Citators
(KeyCite & Shepard’s)

George Mason University
Law Library
Fall 2014
A citator catalogs cases, secondary sources, and other authorities, analyzing what they say about the sources they cite.

The two citators we will use today are:
- KeyCite on Westlaw and WestlawNext
- Shepard’s on Lexis and Lexis Advance

Next semester we will start using Bloomberg Law. B Law’s citator is called B-Cite.

We will use only online citators
- You’ll see why in few slides
(1) To update your cases
   - Is my case still good law?
   - You must make sure that no development subsequent to the issuance of the case has undermined the authority of the case.
     - E.g., overruled, questioned, narrowed, re-interpreted, added qualifications, criticized, questioned, overruled by statute, overruled as unconstitutional, etc.

(2) To find more cases
Using Citators to find more cases

- Once you have found one relevant case, you can find other cases that have cited it.
  - This isn’t comprehensive like a digest, but it is a good method for finding cases on the same point of law
  - You can also find law review articles or other secondary sources
Citator Terminology

- **Cited case, or Original case**
  - the one you are looking up

- **Citing case**
  - any case that cites your case

- **Citing reference**
  - any reference (secondary source, for example) that cites your case.
Westlaw and Lexis will give you a history/appellate history as well as citing references

- History refers to the same case in the various stages of litigation
  - Trial, appeal, appeal to highest court, remand, etc.

Citing references are other cases or secondary sources that have cited yours

Table of Authorities
- Cases cited in the opinion you are checking
<table>
<thead>
<tr>
<th>Filtered by</th>
<th>Treatment</th>
<th>Title</th>
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<tr>
<td></td>
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<td>International Truck and Engine Corp. v. Bray</td>
<td>June 03, 2004</td>
<td>Case</td>
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<td>4. Petition for Rehearing En Banc</td>
<td>INTERNATIONAL TRUCK AND ENGINE CORPORATION, Plaintiff-Appellant, v. Brett BRAY. In his official capacity as the Director of the Motor Vehicle Division...</td>
<td>June 17, 2004</td>
<td>Petition</td>
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**Case-specific filters.**

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<thead>
<tr>
<th>Title</th>
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<tbody>
<tr>
<td>1. International Truck and Engine Corp. v. Entity</td>
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<td>COMMERCIAL LAW - Industry Regulation. Statute barring manufacturer from operating as dealer of used trucks did not violate Commerce Clause.</td>
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<td>...vehicle commission code by attempting to market pre-owned vehicles in Texas, via their Internet site known as &quot;The Showroom,&quot; without a Texas dealership license. See 264 F.3d 493, 498 (5th Cir.2001). See also Tex Rev C Civ Stat. Ann. art. 4413/36, §§ 4-01, 10(b)(3), (4) &amp; 5.02C.</td>
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<td>TAKATION - Collection. Genuine issue of material fact existed as to whether taxpayer willfully failed to pay his corporation's withholding taxes.</td>
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<td>...payroll. Payne timely appealed. DISCUSSION. We review do novo the district court's award of summary judgment, applying the same standard as the district court.</td>
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<td>Ford Motor Co. v. Tex. Dept. of Transp., 264 F.3d 493, 498 (5th Cir. 2001). Summary judgment is proper when &quot;the pleadings, the discovery and...</td>
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<td>5. LensCrafters, Inc. v. Robinson</td>
<td>Apr 14, 2005</td>
<td>Case</td>
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FORD MOTOR COMPANY, a Delaware Corporation, Plaintiff--Appellant,

VERSUS

TEXAS DEPARTMENT OF TRANSPORTATION, Motor Vehicle Division, et al., Defendants,
Brett Bray, individually and as Director, Chief Executive and Administrative Officer of the Texas Department of Transportation, Motor Vehicle Division, Defendant--Appellee.


In response to administrative enforcement action by Texas Department of Transportation, automobile manufacturer, which was marketing preowned vehicles through its website, brought challenge to constitutionality of Texas statute prohibiting automobile manufacturers from acting as dealers in Texas. The United States District Court for the Western District of Texas, Sam Sparks, J., entered summary judgment for State, and manufacturer appealed. The Court of Appeals, Benavides, Circuit Judge, held that: (1) statute did not violate dormant Commerce Clause; (2) statute did not violate manufacturer’s First Amendment right to free speech; (3) statute was not unconstitutionally vague; (4) statute did not deny manufacturer equal protection, and (5) manufacturer was not denied due process in enforcement action.

Affirmed.

Edith H. Jones, Circuit Judge, filed opinion specially concurring.
Choose which category of material you want to view.
Case-specific filters.

Cited case:

1. *Rocket Learning, Inc. v. Rivera-Sanchez*
   
   
   This is precisely the reason why rational basis review, and not strict scrutiny, applies to plaintiffs' claim: under the plaintiffs' reasoning, "a petitioner could ..."

