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Museletter: March 2000

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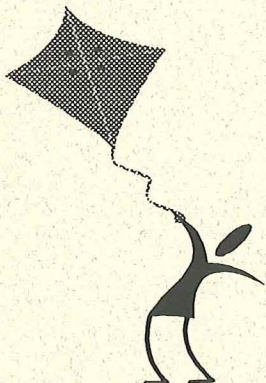
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MUSELETTER

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SPRING 2000

Regular Hours

Sunday: 10:00 a.m.
to 12:00 Midnight

Monday-Thursday:
7:30 a.m. to 12:00
Midnight

Friday: 7:30 a.m. to
9:00 p.m.

Saturday: 9:00 a.m.
to 9:00 p.m.

KEYCITE V. SHEPARD'S: HOW THE TWO ONLINE CITATOR SERVICES COMPARE

BY JAMES WIRRELL

Comparing Westlaw's KeyCite and Lexis's Shepard's citator services is a little like comparing Chevrolet's mid-size four door sedan to Ford's. Not stimulating intellectual work, but it could be important if you were in the market. And most law students and legal researchers are in the market.

The first and most obvious similarity between the two citators is their respective system of red and yellow markers. Red flags or stop signs indicate that the case you are researching has some definite later negative treatment — either the case or a point in it was overruled or reversed. Yellow flags or yield signs indicate that your case has some sort of later negative treatment — perhaps the case or a part of it was criticized or distinguished.

A second similarity is that, despite claims to the contrary, independent studies show that the cases retrieved are pretty similar. There are minor differences in coverage depending on which cases are researched but one service will retrieve more cases in one instance and vice versa.

There are two important differences to keep in mind. First, Shepard's lists the search results by court jurisdiction and within that, by date. KeyCite, meanwhile, groups the search results by depth of treatment as ranked by its star system. Secondly, KeyCite provides a Table of Authorities function which allows researchers to determine the continued validity of the cases which were relied on as authority backwards in time. In other words, if a case that purports to criticize your case depends on bad authority, you will be able to find that out.

Shepard's remains the standard citator as can be seen in the language used. In Canada and England, you "note up" cases, while in the United States you still "shepardize." Nevertheless, KeyCite provides strong competition and can only spur innovation.

If you work for a law firm, the choice as to which system you use will probably be already made for you. It is still good to know the various features of the two systems. It is also good to keep in mind what *neither* product will do for you. The red and yellow flags, for example, are not a substitute for reading the cases carefully. For example, one case which featured in the 1L Lexis and Westlaw training sessions was red flagged by KeyCite and yellow flagged by Shepard's. For the issue that we were interested in, however, the case was still good law - the red and yellow markers applied to an unrelated issue.

(Continued on page 2)

Countdown to Census 2000: Over 121 Million Households to Receive Questionnaire

The United States Constitution requires a census every 10 years to determine how many seats each state will have in the U.S. House of Representatives and award federal funds to localities. U.S. Const. art. 1, sec. 2, cl. 3.

Census questionnaires were mailed mid-March to over 121 million housing units in the 50 states, the District of Columbia, and the territories. There is a long and a short form. Only 1 in 6 households receives the long form, which covers 34 subjects, and takes about 38 minutes to complete. The short form is only seven questions.

Over \$100 billion in federal funds will be distributed annually based on Census 2000 results. Community leaders use the census for everything from planning schools and building roads to providing recreational opportunities and managing health-care services.

Based on prior censuses, the Bureau anticipates receiving nearly 79 million questionnaire responses by mid-April. Between mid-April and early July over 600,000 people hired and trained by the Bureau will visit housing units that did not return census forms. On New Year's Eve, apportionment counts will be delivered to the President.

Census 2000 is the first census in which households can respond online. Point your browser to www.census.gov. Under "Census 2000," click on "Form Help." Click on "Internet Form" and follow the steps.

Catch the Last Brownbag Sessions of the Year!

The following is the schedule of the remaining classes for the Spring semester. Legal research courses are in standard type; computer related courses are in *italics*:

March 22:	Legislative History
<i>March 29:</i>	<i>Spreadsheet applications</i>
April 5:	Internet legal sites
<i>April 12:</i>	<i>Exam preparation</i>
<i>April 19:</i>	<i>Exam preparation</i>

Bring your lunch, and we'll provide drinks and dessert. All classes are at Noon in

KeyCite/Lexis continued:

So when you must use an online citator, bear in mind what your goals are and choose the citator which has the features you need. Then when using the citator, be sure to read fully the cases to be sure what they really mean.

- 1 Elizabeth M. McKenzie, "Comparing KeyCite with Shepard's Online", *Legal Reference Services Quarterly*, vol.17(3) 1999, 85 at 98.
- 2 McKenzie at 97.
- 3 McKenzie at 97.

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