



**Chastek Library**  
**SHEPARD'S ON LEXISNEXIS –**  
**EXAMPLE OF A CASE THAT HAS BEEN**  
**OVERRULED**  
 Research Guide

This is an example of a case that has been overruled (negative treatment) on Shepard's on LexisNexis. The case is *Watson v. City of Omaha*, 312 N.W.2d 256 (Neb. 1981).

**1. The *Shepard's Summary* provides a report of the case you are Shepardizing.**

The screenshot shows the LexisNexis interface. At the top, there are search fields for 'Citation' and 'Legal Dictionary'. Below that, the 'Lexis' logo and navigation tabs are visible. The main content area shows the 'Shepardize' search results for 'Watson v. Omaha, 312 N.W.2d 256 (TOA)'. A red stop sign icon is present next to the case name, and a 'Warning: Negative treatment is indicated' message is displayed. The 'SHEPARD'S SUMMARY' section is highlighted in gray and contains the following information:

- Unrestricted Shepard's Summary**
- No subsequent appellate history.
- Citing References:**
  - Warning Analyses: **Overruled (1)**
  - Cautionary Analyses: Criticized (2)
  - Positive Analyses: Followed (5)
  - Neutral Analyses: Concurring Opinion (1), Dissenting Op. (6)
  - Other Sources: Law Reviews (5), Statutes (1), Treatises (4)
- LexisNexis Headnotes:** HN1 (8), HN2 (3), HN3 (2), HN4 (7), HN5 (7)
- Show full text of headnotes
- PRIOR HISTORY ( 0 citing references ) Hide Prior History**
- (CITATION YOU ENTERED): Watson v. Omaha, 209 Neb. 835, 312 N.W.2d 256, 1981 Neb. LEXIS 989 (1981)

Note the **Focus Restrict By** link.

*Shepard's Summary* provides information about the case you have Shepardized.

The red stop sign signal indicates there is negative TREATMENT or negative HISTORY. This case has negative TREATMENT in that it has been **OVERRULED**.

The case you are Shepardizing is gray shaded. Note several things:

- The parallel citation is given.
- There is NO prior HISTORY.
- There is NO subsequent HISTORY.

2. After providing HISTORY information, Shepard's gives you TREATMENT information.

The screenshot shows the LexisNexis interface. At the top, there are search fields for 'Citation' and 'Legal Dictionary'. Below that, the Lexis logo is visible along with user options like 'Custom ID', 'Switch Client', 'Preferences', 'Live Support', and 'Help'. A navigation bar includes 'Search', 'Get a Document', 'Shepard's®', and 'More'. The main content area shows the 'Shepardize®' search results for 'Watson v. Omaha, 312 N.W.2d 256 (TOA)'. It indicates '1 - 35 of 35 Total Cites'. Under the heading 'CITING DECISIONS ( 25 citing decisions )', the 'NEBRASKA SUPREME COURT' section is expanded. The first entry is '1. Overruled by, Criticized by, Cited by: Bronsen v. Dawes County, 272 Neb. 320, 722 N.W.2d 17, 2006 Neb. LEXIS 143 (2006) LexisNexis Headnotes HN1'. This entry includes sub-sections for 'Overruled by:', 'Criticized by:', and 'Cited by:'. The second entry is '2. Criticized in Concurring Opinion at, Cited in Concurring Opinion at, Cited in Dissenting Opinion at, Cited by: Iodence v. City of Alliance, 270 Neb. 59, 700 N.W.2d 562, 2005 Neb. LEXIS 119 (2005) LexisNexis Headnotes HN1, HN4, HN5'. Two arrows point from text boxes below to specific parts of the screenshot: one points to the 'Overruled by' citation, and the other points to the 'CITING DECISIONS' heading.

312 N.W.2d 256 was **OVERRULED** in 2006 by *Bronsen v. Dawes County*, 272 Neb. 320, 722 N.W.2d 17 (2006).

312 N.W.2d 256 has been cited by 25 cases. Shepard's first lists cases from that jurisdiction, then other jurisdictions. Note the pinpoint citations to both official reporters and West's regional reporters. It also provides a citation to a Nebraska Attorney General Opinion.

3. Shepard's gives you cases from the same jurisdiction of the cited case as well as cases from different jurisdictions.

The screenshot shows the LexisNexis interface for a Shepard's Alert. At the top, there are search fields for 'Citation' and 'Legal Dictionary', both with 'Go' buttons. Below these are options for 'Full Text' and 'Shepardize'. The main header includes the Lexis logo, a 'Custom ID' dropdown, and links for 'Switch Client', 'Preferences', 'Live Support', and 'Help'. A navigation bar contains 'Search', 'Get a Document', 'Shepard's@', and 'More'. Below this is a 'Shepardize@' search box with a 'Go' button. The main content area shows 'View: KWIC | Full' and 'Display Options'. A status bar indicates '1 - 35 of 35 Total Cites' and includes options like 'Save As Shepard's Alert@', 'Unrestricted', 'All Neg', 'All Pos', and 'FOCUS™- Restrict By'. The main list of cases is titled 'Shepard's@ Watson v. Omaha, 312 N.W.2d 256 (TOA)'. The cases are grouped by jurisdiction: 'CONNECTICUT SUPREME COURT' (cases 14, 15, 16) and 'CONNECTICUT APPELLATE COURT' (case 17). Case 18 is partially visible under 'DELAWARE SUPREME COURT'. Each case entry includes a 'Cited by:' label and a link to the case, followed by citation information and LexisNexis Headnotes.

