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# A Uniform System of Citation. By Columbia Law Review, Harvard Law Review Association, University of Pennsylvania Law Review, and Yale Law Journal

Donald H. Gjerdingen

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*Reviewed by Donald H. Gjerdingen†*

## I. INTRODUCTION: CITATION, LAW REVIEWS, AND A *Uniform System of Citation*

Law review footnotes by their very nature are relegated to a position of ignominy. The prize is always the text. To groom it, the burrs of citation must be removed. Once the wisdom has been extracted from the cases and blended, the remaining hulls are cast off. Removed of substance, the form drops and sulks at the bottom of the page, forgotten and unnoticed, if not condemned.

In practice, citation often follows the whim of the writer. Courts themselves give little guidance. Although some follow a well-known citation system<sup>1</sup> or decree forms in their rules of court,<sup>2</sup>

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† Member of the Minnesota Bar. Mr. Gjerdingen received his B.A. in 1971 from Carleton College and his J.D. in 1976 from the William Mitchell College of Law. He was law clerk to Justice Lawrence Yetka of the Minnesota Supreme Court from 1976 to 1977. He is also a former Editor-in-Chief of the *William Mitchell Law Review*. This fall, Mr. Gjerdingen will begin the LL.M. program at Yale Law School.

1. For example, the slip opinions for the United States Court of Appeals for the Eighth Circuit seem to follow *A Uniform System of Citation*.

2. A sampling of state and federal rules gives some indication of the citation form a court sometimes requires.

Courts frequently require citation to certain reporters. *See, e.g.*, SUP. CT. R. 15(1)(a), 23(1)(a), 40(1)(a); 3D CIR. R. 21(1)(A)(e)(ii); C.C.P.A. R. 5.9(e); ARIZ. R. CIV. APP. P. 13(a)(6); ARK. SUP. CT. R. 9(f); IND. R. APP. P. 8.2(B)(1); IOWA R. APP. P. 14(e); KY. R. APP. P. 1.220; MD. R.P. 831(c)(1); MASS. R. APP. P. 16(g); OKLA. SUP. CT. R. 20, 21; PA. R. APP. P. 2118(b); TENN. SUP. CT. R. 18. *See also* 4TH CIR. R. 18(d)(ii) (citing of unpublished cases disfavored); 8TH CIR. R. 12(d) (cases considered most apposite for each issue should be indicated).

Rules also often cover citation of statutes and usually require citation to the official edition. *See, e.g.*, SUP. CT. R. 15(1)(b)(v), 23(1)(d), 40(1)(c); CT. CL. R. 144(a)(2); KY. R. APP. P. 1.220; PA. R. APP. P. 2118(b); TENN. SUP. CT. R. 18.

In addition, such varied matters are deemed necessary of mention by courts as:

- (1) year of decision, *see, e.g.*, 3D CIR. R. 21(1)(A)(e)(ii);
- (2) underscoring names of cases, *see, e.g.*, TAX CT. R. 23(f);
- (3) names of parties in case names, *see, e.g.*, GA. CT. APP. R. 15(c);
- (4) use of jump cites, *see, e.g.*, MASS. R. APP. P. 16(g);
- (5) citation of textbooks and treatises, *see, e.g.*, IOWA R. APP. P. 14(e);
- (6) indication of court of decision, *see, e.g.*, 3D CIR. R. 21(1)(A)(e)(ii);
- (7) citation of named reporters, *see, e.g.*, MASS. R. APP. P. 16(g).

others merely scatter suggestions in opinions<sup>3</sup> or rely on form books known only to their personnel.<sup>4</sup> Most give no hint of their system. Moreover, sometimes the court's own style must defer to conventions used by the publishers of law books when the cases are printed in the commercial reporters or dissected in the digests.<sup>5</sup>

In the midst of this, a single publication has begun to take prominence: *A Uniform System of Citation*. Legal writing instructors in law schools require students to follow it, associates in large law firms consult it for aid, and legal research texts endorse it.<sup>6</sup> Even nonlegal reference works on style advocate its use.<sup>7</sup> And

Sometimes extensive examples of suggested citation forms are given by a court. See *FLA. R. APP. P.* 9.800. Also, suggested forms for statutes sometimes are given by the legislative branch. See, e.g., 1 U.S.C. § 204(c)-(e) (1976).

3. See, e.g., *Tomkins v. Tomkins*, 89 Cal. App. 2d 243, 253, 200 P.2d 821, 828 (1948) (parallel and unofficial citations as well as official would have "immeasurably lightened" labors in considering the appeal); *State v. Clark*, 194 Kan. 265, 269, 398 P.2d 327, 330 (1965) (helpful to include citations to regional reporter in addition to official reporter); *Thomas Canning Co. v. Southern Pac. Co.*, 219 Mich. 388, 392, 189 N.W. 210, 211 (1922) (references to statutes should have section or page), *aff'd on second appeal*, 223 Mich. 154, 193 N.W. 793 (1923); *People v. Jamieson*, 124 Mich. 164, 166, 82 N.W. 835, 835 (1900) (official reports must be cited, if published, rather than legal newspaper); *McPherrin v. Lumbermen's Supply Co.*, 211 Mo. App. 385, 396, 242 S.W. 136, 140 (1922) (current revision of state code should be cited rather than prior version); *Baxter v. Campbell Lumber Co.*, 186 Mo. App. 352, 359-60, 171 S.W. 955, 957 (1914) (citation to local cases should include official reporter as well as regional reporter).

4. The Minnesota Supreme Court, for example, distributes a pamphlet containing the system of citation to be used by law clerks and other court personnel.

At least one early book on citation also makes reference to "the manuscript citation style manual circulated to the [United States] Supreme Court justices and law clerks." M. PRICE, *A PRACTICAL MANUAL OF STANDARD LEGAL CITATIONS* iv (2d ed. 1958). Moreover, the same book makes numerous references to the preferences of the Court. See *id. passim*. A later source also notes certain Court preferences, but adds that final determination of the exact citation form is left to the author of each opinion. See R. STERN & E. GRESSMAN, *SUPREME COURT PRACTICE* § 13.6, at 462 (4th ed. 1969). See also Lushing, Book Review, 67 COLUM. L. REV. 599, 599 & nn.7-11 (1967) (noting some different citation forms in Court opinions).

5. West Publishing Company uses its own system of citation. Among other things, it will put cases cited by the court in italics (even if they were in roman in the official report), omit spaces between abbreviations, and insert citations to its reporters. A different method is used in the citation of state cases in the digests; contrary to general practice, the citation will give the West regional reporter before the official reporter. Presumably this is to encourage the use of West publications.

In reporting opinions of the United States Supreme Court, West inserts parallel citations to its own Supreme Court reporter and also to Lawyers' Edition. The Lawyers' Edition also inserts both parallel cites, if available, but places the citation to the West reporter after its own. Compare, e.g., *Nixon v. Administrator of Gen. Servs.*, 433 U.S. 425, 474 n.37 (1977) with *id.*, 97 S. Ct. 2777, 2806 n.37 and *id.*, 53 L. Ed. 2d 867, 910 n.37.

6. See M. COHEN, *HOW TO FIND THE LAW* 16 (7th ed. 1976); M. COHEN, *LEGAL RESEARCH IN A NUTSHELL* 8, 137, 363 (3d ed. 1978); J.M. JACOBSTEIN & R. MERSKY, *FUNDAMENTALS OF*

at least four states have paid it the ultimate compliment by adopting portions of it as the official form of citation in appellate briefs.<sup>8</sup> There are still other good, consistent systems in use,<sup>9</sup> but *A Uniform System of Citation* is the closest to "The Uniform System of Citation" today.

