

7 | USING AUTHORITY CHECK

Overview

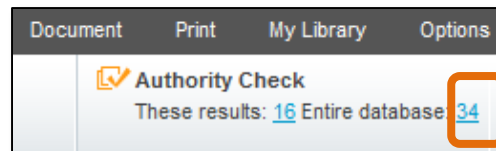
Authority Check is Fastcase's integrated citation analysis tool. You can use **Authority Check** in many ways, including:

- To generate a list of later citing cases to find related authority on your topic.
- To prioritize your research by identifying the most frequently cited cases within your list of results.

Authority Check (featuring Bad Law Bot) is not a citator like Shepard's or Keycite; it does NOT include editorial information telling you whether a case is still good law. **Authority Check** information is computer generated and dependent upon later citing cases using accurate official reporter citations.

Generate a List of Later Citing Cases

- Start by pulling up the case you are interested in. Make sure you are on the page with the full text of the case.
- The hyperlinked **Entire database** number under the **Authority Check** heading (top left side) corresponds to the number of times the case has been cited in the Fastcase database.
- Click on the hyperlinked **Entire database** number to generate the **Authority Check Report** with a list of later citing cases. The report will load in a new tab or window within your browser.



The screenshot shows the 'Authority Check Report' for the case 'Claughton v. Claughton, 393 So.2d 1061 (Fla., 1980)'. The report is dated 'Generated on January 16, 2013'. It includes a 'Citation Summary' table and an 'Interactive Timeline' chart.

| Citation Summary | |
|---|---------------|
| Total number of times this case has been cited: | 34 |
| Cited by federal appellate cases: | 0 |
| Cited by state cases: | 33 |
| Cited by district court cases: | 0 |
| Cited by bankruptcy court cases: | 1 |
| Decision date of most recent cite: | June 11, 2008 |

The 'Interactive Timeline' chart shows 'Cites in entire case law database' from 1981 to 2005, with a 'Citing Cases' section below it listing results 1 to 34. The first result is '1. Linstroth v. Dorgan, 2 So.3d 305 (Fla. App., 2008)' dated June 11, 2008. The second result is '2. Efron v. Efron, 813 So.2d 209 (Fla. App., 2002)' dated April 3, 2002. A 'Jurisdiction' dropdown menu is set to 'All Jurisdictions'.

Scroll down to "Citing Cases" for a list of hyperlinked later citing cases.

Use the jurisdiction filter to focus on later citing cases from your jurisdiction.

Identify Frequently Cited Cases

- On the results page, the number to the right of each case under the **Authority Check** heading corresponds to the number of times the case has been subsequently cited in other cases.

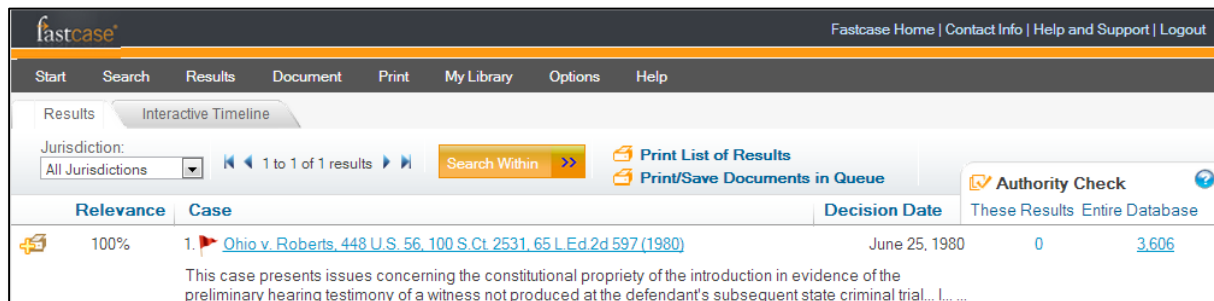
| Case | Decision Date | These Results | Entire Database |
|---|---------------|---------------|-----------------|
| 1. District of Columbia v. Heller, 128 S. Ct. 2783, 171 L. Ed. 2d 637 (2008) <small>It is particularly wrongheaded to read Miller for more than what it said, because the case did not even purport to be a thorough examination of the Second Amendment. JUSTICE STEVENS claims, post, at 42, that the opinion reached its conclusion "[a]fter reviewing many of the same sources that are discussed at greater length by the Court today." Not many, which was not entirely the Court's fault. The recordist made no appearance in the case, neither filed a brief nor appeared at oral</small> | June 26, 2008 | 94 | 142 |

- Sort the most frequently cited cases overall to the top of the list by clicking on the heading, **Entire Database**.
- Sort the cases most frequently cited by other cases in your search results to the top of the list by clicking on the heading, **These Results**.

Identify Negative Citation History

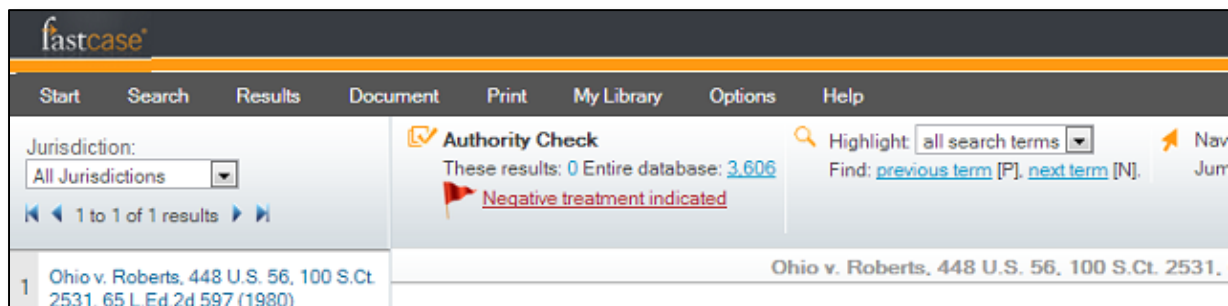
The *Bluebook* requires that courts indicate negative history of cases cited within opinions. The Fastcase **Bad Law Bot** takes advantage of this data by using algorithms to find these negative citation histories, then flags those cases and provides links to those cases.

