Using KeyCite

Use KeyCite to help you determine whether a case or statute is good law and to retrieve citing references.

Accessing KeyCite
About KeyCite
KeyCite Status Flags
Depth of Treatment Stars
KeyCite Quotation Marks

Viewing the History of a Case
Viewing Citing References for a Case
Restricting Citing References for a Case

Viewing the History of a Statute
Viewing Citing References for a Statute
Restricting Citing References for a Statute

Accessing KeyCite

Click the KeyCite status flag in a document or next to a document's citation to access KeyCite.

About KeyCite

Comprehensive

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for federal and state cases, including every case in West's National Reporter System as well as more than 1 million unpublished cases; federal statutes and regulations; statutes from all 50 states; regulations and administrative decisions from selected states; patents issued by the U.S.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

- Board of Contract Appeals
- Bureau of Immigration Appeals
- Comptroller General
- Environmental Protection Agency
- Federal Communications Commission
- Internal Revenue Service
- Merit Systems Protection Board
- National Labor Relations Board
- Patent and Trademark Office

KeyCite provides information such as

- direct appellate history of cases and administrative decisions
- negative citing references for cases and administrative decisions
- citations to cases, administrative materials, secondary sources, and briefs and other court documents on Westlaw that have cited a case, statute, or administrative decision, or regulation
- complete integration with the West Key Number System so you can track legal issues discussed in a case

**Current**

Direct history of a case is added to KeyCite within one to four hours of receipt of the opinion at West. Citing cases are added to KeyCite as soon as they are added to Westlaw. History of a statute is added to KeyCite as soon as the source documents are added to Westlaw.

**Accurate**

All information added to KeyCite undergoes West's rigorous editorial analysis.

**Easy to Use**

The ability to display the direct history of a case in graphical view and unique graphical elements, such as status flags, depth of treatment stars, and quotation marks, enable you to quickly identify and evaluate information in KeyCite.

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• citations to session laws or rules amending or repealing a statute or regulation
• citations to proposed legislation affecting federal or state statutes


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**KeyCite Status Flags**

A KeyCite status flag lets you immediately know the status of a case, administrative decision, statute, or regulation.

- **A red flag** warns that the case or administrative decision is no longer good law for at least one of the points of law it contains or that the statute or regulation has been amended by a recent session law or rule, repealed, superseded, or held unconstitutional or preempted in whole or in part.
- **A yellow flag** warns that the case or administrative decision has some negative history but hasn’t been reversed or overruled; 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 (statutes merely referenced, i.e., mentioned, are not marked with a yellow flag); that a proposed rule affecting the regulation is available; that the regulation has been reinstated, corrected, or confirmed; that the statute or regulation was limited on constitutional or preemption grounds or its validity was otherwise called into doubt; or that a prior version of the statute or regulation received negative judicial treatment.
- **A blue H** indicates that the case or administrative decision has some history.
- **A green C** indicates that the case or administrative decision has citing references but no direct or negative indirect history or that the statute or regulation has citing references.

**Depth of Treatment Stars**
Depth of treatment stars in your KeyCite result show the extent to which the citing case, administrative decision, or brief discusses the cited case based on these categories:

**** (Examined)
The citing case, administrative decision, or brief contains an extended discussion of the cited case or administrative decision, usually more than a printed page of text.

*** (Discussed)
The citing case, administrative decision, or brief contains a substantial discussion of the cited case or administrative decision, usually more than a paragraph but less than a printed page.

** (Cited)
The citing case, administrative decision, or brief contains some discussion of the cited case or administrative decision, usually less than a paragraph.

* (Mentioned)
The citing case, administrative decision, or brief contains a brief reference to the cited case or administrative decision, usually in a string citation.

KeyCite Quotation Marks

Quotation marks in your KeyCite result indicate that the citing case, administrative decision, or brief directly quotes the cited case.

Viewing the History of a Case

To view the history of a displayed case, click the KeyCite flag in the document header. The case history is divided into the following categories:

- **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.

While viewing the full history of a case, click Limit KeyCite History Display at the bottom of the page and choose **Show Negative Treatment Only** to display only its negative history. Click **Cancel Limits** at the bottom of the page to return to the full history.

Viewing Citing References for a Case

To view a list of cases, administrative decisions, secondary sources, and briefs and other court documents that cite your case, click **Citing References** on the Links tab in the left frame at the bottom of the KeyCite history result. Negative citing cases are listed first, followed by a list of other cases,
administrative decisions, secondary sources, and briefs and other court documents citing your case. Citing cases are categorized by the depth of treatment they give your case.

**Viewing the History of a Statute**

To view the history of a displayed statute, click the KeyCite flag in the document header. Statute history lists cases (added to Westlaw after January 15, 2001) affecting the validity of a statute plus legislation related to the statute, which is divided into the following categories:

- **Updating Documents** lists citations to recent session laws that have amended or repealed the section.
- **Proposed Legislation** lists citations to pending bills that reference the section.
- **Bill Drafts** lists all drafts of bills proposed before the section was enacted into law.
- **Reports and Related Materials** lists reports, journals, *Congressional Record* documents, presidential or executive messages, and testimony that are relevant to the section. Also lists voting records for New York statutes.
- **Credits** lists in chronological order citations to session laws that have enacted, amended, or renumbered the section.
- **Historical and Statutory Notes** describes the legislative changes affecting the section.

**Viewing Citing References for a Statute**

To view a list of documents that cite your statute, click **Citing References** on the Links tab in the left frame. Documents are listed in the following order: cases that have affected the validity of a section, cases from *United States Code Annotated* and state statute notes of decisions, administrative decisions, *Federal Register* documents, secondary sources, briefs and other court documents, statutes and court rules, and administrative codes.