2. *Rocket Learning, Inc. v. Rivera-Sanchez*
   
   2011 U.S. Dist. LEXIS 154590
   
   ... away of technological devices during the December enrollment period — is, at its root, an equal protection claim asserting that plaintiffs — unlike other similarly situated providers — were unfairly prohibited from giving away devices at all. See *Ford Motor Co. v. Texas Dept. of Transp.*, 264 F.3d 493, 506 (5th Cir. 2001) (rejecting plaintiffs argument that law prohibiting manufacturers from relabeling cars to consumers infringed manufacturer's First Amendment right to advertise such ability on its ...

3. *Alliance of Auto. Mfrs. v. Gwadosky*
   
   
   "... commerce, or discriminates against interstate commerce."
Outcome
The judgment of the district court was affirmed.

Shortcut to Shepardize, limiting by headnote.
A cited case, followed by its citing references.

-195- Caplin v Marine Midland Grace Trust Co.
  1972
  Cir. 1
  241BRW498
  q) 241BRW499
  Cir. 2
  80FS2d1736
  219F3d11559
  Cir. 5
  221F3d11559
  228F3d347
  110Y1L11493
  74NYL134

-152- Johnson v Louisiana
  1972
  Cir. 1
  205WV663
  69ChL379
  86Geo1618
  87Geo1546
  88Geo1345
  89Geo1515
  113HLR1265
  62LCP(2)302
  100McL145
  94NwL1297
  74NYL134
  79TxL561
  1999WLR558

-184- Apodaca v Oregon
  1972
  Cir. 1
  207F3d1120
  277F3d592
  Cir. 2
  100FS2d705
  101FS2d3902
  104FS2d814
  Cir. 7
  2000USDist
  2000USDist
  [LX33454]
  [LX6107]
  [LX8346]
What do the signals mean?

- **Lexis**
  - Look at the Legend (see next slide)

- **WestlawNext**

Continue...
Warning!

- Citators are indispensable, but they are only a start.
  - You must carefully review/read the citing references and make decisions about their impact for yourself.
  - One point of law may be negatively treated
  - Yellow flags/triangles are nearly ubiquitous
  - Different treatment of same case by Westlaw and Lexis editors
Getting more specific with KeyCite and Shepard’s

Can limit by:
- Headnote
- Date
- Jurisdiction
- Kind of document
  - E.g., Law Review article
  - E.g., Cases
- Terms
  - Search within results
Set Up Alerts

- KeyCite Alerts and Shepard’s Alerts
  - You receive an email any time your case is cited again.
    - See next slides
1. **Rocket Learning, Inc. v. Rivera-Sanchez**

   851 F. Supp. 2d 384, 2012 U.S. Dist. LEXIS 44061

   **Cited by:**
   851 F. Supp. 2d 384 p. 396

   ... to students. Thus, the restriction on plaintiffs' ability to advertise the giving away of educational equipment "is only incidental to" the prohibition on plaintiffs' right to engage in the activity of giving away the educational equipment. See *Ford Motor Co. v. Texas Dept. of Transp.*, 264 F.3d 453, 506 (5th Cir. 2001). This is precisely the reason why rational basis review, and not strict scrutiny, applies to plaintiffs' claim: under the plaintiffs' reasoning, "a petition could ..."

2. **Rocket Learning, Inc. v. Rivera-Sanchez**

   2011 U.S. Dist. LEXIS 154580

   **Cited by:**

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<td>466 F.3d 151, 161, 5th Cir., (Tex.), (NO. 05-15500)</td>
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<td>2606 WL 2785771, 4th, Tex.App.-Austin, (NO. 03-04-03373-CV)</td>
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<td>(also see text, Rev. Civ. Stat. Ann. art. 4413(30), §§ 401, 501a(3)(d), 6 &amp; 502(a))</td>
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<td>2604 WL 2805604, 2805604, 5th Cir. (Appellate Petition, Motion and Filing), (NO. 03-533479)</td>
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<td>5. Brief of Plaintiff Appellant</td>
<td>June 15, 2012</td>
<td>Brief</td>
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</table>
Cite checking other sources

- You can cite check:
  - Law reviews
  - Restatements
  - Statutes
  - Regulations
How to know when to stop Researching

- You keep seeing the same cases repeated in your results
- You have run out of time allotted for research

Remember:
- No one search method is comprehensive
- You **MUST** use several search methods
  - Secondary sources
  - Keyword searches for cases
  - Digests to find cases (click on good Topic & Key number from a good case; or browse Topic & Key number outline)
  - Citators (to update and to find more cases)
Brief tour of KeyCite
  ◦ 55 F.3d 923
    • Can we rely upon this case’s finding that there is no such thing as “venue entrapment”?

Brief tour of Shepard’s
  ◦ Use the same citation