The stronghold of *A Uniform System of Citation* is the law reviews. While a few follow it with variation for their own state and a few use other systems,<sup>10</sup> most treat *A Uniform System of Citation* as scripture. This may be due in part because the *Columbia Law Review*, *Harvard Law Review*, *University of Pennsylvania Law Review*, and *Yale Law Journal* stand behind it, although the association between the schools has not always been harmonious.<sup>11</sup>

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LEGAL RESEARCH 461 (4th ed. 1973); E. SURRENCY, B. FELD & J. CREA, *A GUIDE TO LEGAL RESEARCH* 13 (supplemented ed. 1966). But see M. PRICE & H. BITNER, *EFFECTIVE LEGAL RESEARCH* 372 (3d ed. 1969) (*A Uniform System of Citation* is more complicated than other systems of citation); F. WIENER, *BRIEFING AND ARGUING FEDERAL APPEALS* 224 (1967) (*A Uniform System of Citation* should be used with caution).

7. See K. TURABIAN, *A MANUAL FOR WRITERS OF TERM PAPERS, THESES, AND DISSERTATIONS* 112 para. 6:122 (4th ed. 1973); UNIVERSITY OF CHICAGO PRESS, *A MANUAL OF STYLE* 172 n.17, 369 para. 15.140, 370 para. 15.142 (12th ed. rev. 1969). But see M.-C. VAN LEUNEN, *A HANDBOOK FOR SCHOLARS* 214 (1978) ("The forms described in *A Uniform System of Citation* are slick, sophisticated, clean as a whistle—and utterly unsuited to lay use.").

8. FLA. R. APP. P. 9.800 gives examples of suggested forms for citation of Florida authority and also federal cases and then states in a catchall provision: "All other citations shall be in the form prescribed by *A Uniform System of Citation*, The Harvard Law Review Association. Gannett House, Cambridge, Mass. 02138." FLA. R. APP. P. 9.800(m).

IND. R. APP. P. 8.2(B)(2) provides: "It is recommended that when briefs contain references to authoritative sources such as scholarly treatises, law journals, statutes, etc., citations should follow the form prescribed by the current edition of the Harvard Citator."

OR. SUP. CT. & CT. APP. R.P. 6.15(d) appears to be broader: "'A Uniform System of Citation,' published and distributed by the Harvard Law Review Association . . . shall be the general style manual for citations." See also DEL. SUP. CT. R. 14(g).

9. See M. PRICE & H. BITNER, *supra* note 6, at 371-415; F. WIENER, *supra* note 6, at 222-41. In addition, special citation forms have been proposed for particular states such as the TEXAS RULES OF FORM (3d ed. 1974), reprinted in M. BONER, *A REFERENCE GUIDE TO TEXAS LAW AND LEGAL HISTORY* 85-104 (1976). See also Greenhill, *Uniform Citations for Briefs*, 27 TEX. B.J. 323 (1964) (Texas).

For a system of citation used in early Roman, medieval civil, canon, and common law, see W. BRYSON, *DICTIONARY OF SIGLA AND ABBREVIATIONS TO AND IN LAW BOOKS BEFORE 1607* (1975).

10. For example, the *Texas Law Review* uses a modified system of citation which conforms to *Texas Rules of Form* and neither the *Journal of Law and Economics* nor the *Journal of Legal Studies* use the variety of typefaces required by *A Uniform System of Citation*. Bowler, Book Review, 44 U. CHI. L. REV. 695, 696-97 (1977). However, a law journal sometimes may base extensive rules for citation of foreign materials on principles consistent with *A Uniform System of Citation*. See *Form of Citation of Japanese Legal Materials*, 42 WASH. L. REV. 589 (1967).

11. The editors of the *Columbia Law Review*, the *University of Pennsylvania Law*

Because it controls the law reviews, *A Uniform System of Citation* also controls legal scholarship. Unless the author objects and is a Justice of the United States Supreme Court,<sup>12</sup> the contents of a law review, from Dworkin's jurisprudence to a dogbite statute, must be funneled through its narrow gates. In the process, substance often is mercilessly sacrificed to form. References that prove too complex are deleted to avoid the risk of error. In many law reviews "technical due process"—if the footnotes are wrong the article is worthless<sup>13</sup>—is a reality.

Much of the appeal of *A Uniform System of Citation* for law reviews is explained by three factors. The first is the calming attraction of certainty in a changing profession. Landmark cases come and go, but their citation, so the theory goes, remains unchanged. A few sturdy strands are always welcome in the seamless web. Another is fear of peer-group disapproval. Citation form is an easy way to grade a law review. Deviation from the most prominent law reviews' norm—*A Uniform System of Citation*—is assumed to be the result of error rather than creativity. By assessing the quality of the citations, a reader can approximate the quality of the law review. An absence of signals, parallel cites, and jump cites in a citation indicate inattention to detail. Before issue can be taken with the text of an article, the cases cited must be found, read, and analyzed, but the form in which they are cited can be judged by the passing eye. The easy inference is that weakness in citation form foretells weakness in the law review itself.

Finally, there is the lure of the ritual. Knowledge of the intricacies

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*Review*, and the *Yale Law Journal* have contended that "Harvard was illegally keeping all profits from the first eleven editions, estimated to total \$20,000 per year." Benton, Book Review, 86 *YALE L.J.* 197, 202 n.30 (1976) (citing Crock, *Blue Book Turns Crimson Green*, Colum. L. Sch. News, Oct. 28, 1974, at 1, col. 1). After threats of suit, the schools agreed to give Harvard twice the profits of the other schools in return for distributing the book. *Id.*

12. It has been reported that Justice Frankfurter refused to allow the editors of the *Harvard Law Review* to change the citation form in a lead article he submitted. See F. WIENER, *supra* note 6, at 229 & n.77 (citing *With the Editors*, 69 *HARV. L. REV.* vii (1955)). An examination of the article itself, Frankfurter, *John Marshall and the Judicial Function*, 69 *HARV. L. REV.* 217 (1955), confirms this. All citations are given in the text itself rather than in footnotes and the cites to the early United States Supreme Court cases fail to follow the rule set down by *A Uniform System of Citation*. Other Justices have been less insistent on such matters. See, e.g., Brennan, *State Constitutions and the Protection of Individual Rights*, 90 *HARV. L. REV.* 489 (1977) (following *A Uniform System of Citation*).

13. Credit for this phrase must be given to Alan Strasser, a student reviewer of the Twelfth Edition in Book Review, 12 *HARV. C.R.-C.L. L. REV.* 507, 509 (1977).

cies of *A Uniform System of Citation* is one of the tasks required for law review advancement. New law review writers and staff are drilled in its rules. To the beginner, *A Uniform System of Citation* spins a web of rules sufficient to entangle even the most vast of minds, and its mastery is a major event. This, along with the single-minded existence good law review writers must lead and the other sacrifices which attend participation in law review, all help to push the importance of *A Uniform System of Citation* deep into the minds of those who become editors. Intoxicated by its technicalities, they often view *A Uniform System of Citation* as larger than life.

