How to Shepardize®

Your guide to legal research using

Shepard’s® Citations:

• in print
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 First, your results will frequently include older unpublished decisions that traditionally have not been included in Shepard’s print products.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 remains 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 Shephardized 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:

<table>
<thead>
<tr>
<th>157</th>
<th>558</th>
<th>558</th>
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<tbody>
<tr>
<td><strong>Oregon v Plowman</strong>&lt;br&gt;1992</td>
<td><strong>Oregon v Plowman</strong>&lt;br&gt;1992</td>
<td><strong>Oregon v Plowman</strong>&lt;br&gt;1992</td>
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<td>s 813P2d1114</td>
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<td>ce 813P2d1115</td>
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<td>cc 838P2d566</td>
<td>cc 838P2d566</td>
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<td>840P2d1324</td>
<td>840P2d1324</td>
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<tr>
<td>317Ore258</td>
<td>e 840P2d1325</td>
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<tr>
<td>317Ore451</td>
<td>841P2d650</td>
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<tr>
<td>f 317Ore452</td>
<td>e 845P2d1285</td>
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<td>j 317Ore472</td>
<td>845P2d1289</td>
<td>845P2d1289</td>
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<td>f 318Ore488</td>
<td>j 851P2d1147</td>
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<td>318Ore492</td>
<td>j 852P2d888</td>
<td>j 852P2d888</td>
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<td>116Oa.189</td>
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<tr>
<td>e 116Oa.192</td>
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<td>22AE268n</td>
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</table>

Shepard’s Oregon Citations, Oregon Reports division, shows citations from:
- state reports
- Oregon Law Review
- annotations
(ALR® 5th)

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

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.
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).

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**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.

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**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.

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):

- **This is your section number.**
- **The letter “A” tells you section 848(q)(9) has been amended.**
- **The letter “i” tells you this section has been interpreted by this reference.**
- **This is a LexisNexis citation for a citing reference. The case name and docket number are included in an electronic table.**
- **The delta followed by “1997” means the court did not specify the edition of USC it cited, but Shepard’s tells you the citing case was decided in 1997.**
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:
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.

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**

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

**Statutes and Regulations**

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