Each judicial opinion builds on the cases decided before it, and courts always are cognizant of the precedents in an area when rendering a decision. How do attorneys know if a decision on which they wish to rely has been overturned or modified? Traditionally, they would “shepardize” it. Shepard’s Citations publishes lists of cases and other legal sources that have cited each published opinion. Shepard’s is available in book form, and many of its titles are available online. By using Shepard’s, you can discover (1) whether your case was appealed to a higher court or remanded to a lower court for additional proceedings, (2) more recent cases that have raised the same issues, and (3) cases in other jurisdictions that address the same issues. Using a citator is essential to good research. Imagine the horror of going to argue before the Supreme Court and discovering that the case on which your argument depends was overruled last month!

Shepard’s is easy to use because it is organized in the same way as the case reporters. There are separate federal, regional, and state citators. To shepardize People v. Walcher, 42111.2d 159, 246 N.E.2d 256 (1969), for example, you can use Shepard’s Illinois Citations and Shepard’s Northeastern Reporter Citations. Although state and regional citators are similar, some differences exist in the sources they include. Your research needs will dictate whether you use one or both citators.

Assuming that you use Northeastern Reporter Citations, you should page through the citator to find the listing for page 256 of volume 246 of N.E.2d. The listing includes a series of citations. These citations are to opinions that cite Walcher. Some citations are preceded by a lower case letter, such as “f” or “q.” The lower case letter explains the court’s treatment of the case you are shepardizing. For example, “f” means the case was followed, “q” means the case or its reasoning has been questioned, and “o” means the case has been overruled. A list of the meaning for each letter is in the front of each Shepard’s volume. Each citation also includes a small number. This number is the head-note number for the issue in Walcher that is the subject of the cited case. These small numbers enable you to identify and to read only those opinions that address the particular issue you are researching, rather than every issue discussed in the Walcher opinion.

In addition to case citators, Shepard’s citators are published for certain specialized areas of the law, such as labor law, evidence, and products’ liability. Shepard’s citators also are published for constitutions, statutes, regulations, and a variety of other legal sources. Just as for case citators, these other sources are listed in numerical order by page or section number and include citations to subsequent amendments, cases, and other legal sources.

Shepard’s citators are updated frequently so you might need to use one or more hardbound volumes and one or more paperback supplements. You will know which volumes and how many to use by finding the most recent paperback version. Its front cover will list all the Volumes you need to check for a complete update. Despite its frequent updating, Shepard’s is never completely current. To get the most current information and to save the time of looking through multiple volumes of citators, you can use an online citator service, as described in the next section on electronic research.

Electronic research has become an important alternative method of legal research. Using a computer connected to a central database, you can find and retrieve cases, statutes, administrative regulations, law review articles, and many other materials. The two major online legal services are WEST-LAW and LEXIS. Both services have extensive databases and provide comprehensive training materials for students. Personal training also may be available from a WESTLAW or LEXIS representative at your law school.
locating source materials. With electronic research, rather than searching through digest entries, the "terms and connectors" approach is used in which the computer searches for one or more terms that you specify. To illustrate, consider the hypothetical corporal punishment issue discussed on page 78. After accessing the Iowa case law database in WESTLAW or in LEXIS, you would enter the following terms and connectors query: "corporal punishment" w/10 school. This query tells the computer to search for all Iowa cases in which the term "corporal punishment" appears within ten words of the word "school." The computer will find and display two cases that satisfy the query. The first case is an unrelated search and seizure case that mentions a federal corporal punishment case in a footnote. The second case is the same 1961 case found in the digest. On WEST-LAW, you can enhance your search by supplementing the search terms with a key number.

To simplify the search process even further, WESTLAW has introduced "natural language" searching. With this type of search, terms and connectors are unnecessary. Instead, you can enter a query in sentence form. For our hypothetical issue, for example, you might enter: "May a child be subjected to corporal punishment in the public schools?" This natural language query will produce twenty cases. However, the system automatically lists the cases in order of relevance and importance to the issue. Thus, the first case presented in the natural language list is the same 1961 Iowa case. In contrast, the * cases retrieved with the terms and connectors method simply are displayed in reverse chronological order.

WESTLAW and LEXIS also have online citator services. Both have Shepard's online. Both also supplement Shepard's with more recent case citations. Whereas Shepard's online is only as current as the printed citator, the WESTLAW citator in-cludes a case within 24-36 hours after West Publishing receives it. Similarly, the LEXIS citator includes a case within two to three weeks.

Advances in electronic legal research, such as natural language searches, are being matched by advances in electronic research of non-legal sources. Both DIALOG and the Dow Jones News/Retrieval databases, which are available on WESTLAW terminals, and NEXIS, which is available on LEXIS terminals, provide electronic access to information on a great variety of subjects, and these databases are being expanded continually. They include newspapers, journals, market research, medical information, and a large collection of other types of sources. Understanding the context in which the law operates will enhance your legal studies and research significantly. DIALOG, Dow Jones News/Retrieval, and NEXIS put much of the necessary information at your fingertips.

Get to know your school's law librarians. Because they are knowledgeable about the law, as well as about library science, they are invaluable when you have a difficult legal research problem. A law librarian can help you develop a research strategy that will make the most effective use of the library's resources and of your time. The law is the most extensively catalogued body of knowledge. Law librarians' specialized training and experience make them the most effective guides.

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