



# SFALL Newsletter

A Quarterly Publication of the South Florida Association of  
Law Librarians

## August 1999

### President's Message



Denise Gibson, St. Thomas University

Before I begin this column, I would like to thank Mary Barmmer for the grace and dignity with which she led SFALL this past year, and I look forward to consulting with her as we forge ahead into the new millenium. I know I can also count on our new Board members as well as from you, the membership, for your talents and contributions during the upcoming year.

Having just returned from AALL's Annual Meeting in D.C., I am still "cooling off" here in South Florida (hard to believe) from the sweltering heat up there! I picked up a few good ideas from attending the Chapter Leadership Training sessions which we can discuss at future business meetings. It was very interesting to note how large many of the other AALL Chapters are in comparison to us, but how SFALL has managed to keep up with the "big guys" for all these years. Kudos to our past and current members for keeping SFALL alive and well.

Handouts of AALL Chapter websites (at least for those Chapters who have created them, and which were up-to-date) from around the country were distributed to the attendees, and we have every reason to be proud of the great job Alfred Holmes did for SFALL's web pages! Other chapters favorably commented on our new "sunshine" logo, as well as on the design and look of our site. Thanks to Linda Datko for submitting the By-Laws, Lisa Smith-Butler for submitting the newsletters, and to all those who have sent Alfred updated membership information, and internet sites. Let's keep up the enthusiasm for developing this very important web site, and assist Alfred in every possible way in keeping it current and stocked with worthwhile information.

Visit **SFALL's Web Site** (*you will be glad you did*)  
@ <http://www.aallnet.org/chapters/sfall>  
Bookmark it for future use!

We are also encouraging members to join our newly created Chapter Listserv. It is very simple to register and will only take a few minutes of your time. This listserv will provide a means to quickly communicate with each other about our ideas, concerns, and upcoming events (including the Holiday Dinner), so please join now!

**How to Subscribe to SFALL's Listserv:**  
<http://www.onlist.com/subscribe/sfall>. (Or you can access it directly from SFALL's web page).

Once there, click on Register. When prompted for your e-mail address and password, you can just use the one assigned to you at your library. Please also fill out a short profile of yourself, so we can further identify you. If you have any problems or questions, please call me at 305-623-2349, or e-mail to [dgibson@stu.edu](mailto:dgibson@stu.edu).

While Monica Wilson is planning some terrific educational programs, Lisa Smith-Butler is working diligently in keeping us informed through the SFALL newsletter. If you would like to write a column for insertion into the next newsletter, Lisa will welcome your contributions.

SFALL excels because of its members. Let's all continue to work zealously during the upcoming term to ensure that SFALL retains it's unique vitality as we enter the year 2000.

**Denise**



## Past President's Message

Mary Barmmer,  
Akerman, Senterfitt & Eidson

As I write this column, I am reminded that it is the message from the "past President" of SFALL. It is a surprising realization—that a whole year has passed by so quickly.

I hope that this past year's membership in SFALL has proved beneficial to you. If you have participated in any of the programs or attended any of the meetings this past year, I hope that it has been a positive experience. Hopefully you took something away from at least one presentation or meeting that made your attendance worthwhile and your SFALL membership seem like a good investment.

I like to think that the time and energy each of us invests in our organization throughout the year pays us back in the dividends of increased knowledge and a wider network of resources that we can tap to meet the demands of our profession. Certainly we all struggle to keep abreast of the latest technological changes that impact law librarianship. We attempt to see the broader perspective.

At the same time, we are faced with the individual—sometimes petty—demands that confront us on a daily basis. Ideally, through our membership and active participation in SFALL, we are better able to meet these challenges and see the bigger picture.

Seeing the bigger picture professionally while gaining the "tools"—the knowledge—to deal with the daily issues must be one of the more important tangible benefits of our membership in a professional organization such as SFALL.

Equally important are the intangible benefits of SFALL membership—the contacts, the networking, and the friendships that develop as you get to know fellow members. SFALL membership has enriched my life this past year in myriad tangible and intangible ways. I hope it has enriched yours as well.

