New Kid on the Block: KeyCite Compared to Shepard's

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New Kid on the Block: KeyCite Compared to Shepard’s

Elizabeth M. McKenzie

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New Kid on the Block: KeyCite Compared to Shepard’s

In July, 1997, West Group unveiled a major new product, KeyCite. KeyCite works much like Shepard’s, but adds some new features which dramatically increase its efficiency for law firm use. Shepard’s has been so much the standard in citators that the term “shepardizing” is the standard way to describe using a citator. Now that KeyCite has debuted, Shepard’s will have to safeguard their trademarked name. In this article, I attempt to compare the two systems’ processes, claims and results. Many thanks are due to the reference librarians who helped me compare the two services: Ellen Beckworth, Ellen Delaney and Beth Gemellaro.

KeyCite can be used like a citator to discover whether the case is still good law, and to find other, later cases dealing with the same issue, expanding one’s research. However, KeyCite offers new features that can speed the legal researcher along. KeyCite uses a system of red, yellow and green flags that is similar to Shepard’s traffic signals on the CD-ROM version. Red indicates that

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the case is not safe to use as a precedent, yellow means use the precedent with caution, and green shows the user that the case is still solid precedent. In addition, KeyCite analyzes how in-depth the later case’s discussion is of the cited case and notes cases that actually quote the precedent case. KeyCite further speeds the researcher by reverse-citing the original case. That is, it looks at the precedent in the original case, and analyzes whether that is still good law. This is called the Table of Authorities function. How does KeyCite compare with Shepard’s from a user standpoint?

I. How Do They Work? The Processes

Both Shepard’s and West’s KeyCite follow a multi-step process to produce their massive citator databases. Despite advertising claims to the contrary, these processes are remarkably similar. Both Shepard’s and KeyCite currently use automation to extract or highlight all citations in every opinion they receive in electronic format. These systems must be programmed to recognize a citation and mark it for human editors.

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2Telephone Interview with Jane Morris, Marketing Coordinator, Shepard’s, January 20, 1998 and with Dan Dabney, KeyCite team, West Group, February 13, 1998.
The human editors then read the case and manually add the history and treatment codes. At Shepard’s, specially trained legal editors then read each case’s citing references and determine the impact on precedent. They assign the history and treatment codes manually. At West Group, the editors for every opinion published in the West National Reporter System are the same attorney editors who write the syllabus and headnotes. The analysis of case history and treatment codes has just been added to their regular duties. Those decisions not published in full in West’s reporters are read and evaluated by a separate set of trained editors who evaluate and assign history and treatment tags. But both systems use highly trained human editors who evaluate and manually assign the history and treatment codes.

The next step is the assignment of headnote superscripts, which identify for which issue the later case was citing the earlier case. The Shepard’s editors compare the citing case side-by-side with the precedent to locate the appropriate headnote number if possible. They will insert West headnote numbers as well as headnotes from other, non-West reporters. At West, the superscript headnote

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3Morris, supra, note 2.
4Dabney, supra, note 2.
5Morris, supra, note 2.
numbers are added to KeyCite automatically. KeyCite claims that they have compared their headnote results against Shepard’s. They found that, while Shepard’s makes fewer of the “silly errors” to which computers are prone, that KeyCite assigns half again as many correct headnote numbers as Shepard’s. They feel that the increased richness is only possible with automation. KeyCite estimates their headnote error rate at about 3%, and feels that the increased number of headnotes added via their automated system more than outweighs the error rate. They monitor the quality of the headnote addition process. When an error is found, the system flags a human editor who can then manually override the system.6

At KeyCite, the next step is to add the depth of treatment stars and the quotation identification marks. This is done automatically with a manual override. The West Group computers use a combination of the number of times the case is cited with the type of citation, number and length of quotations to analyze the depth of treatment. For instance, a citation that stands alone is weighted more heavily than a citation in the middle of a string cite. A citation at the head of a string cite is weighted more heavily than the stand-alone citation.

