

8 | USING AUTHORITY CHECK

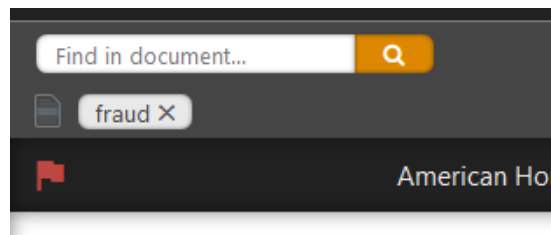
Overview

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.
- 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

Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)

Filter by Jurisdiction Sort by: Relevance

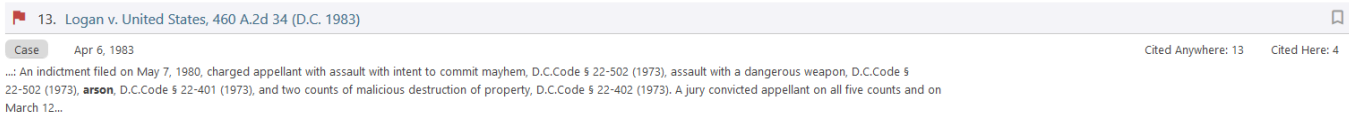
Negative Treatment (1)

Citations (10)

Case Name	Jurisdiction	Case Type	Date	Cited
American Home Assur. Co. v. Cohen, 815 F.Supp. 365 (W.D. Wash. 1993)	W.D. Wash.	Federal District Case	Mar 3, 1993	Cited: 10
Peder v. Scottsdale Indem. Co. (W.D. Wash. 2019)	W.D. Wash.	Federal District Case	Aug 8, 2019	Cited: 0
American Home Assur. Co. v. Pope, 591 F.3d 992 (8th Cir. 2010)	8th Cir.	Federal Appellate Case	Jan 11, 2010	Cited: 6
Phen v. Progressive Northern Ins. Co., 2003 SD 133, 672 N.W.2d 52 (S.D. 2003)	SD	State Supreme Case	Nov 12, 2003	Cited: 15
American Home Assur. Co. v. Stephens, 130 F.3d 123 (5th Cir. 1997)	5th Cir.	Federal Appellate Case	Dec 11, 1997	Cited: 6
Allstate Ins. Co. v. Forest Lynn Homeowners Ass'n, 892 F. Supp. 1310 (W.D. Wash. 1995)				

Identify Frequently Cited Cases

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



13. Logan v. United States, 460 A.2d 34 (D.C. 1983)

Case Apr 6, 1983 Cited Anywhere: 13 Cited Here: 4

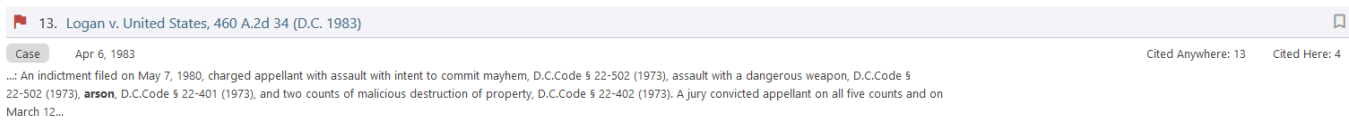
...: An indictment filed on May 7, 1980, charged appellant with assault with intent to commit mayhem, D.C.Code § 22-502 (1973), assault with a dangerous weapon, D.C.Code § 22-502 (1973), arson, D.C.Code § 22-401 (1973), and two counts of malicious destruction of property, D.C.Code § 22-402 (1973). A jury convicted appellant on all five counts and on March 12...

- You can sort the most frequently cited cases overall to the top of the list by clicking on the header labeled "Total Cites"
- You can sort the most frequently cited cases by other cases in the current search to the top of the list by clicking on the "Cited in Results" header.

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 Logan v. United States, 460A.2d 34 (DC 1983). Note the red flag next to the case name, indicating negative citation history for the case.

