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SHEPARD'S SIGNAL™ INDICATORS AND TREATMENTS

Valuable tools help you reach a decision point quickly and easily

Rely on *Shepard's*® Citations Service for critical information that could either support or negatively affect your case. Validate your citing references quickly and efficiently, and be confident the cases and statutes you want to cite are still good law.

Only *Shepard's*® Citations Service includes positive treatments

With comprehensive editorial analysis, you can easily identify not only negative treatments, but also neutral and exclusive positive treatments. This approach helps identify splits in authority and can lead to additional support for your case.

Gain insight at a glance

***Shepard's* Signal™ indicators** help you produce high-quality work in less time. Using these visual representations, you can assess the impact of treatments of your case. *Shepard's* Signal indicators are integrated into case-law documents and provide an immediate indication of subsequent history and treatment of a particular case. (See list with visuals on page 2.)

Use *Shepard's* Signal indicators to quickly focus on pertinent sources, access information you might not otherwise notice and determine what's most important to you—including both neutral and positive analysis needed to identify splits in authority.








Understand the status of your case over time

***Shepard's* analysis phrases** are indicators of the status of your law over time. They are assessed by attorney-editors according to strict standards and guidelines, and each phrase is assigned a *Shepard's* Signal indicator. This shortcut helps you reach a decision point quickly and easily.

“It’s impossible (for) competent counsel to use a case and not Shepardize® it and not realize that the same case (had been) modified a year later.”

— *Mardirossian & Associates, Inc. v. Seth Ersoff*

Listed below are *Shepard's* Signal indicators along with the most common analysis phrases tied to them.

SHEPARD'S SIGNAL INDICATORS	COMMON ANALYSIS PHRASES
 <p>Positive treatment indicated The green signal indicates that citing references in the <i>Shepard's</i> Citations Service contain history or treatment that has a positive impact on your case (for example, affirmed or followed by).</p>	<p>Followed by—The citing opinion relies on the case you are <i>Shepardizing</i>[™] as controlling or persuasive authority.</p>
 <p>Warning: Negative treatment is indicated for statute The red exclamation point signal indicates that citing references in the <i>Shepard's</i> Citations Service contain strong negative treatment of the <i>Shepardized</i>[™] section (for example, the section may have been found to be unconstitutional or void).</p>	<p>Unconstitutional by—The citing case declares unconstitutional the statute, rule or regulation you are <i>Shepardizing</i>.</p> <p>Void or invalid by—The citing case declares void or invalid the statute, rule, regulation or order you are <i>Shepardizing</i> because it conflicts with an authority that takes priority.</p>
 <p>Warning: Negative treatment is indicated The red signal indicates that citing references in the <i>Shepard's</i> Citations Service contain strong negative history or treatment of your case (for example, overruled by or reversed).</p>	<p>Overruled by—The citing case expressly overrules or disapproves all or part of the case you are <i>Shepardizing</i>.</p> <p>Abrogated by—The citing case effectively, but not explicitly, overrules or departs from the case you are <i>Shepardizing</i>.</p> <p>Superseded by—The citing reference—typically a session law, other record of legislative action or a record of administrative action—supersedes the statute, regulation or order you are <i>Shepardizing</i>.</p>
 <p>Questioned: Validity questioned by citing references The orange signal indicates that the citing references in the <i>Shepard's</i> Citations Service contain treatment that questions the continuing validity or precedential value of your case.</p>	<p>Questioned by—The citing opinion questions the continuing validity or precedential value of the case you are <i>Shepardizing</i> because of intervening circumstances, including judicial or legislative overruling.</p>
 <p>Caution: Possible negative treatment indicated The yellow signal indicates that citing references in the <i>Shepard's</i> Citations Service contain history or treatment that may have a significant negative impact on your case (for example, limited or criticized by).</p>	<p>Criticized by—The citing opinion disagrees with the reasoning/result of the case you are <i>Shepardizing</i>, although the citing court may not have the authority to materially affect its precedential value.</p> <p>Distinguished by—The citing case differs from the case you are <i>Shepardizing</i>, either involving dissimilar facts or requiring a different application of the law.</p>
 <p>Neutral: Citing references with analysis available The blue "A" signal indicates that citing references in the <i>Shepard's</i> Citations Service contain treatment of your case that is neither positive nor negative (for example, explained by).</p>	<p>Explained by—The citing opinion interprets or clarifies the case you are <i>Shepardizing</i> in a significant way.</p> <p>Cited in Dissenting Opinion at—A dissenting opinion cites the case you are <i>Shepardizing</i>.</p> <p>Interpreted or construed by—The citing opinion interprets the statute, rule or regulation you are <i>Shepardizing</i> in some significant way, often including a discussion of the statute's legislative history.</p>
 <p>Cited by: Citation information available The blue "I" signal indicates that citing references are available in the <i>Shepard's</i> Citations Service for your case, but the references do not have history or treatment analysis (for example, the references are law review citations).</p>	<p>Cited by—The citing document references the <i>Shepardized</i> cite.</p>

How to Shepardize a case and use Shepard's Signal indicators.

