print.

Cases

Print	Electronic	Definition
a	Affirmed	On appeal, reconsideration or rehearing, the citing case affirms or adheres to the case you are <i>Shepardizing</i> .
c	Criticized	The citing opinion disagrees with the reasoning/result of the case you are <i>Shepardizing</i> , although the citing court may not have the authority to materially affect its precedential value.
d	Distinguished	The citing case differs from the case you are <i>Shepardizing</i> , either involving dissimilar facts or requiring a different application of the law.
e	Explained	The citing opinion interprets or clarifies the case you are <i>Shepardizing</i> in a significant way.
f	Followed	The citing opinion relies on the case you are <i>Shepardizing</i> as controlling or persuasive authority.
L	Limited	The citing opinion restricts the application of the case you are <i>Shepardizing</i> , finding that its reasoning applies only in specific, limited circumstances.
m	Modified	On appeal, reconsideration or rehearing, the citing case modifies or changes in some way, including affirmance in part and reversal in part, the case you are <i>Shepardizing</i> .
o	Overruled	The citing case expressly overrules or disapproves all or part of the case you are <i>Shepardizing</i> .
q	Questioned	The citing opinion questions the continuing validity or precedential value of the case you are <i>Shepardizing</i> because of intervening circumstances, including judicial or legislative overruling.
r	Reversed	On appeal, reconsideration or rehearing, the citing case reverses the case you are <i>Shepardizing</i> .

Statutes and Regulations

Print	Electronic	Definition
A	Amended	The citing reference, typically a session law or other record of legislative action, or a record of administrative action, amends or alters the statute, regulation or order you are <i>Shepardizing</i> .
C	Constitutional	The citing case upholds the constitutionality of the statute, rule or regulation you are <i>Shepardizing</i> .
i	Interpreted or Construed	The citing opinion interprets the statute, rule or regulation you are <i>Shepardizing</i> in some significant way, often including a discussion of the statute's legislative history.
R	Repealed	The citing reference, typically a session law or other record of legislative action, repeals or abrogates the statute you are <i>Shepardizing</i> .
U	Unconstitutional	The citing case declares unconstitutional the statute, rule or regulation you are <i>Shepardizing</i> .
Va	Valid	The citing case upholds the validity of the statute, rule, regulation or order you are <i>Shepardizing</i> .
V	Void or Invalid	The citing case declares void or invalid the statute, rule, regulation or order you are <i>Shepardizing</i> because it conflicts with an authority that takes priority.



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