



Citation Searching: Is It Good Law?

Finding the case is only the beginning step in the legal research process. The next step is to find out if the case is any good. Subsequent to the publication of a case, any number of things can happen: The case can be appealed, affirmed, overturned, overruled, explained, or distinguished. Any and all of these will affect the validity of a case.

This is where a citation search is important. Using a citator, the researcher can examine the subsequent history of a case and see whether the case is good law or not. A citation search will reveal if a case has been upheld (good) or overturned or reversed (bad). A citation search will also reveal how others have used the case and to what purpose. A citation search will also assist the researcher in finding other cases on point. If a subsequent case cites the case being researched, this second case will most likely be on the same topic as the first case.

Citation searching is commonly known as "Shepardizing" a case. The term Shepardizing, or Shepardization, is coined from the name of the publisher that publishes the most prevalent citators, *Shepard's Citations*. Other publishers also provide citation services, but just as the corporate name Xerox has become synonymous with the process of photocopying, Shepardizing has become synonymous with legal citation searching.

The starting point of the Shepardization process is the citation itself. As you will recall from the section discussing citations, each citation has three distinct parts: the Volume Number, the Series, and the Page Number. All three of these elements are used in the Shepardization process.

As an example, we will use the case of *Illinois v. Hightower*, which is cited as 112 N.E.2d 126. In review, this case is found in the 112th Volume of the *Northeastern Reporter, Second Series*, starting on page 126.

To Shepardize this case, the first step is to go the appropriate citator. In this case, it would be *Shepard's Northeastern Reporter Citations*. The next step would be to locate the hardbound Shepard's volume that contains the citations for volume 112 of the *Northeastern Reporter*, which in this case would be volume 6. Inside volume 6, using the guide numbers on the top corner of each page, locate the pages that list the citations for volume 112 (ppg. 526-542). Going down the columns, locate page 126. Beneath the -126- is a series of citations, denoting cases that have cited *Illinois v. Hightower* in some way or another.

Alongside the citations are lower case letters. These are notations that discuss the treatment that the subsequent cases give the *Hightower* case. An "f" indicates the citing case followed the reasoning applied in the *Hightower* case. A "q" indicates that the Court questioned the reasoning in the *Hightower* case.

Lastly, the "d" in this example means the cited case distinguishes itself for some reason from the *Hightower* case: the law may be the same, but perhaps a different set of facts or circumstances separates the citing case from *Hightower* in a significant way. There are other letters used for notations, but no others are used in respect to *Hightower*. A full listing of notations and abbreviations for citations can be found in the front of each Shepard's volume.

Since new cases are coming out all the time, it is important that the researcher check the Supplements for each series. The Supplements provide a list of citations for cases that have come out since the Hardbound Volumes were published. As it turns out, there are no new citations for *Hightower* in the Supplements.

However, a citation search of 500 N.E.2d 1 in the set of hardbound volumes will show that the case has been cited 20 times, then examining the Supplements will show 8 more citations of this case since the hardbound set was published.

Shepard's publishes citators for all 50 states and the federal courts. One can also Shepardize state and federal statutes, as well as the Code of Federal Regulations. *Shepard's* even publishes a citator service for law review articles.