

GUIDE TO USING SHEPARD'S CITATORS

Shepard's Citators are reference works that list cases and other sources that mention or cite your case/authority. They provide references or citations from later cases/authorities (citing) to earlier cases/authorities (cited). The process of looking up your source in Shepard's Citators is called "Shepardizing". Shepardizing is the most common approach used to update case law and is an essential step in legal research. Failing to Shepardize can cause a lawyer or researcher to base findings on outdated law which is worse than no law at all.

The following legal authorities can be Shepardized:

state court opinions	ordinances
federal court opinions	charters
state statutes	court rules
federal statutes	some legal periodical literature
constitutions	patents, trademarks
some treaties	

Each of the above can be Shepardized using a citation set. Usually these sets are located near the items they Shepardize. The set for Florida is called *Shepard's Florida Citations*, KFF59 .S53, and is located after the *Digest* and before *Fla Jur*. Shepard's Citators for US Supreme Court Cases and Federal Statutes are located at KF101.2 and KF 78, respectively in the Reference area. Many Shepard's sets have been cancelled in recent years. The preferred method for Shepardizing is to do so electronically. (See discussion at the end of this document.)

HOW TO SHEPARDIZE

● You must first have a cite to the case you wish to update or Shepardize.

A cite includes volume number, reporter abbreviation, and beginning page number, e.g., 414 So.2d 1066 (volume 414 of the *Southern Reporter*. second series beginning on page 1066).

● Select the Shepard's citator for your reporter. In the above example, *Shepard's Florida Citations* would be selected.

1. Select the most current supplement or pamphlet first. It is located in the black notebook binder on the shelf with *Shepard's Florida Citations*. The date is on the upper right hand corner and should be within two months of today's date.

2. Look at the note on the cover of the most current pamphlet "What Your Library Should Contain."

3. All of the items listed in that note (usually at least on bound volume and one pamphlet) **must** be used to Shepardize your cite.

Without a complete set, you cannot Shepardize correctly because the volume and pamphlets are not cumulative.

If an item is missing or not very current, check around the immediate area, then ask a librarian.

4. Once you have the complete set at hand, turn to the page that would include your volume number.

Be careful to check that you are in the appropriate section of Shepard's because some Shepard's include citations for several different reporters. The section you are in is indicated on the top line of each page.

This volume lists Florida cases from the *Florida Reports* and from the Southern Reporter.

5. Once your volume number is located, look for your beginning page number (surrounded by hyphens).

Be careful that your page number is under the correct volume number.

6. When you find that page number, you will probably see a list of citations.

If you see the first citation is surrounded by parentheses, this indicates it is a parallel cite.

Any cite **without** an abbreviation preceding it indicates that it has only mentioned your case.

Cites **with** abbreviations preceding them vary in meaning. A key to abbreviations is included in the front of every Shepard's volume or pamphlet.

Some of the more significant abbreviations are "o", indicating a later case overruled your case, and "r", indicating your case was reversed on appeal.

An "o" indicating a case has overruled your case may be misleading. It may not mean every point of law in your case was overruled.

Conversely, a cite without an "o" may have overruled certain points in your case.

7. Citations sometimes have superscript numbers following the reporter abbreviation.

These indicate the citing case is mentioning a numbered headnote in your case.

A headnote is a topical breakdown of legal issue; headnotes are listed numerically at the beginning of a case.

8. Also included in the list of citations are references to legal periodicals and *ALR's* (*American Law Reports*).

9. Keys to all abbreviations (there are several tables) can be found at the beginning of each Shepard's.

● Once you have checked the most recent pamphlet(s), working backwards in time, select the bound volume(s) of your Shepard's set to finish.

Follow steps 4 through 6.

● Once you have checked for the cite in each volume and pamphlet of your Shepard's set, you have thoroughly Shepardized your case.

● If nothing was found and you have correctly Shepardized, no cases may cite your case or your case may be too current.

● Incorrect Shepardizing can occur for a variety of reasons:

Incorrect date

Not using the first page of your cite

Not using the correct Shepard's set

Not being in the correct reporter section of Shepard's

Not using the complete set

Not being within the correct volume number

Having a *Southern Reporter* cite (1st Series) and

Shepardizing in a *Southern Reporter* (2nd Series)

Shepard's set

When shepardizing, you should remember two key differences between state *Shepard's* volumes such as *Shepard's Florida Citations* and regional *Shepard's* volumes such as *Shepard's Southern Reporter Citations*:

(1) State *Shepard's* volumes include some references not found in the regional *Shepard's*, and

(2) the regional *Shepard's* include more cases than the state ones.

Electronic Shepard's

Electronic Shepardizing is recommended. This eliminates the need to check multiple print editions. Additionally, enhancements alert users regarding the status of an opinion as precedent. The features of both the regional and state editions are merged in the online version.

Campus electronic users may Shepardize U.S. Supreme Court opinions on Lexis Universe.

Lexis provides Shepard's to the legal community.

Westlaw has created KeyCite which performs essentially the same function.