



## Shepardizing California Cases and Statutes

### Research Guide

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**Scope:** *Shepard's California Citations* can be used to update case information, to find cross-references to other cases, and to find California cases which have interpreted statutes, regulations and ordinances. This guide explains how to use *Shepard's California Citations* for California cases and statutes in print format. The Library's printed version of *Shepard's California Citations* is available exclusively at the Main Branch location.

**Shepard's online:** The library also offers *Shepard's* online through LexisNexis. This service compiles the citing cases from the different *Shepard's* books and allows you to link to those cases. See our separate guide to this service, *Using Shepard's Online*.

**Why Shepardize a case or statute using *Shepard's California Citations*?** When you have the citation for a California case or a statute that relates to your research issue, you can look it up in *Shepard's California Citations* to obtain a list of all later cases, other legal opinions and law review articles that have referred to it. Once you have located your case or statute in *Shepard's*, you need to evaluate the list of citations and decide which ones are important to your research. *Shepard's* abbreviations indicate how later cases treated your case or statute. They will give you a quick indication of whether a case is still good law (whether it has been affirmed, modified, reversed or overruled), if later cases affect the value of your case as precedent or persuasive authority (whether it has been followed, criticized, questioned, etc.). If you see that your case has been reversed or overruled, it is no longer good law on at least one issue addressed in the case, and possibly may not be used to support your argument. If your case has been discussed in other cases, you should read those cases and Shepardize them in turn. *Shepard's California Citations, Statute Edition* shows how California courts have interpreted a statute, regulation or ordinance, and whether it has been held unconstitutional or otherwise unenforceable. Many laws which have been ruled unenforceable by the courts are still in the books, because they have not been officially repealed by the legislature.

#### Locating Your Case Citation in *Shepard's*:

1. You will find *Shepard's California Citations* (KFC 59.S578), at the end of the official California reporters in the California Reading Room at our Main Branch location. There are several hardbound main volumes, followed by hardbound supplements and one or more paper supplements. Look at the writing on the spines of these books and find the ones that contain the reporter, series and volume number that matches your case citation. Many cases are published in multiple reporters, and you can Shepardize a case using any of its citations. If you Shepardize the official reporter cite, you will get citations to other cases in the official reporters; if you Shepardize an unofficial reporter cite, you will get citations to other cases in the unofficial reporters. If you Shepardize the (unofficial) *Pacific Reporter* citation, you will also get citations to out-of-state cases. To learn more about California case citations, see our separate research guide on the subject, *How to Use California Case Citations*. If you are not sure which reporter

your citation refers to, consult a dictionary of legal abbreviations, available at the Reference Desk.

2. Look at the headings at the top of the pages in the book you have selected and find the reporter, series and volume number that match your citation. Find the first page that has your volume number at the top of the page and then locate that volume number within the page in bold print in a box. The numbers in bold print following the volume number refer to page numbers. Find your page number, and you are ready to Shepardize.

**EXAMPLE:** To find **39 Cal.3d 422** in *Shepard's California Citations*, find the volumes that have "Supreme Court Reports, Third Series" printed on the spine. Look at the top of the pages in each book and find the heading "California Supreme Court Reports, 3d series, Vol.39." Find Vol. 39 in bold print on the first page with this heading and then locate page 422 in smaller bold print.

3. Do not forget to Shepardize your cases in the appropriate hardbound volumes AND the red, yellow and sometimes blue paper supplement(s). If you do not use the supplements, your research will not be complete.

***Shepard's* gives you the following information about your case:**

1. Immediately below the page number and case name you may find one or more citations in parentheses. These are "parallel citations," meaning the same opinion, but published in a different place.

2. Below the parallel citations is a list of other citations, each indicating a case, opinion, article, etc., in which your case is mentioned, with the volume number, reporter name abbreviation, and the page on which the case is mentioned for each. To find out which reporter or other legal source the citation refers to, check the "Abbreviations-Reports" table in the first few pages of each *Shepard's* volume.