## II. THE TWELFTH EDITION

The Twelfth Edition of *A Uniform System of Citation* was published in 1976 and already has been the subject of various commentary.<sup>14</sup> I viewed the issuance of the Twelfth Edition with anticipation, envisioning a careful updating of sources, the adding of several new rules, and the offering of solutions to some recurring problems. Overall, the Twelfth Edition is an improvement, but it is not without some self-inflicted problems, some of which may lessen the worth of *A Uniform System of Citation* as a useable tool for the legal profession.

To be useful, a system of citation must serve several needs. First, it must be workable. It should treat questions of citation in proportion to their occurrence and require only information of practical significance. A successful system of citation must be capable of use by practitioners and law review editors alike.

Second, it must be consistent from edition to edition. New materials must be assimilated and old materials will fall from use, but the basics should remain the same. If a system of citation is to be accepted by different generations of lawyers, it must not be unnecessarily changed by each generation of law students. Changing matters that need not be changed can only precipitate problems. However esthetic a new system may be, changes mean that an old system must be unlearned.

Third, it must be a product of superior technical quality. Books (as well as people) that wish to regulate others must meet a high

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14. See Benton, *supra* note 11; Bowler, *supra* note 10; Jacobson, Book Review, 43 BROOKLYN L. REV. 826 (1977); Book Review, 65 GEO. L.J. 871 (1977); Book Review, 12 HARV. C.R.-C.L. L. REV. 507 (1977); Book Review, 3 J. CONTEMP. L. 140 (1976). The most comprehensive review is Bowler, *supra*. For reviews on previous editions, see Lushing, *supra* note 4 (Eleventh Edition); Tobin, Book Review, 11 STAN. L. REV. 410 (1959) (Tenth Edition).

standard of confidence and trust. A publication relied on by the legal community to set the standards for citation must be properly done. Its own pages must serve as the standard. Typographical errors, inconsistencies, and ambiguities must be at a minimum, if present at all. Also, it must follow its own rules. Most important, it must be correct—without question—in its lists of publications and their dates.

The Twelfth Edition serves some aspects of these needs well, but has problems with others.

### A. *Workability*

Some of the changes in the organization and substance of the Twelfth Edition make it more workable, but some have made it less workable. The organization of the Twelfth Edition is different than that of the Eleventh Edition. The Eleventh Edition was organized principally by specific classes of legal authority. In contrast, the Twelfth Edition is divided into three parts, each dealing with a different aspect of legal citation. The first part concerns general rules of citation and style, including typeface conventions, signals, quotations, abbreviations, and capitalization. The second part treats specific citation forms for different types of authority, the main function served by the Eleventh Edition. Finally, the third part of the book consists of a new section giving specific citation forms for each jurisdiction.

The new listing of citation forms for each jurisdiction in the third part of the book has tremendous potential to enhance workability. Previously, a supplement containing a current list of citation forms for each state code had to be ordered each year and other sources in the Eleventh Edition had to be used by analogy to provide a citation form for many state reporters and session laws.

The new listing in the Twelfth Edition, however, is presently plagued by technical errors—a problem considered below in greater detail.<sup>15</sup> Moreover, there is a recurring problem of keeping the list of state reporters and statutes current because an increasing number of states are ending publication of official reporters or recodifying their statutes. Thus, the list might need frequent updating which, under the present format of the Twelfth Edition, requires additional printings of the entire book.

Many of the substantive changes in the Twelfth Edition are

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15. See notes 36-72 *infra* and accompanying text. See also Appendix, *infra* p. 515.

new and help to clarify specific problem areas and thus also enhance workability. More extensive treatment of the citation of subdivisions in statutes and services,<sup>16</sup> changes in the format for citing services,<sup>17</sup> and the text on the use of quotations<sup>18</sup> are improvements. Also, the addition of a list of basic citation forms in the beginning of the book<sup>19</sup> is helpful (although it might be better had it been placed on the inside front cover to aid the user).

In addition, the Twelfth Edition makes a long overdue concession to the practicing attorney by making optional the use of large and small capital letters.<sup>20</sup> Traditionally, large and small capital letters were required in citing such sources as books, periodicals, and codified statutes. Obviously, these requirements virtually eliminated the utility of the system in works not formally printed, such as memoranda or research papers. Even in briefs and legal periodicals the necessity of different typeface conventions resulted in additional, unnecessary printing costs. The optional use of large and small capital letters under the Twelfth Edition is, therefore, a welcome change.

In several respects, however, the Twelfth Edition has hindered workability. For example, the method of listing periodical abbreviations was changed from a list of complete periodical titles to three separate lists: one containing special abbreviations, one containing general abbreviations of individual words frequently appearing in periodical titles, and one containing words which should not be abbreviated.<sup>21</sup> Thus, each periodical must now first be checked to see if it is in the list of journals which requires special forms; then each word in the title must be checked against the list of abbreviations and the list of words not to be abbreviated; and even this may not end the inquiry because the order of the words in a title may be uncertain. Without a listing of individual periodicals, the reader is left with some uncertainty.

In addition, the Twelfth Edition still does not deal in a readily useable fashion with the problems faced by the practicing lawyer. Much of the material cited in daily practice in state courts is not covered in the Twelfth Edition. The typeface changes and the listing of individual states both present substantial improve-

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16. See A UNIFORM SYSTEM OF CITATION 15-16, 94-99 (12th ed. 1976) [hereinafter cited without cross reference as TWELFTH EDITION].

17. See *id.* at 94-95.

18. See *id.* at 20-22.

19. See *id.* at 4-5.

20. See *id.* at 1.

21. See *id.* at 87-93.



ments in this area, but more can be done. For example, the Twelfth Edition does not give citation forms for state administrative and executive materials (other than to say that they are cited "similarly to the . . . federal examples"),<sup>22</sup> or for state attorney general opinions. Moreover, citation conventions used in individual states sometimes are omitted even though they are widely used in practice and may bear on the quality of the citation. Such concessions to individual state practices would improve the usefulness of future editions of the book.<sup>23</sup>

### B. Consistency from Edition to Edition

A problem area to which the Twelfth Edition contributes is the consistency of *A Uniform System of Citation* from edition to edition. When I was learning the Eleventh Edition of *A Uniform System of Citation* I thought that what I was studying was learned by law students before me and would be learned by law students after me; however, in the process of comparing the Twelfth Edition to the Eleventh Edition and then to previous editions, I began to doubt the uniformity of *A Uniform System of Citation*.

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22. *Id.* at 64.

23. For example, the Twelfth Edition's list of case reports for Minnesota fails to mention an unofficial, yet widely used set of the first 20 volumes of reports prepared by James Gilfillan, even though a parallel cite to the Gilfillan report is used by the Minnesota Supreme Court, the *William Mitchell Law Review*, the *Minnesota Law Review*, and local treatises. The Gilfillan reports have the same volume designation as the official but have different page designations. The usual form used in Minnesota is, for example, 12 Minn. 35 (Gil. 67) (1867), although the Minnesota Supreme Court uses the form 12 Minn. 67 (35) (1867), which places the Gilfillan page number before the official.

The practical problem in omitting a parallel page citation to the Gilfillan reports (as implied by the Twelfth Edition) is that the overwhelming number of sets of the first 20 volumes of state reports in use in Minnesota are Gilfillan reports; few official sets exist. Thus, a person consulting the Twelfth Edition for guidance may assume only the official reports exist and mistakenly cite the Gilfillan report (which likely would be the volume before him) as the official.

