Using Citators

Legal Citator Terminology

- **Affirmed** - The case was affirmed on appeal to a higher court

- **Dismissed** - An action which has been appealed from a lower court to a higher court has been discontinued without further hearing

- **Direct History** - All of the opinions issued in conjunction with a single piece of litigation (i.e., what has happened to the case on appeal and remanded, or prior and subsequent history)

- **Indirect History** - An opinion form a different piece of litigation (i.e., cases that cite this original case)

- **Vacated** - This opinion has been rendered void and is no longer of precedential value

- **Superseded** - A subsequent opinion has been substituted for this case

- **Reversed** - This case was overturned on appeal to a higher court

- **Cert Denied** - Petition for certiorari denied—this case will not be reviewed by the higher court

- **Critcized** - The citing case disagrees with the soundness of the opinion, but may not have jurisdiction or authority to materially affect precedential value of this case

- **Distinguished** - The citing case was found to be different from your case in significant aspects, either a different fact pattern or a different application of the law

- **Explained** - The citing is interpreting this case in a significant way

- **Rehearing** - A second hearing of the case, usually to consider an alleged error or opinion in the court’s judgment or opinion

- **Followed** - This case is being relied upon as controlling or persuasive authority

- **Limited** - The citing case is restricting the application of this case

- **Questioned** - The soundness of the decision or reasoning in this case is being questioned
**USING CITATORS**

Citrator Signals

**WHAT DO CITATORS HELP US DO?**

- Update resources to ensure they are still “good law”
- Find more relevant primary and secondary sources related to the research issue

**SHEPARD’S SIGNALS — LEXIS**

- Warning: Negative history or treatment—overruled or reversed
- Warning: Negative treatment—unconstitutional statute
- Questioned: Validity questioned by citing references
- Caution: Possible negative treatment
- Positive treatment indicated
- Citing references with analysis available
- Citing information available

**KEYCITE FLAGS — WESTLAW**

- Some negative treatment
- No longer good law for at least one point of law
- Has been appealed to the U.S. Court of Appeals or the U.S. Supreme Court

**BCITE INDICATORS — BLOOMBERG**

- Positive
- No Citing Cases
- Distinguished on the Facts
- Caution: One or more courts have criticized
- Superseded by Statute or Regulation
- Negative