

Reducing Citation Anxiety

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Introduction

For many, working on citations can cause the head to pound, the blood pressure to rise, and the heart to race:

- I have a brief due tomorrow and need help. Is the period in *id.* italicized?
- Should a page span be designated as 103–05 or 103–105?
- I'm confused about a citation point I really thought I understood. Do I have to abbreviate every word in a case citation that appears in the abbreviation table or appendix?
- My class and I are very anxious about how to cite one of the primary cases for the first memo. Would the correct citation be *Daniels Indus. Co.* or *Daniels Indus.*?
- I've spent hours trying to figure out how to cite a Queen's Bench case. Can you help?
- I've got a question that is really bothering me. I'm writing an appellate brief in which I am quoting a case that is quoting another case. Should the quoted material be enclosed in both double and single quotation marks,

because I am quoting a case, and the case is quoting another case? Or should it be enclosed only in double quotation marks? I will also add an explanatory parenthetical at the end citing the quoted case.

- Please help. If you have a lower-court case that was superseded by statute (on other grounds) and was denied certiorari, and the lower-court case was decided less than two years ago, in what order should this subsequent history (superseded and cert. denied) appear?

(For the curious, answers to these questions appear at the end of this article.)

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I'm fascinated by citations. They're like a code to be broken, or a foreign language to be mastered. They represent a link between the past and the future of legal writing — providing the foundation for arguments and analysis and showing how one source relates to another.

My sense, however, is that I'm in a distinct minority. Over the years, I've found that most people detest, fear, or at best barely tolerate citations. More accurately, they loathe citation form.

Since the *ALWD Citation Manual* was published in 2000, I've received hundreds of e-mails asking citation questions or relating stories about the quest to build a perfect citation. Many of these communications, akin to those above, are tinged with traces of desperation, frustration, or both. Others include long, complicated questions about anomalous citations. Still others relate how the person spent hours researching how to cite a single obscure source. I appreciate receiving these e-mails and stories because they help me to improve the *Manual* and to learn how people approach citation form. But they have caused me to think more about

the stress that citation form can cause. Some people become so obsessed with citation form that they lose sight of more important aspects of the paper they're writing or editing. I hope this article might bring some sense of relief to those who suffer from citation anxiety.

The Relative Importance of Legal Citation

Citations serve important purposes in legal writing. They inform readers where to find the cited sources, provide information about their weight and persuasiveness, convey the type and degree of support that the sources provide for a particular proposition, give attribution for words and ideas, and demonstrate that a position is well researched and supported.¹

Citation form is also important to legal writing. Incorrect,² missing,³ and sloppy citations⁴ — along with errors in typing, grammar, and usage⁵ — can detract from a paper. Inaccurate citations can

¹ ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* 3 (3d ed., Aspen Publishers 2006).

² E.g., *Serv. Employees Intl. Union, Loc. 1 v. Wackenhut Corp.*, 2006 WL 681056 at *3 n. 2 (N.D. Ill. Mar. 13, 2006); *Fowler v. Bell Helicopter Textron, Inc.*, 2005 WL 548076 at *3 n. 3 (N.D. Tex. Mar. 9, 2005).

³ E.g., *Bicknell v. City of St. Petersburg*, 2006 WL 560167 at *4 n. 14 (M.D. Fla. Mar. 7, 2006).

⁴ E.g., *In re Marriage of Weinshenker*, 177 S.W.3d 859, 863 (Mo. App. E. Dist. 2005).

⁵ E.g., *Fox Valley AMC/Jeep, Inc. v. AM Credit Corp.*, 836 F.2d 366, 368 (7th Cir. 1988) (imposing Rule 38 sanctions because “the plaintiffs’ briefs . . . are replete with misrepresentations; with syntactical, grammatical, and lexical errors; and with much sheer gobbledegook”); *Lohrenz v. Donnelly*, 187 F.R.D. 1, 10 (D.D.C. 1999) (“The bulk of plaintiff’s misconduct evidenced in this dispute is due purely to sloppiness. First, plaintiff’s counsel averages approximately four typographical, grammatical, or stylistic errors per page. These errors consist of frequent double-periods at the ends of sentences; frequent and obvious grammatical errors; the submission of two

literally affect the substance of the paper.⁶ And a surprising number of judges have reprimanded attorneys for including inaccurate and nonexistent citations in court filings.⁷

The importance of citations and citation form, however, is relative. Citations are not the most important part of legal writing. Solid research, writing, and analysis are more critical. While citations contribute to all three, perfect citation form cannot save a paper that is poorly researched or written. Nor can perfect citations save deficient analysis or faulty arguments.

Tips to Reduce Citation Anxiety

Below are some tips and insights that might help those who are struggling with how much time to devote to citation, and what to worry about when, and for how long.

of the same pages repeatedly, beginning midway through a brief; and the termination of arguments in mid-sentence.”); *Golden v. Servs. Exch., Inc.*, 1999 WL 350665 at *2 n. 2 (N.D. Ill. May 19, 1999) (“Defendant’s briefs are replete with distracting typographical errors and misspellings. The court advises counsel to proofread their submissions more carefully in the future.”).