A further solution, in the case of Minnesota, might be the publication by the local law reviews of a Minnesota supplement listing citation forms for Minnesota cases, rules, and publications, in a manner consistent with the rules of *A Uniform System of Citation*. If prepared with the assistance of the courts or agencies issuing the material, the collection and publication of suggested citation forms could assist not only the practicing lawyer and researcher but also the learning and acceptance of *A Uniform System of Citation*, albeit perhaps in a diluted form. Both the typeface conventions used in law reviews and in office practice could be illustrated for each type of citation. In addition, suggestions for researching Minnesota law could be included. An example of a publication containing local citations is *Texas Rules of Form*, published by the *Texas Law Review*, which lists forms for local court decisions, attorney general opinions, statutes, court rules, and treatises, among other material.

Shortly after seeing the Twelfth Edition for the first time, I happened to find a copy of the Seventh Edition of *A Uniform System of Citation*, published in 1947. After opening its cover, my confidence in the uniformity of *A Uniform System of Citation* dropped. Although I did not expect a rigid adherence to out-of-date rules, I did expect that *A Uniform System of Citation* remained uniform, for the most part, from edition to edition. New sources of law come and go, but the purpose of a citation system is to decide on a form and stay with it.

After thirty years—a short time in the law—I thought little would have changed between the Seventh Edition and the Twelfth Edition. I was wrong. Some changes were, of course, improvements. Many, however, seem arbitrary. Some of the non-uniformity of *A Uniform System of Citation* is shown in the chart below contrasting the Seventh Edition with the Twelfth Edition in the citation of some commonly used sources.

Source Example	Seventh Edition	Twelfth Edition
<i>United States Supreme Court case before volume 91 of U.S. Reports</i>	Wilson v. Bundy, 8 Wheat. 241 (U. S. 1823).	Wilson v. Bundy, 21 U.S. (8 Wheat.) 241 (1823).
<i>United States Supreme Court case in United States Law Week</i>	Carter v. Carter Ink Co., 15 U. S. L. WEEK 921 (U. S. July 1, 1946).	Carter v. Carter Ink. Co., 15 U.S.L.W. 921 (U.S. July 1, 1946).
<i>Supreme Court Reporter</i>	66 Sup. Ct. 281 (1946).	66 S. Ct. 281 (1946).
<i>Case decided in the Court of Appeals (e.g., Fourth Circuit)</i>	Miles v. Curley, 291 Fed. 761 (C. C. A. 4th 1923).	Miles v. Curley, 291 F. 761 (4th Cir. 1923).
<i>Transcript</i>	Transcript of Record, p. 8, Morse v. Menadier, 155 F.2d 383 (C. C. A. 1st 1946).	Record at 8, Morse v. Menadier, 155 F.2d 383 (1st Cir. 1946).
<i>Constitution</i>	U. S. CONST. AMEND. XIV.	U.S. CONST. amend. XIV.
<i>United States Code</i>	36 STAT. 1094 (1911), 28 U. S. C. § 7 (1970).	28 U.S.C. § 7 (1970).
<i>Internal Revenue Code</i>	INT. REV. CODE § 5011.	I.R.C. § 5011.
<i>Treatise</i>	2 WIGMORE, EVIDENCE § 2568 and n.7 (2d ed. 1923).	2 J. WIGMORE, EVIDENCE IN TRIALS AT COMMON LAW § 2568 & n.7 (2d ed. 1923).
<i>Restatement</i>	RESTATEMENT, CONFLICT OF LAWS § 317, comment a (1934).	RESTATEMENT OF CONFLICT OF LAWS § 317, Comment a (1934).

Source Example	Seventh Edition	Twelfth Edition
Periodicals	Note, 88 U. OF PA. L. REV. 728 (1940).	Note, <i>Uniformity of Taxation</i> , 88 U. PA. L. REV. 728 (1940).
Code of Federal Regulations	26 CODE FED. REGS. § 1.5 (1977).	26 C.F.R. § 1.5 (1977).
Federal Register	7 FED. REG. 6413 (1942).	7 Fed. Reg. 6413 (1942).

Some of the changes, such as requiring the author's first initial in books and the full title of student works in law reviews, represent refinements of the system and concessions to the accepted citation form in the humanities, which is increasingly interrelated with the law, and there should be more concessions along these lines. Moreover, others represent the acknowledgement of genuine changes in the dominance, and hence the familiarity, of different areas of the law. For example, the early abbreviation of the *Code of Federal Regulations* from "CODE FED. REG." to "C.F.R." and the change of the Internal Revenue Code from "INT. REV. CODE" to "I.R.C." are in this category. Others, such as the change in the designation of "C. C. A." to "Cir.," represent name changes in the courts themselves. The change in the form for the United States statutes away from the use of *Statutes at Large* is the result of a change in the authority of parts of the *United States Code*.<sup>24</sup> Yet even after allowance for such growth, the purpose behind some of the changes becomes suspect and the cumulative effect of the apparently unnecessary changes over the editions become significant, especially when the changes are given without explanation. Some may argue this toys only with the form and leaves the substance unchanged. If its source was something other than a publication entitled "A Uniform System of Citation" I would agree.

Moreover, mere form has not been the only thing changed by the editors over the years. Substance also has been changed. The signals used to indicate the weight with which authority supports or contradicts the statement in the text are the prime example. A signal gives a writer's analysis of the law. Change the signals and a later reader may misinterpret the meaning of the citation. For example, in the Seventh Edition the signal "see" before a case indicated dictum and the exact pages on which the dictum

24. Titles of the *United States Code* were enacted into positive law beginning in 1947. See 1 U.S.C. § 204 note (1976). The Twelfth Edition requires a citation only to the *United States Code* even where the title is not enacted into positive law "unless the language in U.S.C. differs materially [from *Statutes at Large*]." TWELFTH EDITION 54. This is not an idle possibility. See *United States v. Bornstein*, 423 U.S. 303, 305 n.1 (1976); *Royer's, Inc. v. United States*, 265 F.2d 615, 618 (3d Cir. 1959).

was found had to be included in the citation.<sup>25</sup> In addition, the word "see" in roman typeface when preceding a cite to secondary material meant the reference was to an argument, conclusion, or similar debatable contention of the author.<sup>26</sup> In the Twelfth Edition the words "see" and "see" preceding a citation have very different meanings.<sup>27</sup>

Other signals also have been changed. A comparison of some signals illustrates the problem.

Signal	Seventh Edition	Twelfth Edition
<i>See</i>	Dictum, dissenting opinion, or concurring opinion.	Constitutes basic source material that supports the proposition cited.
<i>Cf.</i>	Case is parallel to the proposition for which it is cited but contains facts materially different. A dictum may also be compared with or distinguished from the point under discussion by the insertion of dicta pages.	Supports a proposition analogous to that in the text.
<i>Accord,</i>	A holding which, although it may be distinguishable, substantially upholds the proposition. A slighter distinction is indicated by "accord" than by "cf."	Directly supports the statement, but in a slightly different way than the authority first cited. Commonly used when two or more cases are on point but the text refers to only one. Similarly, the law of one jurisdiction may be cited as in accord with that of another.
<i>But see</i>	Dictum <i>contra</i> .	Suggests a contrary statement.
<i>But cf.</i>	A decision reaching the opposite result which, although distinguishable, is to be compared with or distinguished from the point under discussion. A distinguishable dictum <i>contra</i> point under discussion may be cited "But cf." using dicta pages.	Cited authority supports a proposition analogous to the contrary of the position stated in the text.

25. A UNIFORM SYSTEM OF CITATION 12 (7th ed. 1947) [hereinafter cited without cross reference as SEVENTH EDITION].

26. *See id.* 22.

