

Citators for Cases

Legal Research Center Video Series

Using Citators for Cases

Today we'll cover:

1. Using Shepard's (Lexis) and KeyCite (Westlaw) to determine validity of a point of law in a case.
2. Using Shepard's and KeyCite to research additional cases.

1. Determine Validity

Determine: Is this case still good law for the point of law I am citing it for?

- **Direct Appellate History** (Same Case, Same Parties)
 - Ask: What happened to this case after it was decided?
- **Negative Citing Cases** (may also be called Negative Treatment) (Different Cases/Parties, Same Legal Issue)
 - Ask: Has another court said this case was wrong on this point of law?

KeyCite

All content

Enter terms, citations, databases, questions, anything ...

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 **Kesner v. Superior Court**

Supreme Court of California. • December 1, 2016 • 1 Cal.5th 1132 • 384 P.3d 283 • 210 Cal.Rptr.3d 283 • See All Citations • (Approx. 46 pages)

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Declined to Follow by [Quiroz v. ALCOA Inc.](#), Ariz., May 11, 2018

Synopsis

West Headnotes

Attorneys and Law Firms

Opinion

All Citations

1 Cal.5th 1132

Supreme Court of California.

Cecelia KESNER, Petitioner,**v.****The SUPERIOR COURT of Alameda County, Respondent;****Pneumo Abex, LLC, Real Party in Interest.****Cecelia Kesner, Plaintiff and Appellant,****v.****Pneumo Abex, LLC, Defendant and Respondent;****Joshua Haver, et al. Plaintiffs and Appellants,****v.****BNSF Railway Company, Defendant and Respondent.**

S219534, S219919

Filed 12/1/2016

Synopsis

Background: Relatives of employee's deceased wife brought wrongful death and premises liability action against first employer based on wife's exposure to asbestos fibers from employee's clothing. The Superior Court, Los Angeles County, No. BC435551, [Richard E. Rico](#), J., sustained demurrer without leave to amend. Wife's relatives appealed, and the Court

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Kesner v. Superior Court

Supreme Court December 1, 2016 1 Cal. 5th 1132

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Kesner v. Superior Court

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Law School Case Brief

Supreme Court of California

December 1, 2016, Opinion Filed

Civil Nos. S219534, S219919

Reporter

1 Cal. 5th 1132 * | [384 P.3d 283](#) | [210 Cal. Rptr. 3d 283](#) | [81 Cal. Comp.](#)

[Cases 1095](#) | [2016 Cal. LEXIS 9431](#) | 167 Lab. Cas. (CCH) P61,760

CECELIA KESNER, Petitioner, v. THE SUPERIOR COURT OF ALAMEDA COUNTY, Respondent; PNEUMO ABEX, LLC, Real Party in Interest. CECILIA KESNER, Plaintiff and Appellant, v. PNEUMO ABEX, LLC, Defendant and Respondent. JOSHUA HAVER et al., Plaintiffs and Appellants, v. BNSF RAILWAY COMPANY, Defendant and Respondent.



Info

Notes



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Caution

[Why?](#)

Subsequent appellate history contains possible negative analysis.

Citing Decisions

1291



Caution

15

Positive

35

Neutral

14

Cited

1256

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Signals on case references



2. Research Additional Cases

You can and should use citators to help you research your legal issue. Look in the citing references for:

- Other cases that cite your case positively or neutrally
- Secondary sources that cite your case

Shepard's



▲ Kesner v. Superior Court



Supreme Court December 1, 2016 1 Cal. 5th 1132 ▼

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Using Citators Efficiently

In practice, focus on prioritizing your time with citators efficiently.

- Start your citator work with the red-flagged or red stop sign cases on your list
- Focus on cases in your controlling jurisdiction
- Pay attention to the treatment marked as “most negative”
- Headnote and “depth of treatment” filters can help you find the cases that are most relevant to your research

Wrap Up

- Learning to use citators is a very important legal research skill for attorneys
- Not a yes or no answer, requires judgment and skill
- You will have many opportunities to practice

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