⁶ E.g., *Smith v. Firestone Tire & Rubber Co.*, 875 F.2d 1325, 1328 n. 3 (7th Cir. 1989) (“Indeed, plaintiff seems to recognize the futility of his argument in his brief which contains less than five pages of argument replete with grammatical errors and which is devoid of sufficient substance to enable this Court to determine that any error was committed by the district court.”).

⁷ E.g., *Kapco Mfg. Co. v. C & O Enters., Inc.*, 886 F.2d 1485, 1496 (7th Cir. 1989) (sanctioning an attorney whose “briefs misrepresented propositions of law in legal treatises and misrepresented facts”); *Wallace Computers Servs., Inc. v. David Noyes & Co.*, 1994 WL 75201 at *1 (N.D. Ill. Mar. 9, 1994) (trial court chastised defense counsel for repeatedly citing authority “in an inappropriate, out of context manner”); *Federated Mut. Ins. Co. v. Anderson*, 991 P.2d 915, 922 (Mont. 1999) (dismissing appeal for, among other reasons, inaccurate citations to authority); *Carrier v. Salt Lake County*, 104 P.3d 1208, 1213–14 (Utah 2004) (discussing whether to strike pleadings as a result of inaccurate record citations and inadequate citation of legal authority).

1. **Use a reasonableness standard.** In most contexts, citation form is less important than having sufficient support for your propositions, acknowledging others' words and ideas, and providing enough information so that the reader can easily find the cited source. Stated differently, it's more important to cite the correct source than to use the correct form.⁸
2. **Although perfect or almost-perfect citation form is an admirable goal, devote most of your time to developing the analysis, writing clearly and accurately, and selecting the best possible support for legal propositions.** For students, if your professor has provided an assessment rubric, examine the weight given to citation format in relation to the total score, and use that as a guide for the time you should spend on citation versus other aspects of your paper.
3. **Learn to distinguish the critical from minutiae.** Writers and editors must accurately convey the author's name, the name of the source, the volume and page numbers, and the date. With these items, readers can find the cited source. On the other hand — in most instances — don't sweat the small stuff. That philosophy is, in large measure, adopted in the *ALWD Citation Manual*. As just a few examples, it doesn't matter whether you retain two digits or three on the right side of a page span; it doesn't matter whether you abbreviate every word in a case

⁸ See Wayne Schiess, *Better Legal Writing* 102 (Wm. S. Hein & Co. 2005) (“[I]t is much more important that your citations give the correct location of the authority and do so in a consistent and reliable way than it is that they contain correct abbreviations or spacing. Although some readers will judge you by those minor details, and you should strive to conform to the rules, the reliability of your citations is always more important than form. Reliability comes from accuracy and consistency.”).

name that appears in the abbreviation tables; it doesn't matter whether you list all authors of a work or use *et al.* These small points simply do not affect the substance of the paper or a reader's ability to find the source.

4. **Learn the key rules — the ones that most people know.** These include how to cite cases and statutes from U.S. jurisdictions, how to use signals, how to use *id.*, when to use quotation marks, and how to incorporate short and long citations into writing. In addition, if you work primarily in one jurisdiction, such as Florida, Michigan, or New York, learn how to cite sources commonly used in your state and try to master local citation formats for cases, statutes, and rules.

5. **Learn the most common mistakes — the ones that many people look for.** Common errors include not putting a space between So. and 2d and between the section symbol and the section number (correct: So. 2d and § 1985). Other common errors include failing to capitalize nouns and verbs in book and article titles, forgetting to italicize case names and titles, and omitting the court abbreviation in the date parenthetical. If you avoid the most common errors and provide the basic information needed to find the source, your citation form will pass muster under most circumstances.⁹

⁹ See also Darby Dickerson, *Common Citation Errors*, PowerPoint Presentation (rev. ed. 2006) (available at <http://www.alwdmanual.com/books/legalcitation/default.asp> (select "ALWD Citation Manual: Essentials for Law Review"))).

6. **Learn how to use a citation manual.** Both the *ALWD Citation Manual* and *The Bluebook* have “citation helpers,” such as detailed table of contents, indexes, quick guides, locators, and examples to assist users. Understanding how the manual is designed and how to use these resources can help make citation more manageable.

7. **Accept that you will never find the answer to every citation question in a citation manual.** Legal citation is an art, not a science. Especially in this age of ever-changing forms for legal sources, it’s impossible to predict the almost limitless permutations of material that people wish to cite. If something you need or want to cite is not included in the manual, don’t panic. Instead, look for the source that’s closest to the one you want to cite, and use that form as a guide. If you can’t find a similar source, include the information that readers will need to find the material. This information usually includes the author’s name (if any), the title, the pertinent page or section numbers, and the date. Parenthetical information about where you found the source, such as a particular website, can also be helpful. Another strategy is to see whether the source contains a “how to cite the source” section. This information is most typically found in books and looseleaf services, on or near the title page. One other idea is to search Westlaw, LexisNexis, or the Internet to see how others have cited similar sources. When developing rules for the *ALWD Citation Manual*, I frequently visit the law-review databases within LexisNexis and Westlaw to determine how authors and law-review editors cite sources. By using this technique, you can often spot patterns in the type of information that should be included and the best order for presenting it.