27. *See* TWELFTH EDITION 6-7.

The tragedy is that one edition's signals are meaningless to a person schooled in a different edition. Thus to a reader familiar with the Seventh Edition, the footnote citation "*But cf. Jones v. Smith*, 245 Minn. 567, 568, 23 N. W. 2d 490 (1943)" means contrary, distinguishable dictum. But to a reader familiar only with the Twelfth Edition the cite would mean the authority on those pages supports a proposition analogous to the contrary of the position stated in the text (and also that the citation was missing both a jump cite<sup>28</sup> and an explanatory parenthetical,<sup>29</sup> and that spaces between the initials of the regional reporter had been incorrectly inserted<sup>30</sup>).

The change of signals over the editions did not go unnoticed or unchallenged. The earlier system of signals is still followed by some authorities.<sup>31</sup> And referring to the change of signals in the Ninth Edition, one commentator argued that "the law reviews in important respects turned their backs on professional tradition, and marched off in a different direction all their own."<sup>32</sup> Even the few changes made in the signals from the Eleventh to the Twelfth Edition have been chastised.<sup>33</sup>

Perhaps the Twelfth Edition itself did not make as many changes in form or substance as some of the earlier editions, but it did have problems with another area—extensive rewriting of previous material.<sup>34</sup> Although the Twelfth Edition added some

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28. The Seventh Edition, unlike the Twelfth Edition, provides that a jump cite is unnecessary when the jump cite page is the same as the page upon which the source begins. Compare SEVENTH EDITION 12 with TWELFTH EDITION 14.

29. See TWELFTH EDITION 7.

30. See TWELFTH EDITION 119 (recommended abbreviation for *North Western Reporter* in the Minnesota section).

31. This basic system is still largely followed in J.M. JACOBSTEIN & R. MERSKY, *supra* note 6, at 462-65; M. PRICE, *supra* note 4, at 56-59; E. RE, BRIEF WRITING AND ORAL ARGUMENT 229-30 (4th ed. rev. 1974).

32. F. WIENER, *supra* note 6, at 223.

33. One commentator states:

[A]ny change in the longstanding rules for a highly technical and specific system of signals means that signals in one generation of law reviews denote a set of significations that could be inconsistent with the usages known to a later generation. Since the purpose of a signal system is to facilitate an orderly presentation of authority which gives readers the opportunity to reproduce the author's research and the significance he assigns to his conclusions and authorities, changes in the signals could bring an accurate author's credibility into question.

Bowler, *supra* note 10, at 701.

34. Several of the changes seem particularly unnecessary. The first is the great number of changes in the abbreviation of the individual subject titles for New York and California codes from the last statutory supplement issued with the Eleventh Edition. The second is the number of changes in the titles of the codes themselves from the Eleventh to the Twelfth Editions; for example, the term "ANN." was dropped from several state code

valuable new sections, what it held over from the Eleventh Edition was largely rewritten. Many parts of the Twelfth Edition say much the same as the Eleventh Edition, only now the rules are in different locations and in different sentence structure. Much of this may be due to the nature of the law review process where things usually are changed until the staff runs out of editors or time. Rewriting, reorganizing, and renumbering are integral parts of the law review process; however, the worth of the publication is lessened when the same principles are applied to a system of citation which should be designed to end such change.

*A Uniform System of Citation*, then, does not have a history of being uniform. Form, substance, and organization all are candidates for change given the guide of past practice. The Twelfth Edition may last for six to ten years and for a while become the system of a new generation of law students and law review editors. But it is likely that it too will fail because the present system encourages change. There will always be a group of editors willing to write themselves into *A Uniform System of Citation* as part of case names.<sup>35</sup> A permanent editorial or advisory board may be the answer.

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citations. It may be that the change was made because several of the state codes are published both by the state and a private publisher—the state doing the text of the code and the private publisher adding annotations or other research aids—yet no explanation of the many changes is given.

An excellent review cataloging and critiquing many of the changes in the Twelfth Edition is Bowler, *supra* note 10. The review offers many helpful insights into the usefulness of the citation forms required by the Twelfth Edition and should be consulted by anyone who must work extensively with the Twelfth Edition.

35. The editors, from edition to edition, have occasionally had the honor of having their own names used as a part of a case name in an example in *A Uniform System of Citation*. The techniques used by each of the participating law reviews varied in the Twelfth Edition and give some interesting insights into the process of its production. The *University of Pennsylvania Law Review* apparently inserted only the names of the eleven members of its board of officers for volume 124. Compare TWELFTH EDITION 30, 48 with 124 U. PA. L. REV. 165 (1975) (masthead). The *Harvard Law Review* apparently inserted more names than the other schools, but also appears to have been more egalitarian, using the names of other student participants and also its business manager in addition to names of some of the main editors. Compare TWELFTH EDITION 2, 4, 6, 8, 10, 11, 15, 20, 30, 31, 32, 39, 45, 47 with 89 HARV. L. REV. 552 (1976) (masthead). The *Yale Law Journal* was more judicious in its entries. Compare TWELFTH EDITION 2, 8 with 85 YALE L.J. 807 (1976) (masthead). The *Columbia Law Review* also had few entries. Compare TWELFTH EDITION 8, 36, 37 with 76 COLUM. L. REV. 79 (1976) (masthead). Moreover, the substitution of names is still taking place, at least for some of the editors of the *Harvard Law Review*. Compare TWELFTH EDITION 39, 47 (first printing) with *id.* (third printing) (adding Dubitzky and Saltz) and 90 HARV. L. REV. 55 (1976) (masthead) and 91 HARV. L. REV. 69 (1977) (masthead).

### C. Technical Quality

Another problem (ironically) is the technical quality of the Twelfth Edition itself. The previous edition, the Eleventh, was not without a few minor problems.<sup>36</sup> Contrasted with the Eleventh Edition, however, the Twelfth Edition presents problems with the number of typographical errors, the accuracy of some of its entries, and internal consistency. Some corrections have been made in the later *printings*, but most of the damage has been done because most law reviews will have purchased either the first or second printing. An appendix to this book review has a more complete listing of problems in each category, mixed in with other comments, on a page-by-page basis. Some of the problems can be summarized as follows.

The first printing of the Twelfth Edition contained at least forty typographical errors<sup>37</sup>—too many for a publication that holds the promise of perfection. Approximately seventy-five percent of these still appear in the third printing.<sup>38</sup> Some errors are inevitable in the law review process, and, if harmless, sometimes are left in print to avoid expensive changes and the risk of even further typographical errors in the page proofs. Alone, the typographical errors in the Twelfth Edition are of little consequence, but the number gives some indication of the problems encountered in completely redoing a previous edition.

A more serious problem is the substantive accuracy of some of the entries. Any error would be a surprise. But the number of errors in the Twelfth Edition casts a mounting shadow of doubt on the supposed infallibility of the publication. While some problems surface initially in the dating of federal laws<sup>39</sup> and the designation of publishers or services,<sup>40</sup> the most serious problem is the list of reporters and codes for each jurisdiction. A cursory check of the list of United States administrative publications showed

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36. I am aware of only one substantive error. In Rule 4:2:3(a) on page 28 of the Eleventh Edition the 85th Congress (and the numbering of session laws by public number rather than chapter) began in 1957, not 1959. This error was repeated on page 54 of the Twelfth Edition.

