

## PROFESSIONAL LEGAL RESEARCH

The legal standing or authority of a case can change over time. A decision may be reversed on appeal or overturned years later by a decision of the same court. Other courts may criticize the reasoning of a decision or limit its holding to a specific set of facts. In any event, you need to know if the case you are citing as precedent is good law. This quick reference guide will help you understand how to use KeyCite® to check your citations by retrieving the history of a case and viewing a list of cases and other sources that cite the case.

### Checking Citations in KeyCite

KeyCite, the powerful citation research service available exclusively on Westlaw, helps you determine whether a case, statute, administrative decision, or regulation is good law. You can also use KeyCite to retrieve citing references to the document, including cases, administrative materials, secondary sources, and briefs and other court documents.

### Accessing KeyCite

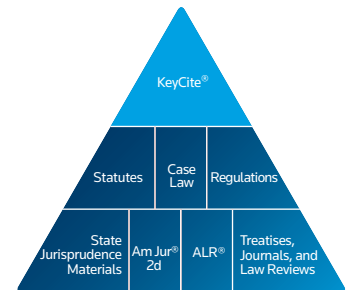
You can access KeyCite using one of the following methods:

- In the left frame of the tabbed Law School page, type a citation in the *KeyCite this citation* text box and click **Go**.
- Click **KeyCite** at the top of any page to display a detailed explanation of the KeyCite status flags and depth of treatment stars. In the left frame, type a citation in the *KeyCite this citation* text box and click **Go**.
- While viewing a document (see Figure 1), click **History** (or **Full History**) or **Citing References** on the Links tab in the left frame or click the KeyCite status flag, if available.

### Category:

Research Fundamentals

For research assistance 24 hours a day, seven days a week, call the West Reference Attorneys at 1-800-850-WEST (1-800-850-9378) or click **Help** on Westlaw® for a live help session.



The Westlaw Research Pyramid

### Using the Westlaw Research Pyramid

KeyCite sits on top of the research pyramid.'

After you find a case that is authoritative for your issue, use KeyCite to see if it is good law.

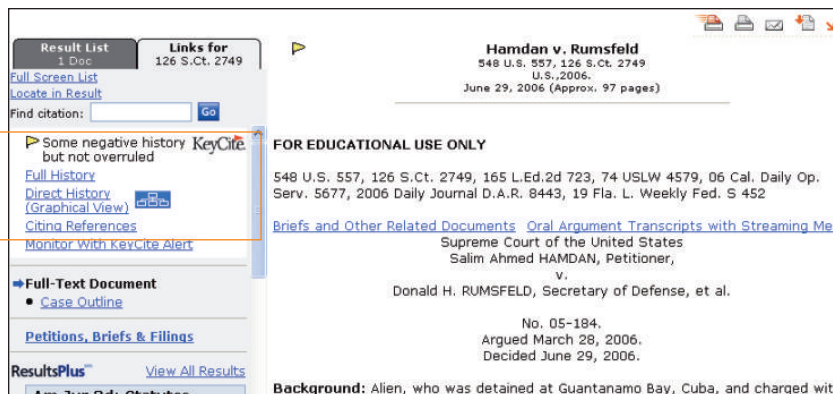




Figure 1. Case on Westlaw

## KeyCite Information for Cases

### KEYCITE STATUS FLAGS

A KeyCite status flag (a red or yellow flag, a blue H, or a green C) indicates that information for the case is available in KeyCite.

 A red flag warns that the case is no longer good law for at least one of the points of law it contains.

 A yellow flag warns that the case has some negative history but has not been reversed or overruled.

**H** A blue H indicates that the case has some history.

**C** A green C indicates that the case has citing references but no direct history or negative citing references.

### HISTORY OF A CASE

Case history (Figure 2) is divided into the following categories:

KeyCite case history category	Description
Direct History	traces your case through the appellate process and includes both prior and subsequent history
Negative Citing References	lists cases outside the direct appellate line that may have a negative impact on the precedential value of your case
Related References	lists cases that involve the same parties and facts as your case, whether or not the legal issues are the same

Case history also includes links to related court documents, such as briefs, petitions, motions, and transcripts of oral arguments.

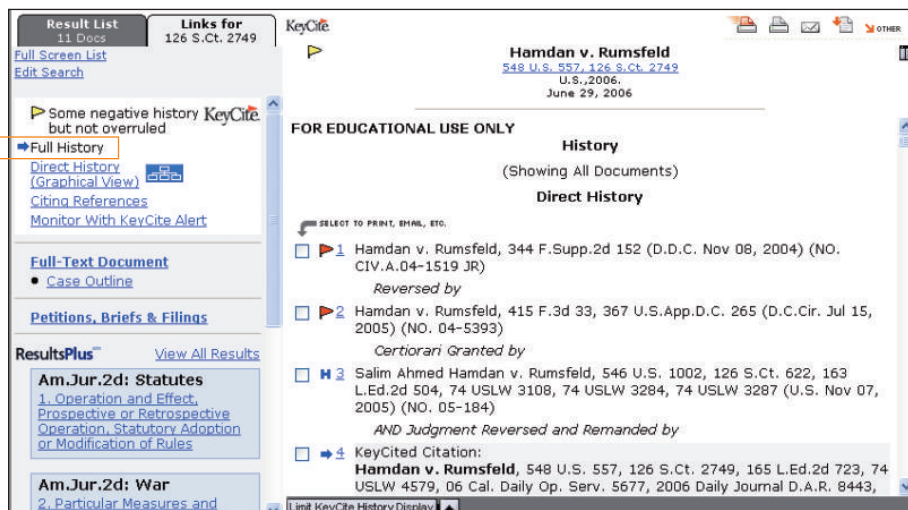


Figure 2. History of a case

## Customizing the History You View

When you are viewing the full KeyCite history result, you can show only negative history by clicking **Limit KeyCite History Display** at the bottom of the page and choosing **Show Negative Treatment Only** from the menu that is displayed. You can also choose **Exclude Court Documents** from the menu to exclude court documents from the KeyCite history result. To return to the full history, click **Cancel Limits** at the bottom of the page.

