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Legal Citation without Fear

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Legal Citation Without Fear

Loathing may remain.

Is This all There Is?

- Probably, for scholarly writing aimed at strictly legal publications
- Not at all, for other kinds of publications
- Probably not, for court documents



Step Back

- Why do you use citation in a legal document?
 - Attribution – credit ideas you borrow
 - Support – show precedent is on your side
 - Why does the form of the citation matter?
 - Other folks need to be able to find your source
-

Bluebook: What's useful?

- Establishes basic identifiers:
 - title, author, how published, date
 - case name, how published, court, date
 - where statute is found in code, date of publication
 - Demands that you think about *how* source is published
 - Chronicles most eventualities
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Ease yourself in

- Become familiar with the layout
 - Quick reference – front and back
 - Table of contents
 - Blue pages
 - Rules
 - Tables
 - Index
 - Then attack the rules themselves
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Quick Reference

- Front inside cover for law review footnotes
 - Rear inside cover for court documents and legal memoranda
 - Basic examples of most rules
 - Look here first
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Blue Pages

- ❑ Essentially a summary of the rules
 - ❑ Lots of examples
 - ❑ Is a great place to start, may be all you need, if not, refers you to full rules
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Rules

- Remember, no matter how formidable the whole mess seems. . . .
 - ***There are only 21 rules***
 - Rules 1-9 – general, stylistic
 - Rules 10-21 – specifics for different types of authority
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Tables

- Nearly every abbreviation known to the legal world
 - Most commonly used: T 1 (U.S. jurisdictions – federal and state); T 6 (case names); T 7 (court names); T 13 (periodicals)
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Rules 1-9: Highlights

Signals –

- none
- see
- e.g. ,

Italicization

Capitalization

Short forms –

- Blah, at yy
 - xxx r2d at yy
 - Id. at yy
-

Signals (R. 1.2 or B 4)

- Correct use of signals communicates that you understand *how* your source supports your argument.
 - None – source directly states the proposition
 - E.g. – one of many that directly states
 - See – source clearly supports . . .
 - See also – additional supporting
 - Cf. – analogous proposition
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Short Forms

- Never forget. Short forms may be used **only** when:
 - It's clear to the reader what is being referenced
 - The earlier, full citation, falls in the same general discussion
 - The reader can easily locate the full citation.
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Short forms

- Foster v. State, 444 S.E.2d 296, 297
(Ga. 1994)
 - Id. at 298
 - Foster, 444 S.E.2d at 298
 - 444 S.E.2d at 298
-

Infamous, ubiquitous id.

- ❑ Immediately preceding authority (ignore parentheticals)
 - ❑ Can not use when previous citation includes more than one authority
 - ❑ Alone: exact same source/pinpoint
 - ❑ id. at, . . .
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Rules 10 – 21: highlights

- (10, B5, T1) Cases: surnames; court i.d.; subsequent history
 - (12, B6, T1) Statutes
 - Use current, official code when possible
 - (16, B9, T13) Periodical materials (journals): author, title, publication, date
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Back to *Your* Brief

- Figure out what kind of authority you are citing—the record, cases, statutes, maybe an article(?)
 - Decide what controls your citation
 - The record: your court rules
 - Cases: R. 10 or B 5
 - Statutes: R. 12 or B 6, but primarily T.1
 - Articles: R. 16 or B 9
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Cases (R. 10 or B 5)

- Case name, published source, (court and year), other parenthetical (such as per curiam), subsequent history
 - Start by looking at examples in quick reference and blue pages
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Cases (useful particulars)

- ❑ Only surnames
 - ❑ If state is party, use “State” or “People” when case is from court of the state (Skaggs v. State), but name of state when case is from court of another jurisdiction (Walker v. Georgia)
 - ❑ In parenthetical, omit name of court if it is highest court of the state and omit name of state if clearly conveyed by reporter name
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Statutes

- ❑ Use Table 1 to find proper source and form of citation for state statutes
 - ❑ Use date from spine of volume, title page, or copyright year (in that order of preference) if code section is in bound volume; if section is in pocket part, use date from title page of the pocket part
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Final, calming words

- Consistency
 - Make it look like you care
 - Common sense
 - The primary point is for other folks to actually find your sources if they care to
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