To test their automated method, the KeyCite team editors read thousands

6Dabney, *supra*, note 2.
of cases and assigned depth of treatment codes. A single case might have been evaluated by six or more human editors for its depth of treatment of each cited case. Each member of the team made his or her own evaluation and they compared their outcomes to each other and to the computer’s performance. They averaged the depth of treatment analysis of all the human editors. The computer’s automated analysis agreed better with the averaged analysis among the human editors than it did with the analysis of any single human editor. The difference of perception among the human editors was evened out by the computer model.\footnote{Id.}

KeyCite’s automation software recognizes quotations by looking for blocked-off text or quote marks. The system then searches in the vicinity of the text for a citation. The system then verifies the language quoted against the cited case’s actual language. In effect, it citechecks the citing judge. If the language does not match, or if the citation is incorrect, the system kicks the quote out for human evaluation.\footnote{Id.}

\section{Claims and Counterclaims}
As Shepard’s confronts the first real competitor to its citator dominance, claims and counterclaims are flying. Where does the truth lie? I believe that the development of West’s KeyCite contributes a major new entry into the legal research arena. But librarians and legal researchers should be aware of the real advantages and limitations of both KeyCite and Shepard’s.

Gary Spivey and Tom Warner have written “Fourteen Ways in Which Shepard’s is Better than KeyCite,” dated August 21, 1997 [Appendix A]. Each claim made on that sheet is examined below as an organizing principle for the discussion.

The first claim is that “Shepard’s is a full-service citator for cases, statutes, regulations, court rules, patents, trademarks and other materials. KeyCite covers only cases.” At this point, that claim is partially true. KeyCite covers cases citing other cases, but also instances where cases are cited in law review articles. Our tests actually show KeyCite picking up many more law review citations to cases than Shepard’s for the same case. In addition, West Group is moving to add citations to cases made in other secondary materials. They are working first on the major treatises published by West Group.9 KeyCite does not appear to have plans to add citator service for statutes, jury instructions,

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9Id.
court rules, ordinances or journal articles, all currently covered by *Shepard’s*.

The second claim is that *Shepard’s* works with “all publishers’ case reports,” while KeyCite can be used only with West reports and West headnotes. This is partially true. KeyCite only works on West headnotes. However, as can be seen from the results of our tests, KeyCite will certainly work on non-West reports. The KeyCite team say they have considered whether to include headnotes from other publishers. They have decided not to do so, unless they see a great market demand for this feature. The larger reason appears to be that they consider it a little used and often misused feature of *Shepard’s*.

I realize that there are times than [sic] one reporter’s headnotes capture a point of interest more precisely than another’s so that, at least potentially, power users can sometimes get a better list by shopping reporters. But my experience in teaching Shepard’s is that that feature causes a lot of errors, too, when people think they are looking for citations to one point and in fact they’re getting references for another. One of the beauties of KeyCite is that we can show you the headnotes themselves, and you are much less likely to make such an error.

In sum, I wouldn’t say that we’ll never post references for non-NRS [non-National Reporter System, i.e., West] headnotes, but we’re not enthusiastic about the idea. If the market wants it badly enough, we’ll do it -- we’re committed to making KeyCite the citator of choice in every respect. But in general, we’re going to develop the
product by reinventing the citator rather than by slavishly imitating every feature available in Shepard’s. \( ^{10} \)

These are good points, but if the brief one is cite-checking or one’s library uses only official reporters, one might be frustrated using KeyCite. If the reports are not received electronically, it is much more labor-intensive to include headnotes. If they decided to include non-NRS headnotes, West Group might prioritize the headnoted materials in that way, adding headnote treatment first to any non-West reporters with headnotes which are delivered to West Group electronically.

Shepard’s third claim is that it covers all published court decisions, while KeyCite’s coverage varies by jurisdiction, prior to 1945. This is also true, though not for long. KeyCite is working to quickly add full coverage of the eight states not currently covered prior to 1945. Those eight states are Kansas, South Carolina, Maine, Utah, Nebraska, New Hampshire, West Virginia, and Wyoming. \( ^{11} \)

Fourth and fifth, Shepard’s claims that they provide “TEN TIMES as many case histories as KeyCite -- millions more” and that they provide “THREE

\( ^{10} \)E-mail message from Daniel Dabney, KeyCite Team, West Group, Feb. 26, 1998.