## DISPLAYING DIRECT HISTORY IN GRAPHICAL VIEW

While viewing a case, click **Direct History (Graphical View)** on the Links tab to display the direct history of the case in an easy-to-read graphical view (Figure 3).

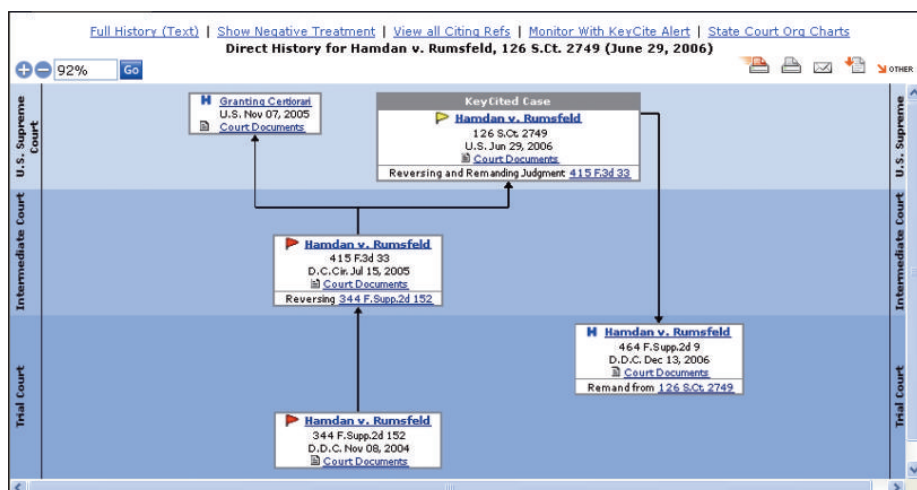


Figure 3. Direct history in graphical view

## Citing References to a Case

To view a lists of cases, administrative materials, secondary sources, and briefs and other court documents that cite your case (Figure 4), click **Citing References** on the Links tab. The first section lists negative citing cases, followed by a list of other cases, administrative materials, secondary sources, and briefs and other court documents citing your case. Citing cases are categorized by the depth of treatment they give your case.

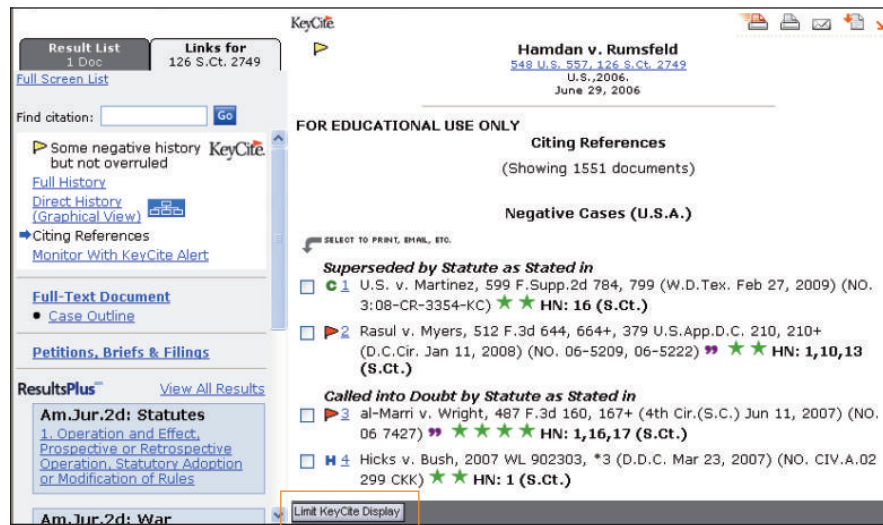


Figure 4. Citing references to a case

### LIMITING CITING REFERENCES

If the list of citing references is lengthy, you may want to restrict the list. Click **Limit KeyCite Display** at the bottom of the page to display the KeyCite Limits page. At the KeyCite Limits page, click the links in the left frame to restrict the list of citing references by document type, headnote, Locate term, jurisdiction, date, or depth of treatment category. Click **Apply** to display the KeyCite result with the restrictions you specify.

### KEYCITE DEPTH OF TREATMENT STARS

KeyCite depth of treatment stars indicate the extent to which a citing case, administrative decision, or brief discusses the cited case.

- |       |                  |   |
|-------|------------------|---|
| ★★★★★ | <b>Examined</b>  | The citing case, administrative decision, or brief contains an extended discussion of the cited case, usually more than a printed page of text.                     |
| ★★★★  | <b>Discussed</b> | The citing case, administrative decision, or brief contains a substantial discussion of the cited case, usually more than a paragraph but less than a printed page. |
| ★★★   | <b>Cited</b>     | The citing case, administrative decision, or brief contains some discussion of the cited case, usually less than a paragraph.                                       |
| ★     | <b>Mentioned</b> | The citing case, administrative decision, or brief contains a brief reference to the cited case, usually in a string citation.                                      |

For assistance using Westlaw, call 1-800-850-WEST (1-800-850-9378).  
 For free reference materials, visit [west.thomson.com/westlaw/guides](http://west.thomson.com/westlaw/guides).