8. **Be consistent.** Consistency reflects that you took care when writing the paper. Even if the citation is not perfect, it will rarely draw the reader's ire.¹⁰
9. **When in doubt, ask for help.** Of course, new law students need to take time to gain competency in legal citation, and that means struggling with sources and the assigned citation manual. But after becoming grounded, students and attorneys should rarely spend more than twenty minutes building a particular citation, and most routine sources should take less than two minutes to cite. Instead of suffering in seclusion, seek help from a librarian, another attorney, or some other knowledgeable person. If the person cannot help, this is a clue that most people will not know whether your citation is correct, so include the information that readers will need to find the source, cite the source consistently throughout the paper, and move on.
10. **Understand who cares about citations.** Outside law school, citation form is scrutinized only in limited contexts. Generally, those contexts are working on or writing for a law journal, working for a judge, working for a legal publisher, or working for an attorney who was an editor on a law journal. Even when you write for a journal, its editors are trained to check and correct citation form, so a few deviant citations will not preclude a publication offer. When in doubt about your reader's likely citation aptitude, check his or her profile for law-journal service.

¹⁰ See Fed. J. Ctr., *Judicial Writing Manual* 24 (Fed. J. Ctr. 1991) ("Mastering the arcana of citation forms . . . is not a productive use of judges' or law clerks' time. The purpose of citations is to assist researchers in identifying and finding the sources; a form of citation that will serve that end is sufficient. *In addition, the form of citation should be consistent to avoid the appearance of lack of craftsmanship and care.*") (emphasis added).

On a related point, most practicing attorneys have not studied citation form since law school and therefore are not familiar with the recent editions of the most widely used citation manuals. As a result, many will attempt to “fix” your correct citations. Try not to become frustrated. Depending on your relationship, either accept the “corrections” and move on to the next project, or show that person the new manual or a summary of the significant changes.

Conclusion

Citation anxiety can paralyze some writers and prevent them from fully developing analysis and arguments. It can consume precious time while contributing little to the quality of the final product. Although legal writers should learn how to cite commonly used sources, the best attitude is to be reasonable. If sources are cited to support the propositions and to acknowledge others’ work, if readers have enough information to locate the sources, and if the writer has attempted to cite them consistently, then the writer will have satisfied most readers’ expectations. Beyond that point, the writer must weigh the utility of spending additional time on citation form as opposed to other aspects of a clear and effective paper. Most often, the best choice is to focus on refining your research, writing, and analysis.

Answers to Citation Questions at the Beginning of the Article

- The period in *id.* is italicized, but few readers will distinguish an italicized period from an unitalicized period. ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* Rule 11.3(c) (3d ed., Aspen Publishers 2006). *The Bluebook* rule is consistent. *The Bluebook: A Uniform System of Citation* B5.2 (Colum. L. Rev. Assn. et al. eds., 18th ed., Harv. L. Rev. Assn. Gannett House 2005).
- Under the *ALWD Citation Manual*, either page span is fine. *ALWD Citation Manual* Rule 5.3(b). Under *Bluebook* Rule 3.2(a), 103–05 is correct. Just be consistent in the same brief or article.
- Under the *ALWD Citation Manual*, words in a case name that appears in a citation sentence or citation clause may be abbreviated if the words appear in Appendix 3. *ALWD Citation Manual, supra*, at Rule 12.2(e)(3). Under *The Bluebook*, words in a case name that appears in a citation sentence or citation clause must be abbreviated if the words appear in T.6. *Bluebook, supra*, at Rule 10.2.2. Table 6 also indicates that “[i]t is permissible to abbreviate other words of eight letters or more if *substantial* space is thereby saved and the result is unambiguous in context.” *Id.* at T.6 (emphasis in original). For case names that appear in textual sentences, the *ALWD Citation Manual* Rule 2.3 provides a short list of words that *may* be abbreviated; *Bluebook* Rule 10.2.1(c) provides a short list of words that *must* be abbreviated.
- *Daniels Indus. Co.* is the correct form. *ALWD Citation Manual* Rule 12.2(e)(7); *Bluebook* Rule 10.2.1(h).

- Yes, but never spend this much time on a single citation — especially when most people will not know whether the citation is correct. *See ALWD Citation Manual* Rule 21.5(b)(6).
- Both options for quoting are fine because both provide the reader with the necessary information. Personally, I would use the double quotation marks in combination with the parenthetical; others will disagree with this approach.
- Put the subsequent history in chronological order. *See ALWD Citation Manual* Rule 12.10(d) (example); *Bluebook* Rule 10.7 (example).