I am aware of only two typographical errors. The first is the last abbreviation on page 45 where the space between the letters "L." and "J." should be omitted. The second is in the quotation example on page 94, where the word "court" is given in the eighth line of the example text, but is capitalized as "Court" in the fourth example in the middle of the page.

37. See note A1 *infra* (Appendix footnote number 1).

38. See *id.* (corrections in the second and third printings are noted).

39. See Appendix, *infra* p. 515 (comments to page 54 of the Twelfth Edition).

40. See *id.* (comments to pages 95, 98, and 99 of the Twelfth Edition).

dates off from one<sup>41</sup> to five<sup>42</sup> to nine<sup>43</sup> to forty-four<sup>44</sup> years, or missing entirely,<sup>45</sup> and the listing of one publication as two different ones.<sup>46</sup> The same trend continued into the court opinions. *Federal Cases*, for example, is listed as 1789-1800 rather than 1789-1880, and as of the third printing is still uncorrected.

The listing of state reporters, although an excellent idea, also is not without its problems. The first printing of the Twelfth Edition in 1976 failed to note the ending of various reporters in 1966,<sup>47</sup> 1968,<sup>48</sup> 1971,<sup>49</sup> 1972,<sup>50</sup> 1974,<sup>51</sup> and 1975,<sup>52</sup> most of which were listed in the 1975 supplement to the *National Reporter Blue Book*.<sup>53</sup> Only some were corrected in the third printing; and two other state reporters have ended in 1976<sup>54</sup> and 1977<sup>55</sup> without being noted in the third printing. In addition, two state reporters which have started publication are omitted<sup>56</sup> and the date of one reporter is off by 100 years.<sup>57</sup>

The state statutes fare little better. Depending on the printing of the Twelfth Edition consulted, the state code for Delaware is either "DEL. CODE" or "DEL. CODE ANN."<sup>58</sup> and the Arizona code is either "ARIZ. REV. STAT." or "ARIZ. REV. STAT. ANN."<sup>59</sup> Moreover, "Cum. Supp." might be replaced by "Supp."<sup>60</sup> Another problem with the state statutes is the ambiguity in determining which codes must have the publisher designated. In some entries, the publisher is included in the suggested citation; however, in others it is mentioned, but not included in the citation.

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41. See *id.* (comments to page 102 of the Twelfth Edition).

42. See *id.* (comments to page 103 of the Twelfth Edition).

43. See *id.* (comments to page 102 of the Twelfth Edition).

44. See *id.* (comments to page 103 of the Twelfth Edition).

45. See *id.* (comments to page 103 of the Twelfth Edition).

46. See *id.* (comments to page 102 of the Twelfth Edition).

47. See *id.* (comments to page 108 of the Twelfth Edition).

48. See *id.* (comments to page 113 of the Twelfth Edition).

49. See *id.* (comments to page 137 of the Twelfth Edition).

50. See *id.* (comments to page 115 of the Twelfth Edition).

51. See *id.* (comments to page 139 of the Twelfth Edition).

52. See *id.* (comments to page 104 of the Twelfth Edition).

53. See note A11 *infra* and accompanying text.

54. See Appendix, *infra* p. 515 (comments to page 104 of the Twelfth Edition).

55. See *id.* (comments to page 108 of the Twelfth Edition).

56. See *id.* (comments to pages 107 and 142 of the Twelfth Edition).

57. See *id.* (comments to page 110 of the Twelfth Edition).

58. See *id.* (comments to page 16 of the Twelfth Edition).

59. Compare TWELFTH EDITION 105 (1st printing) with *id.* (3d printing).

60. Compare *id.* 17, 57 (1st printing) ("Cum. Supp." on line 6 of the page and line 6 of Rule 3:5(b); "Cum. Supp." on line 8 of Rule 12:4(a)) with *id.* (3d printing) ("Supp." used in the same locations).



Internal inconsistency also is in need of correction. Consecutive page numbers,<sup>61</sup> reporters,<sup>62</sup> state code titles<sup>63</sup> and abbreviations,<sup>64</sup> federal session laws,<sup>65</sup> court designations,<sup>66</sup> months,<sup>67</sup> periodical abbreviations,<sup>68</sup> state abbreviations,<sup>69</sup> administrative materials,<sup>70</sup> services,<sup>71</sup> and treaties<sup>72</sup> all have inconsistent listings within the Twelfth Edition. The preferred entry can be inferred in some cases, but in most the correct citation form is uncertain.

Many of these problems are being corrected in later printings, but the sheer number of problems present in the Twelfth Edition leaves the user with an uneasy sense of security. Hopefully, later printings will help eliminate many of the initial problems.

### III. CONCLUSION

Large and small capitals, and the like, should not be part of anyone's comprehensive view of life; and I would not want someone to think such things are part of mine. Pedantry is useful only when it helps to prove something other than itself. In this review, my sole purpose is to show empirically what others have suspected intuitively—that *A Uniform System of Citation* is only a convenient, but unstable, fiction. It is neither uniform nor systematic nor infallible; and, thus, while it may be able to base its validity on the force of its ultimate acceptance, it cannot force its acceptance on the basis of its ultimate validity. Viewing it as anything more—especially by legal writing instructors and law review editors—will lead only to caged minds.

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61. See Appendix, *infra* p. 515 (comments to the prefatory note and index of the Twelfth Edition).

62. See *id.* (comments to pages 42 and 78 of the Twelfth Edition).

63. See *id.* (comments to pages 16, 17, 54, 56, 57, and 136 of the Twelfth Edition).

64. See *id.* (comments to page 55 of the Twelfth Edition).

65. See *id.* (comments to page 64 of the Twelfth Edition).

66. See *id.* (comments to pages 44 and 115 of the Twelfth Edition).

67. See *id.* (comments to page 39 of the Twelfth Edition).

68. See *id.* (comments to pages 88, 89, 92, and 93 of the Twelfth Edition).

69. See *id.* (comments to pages 104, 111, and 132 of the Twelfth Edition).

70. See *id.* (comments to pages 65 and 66 of the Twelfth Edition).

71. See *id.* (comments to pages 94 and 98 of the Twelfth Edition).

72. See *id.* (comments to page 4 of the Twelfth Edition).

## APPENDIX

The problems appearing in the Twelfth Edition can be categorized as either typographical or substantive. The typographical errors are relatively harmless because they are usually apparent to the reader. Therefore, the typographical errors are merely set forth in the margin on a page-by-page basis.<sup>A1</sup> Corrections made in the second and third print-

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**A1. Table of Contents.** In part "I." subdivisions "A. Rules of Citation" and "B. Rules of Style" are set in different size type. The different type sizes were corrected in the second printing.

**Page 2.** In the third line of 1:1(a) a space is needed between "(D. Mass. 1975);" and "*In re Mirvis*."

**Page 4.** In the second example given in Rule 2:1(a), a space is needed between "REP." and "(CCH)"; all similar examples listed in Rule 19 have such spacing. In the last example on this page, "D. Walter, Is the UCC Really Constitutional?," the parentheticals "(June 1, 1966) (on file at Harvard Law School Library)" on the top of page 5 should follow immediately after the title of the work. This was corrected in the third printing.

**Page 10.** I assume the editors meant to use an em dash and not a hyphen after "author" in (f)(1) and (f)(6).

**Page 13.** The space between the paragraph symbols in the third line from the top of the page should be omitted. This space was omitted in the third printing.

**Page 14.** A space is needed between the section symbol and the numeral on the first line according to Rule 6:3(b). This space was added in the third printing.

