

5-2018

Legal Citation Part I: The Basics of Legal Citation

Tenielle Fordyce-Ruff

Concordia University School of Law, Boise, Idaho

Follow this and additional works at: <https://commons.cu-portland.edu/lawfaculty>

 Part of the [Legal Writing and Research Commons](#)

CU Commons Citation

Fordyce-Ruff, Tenielle, "Legal Citation Part I: The Basics of Legal Citation" (2018). *Faculty Scholarship*. 137.
<https://commons.cu-portland.edu/lawfaculty/137>

This Article is brought to you for free and open access by the School of Law at CU Commons. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of CU Commons. For more information, please contact libraryadmin@cu-portland.edu.

Legal Citation Part I: The Basics of Legal Citation

Tenielle Fordyce-Ruff

Many students have a mock appellate brief due in less than 48 hours, and I've spent all morning answering student questions. While my students grasp the relevant law and know their best arguments, they sometimes neglect one key skill: mastering correct legal citation.

I just explained to another eager 1L student that citations do matter because they convey a myriad of information to the legally trained reader. And I've also patiently explained that legal readers read citations like they read another language—we can all look at a citation and instantly tell if the author is referencing a statute, regulation, or case.

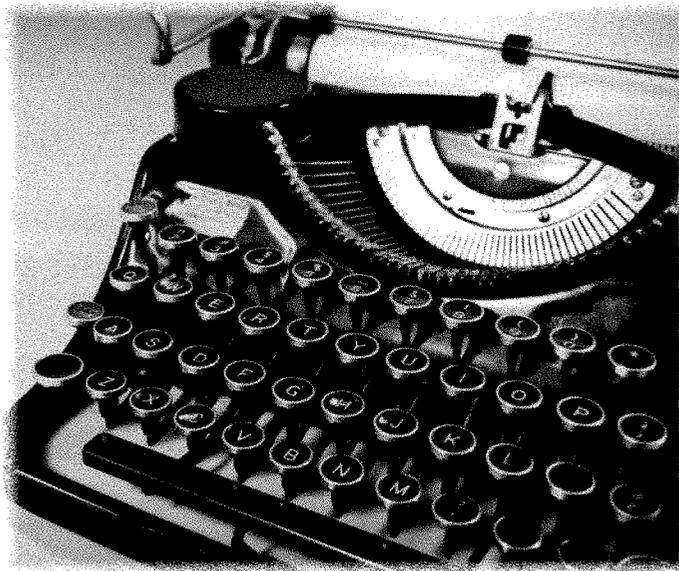
I know many legal writers don't put much thought into legal citation—in the same way that we can type certain words or phrases without much thought. Moreover, many legal writers' citation skills decline as the writer's dated citation manual gathers dust on a shelf. But given the amount of information gleaned from accurate citation, coupled with the credibility and professionalism conveyed by accurate legal citation, let's revisit legal citation and reaffirm using the language of citation correctly and efficiently.

This month, we will start with the basics and go over the purpose and principles of citation.

Citation as language

Like any language, the active and correct use of the language of legal citation requires practice and mastery. Most law students at the beginning of their first year simply ignore the citations in their casebooks, glossing over citations and not realizing that they convey a depth of meanings to a law-trained reader.

An experienced attorney, how-



ever, can quickly read and write in the language of legal citation. That's because experienced attorneys have mastered the purposes and principles of legal citation, even if the practitioner's citation skills are a bit rusty.

The purpose of legal citation

Legal citation allows us to write in a form that quickly and succinctly gives the reader helpful information about the support and research that underpins a particular piece of legal writing.¹ As my dear friend and mentor once wrote, "[t]he difference between writing and *legal writing* is, of course, the law. To write about law, one must first do legal research. A careful legal writer then conveys to the reader the thoroughness of that research and the support of various authorities through citations."²

Instead of forcing the reader to wade through extraneous chaff, correct legal citations efficiently guide the reader to the precise pin-point of referenced authority. To do so, accurate legal citations accomplish four purposes:

1. Instruct the reader on locating a source.
2. Inform the reader about the weight and persuasiveness of a source.
3. Convey the type and degree of support for a proposition.
4. Demonstrate the author's thorough research.³

Principles of legal citation

Legal citation conveys information succinctly and efficiently by adhering to four principles.

Thus, legal citation follows the 1) core identification principles, 2) minimum content principles, 3) compacting principles, and 4) formatting principles.⁴ Let's look at each.