\( ^{11} \)Telephone Interview with Tiffany Crandall Elwood, West Academic Representative, October 29, 1997.
to FOUR TIMES as many negative case histories as KeyCite.” (emphasis in the
original). It is not clear what “case histories” refers to, since it seems impossible
that the eight states missing pre-1945 KeyCite coverage could account for
“millions” of cases shepardized. If Shepard’s is referring to the number of cites
provided, that might be true, since Shepard’s lists every mention of the cited case,
often resulting in multiple listings inside the same citing case. KeyCite picks up
the multiple cites within the same case, but only lists the case once, with pinpoint
cites for each discussion, and a signal of how much the citing case discusses the
earlier case. This claim seems mysterious.

Shepard’s sixth claim is that they provide a “positive history” by showing
subsequent approvals, while KeyCite does not. A related claim, number seven, is
that Shepard’s shows negative treatments as well as positive treatment in
subsequent cases, alerting the researcher to “conflicts in authority.” The eighth
claim is that Shepard’s alerts the researcher to later cases that do not cite the case
being shepardized, but criticize or overrule cases either relied on in the original
case or that relied on the original case as authority themselves.

KeyCite actually does clue the user in to whether the subsequent case
treats the cited case with respect or criticizes it. KeyCite uses green flags for
positive citing statements, yellow flags for criticism and red flags to alert the
researcher to negative treatment. Furthermore, West Group is working to
improve the system’s catch rate of tacitly overruling and distinguishing cases.

The database began with Instacite, which kept negative indirect history only back to 1972. But West Group was able to merge that database with Autocite during the Thomson merger and divestiture, greatly enlarging the coverage of negative indirect history. Since then, they have maintained the database and are now using computers to scan Westlaw for cases that overrule others without explicitly saying so. They have found a number that were not in either Autocite or Instacite. They are using the same process to look for cases that distinguish earlier precedents but were not noted so in Autocite or Instacite.12 Another rebuttal to Shepard’s claims, is the Table of Authorities function in KeyCite. One of KeyCite’s special features, this “citates” backwards, validating the cases relied on as precedent in the original case you are checking.

Shepard’s ninth claim is that they editorially analyze every citation in every case. That statement is true. But then, the sheet goes on to state that KeyCite analyzes only a small fraction and then only superficially. This statement is misleading; as explained above, the West Group headnote editors are the main group assigning history and treatment analysis. They cover all cases reported in the National Reporter Series. Highly trained human editors editorially

12Dabney, supra, note 2.
analyze every case for treatment and history codes at both Shepard’s and West Group.

Tenth, Shepard’s states that they use computer programs to support its editorial analysis, while KeyCite uses computer programs as a substitute for editorial analysis. The result, claims, Shepard’s, is that KeyCite “omits relevant references and include irrelevant ones.” This is clearly not true from the explanation of process above. The only process in which West Group uses computer programs and Shepard’s uses humans is the assignment of headnote codes. West Group claims that they use quality control tests to check the number and quality of headnote assignments, and that they assign 150% as many correct headnote numbers as Shepard’s.\textsuperscript{13} In the core function of analyzing treatment and history, both vendors use human editors. Again, readers should also judge from the actual search results. In fairness to Shepard’s, this allegation was supported in a brochure mailed me [Appendix B] by a citation to an article quoting Daniel Dabney of West Group. I have not discovered whether the article was in error or if the process has changed since the time of the interview.

Shepard’s eleventh claim is that they provide references to all publisher headnotes. This is true. They then point out that KeyCite only covers West

\begin{flushright}
\textsuperscript{13}Id.
\end{flushright}
headnotes. This is true. Remember the discussion above at the related second claim, however.

The twelfth claim is that Shepard’s headnote references are “editorially analyzed and assigned. KeyCite’s are computer-generated and imprecise.” This claim directly attacks the quality attained by KeyCite through its computer algorithm, compared to Shepard’s careful, human-touch editorial work. Readers should compare the results below and draw their own conclusions. This may require more studies to resolve.