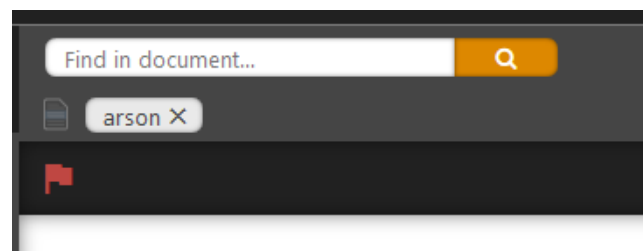


13. Logan v. United States, 460 A.2d 34 (D.C. 1983)

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...: An indictment filed on May 7, 1980, charged appellant with assault with intent to commit mayhem, D.C.Code § 22-502 (1973), assault with a dangerous weapon, D.C.Code § 22-502 (1973), arson, D.C.Code § 22-401 (1973), and two counts of malicious destruction of property, D.C.Code § 22-402 (1973). A jury convicted appellant on all five counts and on March 12...

Another Example is Ohio v. Roberts, 100 S.Ct. 2531. Once you click on *Roberts*, you will notice that there's a red flag at the top left of the screen.



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 ✕

Ohio v. Roberts, 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980)

Filter by Jurisdiction Sort by: Relevance ▾

Negative Treatment ▾

Case Name	Court	Date	Cited	
State v. Jones , 568 S.W.3d 101 (Tenn. 2019)	TN State Supreme	Case	Jan 30, 2019	Cited: 3
...v. Armes, 607 S.W.2d 234, 236-37 (Tenn. 1980)). "The ultimate question is whether the witness is unavailable despite good-faith efforts undertaken prior to trial to locate and present that witness." Ohio v. Roberts , 448 U.S. 56, 74, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980), overruled on other grounds by Crawford , 541 U.S. 36, 124 S.Ct. 1354. "Good faith" contemplates "[t]he lengths to which the prosecution must go to produce a witness ... [and] is a question of reasonableness." Id. (quoting Calif...				
State v. Copeland , 353 Or 816, 306 P.3d 610 (Or. 2013)	OR State Supreme	Case	Jul 25, 2013	Cited: 19
...testify at trial violates a defendant's confrontation rights unless the declarant is unavailable and the out-of-court statements have adequate indicia of reliability. Id. at 648, 705 P.2d 694 (citing Ohio v. Roberts , 448 U.S. 56, 66, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980), overruled by Crawford v. Washington , 541 U.S. 36, 43-50, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004)). In particular, we applied the following analysis of the United States Supreme Court as articulated in Roberts:[353 Or. 824]"The Confrontation Clause operates in two separate ways to restrict the ra...				
United States v. Burden , 934 F.3d 675 (D.C. Cir. 2019)	D.C. Cir. Federal Appellate	Case	Aug 20, 2019	Cited: 2
...e, good-faith efforts after it deported Yindeear-Rom sufficed. As a general matter, a witness is considered unavailable only if the prosecution cannot procure her with good-faith, reasonable efforts. See Ohio v. Roberts , 448 U.S. 56, 74, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980), abrogated in part on other grounds by Crawford , 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177. It is the prosecution's burden to establish that its actions meet that test. Id. at 74-75, 100 S.Ct. 2531. "The law does not require the doing...				
United States v. Smith , 928 F.3d 1215 (11th Cir. 2019)	11th Cir. Federal Appellate	Case	Jul 2, 2019	Cited: 1
... in the courtroom serves many important purposes, including allowing the jury to observe closely the witness's demeanor, expressions, and intonations, and thereby determine the witness's credibility. See Ohio v. Roberts , 448 U.S. 56, 63-64, 100 S. Ct. 2531, 2537-38, 65 L.Ed.2d 597 (1980), abrogated in part on other grounds by Crawford , 541 U.S. at 60-69, 124 S. Ct. at 1369-74. The Supreme Court has emphasized that in-court confrontation not only allows the defendant to test the witness's recollection, but also compels the...				
State v. Harris , 362 Or 55, 404 P.3d 926 (Or. 2017)	OR State Supreme	Case	Oct 19, 2017	Cited: 9
...Addressing the question whether admission of that hearsay evidence violated the defendant's [362 Or. 64] Article I, section 11, confrontation rights, this court expressly adopted the reasoning of the United States Supreme Court in Ohio v. Roberts , 448 U.S. 56, 100 S.Ct. 2531, 65 L.Ed.2d 597 (1980), overruled by Crawford v. Washington , 541 U.S. 36, 43-50, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004).In Roberts, the Supreme Court had articulated a				

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.