**Page 33.** To be consistent with the usage in the rest of the book, the "*But*" in the next to the last line of paragraph (i) should be followed by a colon.

**Page 38.** A space is needed between the comma and "see pp. 104-42 *infra*" on the second line of paragraph (d). In addition, there should be no period after the "4th." edition used in the citation to "*Black's Law Dictionary*" on the fifth line of paragraph (d).

**Page 44.** According to the title of the actual reporter, the reference to "*Lawyer's Edition*" in paragraph (a) should have the apostrophe after the "s" rather than before it.

**Page 47.** The word "*court*" in the last example in the first full paragraph on this page should be capitalized to "*Court*" as it was on page 24 of the Eleventh Edition because in this instance it refers to the United States Supreme Court.

**Page 49.** A period should be inserted after "art" in the third line of Rule 11. This was corrected in the third printing.

**Page 54.** The citation to "C. Civ." in the sixth line of Rule 12:3:2 (and the ninth line of Rule 12:3:2(b) on page 55) should have a small capital "c" in "Civ." according to the abbreviation set forth in the France section on page 160.

**Page 58.** It appears that a parenthesis was omitted after "944" on the next to the last line on this page. A parenthesis was added in the second printing.

**Page 63.** In the next to the last line in the first full paragraph on this page the period should be deleted from "81st."

**Page 67.** Ampersands are set as a large capital when part of a title in large and small capitals. Thus, the citation in the parenthetical following *U.S. Code Congressional and Administrative News* in Rule 14:4(b) should contain a large ampersand. The same example is given on the fourth line of page 63 with a large capital ampersand. Other examples of the use of a large capital ampersand are found in the various sections of Rule 16.

**Page 71.** A period should be inserted after "ANN" in the "annual reports" example given at the top of the page. Also, a period should be inserted after "Comm" on the tenth line of Rule 15:2(b).

ings of the Twelfth Edition are noted.

**Page 79.** The period in "INT'L." in the third line of the first full paragraph should be deleted. The period was deleted in the third printing. In addition, the first word in the eleventh line of Rule 16 should read "POLLOCK" rather than "POLLACK." This was changed in the third printing.

**Page 84.** The period should be deleted from "ACT." in citing the Model Business Corporation Act in Rule 16:5:3.

**Page 85.** The period should be deleted from the "2d." in the citation to *Moore's Federal Practice* at the top of the page; the same citation also needs a date. In addition, the section symbol in the citation to the *Restatement (Second) of Conflict of Laws* in Rule 16:5:3 is put in a bolder typeface than section symbols used in the other examples.

**Page 111.** A period should be inserted after the "Ill" in the parenthetical after Illinois "Supreme Court." This period was added in the third printing.

**Page 115.** A space should be inserted between the "PRO." and the "ANN." in the citation to *West's Louisiana Code of Civil Procedure Annotated* and the period should be deleted after the "x." in the citation to *West's Louisiana Code of Criminal Procedure Annotated*.

**Page 116.** The period should be deleted after the "x." in the citation to *Maine Revised Statutes*.

**Page 117.** The period should be deleted from "Ass'ns." in "CORP. & Ass'ns." at the top of the page. This period was deleted in the third printing. By analogy to the examples on page 135, the "e.g." designations under the Massachusetts "Supreme Judicial Court" section on this page and the next page should be in italics. This was corrected in the third printing.

**Page 118.** The period should be deleted from "LAWS." in the citation to *Massachusetts General Laws Annotated*. This period was deleted in the third printing.

**Page 119.** The period should be deleted from "LAWS." in the citation to *Laws of Minnesota*. This was corrected in the third printing.

**Page 132.** A space should be inserted between the "Adv." and the "Sh" in the citation to the advance sheets for the Oregon session laws and a period should be inserted after the "Sh" in the same citation.

**Page 133.** In the "Cite to" sentence of Pennsylvania "Other lower courts" the period should be deleted from the "2d." in the citation to the second series of *Pennsylvania District and County Reports*.

**Page 134.** A period should be inserted after the "GEN" in the citation to *General Laws of Rhode Island*.

**Page 146.** The ampersand in the citation to *Statutory Orders and Regulations* should be in large typesize, not small.

**Page 147.** A space should be inserted before the "2d" in the citation to the second series of *Ontario Reports*.

**Page 148.** The space between "N." and the "S." should be omitted in the citations to the *Nova Scotia Revised Statutes* and *Nova Scotia Statutes*.

**Page 149.** The ampersand in the citation to *General Rules and Orders* should be in large typesize, not small.

**Page 151.** All three ampersands used in the citations under United Kingdom "Administrative Material" should be in large typesize, not small.

**Page 153.** A period should be inserted after the "Sol" in the citation to *Solicitor's Journal*.

**Page 156.** The ampersand in the citation to *Statutory Rules and Orders of Northern Ireland* should be capitalized.

**Page 158.** The third line of the "France" section gives a "found on p. xx" rather than an actual page number. This probably happened at the page-proof stage of printing the Twelfth Edition. The pages were inserted in the second printing.

**Page 160.** The abbreviations for the France codes all utilize a small capital letter in the first letter of the second word. However, in the examples on pages 54 and 55 of the Twelfth Edition and on page 70 of the Eleventh Edition the first letter is a large capital. I suspect another typeface error was overlooked.

**Page 165.** The abbreviations for the Italy codes are given in small capital letters rather than large capital letters as given on page 73 of the Eleventh Edition.

The substantive problems, however, present a greater concern because frequently they are not apparent to the reader and therefore reliance upon them can result in an incorrect citation. Set forth below, also on a page-by-page basis, is a list, in my judgment, of some of the substantive problems in the first printing of the Twelfth Edition. Corrections appearing in the second and third printings, the cut-off point for this book review, are footnoted. In addition, some general comments are given. Although no claims are made of exhaustiveness, final answers, or unerring abilities, the list does represent a good faith attempt to raise for consideration some of the problems encountered in using the Twelfth Edition.

### A. *Prefatory Note*

The use of "pp. 142-170" two-thirds of the way down the page is inconsistent with Rule 3:3(c) on multiple pages.

### B. *General Rules of Citation and Style*

**Page 4.** The example given for treaties is inconsistent with Rule 15:1:1, which provides that the date should precede the names of the parties.<sup>A2</sup>

**Page 10.** Is an unclear holding to be designated "(holding unclear)" as indicated in the last partial paragraph on this page or "(*semble*)" as listed in Rule 7?

**Page 13.** On the ninth line of paragraph (a) the publisher of the service was not given, contrary to Rule 19:1.

**Page 14.** In the third line of paragraph (a) the citation to "H.R. Rep. No." should be, under Rule 13:3, in large and small capital letters.<sup>A3</sup>

**Page 16.** Even though many of the examples in the Twelfth Edition are meant only to illustrate the rules and not to represent citations to actual sources, it is reasonable to expect that the examples be consistent with all of the rules in the edition. Several examples do not do this. First, the citation to the Texas statute on the fourth line does not designate the publisher, yet according to the rules given for Texas on page 139, the publisher "Vernon" must be given. Second, "DEL. CODE ANN." in the fifth line of paragraph (b) is not listed in the Delaware section on page 108.<sup>A4</sup> It is listed, however, in the previous statutory supplement for the Eleventh Edition. Probably what happened is that the editors changed the Delaware code cite from "DEL. CODE ANN." to "DEL. CODE" (rightly or wrongly) and failed to make the change on this page.

