

WestlawNext™

Checking Citations in KeyCite®

KeyCite, West's powerful citation research service, is available on WestlawNext. You can use KeyCite to view the history of a case, statute, regulation, or administrative decision to help determine whether it is good law and to retrieve citing references.

KeyCite information is available for every case in West's® National Reporter System®; more than 1 million unpublished cases; federal statutes and regulations; statutes from all 50 states; administrative decisions from selected federal agencies; regulations and administrative decisions from selected states; patents issued by the U.S. Patent and Trademark Office; *American Law Reports* annotations; and articles from hundreds of law reviews.

Accessing KeyCite

There are several ways to access KeyCite information:

- While viewing a document with a KeyCite flag, click the flag.
- While viewing any document, click one of the following tabs at the top of the page: **Negative Treatment**, **History**, or **Citing References**.
- Type **kc** or **keycite** followed by a citation, e.g., **kc 93 sct 1817** or **keycite 93 sct 1817**, in the text box at the top of the page and click **Search**.

WestlawNext is available on the Web at next.westlaw.com.

For assistance using WestlawNext, call **1-800-WESTLAW** (1-800-937-8529).

For free reference materials, visit west.thomson.com/westlaw/guides.

Checking Cases in KeyCite

If a case has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document (Figure 1). Most negative treatment consists of phrases such as *Overruled by*, *Abrogated by*, or *Distinguished by* and includes a link to the underlying document, if available.

KeyCite Status Flags



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.

The screenshot shows the WestlawNext interface for the case **Ledbetter v. Goodyear Tire & Rubber Co., Inc.**. At the top, there is a navigation bar with the WestlawNext logo, a search bar, and links for Folders, History, Next, and Sign Off. Below the navigation bar, the case title and citation (127 S.Ct. 2162) are displayed. A red flag icon is visible next to the case title. The main content area shows the case details, including the parties (Lilly M. LEDBETTER, Petitioner, v. The GOODYEAR TIRE & RUBBER CO., INC.) and the court (Supreme Court of the United States). A red box highlights the negative treatment: **Overturned Due to Legislative Action in Pub.L. 111-2 January 29, 2009**. To the right, there is a section for RELATED TOPICS, including Civil Rights, Remedies Under Federal Employment Discrimination Statutes, Notice of Equal Employment Opportunity Commission's Negative Determination of Charge, and Continuing Violation of Title VII Employment Discrimination Statute.

Figure 1. Case showing most negative treatment



Viewing Negative Direct History and Negative Citing References for a Case

Click the **Negative Treatment** tab to view negative direct history and negative citing references for a case (Figure 2). Negative citing references are listed in a table format. The depth of treatment bars in the *Depth* column indicate the extent to which the citing cases discuss the cited case, and the headnote numbers in the *Headnote(s)* column indicate which headnotes in the cited case contain the points of law discussed by the citing cases.

The screenshot shows the WestlawNext interface for the case **Ledbetter v. Goodyear Tire & Rubber Co., Inc.** The **Negative Treatment (63)** tab is selected. The interface displays two sections: **Negative Direct History** and **Negative Citing References (50)**. The **Negative Direct History** section shows that the case has been negatively impacted by events or decisions in the same litigation or proceedings, specifically mentioning **Ledbetter v. Goodyear Tire & Rubber Co., Inc.** (550 U.S. 618, May 29, 2007) and its overturning due to legislative action in Pub. L. 111-2 (Jan 29, 2009). The **Negative Citing References (50)** section shows a table of cases that have negatively referenced the cited case. The table has columns for Treatment, Title, Date, Type, Depth, and Headnote(s). One entry is visible: **Superseded by** **Vuong v. New York Life Ins. Co.** (Feb. 06, 2009, Case, Depth 3, Headnote(s) 2, 3, 4).

Figure 2. Negative Treatment tab

Viewing History for a Case

Click the **History** tab to view the direct history of a case and related references. The cases included in the direct history and related references are listed in the left column. Direct history is also displayed in graphical view in the right column. You can restrict direct history by choosing an option from the **View** drop-down list.

Viewing Citing References for a Case

Click the **Citing References** tab to view a list of cases, administrative materials, secondary sources, briefs, and other court documents that cite your case (Figure 3). To change the order in which the citing references are displayed, choose an option from the **Sort By** drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the *Search within results* text box in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under *Narrow* in the left column, e.g., **Jurisdiction**.

The screenshot shows the WestlawNext interface for the case **Ledbetter v. Goodyear Tire & Rubber Co., Inc.** The **Citing References (2,772)** tab is selected. The **Sort By** dropdown is set to **Depth: Highest First**. The **VIEW** section on the left shows a list of document types: Cases (494), Administrative Decisions & Guidance (20), Secondary Sources (757), Briefs (244), Pleadings, Motions, and Memoranda (1,254), Expert Witness (2), Arbitration Awards (1), and All Results (2,772). The **Briefs** section is highlighted. The main table displays citing references with columns for Treatment, Title, Date, Type, Depth, and Headnote(s). Two entries are visible: **E.E.O.C. v. Sterling Jewelers, Inc.** (Jan. 06, 2010, Case, Depth 3, Headnote(s) 2, 4, 5) and **Alexander v. Seton Hall University** (Dec. 07, 2009, Case, Depth 3, Headnote(s) 2, 3, 4).

