Legal Research: Updating a Case with Shepard’s and KeyCite

Look at the tip sheet for BUSI 3312 for more complete information about updating a case. In brief, you update a case with Shepard’s and KeyCite to verify that it is still “good law.”

To update the case, first find the case in LexisNexis. Look at the full text of the case.

One quick way to get to Shepard’s is to click on the icon in the tan bar. The icon will be different for every case. For this case, the icon is a blue circle with an “A”. (You may also see an icon that looks like a red stop sign, a yellow triangle, a green diamond, etc.)
Below is a screen shot of the Shepard’s information.

(TIP: Ignore the box that says application error—this is an ongoing, temporary problem with the Lexis interface. There is no error.)

The information says “No subsequent appellate history.”
To verify that a case is still “good law,” double-check it using WestlawNext.

Go to the database WestlawNext.
Click on cases.

Click on “All State Cases” (this is the correct choice when searching a regional reporter like S.E.2d.)
If you are researching a U.S. Supreme Court case, click on “All Federal Cases.”

Click on the advanced tab.
Type in the citation “in quotation marks”

TIP: You MUST search a citation “in quotation marks.”

It will automatically fill in the search box at the top of the screen. Click the orange “Search” button.

You will know that Westlaw understood your search request correctly when it only displays one case.
To verify if the case is still **good law**, click on the tab for negative treatment. (You are “updating” the case. Compare the results with Lexis to see if they are the same. Sometimes the correct answer is only obvious in one of the databases.)

Westlaw makes it clear that there is no negative history. The case is still **good law**.

You can also use WestlawNext to find out information about the case in the lower court.
Click on the tab for “history”.  
TIP: you will not see this tab if there is no history.

This visual shows the lower court decision. You may click on the blue link to read the case!