Following the list of cases from the same jurisdiction, different jurisdictions are listed. Courts from Connecticut, Delaware, Hawaii, North Dakota, Pennsylvania, Texas and West Virginia have cited *Watson*. Note that all of these cases cited *Watson* prior to it being overruled on September 29, 2006. These courts were citing *Watson* when it was still “good law.”

4. Shepard's also gives you statutes and secondary sources that have cited the case.

LexisNexis® Citation Legal Dictionary Law Schools | Sign out

Full Text Shepardize

Lexis® Custom ID : - No Description - | Switch Client | Preferences | Live Support | Help

Search Get a Document Shepard's® More History Alerts

Shepardize®: [input] Go

View: KWIC | Full Display Options ▶ Save As Shepard's Alert® | Unrestricted | All Neg | All Pos | FOCUS™- Restrict By

Shepard's® Watson v. Omaha, 312 N.W.2d 256 (TOA)

**ANNOTATED STATUTES ( 1 Citing Statute )**

- 26. [Neb. Rev. Stat. sec. 13-907](#)

**LAW REVIEWS AND PERIODICALS ( 5 Citing References )**

- 27. [CASENOTE: SCHOOL DISTRICT PREMISES LIABILITY: PREMISES LIABILITY FOR SCHOOL DISTRICTS UNDER NEBRASKA'S NEW DUTY OF REASONABLE CARE, MCINTOSH V. OMAHA PUBLIC SCHOOLS](#), 30 Creighton L. Rev. 205 (1996)  
30 Creighton L. Rev. 205 p.205
- 28. [16 Creighton L. Rev. 63](#)  
16 Creighton L. Rev. 63 p.365
- 29. [Note\\*: Governmental Liability for Recreational Uses of Public Land: Bronson v. Dawes County](#), 273 Neb. 320, 722 N.W.2d 17 (2006), 87 Neb. L. Rev. 569 (2008)  
87 Neb. L. Rev. 569 p.569
- 30. [COMMENT: THE CONNECTICUT RECREATIONAL USE STATUTE: SHOULD A MUNICIPALITY BE IMMUNE FROM TORT LIABILITY?](#), 15 Pace L. Rev. 963 (1995)
- 31. [NOTE: BEYOND COMMONWEALTH V. AURESTO: WHICH PROPERTY IS PROTECTED BY THE RECREATION USE OF LAND & WATER ACT? +](#), 49 U. Pitt. L. Rev. 261 (1987)

**TREATISE CITATIONS ( 4 Citing Sources )**

- 32. [3-37 Antieau on Local Government Law, Second Edition @ 37.06](#)

Statutes that have cited 312 N.W.2d 256.

Secondary sources that have cited 312 N.W.2d 256.

5. Shepard's allows you to limit your results by using the *Focus Restrict By* feature.

LexisNexis® Citation Legal Dictionary  
 Go  Go  
 Full Text  Shepardize

Lexis® Custom ID : - No Description -

Search Get a Document Shepard's® More

**FOCUS™ - Restrict By:** ● 312 N.W.2d 256 [Help](#)

No subsequent appellate history. [Apply](#) [Cancel](#)  
Clear Form

Type: Analysis, Focus, Jurisdictions, Headnotes, Date

**Restrict By:** FOCUS terms: **skateboards**

**Analysis available in FULL:** [Select All](#) [Clear All](#)  
**Negative:** [Select All](#) [Clear All](#)  
 Criticized (2)  Overruled (1)  
**Positive:**  
 Followed (5)  
**Other:** [Select All](#) [Clear All](#)  
 Concurring Opinion (1)  Dissenting Op. (6)

**Jurisdictions available in FULL:** [Select All](#) [Clear All](#)  
**State:** [Select All](#) [Clear All](#)  
 Connecticut (4)  Hawaii (1)  Nebraska (13)  Texas (1)  
 Delaware (1)  North Dakota (1)  Pennsylvania (3)  West Virginia (1)  
**Other:** [Select All](#) [Clear All](#)  
 Law Reviews (5)  Statutes (1)  Treatises (4)

**Headnotes available in FULL:**  
LexisNexis [Show full text of headnotes] [Select All](#) [Clear All](#)  
 HN1 (8)  HN2 (3)  HN3 (2)  HN4 (7)  HN5 (7)

**FOCUS Terms:**  
Return a list of citations to cases that contain your terms.  
  
**FOCUS HINT:** The FOCUS search will only identify citing references that have corresponding documents available in the LexisNexis® service. The FOCUS feature is not available if your current results contain more than 2000 documents.

After clicking the *Focus Restrict By* link, Shepard's allows you to focus your results by a number of different criteria:

- Analysis – You can limit your results to cases that have treated your case in a positive, negative or neutral manner.
- Jurisdiction
- Headnotes – You can limit your results by the LexisNexis headnotes (find all cases that have cited headnote #1 or headnote #2).
- Date – You can locate cases by a date or a range of dates.
- Focus Terms – You can run a keyword search. For example, I used the term “skateboards” to see if any of the cases, statutes or secondary sources that have cited 312 N.W.2d 256 include the term “skateboards.”