First, when you are looking at a case you can detect possible issues using the *Shepard's* Preview before you *Shepardize*.

▲ **Peatros v. Bank of America, 22 Cal. 4th 147**

Copy Citation

Supreme Court of California
 January 10, 2000, Decided ; January 10, 2000
 No. S076454.

Reporter
22 Cal. 4th 147 * | 990 P.2d 539 ** | 91 Cal. Rptr. 2d 659 *** | 2000 Cal. LEXIS 4 **** | 81 Fair Empl. Prac. Cas. (BNA) 1023 | 2000 Cal. Daily Op. Service 191 | 15 I.E.R. Cas. (BNA) 1619 | 2000 Daily Journal DAR 264 | 78 Empl. Prac. Dec. (CCH) P44749

About **Notes**

Shepard's®

No subsequent appellate history. Prior history available.

Citing Decisions (50)

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- ◆ Positive (6)
- ▲ Neutral (4)
- I Cited By (43)

Other Citing Sources (153)

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Parallel Citations
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Appellate History

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- 8th Circuit 1

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Citing Decisions (50) List Grid

No subsequent appellate history. Prior history available.

Sort by: Court (highest-lowest) ▼

California Supreme Court

1. **Harris v. City of Santa Monica**, 56 Cal. 4th 203, 152 Cal. Rptr. 3d 392, 294 P.3d 49, 2013 Cal. LEXIS 941, 96 Empl. Prac. Dec. (CCH) P44749 ▲

Cited by: 56 Cal. 4th 203 p.234 152 Cal. Rptr. 3d 392 p.413 294 P.3d 49 p.87

... under the FEHA—indeed, compensation for such distress would be a windfall to the employee—if the employer proves it would have fired the employee anyway for lawful reasons. (18) Harris contends that we should not limit noneconomic damages remedies because the FEHA, unlike Title VII, does not and has not historically placed limitations on damages remedies. (See **Peatros v. Bank of America** (2000) 22 Cal.4th 147, 163, 166–167 191 Cal. Rptr. 2d 659, 990 P.2d 539.) But the fact that ...

Discussion

Cal.

Date

2013

Headnote

HN27 | HN29
2. **Action Apartment Assn., Inc. v. City of Santa Monica**, 41 Cal. 4th 1232, 63 Cal. Rptr. 3d 398, 163 P.3d 89, 2007 Cal. LEXIS 8188 ▲

Cited by: 41 Cal. 4th 1232 p.1243 63 Cal. Rptr. 3d 398 p.407 163 P.3d 89 p.96

... A local ordinance is preempted by a state statute only to the extent that the two conflict. (Cohen v. Board of Supervisors (1985) 40 Cal.3d 277, 304 [219 Cal. Rptr. 467, 707 P.2d 840] (Cohen); see also **Peatros v. Bank of Am.** (2000) 22 Cal.4th 147, 173, fn. 6 [91 Cal. Rptr. 2d 659, 990 P.2d 539] (Peatros).) Plaintiffs argue that the litigation privilege is inimical to and thus preempts (1) the provision of section 4.58.020(i)(1) authorizing a suit based on a defendant ...

Discussion

Cal.

Date

2007

Headnote

HN4
3. **Viva! Internat. Voice for Animals v. Adidas Promotional Retail Operations, Inc.**, 41 Cal. 4th 929, 63 Cal. Rptr. 3d 50, 162 P.3d 569, 2007 Cal. LEXIS 7855 ◆

Cited by: 41 Cal. 4th 929 p.936 63 Cal. Rptr. 3d 50 p.53 162 P.3d 569 p.571

... 95 P.3d 422.] 3 [T]he categories of preemption are not "rigidly distinct." (Crosby v. National Foreign Trade Council (2000) 530 U.S. 383, 372, fn. 6 [147 L. Ed. 2d 352, 120 S. Ct. 2288]; accord, **Peatros v. Bank of America** (2000) 22 Cal.4th 147, 158, fn. 1 [91 Cal. Rptr. 2d 659, 990 P.2d 539] (lead opn. of Mosk., J.).) We and the United States Supreme Court have often identified only three species of preemption, grouping conflict preemption and obstacle preemption ...

Discussion

Cal.