Core Identification Principles

Each citation must contain certain, minimum information in order to allow the reader to retrieve the authority. To prove my point, find this authority: *Sopatyk* at 812. Or try this one *Community for Creative Non-Violence v. Reid*, U.S. 730, 735.

Neither of these citations adheres to the principle of giving the

reader the minimum information necessary to retrieve the citation. For cases, citations need to include party names; reporter information, including volume and page numbers; and court identification information. For statutes, citations need to include the code, the title, and section.

Minimum Content Principles

Citations need additional information beyond just that necessary to allow the reader to find the authority. While the following citation meets the core identification principle, it doesn't contain the minimum content a reader expects. *Sopatyk*, 151 Idaho 809, 812.

For cases and statutes, citations need to include dates. For cases, other information might also be necessary, such as subsequent history. For articles and books, the author and edition must be identified. (For some content, the lack of inclusion shows that something doesn't exist—for instance, we don't indicate a book is the first edition until there is a second edition).

Compacting Principles

Remember that legal citations are meant to be short and efficient. Thus, legal citations include standardized abbreviations and eliminate redundancy.

Consider this example: 42 United States Code Section 1983 (2007). This meets both the core identification principle and the minimum content principle, but it is not compact. Instead, the compact citation would be 42 U.S.C. § 1983 (2007) because codes are abbreviated and citations use typographic symbols.

Try this one: *John F. Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 510 (1969). Did you instantly start removing parts of the party names?

Formatting Principles

Finally, citations follow certain formatting principles. We use cer-

tain fonts, certain punctuation, and order the elements of a citation in a specific way. So, while you could find this case, it's hard to read the citation because it doesn't follow the formatting principles.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., (1969) at 506, 393 U.S. 503.

A quick word on citation manuals

Every fall, I'm somewhat stunned that groups of law students and legal writing directors each produce a citation manual that exceeds five hundred pages!⁵ But both *The Bluebook: A Uniform System of Citation* and *ALWD: Guide to Legal Citation* generate an identical citation for any source.

That's right, while there may be two common citation manuals, no matter which manual you or the new associate in your office uses, the correct format for a citation will be identical. Additionally, you can quickly use either manual to create or correct a citation by following a few simple steps:

1. Identify the type of authority you wish to cite.
2. Look up that term in the index.
3. Follow the rule for that type of authority.
4. Refer to the appendixes for correct abbreviations.
5. Refer to the rules for typeface.

Using these steps in either citation manual would lead you to create this cite:

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503, 506 (1969).

This citation accomplishes the purpose of legal citations and follows all four principles!

Conclusion

Next month we will move beyond these basics and discuss the nuts and bolts of placing citations in context and using signals to link citation to the text. We will delve into some exciting, specific rules and then finish the citation trifecta by covering when to use parentheticals versus when to use text to convey meaning to the reader, in the month following next.

Endnotes

1. The Legal Information Institute, *Purpose of Legal Citation; Introduction to Basic Legal Citation*, § 1-220, available at <https://www.law.cornell.edu/citation/1-200> (last visited Mar. 7, 2018).
2. Suzanne E. Rowe, *Signaling Support: Linking Citation to Text*, available at <https://www.osbar.org/publications/bulletin/08nov/legalwriter.html> (last visited Mar. 7, 2018) (emphasis in original).
3. Hollee S. Temple, *West Virginia Legal Research*, X (2d ed 2018) (forthcoming).
4. The Legal Information Institute, *Types of Citation Principles*, § 1-300, available at <https://www.law.cornell.edu/citation/1-300> (last visited Mar. 14, 2018).
5. The oldest national system is *The Bluebook: A Uniform System of Citation*, which was designed by students on the Harvard Law Review; the easier to use is *ALWD: Guide to Legal Citation*, written by the Association of Legal Writing Directors and Coleen M. Barger.

Tenielle Fordyce-Ruff is an Associate Professor of Law and the Director of the Legal Research and Writing Program at Concordia University School of Law in Boise. In addition to serving on the Editorial Board of *The Advocate*, she is the series editor for Carolina Academic Press' *Legal Research Series* and the author of *Idaho Legal Research*. You can reach her at tfordyce@cu-portland.edu. You can also access her past articles in *The Advocate* at <https://works.bepress.com/tenielle-fordyce-ruff/>.