Shepard’s claims that they offer “deeper coverage of secondary sources,” specifying that they cover law journal articles from 1916 to date, whereas KeyCite only covers law review references to cases from 1980 to date. They calculate that this misses 90% of the most-cited law review articles. I would be interested in their basis for this thirteenth claim. Did they analyze the patterns of citation in Shepard’s Law Review citations? If so, they are missing a good number of law reviews that could be cited. Shepard’s Law Review Citations covers only a small handful of journals, missing even some of the highly regarded, long-established law reviews. Results below show vastly more law review citations to cases found by KeyCite than by Shepard’s.
III. Test Results

A. Methodology

I selected cases to compare somewhat at random. I performed two Westlaw searches to pull up cases. I searched the Allfeds and the Allstates databases for cases dealing with seizure of a knife in a criminal case. I also searched the Allfeds database for civil cases dealing with trademark issues. From those lists, I selected several very recent cases, and several older cases. I selected several cases from the United States Supreme Court, various federal courts of different levels and state courts in states, Illinois and Massachusetts, which have always maintained official reports. I selected only officially reported cases; none were available only electronically. I then assigned the cases to three reference librarians, all of whom had taught both Shepard’s and KeyCite. The librarians ran the Shepard’s search on Westlaw, since they were more familiar with that gateway, and repeated the search in Shepard’s Preview and QuickCite to complete each Shepard’s search. The alert reader will notice that each comparison took three searches to bring the Shepard’s research up to date, while the KeyCite work was done in one search. We tried to do both searches on the same day.


### B. Results


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>1056 unique case cites</td>
<td>1352 unique case cites</td>
</tr>
<tr>
<td>48 law review cites</td>
<td>637 law review cites</td>
</tr>
<tr>
<td>11 Lawyer’s Edition cites</td>
<td>3 PLI article cites</td>
</tr>
<tr>
<td>2 ALR cites</td>
<td>2 ALR cites</td>
</tr>
<tr>
<td></td>
<td>1 West’s Educ. Rep. Cite</td>
</tr>
<tr>
<td>261 headnote numbers</td>
<td>2513 headnote numbers</td>
</tr>
</tbody>
</table>

261 of the KeyCite case cites were unpublished decisions that had only the WL citation. Of those, two WL cites appeared in KeyCite’s negative indirect history that were not in Shepard’s. That still leaves 1091 unique case cites in KeyCite that have a regular reporter citation. KeyCite also includes citations to certiorari decisions which Shepard’s omits.

The Shepard’s on Westlaw assigned headnote numbers _only_ in the Supreme Court, Federal and Federal Supplement reporters. Here as in all other
cases checked in this report, headnote numbers appeared only in the Shepard’s, not in Shepard’s Preview or in QuickCite. KeyCite’s higher number of headnotes is partly accounted for by including headnotes from all state reports. KeyCite even gave headnote assignments to citations of Michigan v. Long in non-cases. In fact, most of the journal articles were assigned at least one headnote number. The other aspect for KeyCite’s higher number is that most cases have more headnote numbers assigned, even in the federal jurisdictions, than Shepard’s used. These figures and the others below do support West Group’s claim that their electronic headnote-assignment system produces more than Shepard’s manual system. I did not verify the appropriateness of headnote assignments.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>289 unique case cites</td>
<td>292 unique case cites</td>
</tr>
<tr>
<td>16 law review cites</td>
<td>215 law review cites</td>
</tr>
<tr>
<td>1 U.C.C. Rptr. Serv.</td>
<td>1 F.R.D.</td>
</tr>
<tr>
<td></td>
<td>3 Bar and other short journal articles</td>
</tr>
</tbody>
</table>
28 of the KeyCite case cites were unpublished opinions, with only the Westlaw citation. That leaves 264 unique case cites in KeyCite that appear with a recognizable reporter citation, compared to 289 in Shepard’s. One can see how complex the comparisons are becoming. Note how many more law review cites come up with KeyCite in both cases. I have not run headnote comparisons on this case.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 unique case cites</td>
<td>14 unique case cites</td>
</tr>
<tr>
<td>0 law review cites</td>
<td>0 law review cites</td>
</tr>
<tr>
<td>3 ALR annotations</td>
<td>2 ALR annotations</td>
</tr>
<tr>
<td>8 headnotes</td>
<td>15 headnotes</td>
</tr>
</tbody>
</table>

The three extra cases that KeyCite turned up were federal district court decisions in Massachusetts and Indiana. These all had only Westlaw citations, being unpublished. The extra annotation picked up by Shepard’s was in the pocket part to *ALR Federal*. The extra headnotes from KeyCite include one
assigned to an ALR annotation.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 history citations</td>
<td>2 history citations</td>
</tr>
<tr>
<td>0 citing case</td>
<td>1 unique citing case</td>
</tr>
<tr>
<td>0 non-cases</td>
<td>0 non-cases</td>
</tr>
</tbody>
</table>

