Legal Writing & Research – In Class Exercise: Legal Citators, the Shepard’s & KeyCite Services

Citators are a general class of research materials designed to help you find sources that have cited a source that you already have. There are two basic uses for Shepard’s and KeyCite:

1. **Verification**: to make sure that precedent you are analyzing remains good law, i.e., that it hasn’t been overturned; and

2. **Research**: to find other sources that cite to the legal material you’re analyzing, in the hopes that these new sources deal with similar subjects as or shed further light on the law you have already found.

While you will most commonly use Shepard’s and KeyCite to look up, or “cite,” cases, understand that you can also use both services to find materials that have cited other research sources, including statutes and some secondary sources.

**Online Legal Citators—Treatment Signals**

Remember: when you find or pull up a case or other legal resource on either Lexis Advance or WestlawNext, there is a strong likelihood that you will see the citator symbol. These symbols are designed to indicate a snapshot, vague, general precedential value of the case being researched. On both services, the symbols should remind you of the importance of citing the case.

**Shepard’s Signals on LexisAdvance:**

- **Strong Negative Treatment**, including no longer good law
- **Some Negative Treatment** for a statute
- Citing references question the validity
- Citing references have some negative treatment
- Citing references have some positive treatment
- Citing references provide analysis that is neither positive nor negative
- There are citing references but those references are not primary law sources

**KeyCite Symbols on WestlawNext:**

- **Some Negative Treatment**
- **Strong Negative Treatment**, No longer good law for AT LEAST ONE point
- Document has been appealed.
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Working independently, choose either Westlaw or Lexis to practice using a citator service. We are going to review the useful information a citator will provide for case law research. During the lecture, we researched a fact pattern where marijuana was found in a home when police believed a burglary was in progress. During your research, when you were looking at warrantless police entry, one case you saw was: **Murdock v. Stout, 54 F.3d 1437 (9th Cir. Cal. 1995)**.

Reading carefully through Murdock, you would learn - officers were called to a residence based upon a neighbor's observations of suspicious activity. No one responded to defendant officers' knocking, even though defendant officers heard a television and observed lights on in the residence. Police officers went to the rear and found an open sliding door. After no one responded to their calls, defendant officers entered the home and found plaintiff lying on a bed. Plaintiff is suing for a civil rights violation. The court considered and then determined that exigent circumstances justified the warrantless entry and search of a house along with the brief seizure of an occupant by police officers investigating a suspected burglary.

**TWO REVIEW QUESTIONS FOR EVERYONE – JUST LOOKING AT THE CASE IN LEXIS OR WESTLAW:**

1. What signal is indicated for **Murdock v. Stout**? What is your initial reaction to the signal; look at the chart of signal meanings to refresh your memory on the value of each signal.

2. When you have a case that appears to have facts that align with facts you are looking for and it is a case of apparent precedential value in your jurisdiction, you will want to determine: 1) if this is good law and 2) how can we get more cases with similar facts? So first, determine if the case is good law. What does good law mean to you? What do you need to know from the professor to determine if this is good law?
WORKING IN THE CITATOR YOU HAVE CHOSEN – TWO EXERCISE QUESTIONS:

Since you cannot determine whether this case is good law without knowing what law/legal issues you are looking for, here is the issue to look for: you are most interested in Murdock for its discussion of exigent circumstances on warrantless police entries. We want to know what the rules are for police to enter a property without a warrant.

1. Is Murdock good law for this issue? Use your citator service to look at the cases that refer to your case negatively. Determine why your case is being referred to negatively.

2. You are re-reading Murdock, you are making notes of how the 9th Circuit is evolving its discussion of exigent circumstances and the constitutionality of different police entries. Maybe you don’t think Murdock should be your go to case, but it is a case from your jurisdiction, and it is discussing the legal issues you need to research. Your next step is to review the Headnotes for those that are most closely associated with warrantless searches and exigent circumstances. What headnote(s) come closest to this legal issue?