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Write On

Mechanics of proper case citation require more than 'manual' skills



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By Julie Baker and Lisa Healy

Write On is an occasional feature providing guidance for attorneys on writing legal memoranda and briefs.

Last month, we wrote about using citations effectively to support and enhance your advocacy. The response to the column was overwhelmingly favorable, and many of you admitted to deep-seated insecurities about how to cite correctly. For that reason, we wanted to continue where we left off and to discuss in more detail the mechanics of proper case citation.

First, and most importantly, the Bluebook is *one* manual for citation format, but it is not the *only* one. Another manual that has gained popularity in recent years is the ALWD Citation Manual, offered as a less technical alternative to the Bluebook by the Association of Legal Writing Directors.

As a practitioner, your first goal is to figure out which style manual applies and what citation formats the courts in your jurisdiction will be looking for.

In Massachusetts, we do not have our own manual, and the courts still recognize the Bluebook as the governing resource; but we also have local court rules (as do most jurisdictions) that specify citation rules for briefs or other documents filed in the Supreme Judicial Court and the Appeals Court.

Mass. R. App. Proc. 16(g) indicates that case citations should be to the official Massachusetts reporters, and should include not only the basic citation, but also the pinpoint page for the material being cited and the year that the case was decided.



So, while you may do your research on LEXIS or Westlaw, or use one or more commercial resources that are available, case citations must always be to our official Massachusetts reporters.

The basic format for a case citation, using the criteria set forth in Rule 10 of the Bluebook and our own Rule 16(g), is: *Commonwealth v. Latimore*, 378 Mass. 671, 673-74 (1979). This is called a "full" citation.

The word "Commonwealth" is written out; the Bluebook tells us not to abbreviate words like Commonwealth or United States in case names (although you can drop the "of America" from the United States of America).

"Mass." is the abbreviation for the Massachusetts Reports, which is the official state reporter for SJC cases; for Appeals Court cases, it is "Mass. App. Ct.," with spaces in between each word.

The first page of the case is "671," and "673-74" are the pinpoint pages; the Bluebook instructs that we use only the last two digits of a page number when doing a page span. If, however, you want to indicate that the

information appears on page 673 and then again later on page 674 - but does not span the pages - then the correct way to write it is "... 378 Mass. 671, 673, 674 (1979)."

Complicated, we know. The good news is that after you have fully cited a case once in your document, you never need to do it again. You can (and should) switch to one of several acceptable "short" citation formats.

The easiest short cite is *Id.*, which should be used whenever you are citing to the same source on the same page as in the immediately preceding citation.

If you want to cite to the same source but on a different page, do not despair. Use *Id.* at xx, which tells the reader "same source as in previous cite, but now on page xx."

If you need to do a short cite to a case that is not in the immediately preceding cite, then the most common short citation format is: *Latimore*, 378 Mass. at yy. The rule of thumb is to choose the first party's name for the name in the short cite; but when the first name is a term like Commonwealth or United States, you default to the other party's name to avoid confusion.

Keep letting us know if this is helpful to you. If it is, next month we will continue with citing statutes, administrative regulations and federal authorities.**MLW**

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