3. The citations are sometimes preceded by small letters that give you information about how your case has been affected or treated by the citing case. To find out what these letters mean, look at the "Abbreviations-Analysis" table in the first few pages of each *Shepard's* volume.

4. Sometimes there will be a small superscript (raised) number following the reporter name abbreviation. This number indicates which headnoted issue in the original cited case is discussed in the citing case.

5. Consult the explanatory pages at the front of each *Shepard's* volume for further information. Instructions on Shepardizing with more examples can be found in the Nolo Press book *Legal Research* (KF 240. L417).

**EXAMPLE:** The case *California Personnel Board v. Fair Employment and Housing Commission* is reported at 39 Cal.3d 422. Looking at all of the Shepard's volumes and pamphlets which contain citations to this case, you will discover that a prior opinion in the same case ("s") is reported in volume 149 of the *California Appellate Reports*, Third

Series ("CA3d"), at page 429. A connected case ("cc") is reported at 39 Cal.3d 454. The *California Personnel Board* case was also discussed in a dissenting opinion ("j") in the case reported at 43 Cal.3d 1406; the issue discussed in headnote 5 of the *California Personnel Board* case was followed ("f") in the case at 185 Cal.App.3d<sup>5</sup> 611; and the issue in headnote 2 was explained ("e") in the case at *California Personnel Board* case is also referred to in several worker's compensation cases in the reporter *California Compensation Cases* ("CC"), in the *Opinions of the Attorney General of California* ("CaAG"), and in articles in the *Pepperdine Law Review* ("PLR") and the *University of San Francisco Law Review* ("SFR").

\*If you do not understand the meaning of terms such as "followed" and "explained," consult a dictionary of legal terms or the Nolo Press book *Legal Research*, at the Reference Desk (KF 240 .L417).

**Shepardizing a statute, regulation or ordinance.** *Shepard's California Citations, Statute Edition* (KFC 39 .S57) is located at the end of the *West's* annotated statutes located in the middle California Reading Room. These volumes contain citations by California courts to the United States Constitution, the United States Codes, and to California's statutes, Code of Regulations, Court Rules, court-approved jury instructions and even some local ordinances. Look at the spines of the volumes to find the books which contain the citations to your statute, regulation, etc. As with *Shepard's Case Edition*, you may need to look at multiple volumes and pamphlets to get the most recent citations to your document.

**Information *Shepard's* gives you about your statute, regulation or ordinance:**

The *Statute Edition* of *Shepard's* provides less detail about the cases citing each statute, regulation or ordinance, but it does provide some information about any legislative history of the law which has occurred since 1945. Immediately below the section number you will find information about the dates of enactment and amendments of the law. See the table of "Abbreviations – Analysis" near the beginning of the book to translate the letters and symbols associated with each entry.

**EXAMPLE:** Vehicle Code section 17004.7, regarding the liability for damages caused by peace officers resulting from vehicular pursuit, was added to the Vehicle Code in 1987 at Chapters 1201 and 1205 of the *Statutes and Amendments to the Code* ("Ad 1987C1201" and "Ad 1987C1205"); the initial version was repealed and superseded in 1989 by legislation which appeared at Chapter 1360 of *Statutes and Amendments to the Code* ("Rs 1986C1360"). Of the many cases which cite the statute, the case at 22 Cal.App.4<sup>th</sup> 775 is of "questionable" value ("#"), because review has been granted by a higher court and/or it has been depublished. Looking in the next *Shepard's* volume, the statute is "construed" or interpreted ("i") at 9 Cal.4<sup>th</sup> 1162; the constitutionality of the statute is upheld ("C") at 62 Cal.App.4<sup>th</sup> 962; and subdivision c of the statute is followed ("f") at 62 Cal.App.4<sup>th</sup> at 969 (these last two are from the same case). Cases which cite to individual subdivisions and paragraphs of a code section are listed separately.

*Please consult a Law Librarian for further assistance.*