

8 | USING AUTHORITY CHECK

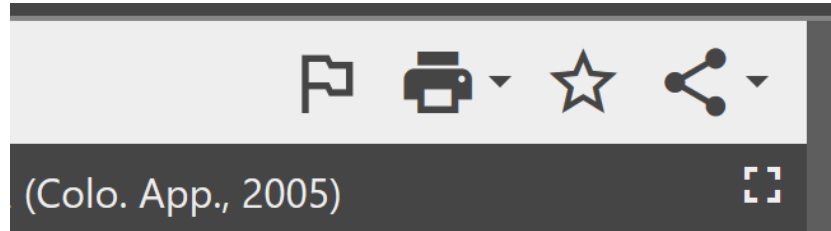
Overview

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.

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.
- Above the case you will see a flag. The flag will be red if there has been any negative interpretation and gray if there has not been any negative interpretation.
- Click on the flag to generate the **Authority Check Report** with a list of later citing cases. The report will load on the left side of the screen.



Scroll down to see all later citing cases.

Authority Check

Total	Federal	District	Bankruptcy	State	Bad Law
14	0	2	0	12	0

State v. Zamzow, 374 Wis.2d 220, 892 N.W.2d 637 (Wis., 2017)
Case Law | Apr 6, 2017

...v. California , 554 U.S. 353, 357-58, 128 S.Ct. 2678, 171 L.Ed.2d 488 (2008) ; then citing Crawford , 541 U.S. at 68, 124 S.Ct. 1354). 123 Other courts reached similar conclusions. See, e.g. , **People v. Felder** , 129 P.3d 1072, 1073-74 (Colo. App. 2005) (observing that "[n]othing in Crawford suggests that the Supreme Court intended to alter its prior rulings allowing hearsay at pretrial proceedings, such as a hearing on a suppression motion challenging the sufficiency of a search warrant," and reasoning that "had the Court intended the rule of Crawford to apply at the pretrial stage, it...

Pineda v. State (Tex. App., 2015)
Case Law | Sep 10, 2015

...suppression hearing is still subject to debate). We also note that many other jurisdictions outside Texas have held that the Confrontation Clause does not apply to preliminary hearings. See **People v. Felder**, 129 P.3d 1072 (Colo. Ct. App. 2005); Gresham v. Edwards, 281 Ga. 881, 644 S.E.2d 122 (2007); State v. Rivera, 144 N.M. 836, 192 P.3d 1213 (2008); Sheriff v. Witzenburg, 122 Nev. 1056, 145 P.3d 1002 (2006); State v. Woinarowicz, 720 N.W.2d 635 (N.D. 2006). 4. Appellant testified at trial that the arresting officer found the pill...


Lieser v. Miller (N.D. Ohio, 2012)
Case Law | Aug 2, 2012

...Mun. Ct. 2006); Curry v. State, 228 S.W.3d 292, 297 (Tex. App. 2007). And other courts have held the Confrontation Clause is only a trial right that does not apply to pretrial hearings. See,

Identify Frequently Cited Cases

- On the results page, the number to the right of "Cited" for each case corresponds to the number of times the case has been subsequently cited in other cases.

People v. Felder, 129 P.3d 1072 (Colo. App., 2005)

  Relevance: 76% | [CO](#) | [State Intermediate](#) | [Caselaw Opinions](#) | [Oct 19, 2005](#) | [Cited: 15](#) | [Cited Here: 1](#)

... exception or bore particularized guarantees of trustworthiness. Ohio v. Roberts, 448 U.S. 56, 66, **100 S.Ct. 2531**, 2539, 65 L.Ed.2d 597 (1980). The Crawford Court partially overruled Ohio v. Roberts, and held that the Sixth Amendment only allows the admission of testimonial hearsay statements in a criminal trial...

- You can sort the most frequently cited cases overall to the top of the list by clicking on the "Sort By" button and selecting "Cited Generally".
- You can sort the most frequently cited cases overall to the top of the list by clicking on the "Sort By" button and selecting "Cited in 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.

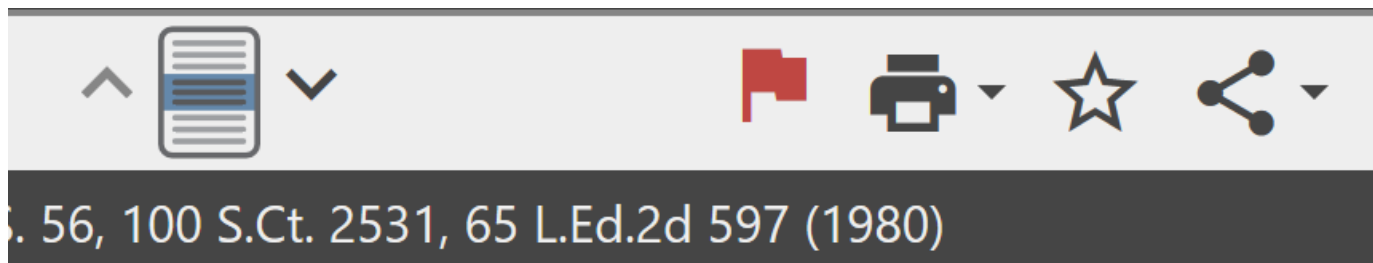
Here, we looked up State v. Frawley, 172 P.3d 144 Note the red flag next to the case name, indicating negative citation history for the case.

State v. Frawley, 172 P.3d 144, 2007 NMSC 57, 143 N.M. 7 (N.M., 2007)

  Relevance: 76% | [NM](#) | [State Supreme](#) | [Caselaw Opinions](#) | [Oct 24, 2007](#) | [Cited: 78](#) | [Cited Here: 1](#)

....1 {4} While Frawley's case was on direct appeal, the United States Supreme Court published Blakely v. Washington, 542 U.S. 296, 124 **S.Ct. 2531**, 159 L.Ed.2d 403 (2004). In Blakely, the Supreme Court held that a defendant's Sixth Amendment right to a trial by jury was violated when the trial court...

Another Example is *State v. Roberts*, 100 S.Ct. 2531. Once you click on *Roberts*, you will notice that there's a red flag in the **Authority Check** area.



To see the cases that indicate negative citation history for *Roberts*, simply click on the red flag and the **Authority Check Report** will open on the left.

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

Authority Check ×

Total	Federal	District	Bankruptcy	State	Bad Law
4.14k	812	521	3	2.81k	20

 **Bad Law Bot - what other courts have said about this case**

Bad Law Bot is an algorithmic citator. It checks through all of the cases that cite to this one, and identifies any mentions of negative history. Below you'll find cases that indicate this one is no longer good law, followed by all of the other citing cases.

State v. Warner (Tenn. Crim. App., 2018)
🚩 📄 ☆ Case Law | May 9, 2018

...719, 724-725 (1968); see also State v. Arnold, 719 S.W.2d 543, 548 (Tenn. Crim. App. 1986) (citations omitted). The United States Supreme Court stated that "good faith" is defined as "[t]he lengths to which the prosecution must go to produce a witness . . . [and] is a question of reasonableness." **Ohio v. Roberts, 448 U.S. 56, 74 (1980), abrogated by Crawford v. Washington, 541 U.S. 36 (2004)**. "The ultimate question is whether the witness is unavailable despite good-faith efforts undertaken prior to trial to locate and present that witness. As with other evidentiary proponents, the...

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, so the report is constantly updating.