Here, we looked up *Ohio v. Roberts*, 448 U.S. 56. Note the red flag next to the case name, indicating negative citation history for the case.



The screenshot shows the Fastcase search results page for "Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)". The page includes a navigation bar with "Start", "Search", "Results", "Document", "Print", "My Library", "Options", and "Help". Below the navigation bar, there are tabs for "Results" and "Interactive Timeline". The search results table has columns for "Relevance", "Case", "Decision Date", "These Results", and "Entire Database". The first result is "Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)" with a relevance of 100%, a decision date of June 25, 1980, 0 citations in these results, and 3,606 citations in the entire database. A red flag icon is next to the case name. Below the case name, there is a snippet of text: "This case presents issues concerning the constitutional propriety of the introduction in evidence of the preliminary hearing testimony of a witness not produced at the defendant's subsequent state criminal trial... I.....".

Once you click through to *Roberts*, you'll also notice that there's a red flag in the **Authority Check** area.



The screenshot shows the "Authority Check" section of the Fastcase search results page for "Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)". The "Authority Check" section has a red flag icon and the text "Negative treatment indicated". Below this, it says "These results: 0 Entire database: 3,606". To the right of the "Authority Check" section, there is a "Highlight" dropdown menu set to "all search terms" and a "Find" dropdown menu set to "previous term [P], next term [N]". Below the "Authority Check" section, there is a table with one row: "1 Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)" and "Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)".

To see the cases that indicate negative citation history for *Roberts*, simply click on the [Negative Treatment Indicated](#) link and the **Authority Check Report** will open in a new tab.

Here's what the **Authority Check Report** looks like for *Roberts*:

Authority Check Report Generated on April 23, 2013

 **Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)** [view document](#)  [Print Report](#)

Authority Check is an automated system that identifies later-citing cases, but it is not a citator, and does not include editorial information telling you whether your case is still good law.

Interactive Timeline

Vertical axis: **Court Level** [what's this?](#)

US Supreme Court
Federal Appellate
District & Bankruptcy
State



2006 2009 2012

Legend ● Cites in entire case law database

Citation Summary

| | |
|---|----------------|
| Total number of times this case has been cited: | 3,606 |
| Cited by federal appellate cases: | 742 |
| Cited by state cases: | 2,516 |
| Cited by district court cases: | 345 |
| Cited by bankruptcy court cases: | 3 |
| Decision date of most recent cite: | April 11, 2013 |

Bad Law Bot ^{Beta!} - what other courts have said about this case

When a court cites a case that has been overturned or reversed (even on other grounds), the Bluebook requires that the court indicate the negative history right there in the citation. Bad Law Bot reads through the citations in Fastcase, identifying this kind of negative "signal information" in citations. It then reports what other courts have said about this case when citing it, flagging negative history reported by the courts. The full list of citing cases is below. [More »](#)

[Fowler v. Branker \(W.D.N.C., 2013\)](#) March 26, 2013

▶ Negative treatment indicated in this case
...him." Crawford v. Washington, 541 U.S. 36, 42 (2004). For the admission of an out-of-court hearsay statement to meet the requirements of the Confrontation Clause, the prosecution must demonstrate that the declarant is unavailable, and the statement itself bears adequate "indicia of reliability." Ohio v. Roberts, 448 U.S. 56, 65-66 (1980), **abrogated by Crawford v. Washington, 541 U.S. 36, 53-54 (2004)**.⁹ The admissibility of Shah's statements was the subject of an extensive pre-trial hearing. Fowler, 548 S.E.2d at 693. Sergeant Anselmo and Investigator Fish each testified that hePage...

[Stanton v. Janda \(E.D. Cal., 2013\)](#) March 1, 2013

▶ Negative treatment indicated in this case
of the confrontationPage 44requirement unless the prosecution establishes that it has made a good faith effort to obtain the witness's presence at trial, but the witness remains unavailable despite resort to available processes, such as the Uniform Act. Barber v. Page, 390 U.S. 719, 723-24 (1968); Ohio v. Roberts, 448 U.S. 56, 74 (1980), **overruled on another ground, Crawford v. Washington, 541 U.S. 36**. The extent of efforts which the prosecution must undertake to produce a witness is a question of reasonableness. Ohio v. Roberts, 448 U.S. at 74. Thus, where it is greatly improbable that a...

[405 Condo Assocs. LLC v. Greenwich Ins. Co. \(S.D.N.Y., 2012\)](#) December 24, 2012

Bad Law Bot finds negative citation history by taking all the cases that have cited *Roberts* and examining how they've cited to *Roberts*. If a court has negatively cited to *Roberts*, **Bad Law Bot** will link you to that case. Keep in mind that **Bad Law Bot** determines negative case history by using algorithms, and that it is not intended to be a complete replacement for a full editorial citator or for reading all later-citing cases. A red flag means that there's likely negative treatment, since a court has said as much by their use of a negative citation, but no red flag does not necessarily mean that a case is still good law. If a case has been overturned but no court opinion has cited to it yet, **Bad Law Bot** won't be able to find any citation signal information.