**Mary**



## Updating A Citation? Shepard's v. KeyCite

Lisa Smith-Butler  
Nova Southeastern University

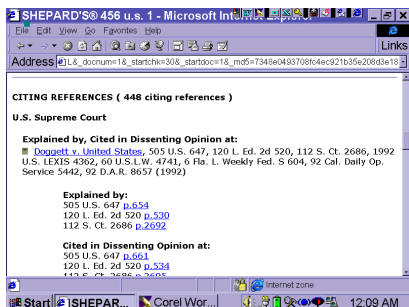
In the ongoing competition between Westlaw and Lexis-Nexis, electronic citators have become involved. Previously Shepard's was available on both Westlaw and Lexis. As of July 2, 1999, Shepard's is available exclusively on Lexis-Nexis. Westlaw is countering the challenge with its relatively new citator service, KeyCite.

Shepard's is available through a Lexis-Nexis subscription as well as its Internet subscription, *Shepard's Online* @ <http://www.shepards.com/>. In terms of longevity, Shepard's is far better known than KeyCite. In 1873, Frank Shepard developed the process of updating cases that has become known as shepardizing. For decades, law students and novice attorneys have been admonished to "shepardize" their cases and statutes. The term *shepardize* has become synonymous with updating. While Shepard's has evolved from a print citator to an electronic citator, there is no print version of KeyCite. KeyCite was developed by West Publishing and introduced at the 1997 AALL Conference in Baltimore, MD. What are the differences between the two services? A discussion of the format and analysis functions of the two services as well as a comparison will follow.

**Shepard's** provides the researcher with the following information:

- parallel citations;
- subsequent case history;
- treatment by later cases; &
- citations to secondary sources such as ALRs and law reviews.

In Shepard's, the researcher first finds parallel citations in parenthesis, followed immediately by subsequent case history. Later case treatment has cases arranged by jurisdiction (first U.S. Supreme Court, then Circuit Courts in numerical order, next



District Courts in alphabetical order by state, and finally state appellate courts in alphabetical order by state). Within the jurisdictional arrangement, cases are structured by date. The print Shepard's uses a series of codes to indicate case treatment—i.e. overruled (O), reversed (R), explained (E), distinguished (D), followed (F)—while the electronic Shepard's simply lists this activity as a heading over cases.

The electronic version of Shepard's allows researchers to further refine and narrow the research in ways not available in the print format. Using the *Customs Restrictions Form*, researchers can limit their citations by jurisdiction, headnote, negative analysis, positive analysis, concurring opinion, and dissenting opinion. Hyper-text links to the full text of decisions and statutory provisions exist. *Shepard's Online* goes a step further with its new service known as *Underpinnings*. *Underpinnings* shepardizes the cases cited within the researcher's case, allowing the researcher to view the status of authorities relied on in their case. Like KeyCite,

*Shepard's Online* uses a series of traffic light colors, i.e. green, yellow, and red, to indicate the status of a case. A green light indicates the case is "good law" while a yellow light suggests negative treatment. A red light means the case has been overruled or reversed.

Shepard's provides citator services for cases, statutes, rules, ordinances, jury instructions and law review articles. While Shepard's provides citation services for citations reported in Federal, State and National Reporter publications, it is also beginning to provide these services for unpublished cases available on Lexis.

**KeyCite** is available through a subscription to Westlaw as well as a separate subscription to its Internet site, *KeyCite*, at <http://www.keycite.com/>.

KeyCite provides the researcher with:

- direct appellate history of a case;
- negative indirect history of a case;
- later case treatment citations to all cases published in the National Reporter series, unpublished decisions, administrative decisions, and secondary sources on Westlaw;
- citations to USCA, CFR, and statutes from all fifty states; &
- integrates the citation service with all of the Westlaw features, including headnotes, topics, and key numbers.

KeyCite uses a series of flags to indicate the status of the researcher's case. A green flag indicates that the case is still "good law" while a yellow flag indicates caution: there has been some negative treatment. Red flags indicate that the case has been overruled or reversed.

KeyCite organizes citing cases by the depth of treatment accorded a case, using a star system. Cases with four stars indicate that the researcher's case has received extensive discussion while three stars indicate that the case received several paragraphs. Two stars reflect some discussion while one star indicates that the case was merely cited. Quotation marks indicate that quotes from the researcher's case are included in the citing case. Pin point citations (or hyper-text links) allow the researcher to jump directly into any citing case that may interest him or her.