Date

2007

Headnote

HN5
4. **Cacho v. Boudreau**, 40 Cal. 4th 341, 53 Cal. Rptr. 3d 43, 149 P.3d 473, 2007 Cal. LEXIS 217, 2007 Cal. Daily Op. Service 379, 2007 D.A.R. 517 ▲

Cited by: 40 Cal. 4th 341 p.352 53 Cal. Rptr. 3d 43 p.50 149 P.3d 473 p.479

... under general rules of statutory interpretation "amendments by implication" and "exceptions by implication" are generally disfavored and are accepted only in the absence of another rational way to harmonize the statutory provisions. (See **Peatros v. Bank of America** (2000) 22 Cal.4th 147, 167–168 [91 Cal. Rptr. 2d 659, 990 P.2d 539] (plur. opn. of Mosk., J.); **Leshar Communications, Inc. v. City of Walnut Creek** (1990) 52 Cal.3d 531, 540–541 [277 Cal. Rptr. 1, 802 P.2d 317] ; ...

Discussion

Cal.

Date

2007
5. **Jevne v. Superior Court**, 35 Cal. 4th 935, 28 Cal. Rptr. 3d 685, 111 P.3d 954, 2005 Cal. LEXIS 5610, 2005 Cal. Daily Op. Service 4325, 2005 D.A.R. 5965 ◆

Cited by: 35 Cal. 4th 935 p.960 28 Cal. Rptr. 3d 685 p.705 111 P.3d 954 p.971

... "separate" and, hence, can be removed as a whole without affecting the wording of any of the measure's other provisions. It is "functionally" separable if it is not necessary to the measure's operation and purpose. It is "volitionally" separable if it was not of critical importance to the measure's enactment. When state law conflicts with federal law, "it is preempted only to that extent and no further." (**Peatros v. Bank of America** (2000) 22 Cal.4th 147, 158 [91 Cal. Rptr. 2d 659, 990 P.2d 539] ; ...

Discussion

Cal.

Date

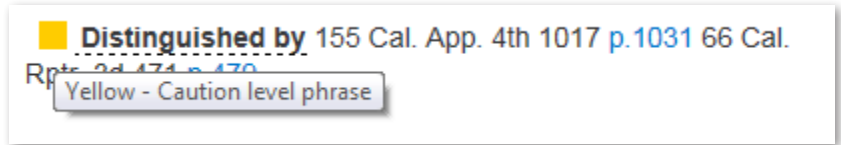
2005

Headnote

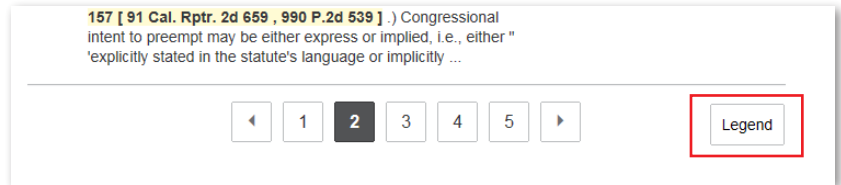
HN4

You can easily view explanations of the *Shepard's* Signal indicators.

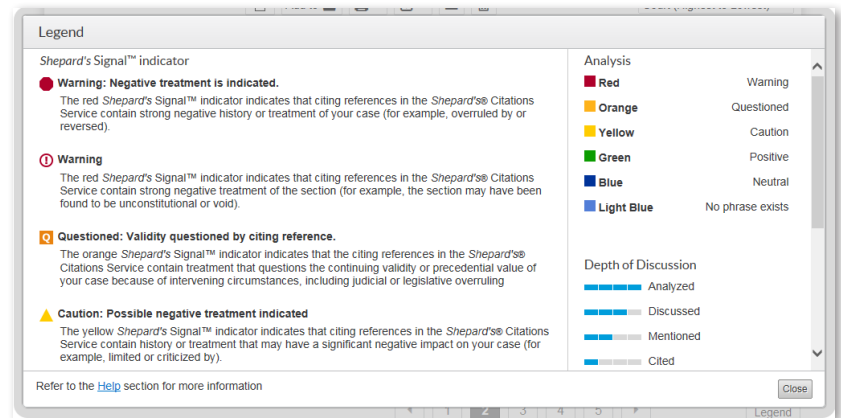
Click any *Shepard's* Signal (e.g., distinguished by, questioned by) to view its short definition.



View a full list of definitions, if desired, by clicking the **Legend** button.



You will then see the legend, which scrolls to list all *Shepard's* Signal indicators, along with treatment icons and analysis definitions.



Only Shepard's provides a full range of editorial treatment phrases—not only negative treatments, but also neutral and positive treatments—giving you more thorough analysis.

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