Figure 3. Citing references for a case

Checking Statutes in KeyCite

If a statute has a red or yellow flag, the most negative treatment is displayed next to the flag at the top of the document (Figure 4). Most negative treatment consists of phrases such as *Unconstitutional* or *Preempted* or *Proposed Legislation* and includes a link to the underlying document, if available.

KeyCite Status Flags



A red flag indicates that the statute has been amended by a recent session law, repealed, superseded, or held unconstitutional or preempted in whole or in part.



A yellow flag indicates that the statute has been renumbered or transferred by a recent session law; that an uncodified session law or proposed legislation affecting the statute is available; that the statute was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute received negative treatment from a court.



Figure 4. Statute showing most negative treatment

Viewing History for a Statute

Click the **History** tab to view history for a statute, which includes the following categories (Figure 5):

- **Graphical Statute**, which helps you track changes to a statute
- **Negative Treatment**, which includes cases affecting the validity of the statute, recent session laws that have amended or repealed the statute, and proposed legislation
- **Versions**, which includes prior versions of the statute
- **Legislative History Notes**, which summarizes legislative changes affecting the section
- **Bill Drafts**, which includes drafts of bills introduced before a section was enacted into law
- **Reports and Related Materials**, which lists reports, journals, *Congressional Record* documents, presidential or executive messages, and testimony relevant to the section

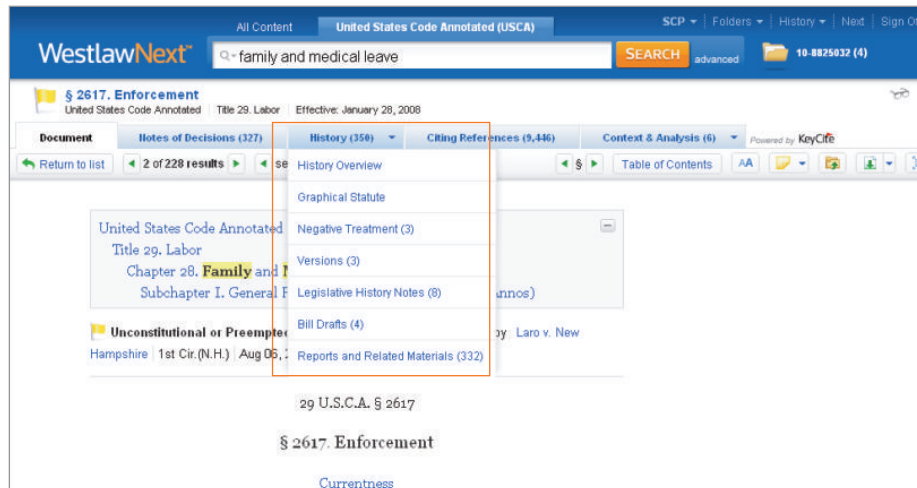


Figure 5. History tab for statute

Viewing Citing References for a Statute

Click the **Citing References** tab to view a list of cases that have affected the validity of the section, cases from *United States Code Annotated*® and state statute notes of decisions, cases on WestlawNext that are not included in notes of decisions, administrative decisions, *Federal Register* documents, secondary sources, briefs and other court documents, statutes, and administrative codes (Figure 6). To change the order in which the citing references are displayed, choose a date option from the *Sort By* drop-down list on the toolbar.

To narrow the list of citing references, you can

- type terms in the *Search within results* text box in the left column.
- click a document type in the left column, e.g., **Cases**. You can further narrow this list by selecting a filter under *Narrow* in the left column, e.g., **Jurisdiction**.

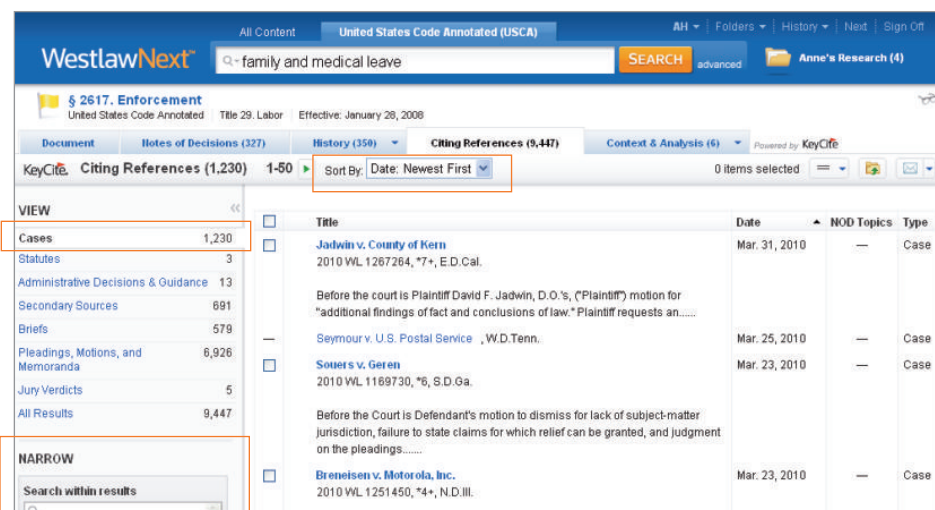


Figure 6. Citing references for a statute