The extra citing case found by KeyCite was unpublished, having only a Westlaw citation.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 unique case cites</td>
<td>4 unique case cites</td>
</tr>
<tr>
<td>0 non-case cites</td>
<td>2 law review cites</td>
</tr>
<tr>
<td></td>
<td>3 PLI article cites</td>
</tr>
</tbody>
</table>

The extra law review citations and PLI articles are interesting in light of Shepard’s claim that they provide much more coverage of law review citations. The two extra cases KeyCite turns up were the case below (not mentioned in
Shepard’s) and an unpublished federal case from the Southern District of California.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 unique case cites</td>
<td>4 unique case cites</td>
</tr>
<tr>
<td>0 non-case cites</td>
<td>0 non-case cites</td>
</tr>
<tr>
<td>1 headnote number</td>
<td>3 headnote numbers</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 references</td>
<td>0 references</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 unique case cites</td>
<td>17 unique case cites</td>
</tr>
<tr>
<td>2 ALR cites</td>
<td>0 non-case cites</td>
</tr>
<tr>
<td>19 headnote numbers</td>
<td>23 headnote numbers</td>
</tr>
</tbody>
</table>
This seems strange since KeyCite found some ALR citations in *Michigan v. Long*, above. Point for Shepard’s.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 unique case cites</td>
<td>42 unique case cites</td>
</tr>
<tr>
<td>2 ALR annotations</td>
<td>1 ALR annotation</td>
</tr>
<tr>
<td>0 law review cites</td>
<td>1 law review cites</td>
</tr>
<tr>
<td>9 headnotes</td>
<td>39 headnotes</td>
</tr>
</tbody>
</table>

KeyCite included headnotes for two non-case citations to *Mass. v. Andrews*. The two extra cases that KeyCite found both had Westlaw citations only, but both were from 1997. This means that they may eventually be published. The other instances in which KeyCite had cases not found by Shepard’s were all clearly unpublished decisions, usually from another jurisdiction. In this instance, one decision was a Massachusetts Supreme Court case and the other was a decision from the Massachusetts Court of Appeals. The Supreme Court case citing *Andrews* discussed *Andrews* in some depth, receiving three stars and evidently quotes from *Andrews*. The Court of appeals case was given two stars, citing *Andrews* but not quoting from it. Shepard’s found one
more ALR annotation, but KeyCite found one more law review article. Not the comparative number of headnotes.

*People v. Speight*, 606 NE2d 1174 (Ill. 1992)

<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 unique case cites</td>
<td>19 unique case cites</td>
</tr>
<tr>
<td>0 non-case cites</td>
<td>3 law review cites</td>
</tr>
</tbody>
</table>

In this case, KeyCite provided two history citations and Shepard’s provided one. KeyCite has three law review articles citing *Speight* that were not picked up by Shepard’s.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 unique case cite</td>
<td>1 unique case cite</td>
</tr>
<tr>
<td>0 non-case cites</td>
<td>1 law review cite</td>
</tr>
<tr>
<td>2 headnote numbers</td>
<td>3 headnote numbers</td>
</tr>
</tbody>
</table>

In this case, KeyCite included a rehearing denied decision in the direct history
without a published cite. Shepard’s had no history.


<table>
<thead>
<tr>
<th>Shepard’s</th>
<th>KeyCite</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 unique case cites</td>
<td>0 unique case cites</td>
</tr>
<tr>
<td>0 non-case cites</td>
<td>0 non-case cites</td>
</tr>
</tbody>
</table>

IV. Conclusion

In most instances when KeyCite retrieved more cases than Shepard’s, the cases Shepard’s missed were unpublished decisions available only on Westlaw. However, not all the differences were accounted for in that way. For instance, in *Mass. v. Andrews*, one very important case from the same jurisdiction’s supreme court which quoted *Andrews* and discussed it extensively, was picked up by KeyCite but missed by Shepard’s.