KeyCite also allows a researcher to limit the citation analysis by headnote, jurisdiction, date, publication, document type, or depth of case treatment. Like *Shepard's Online Underpinnings*, KeyCite has a source known as the *Table of*

Comparisons between the two citator services indicate that there are slight variations. KeyCite returns results that include unpublished decisions on Westlaw. KeyCite also provides greater coverage of law reviews than Shepard's. As an example, I shepardized and keycited *U.S. v. McDonald*, 456 U.S. 1 (1982). KeyCite returned 495 citing references and 27 prior history citations for a total of 522 citations. Shepard's returned 23 prior history citations, 12 subsequent appellate history citations, and 448 citing references for a total of 483 citations.

Clearly the entry of KeyCite as a citator service and the exclusivity of Shepard's on Lexis will change the way researchers update cases. Individuals without subscriptions to either Lexis or Westlaw will be able to use Shepard's and KeyCite. *Shepard's Online* (<http://www.shepards.com>) charges \$4.95 per citation for updating while *KeyCite* (<http://www.keycite.com>) charges \$3.95 per citation. It remains to be seen whether KeyCite will also become synonymous with updating.

## AALL Annual Meeting

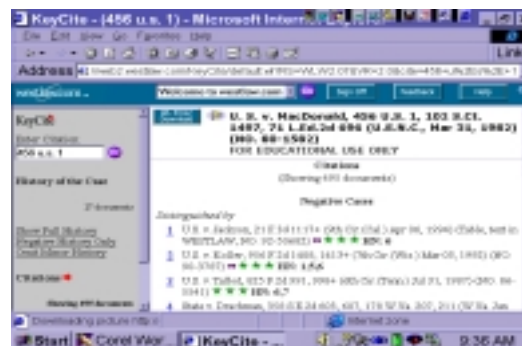
Diane Altimari  
Nova Southeastern University

My first trip to the AALL Annual Meeting was a wonderful way to celebrate my first year anniversary as a law librarian. Seeing old friends, networking with new acquaintances and seeing Washington DC too, was just wonderful! The best part of the conference for me was the Basic Legal Reference workshop developed by law librarian, Joan Shear, from Boston College Law Library. The program was presented by a team of librarians from all facets of the profession. Tours were arranged for anyone who wanted to visit an academic law library, the Supreme Court library or one of two law firm libraries. The two day workshop started with an introduction to reference in different library venues and proceeded with a presentation of a musical skit that featured a patron's visit to the reference desk at different stages of his career to demonstrate what might happen in different library venues. The lyrics

*Authorities*. This service helps researchers ascertain the status of the authorities cited in the case upon which they are relying. KeyCite also provides a service known as *KeyCite Alert* which functions like Westclip. If the researcher chooses to use *KeyCite Alert*, she or he will be notified of any subsequent citations to the case.

were put to the music of *Guys and Dolls* and it proved to be very amusing as well as informative. The workshop covered the Basics of Legal Research, Reading Legal Citations, Case, Law, Statutory Law, and Regulations Law. This workshop also covered electronic and web-based research. What made this conference so good was that they provided the material so we could do hands on research assignments. I really recommend this workshop for training new law librarians.

The programs offered at the conference covered just about everything! Some of the programs covered legal research, electronic publishing, legislative information, legal resources, privacy, computer technology, law firm management, online research, censorship, financial management, student workers, cataloging, collection development, the Internet and the Web. The vendor exhibits were wonderful. Lexis and West both competed for the most exposure. I gathered so many gifts at the vendor presentations that I actually shipped them home from



a terrific service that AALL offered at the convention hall. West seemed to win the day with a grand opening of their Millennium presentation with Dick Clark counting down the seconds. The best entertainment proved to be the performance of the Capital Steps at the closing ceremony. Since the conference was held in Washington, their satirical skits on politics seemed appropriate.

## Chapter Events

### JOBS

Busy county law library in downtown Ft. Lauderdale has immediate opening for circulation/reference librarian. Legal reference and computer expertise necessary. Salary range: \$27,000.00 - \$36,000.00 plus excellent benefits. Submit resume to Ms. Underhill, 201 S.E. 6<sup>th</sup> St., Room 1800, Ft. Lauderdale, FL 33301.

**Information for the Newsletter**

If you are interested in writing an article or have information for the *SFALL Newsletter*, contact Lisa Smith-Butler at Nova Southeastern University, Shepard Broad Law Center. She can be reached at (954) 262-6215 or smith-butler1@nsu.law.nova.edu