Despite early appearances and marketing, the methods of producing KeyCite is remarkably similar to Shepard’s. They both use highly trained human editors to analyze the history and treatment of cases. This should not be the main point of comparison between the two competitors. The one area in which
KeyCite is automated that is done manually by Shepard’s is the addition of headnote superscripts. This study proves West Group’s contention that their automated system allows them to add many more headnotes than Shepard’s. However, I did not attempt to analyze the quality of headnote assignments. This should be noted in making any comparison between the two citator systems.

The layouts of the two competitors are very different, and it is probably a matter of taste which is preferred. The advantages of Shepard’s layout are that the cases are organized by jurisdiction and within that grouping, by date. The treatment and history codes are now printed out, and are the familiar ones we know from the books. KeyCite, on the other hand, organizes the citing cases in groups according to depth of treatment of the case in hand. It includes the complete style of the citing case as well as its citation, including parallel citations in one place. The system of flags, stars and explanatory notes is very easy to use. The user can go to the cited case, to a headnote, or a citing article through hypertext links.

Shepard’s practice of listing the citing case each time it cites the case in hand may somewhat compare to KeyCite’s organization of the citing cases according to depth of treatment of the case in hand. But, KeyCite’s method of determining depth of treatment is more complex and subtle than just counting the number of times the case is cited. In addition, KeyCite clues the researcher when
a citing case has quoted the case in hand. Sophisticated users can also use
KeyCite to generate a reproduction of the headnotes from the case in hand, with
statistics on how many cases and non-cases cite regarding each headnote. The
system will even determine whether the number of citations is average, above or
below for the jurisdiction and time period of the case in hand.

Both systems allow sophisticated users to limit the report by jurisdiction
or treatment of the case in hand. This is a very nice addition to the citator
process, especially for heavily cited cases. While both KeyCite and Shepard’s
citate case law, only Shepard’s provides citator service for statutes, rules,
ordinances, jury instructions and law review articles. KeyCite does not appear to
be planning to extend their coverage beyond cases any time soon.

Nothing else on the market provides any service comparable to KeyCite’s
Table of Authorities. This is a powerful new research tool for the litigator. The
ability to gauge the soundness of cases relied on as authority backwards in time is
unique. To do this with any other citator that I know of, the researcher would
have to citate every case relied on by the case in hand, as well as all the cases
forward in time. Researchers looking for weaknesses in their own or adversaries’
cases should definitely use this service.

KeyCite’s unique depth of treatment and quote-marking is another big
plus. The ability to sort quickly which of the citing cases deal extensively with
the case in hand will markedly improve researchers’ efficiency. If I were a law firm administrator, I think these last two points alone would decide me that everybody needed to learn KeyCite. The final straw for that decision would be the fact that KeyCite does the complete job in one search, while Shepard’s online requires three separate iterations: Shepard’s, Shepard’s Preview and QuickCite.

In most cases, KeyCite appears to be very much equal to Shepard’s in coverage. Occasionally, one finds a non-case that the other misses, and this happened to both competitors in the cases we tested. In a few cases, KeyCite appears to slightly better Shepard’s in finding cases, though most of these higher numbers were the result of picking up unpublished decisions. In many cases, KeyCite provided more headnotes to guide the researcher and often provided more non-case citations. Thoughtful readers will recognize that the provision of unpublished decisions citing the case in hand is of marginal utility in most situations. Further, the utility of extra law review citations to practitioners may be slight. This study cannot begin to compare the actual useability of these two products in practice situations. Anecdotal evidence gathered from students and librarians, however, shows KeyCite gaining ground rapidly among new and sophisticated researchers. I have heard much praise of the KeyCite layout and features in casual conversations and in my Advanced Legal Research class.

Shepard’s is still the standard citator and is certainly an excellent product.
However, KeyCite’s addition of the Table of Authorities is probably the most important development in citators since Shepard’s invented the whole genre. As KeyCite continues to expand its coverage and review the databases to improve quality, Shepard’s will have to develop and improve as well. Power researchers need to learn KeyCite and begin to explore how its new features can speed their research and improve their analysis of precedent. KeyCite is a strong competitor to Shepard’s and librarians in all library types should evaluate whether their organization would be wise to begin using KeyCite. I sincerely hope that the entry of a new competitor to the citator market makes both Shepard’s and KeyCite continue to develop and improve in the future.