Third, according to the Montana section on page 121 the Montana cite in the eighth line of paragraph (b) should be to "CODES" not "CODE"

A2. This was corrected in the third printing.

A3. This was corrected in the third printing.

A4. "DEL. CODE ANN." was, however, substituted for "DEL. CODE" in the Delaware section on page 108 in the third printing.

as indicated. Fourth, a hyphen should be inserted before the "4104" on the ninth line in paragraph (b); otherwise it would be inconsistent with two other examples on the same page appearing in the last lines of paragraphs (a) and (b).<sup>A5</sup> Finally, the New Jersey citation on the last lines of paragraph (b) should give the publisher "West" according to the rules for that state on page 122.

**Page 17.** "MASS. GEN. LAWS" on the sixth line of the page and on the fifth and sixth lines of paragraph (b) does not appear in the Massachusetts section on page 118.

### C. Citation Forms for Different Kinds of Authority

**Page 28.** In the second example given in Rule 10:1(a), it appears that the comma after "Mass." should be deleted. The first example needs a comma because of the "filed" phrase, but the other examples given with just the jurisdiction and the date do not have commas.

**Page 37.** For all the work that went into the Twelfth Edition, it does not tell the reader, in unambiguous terms, how to cite a state case when the official reporter (although still in existence) is not yet printed, but the regional reporter is. For example, is it "\_\_\_\_ Minn. \_\_\_\_, 256 N.W.2d 509 (1977)" as done in the *Columbia Law Review* (by analogy, for example, to footnote 140 on page 538 of volume 77) or is it "256 N.W.2d 509 (Minn. 1977)" as done in the *Harvard Law Review* (by analogy, for example, to footnote 59 on page 1716 of volume 90)? The Eleventh Edition was not clear on this either; the examples it gives on page 18—Florida Supreme Court and Texas Court of Appeals—are not on point because neither had official reporters on the dates used in the examples. The same is true of the example for the Missouri Court of Appeals on page 41 of the Twelfth Edition.

In addition, the case cited on the last two lines of the second paragraph of Rule 10:3:1 as an unreported case is, if Rules 10:1(a) and 10:7:1 are followed, in fact a pending case because the *filing* date was used. The example is likely to confuse many people who look to it as the form for citing a decided but unreported case.

**Page 38.** The use of "(post-1969)" and "(pre-1969)" in the third line of paragraph (c) leaves the year 1969 uncovered. The sentence "Unlisted state supreme court reports after 1850 are cited by the abbreviated name of the state alone." beginning on the second line of paragraph (d) should be deleted. The sentence was taken unchanged from page 6 of the Eleventh Edition, but is no longer necessary because the form for all state supreme court reports after 1850 was added to part III of the Twelfth Edition.

**Page 39.** The abbreviation of the months throughout the book is consistent with the exception of "March." On the fifth line of paragraph (e) on this page and on page 68 it is spelled out; on pages 49, 74, and 84

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A5. This hyphen was inserted in the third printing.

it is abbreviated. "March" should be abbreviated according to paragraph 9.44 of the *U.S. Government Printing Office Style Manual* (rev. ed. 1973), the work recommended for such matters in the prefatory note to the Twelfth Edition.

**Page 42.** The use of "Commw. L.R." in the middle of the page is inconsistent with the citation of what appears to be the same reporter on the top of page 143.

**Page 44.** The abbreviations of courts on pages 42 to 44 are taken almost unchanged from pages 20 to 21 of the Eleventh Edition, but are not consistently used throughout the Twelfth Edition. For example, "Law Division" when used in the New Jersey section on page 122 uses "Law Div." not "L. Div."; similarly "Supreme Court, Appellate Term" is abbreviated as "App. Term" in the New York section on page 123, not as "App. T."

**Page 50.** The Japan Constitution is cited in the third line as "KENPO"; when the same source is cited in the Japan section on page 166, a macron mark is placed over the "o." In addition, the use of "pre-1962" and "post-1962" in Rule 12:1(b) leaves treatment of the year 1962 ambiguous.

**Page 54.** In the sixth line the date of the 85th Congress is given as 1959; however, the 85th Congress (and the labeling of federal session laws by public law number rather than chapter) began in 1957, not 1959. This error was also made in the Eleventh Edition on page 28. Moreover, the citation to "MASS. ANN. LAWS" beginning on the fourth line of Rule 12:3:2 should designate the publisher "Michie/Law. Co-op" according to the rule given for Massachusetts on page 118.

**Page 55.** The examples given in the first partial paragraph for the separate subject-matter codes for California and New York were taken from page 27 of the Eleventh Edition. However, the "AGRIC." code no longer exists in California (it is now "FOOD & AGRIC.") and the New York example "BANK." is given as "BANKING" at page 125 of the Twelfth Edition. In short, the examples were carried over from the Eleventh Edition without checking for consistency.

**Page 56.** "MASS. GEN. LAWS" cited on the last line of the first paragraph does not appear in the Massachusetts section on page 118. The cite to "MICH. STAT. ANN." at the end of paragraph (e) is inconsistent with the rules given for Michigan on page 119. "Callaghan" is not mentioned on page 119, although I suspect it should be.

**Page 57.** On the second line of this page, the designation "MICH. COMP. L. ANN." is used. In the Michigan section on page 119 "LAWS" is used rather than "L."

**Page 60.** The "Customs and Excise Act" example given for dating English statutes at the middle of Rule 12:6:5 appears to be inconsistent with its own rule and with the analogous example near the bottom of page 50. I suspect the last "(1952)" can be omitted.

**Page 61.** Although the cite to the France code in the fifth line of

Rule 12:6:6 is to a private annotation, the abbreviation of the code should be consistent with the rule in the France section on page 160.

**Page 64.** The example in Rule 13:5 that cites the "Internal Revenue Amendments" uses "76 Stat. 960, 1041-42"; thus it gives the exact pages of the section cited. Although I think this is preferable, the basic rule given in Rule 12:3:3 and the other examples in the edition give only the page on which the act begins. This should be clarified.

**Page 65.** The first two examples given in Rule 14:2 "OP. ATT'Y GEN." and "Comp. Gen." create typeface problems. Both examples were taken from page 42 of the Eleventh Edition, where both were given in large and small capital letters. Both should be in regular roman because they basically are reporters.<sup>A6</sup> They also are cited in regular roman on pages 102 and 103 of the Twelfth Edition.

**Page 66.** In Rule 14:3(b) the suggested abbreviations for *Treasury Decisions Under Customs and Other Laws* and *Treasury Decisions Under Internal Revenue Laws* are given in large and small capital letters. Although the Eleventh Edition used the same designation on page 35, both should be in regular roman since they basically are reporters.<sup>A7</sup> They also are cited in regular roman on page 103 of the Twelfth Edition.

**Page 71.** In paragraph (c) the word "UNITED" on the seventh line should appear in regular roman, not large capital letters. The error apparently was the result of confusing the word "United" with the acronyms used in other United Nations materials on page 73 such as "UNICEF," "ESCOR," or "SCOR."<sup>A8</sup>

**Page 78.** *Common Market Law Reports* is incorrectly cited with large and small capital letters in the second line of the first full paragraph on this page; it is correctly cited in regular roman on pages 71 and 72.

**Page 80.** I take exception to the "HART & WECHSLER'S" example in the first full paragraph of Rule 16:1 for several reasons. First, the title of the actual book does not use "Hart & Wechsler's" but rather "Hart and Wechsler's"; the use of the ampersand thus would make it inconsistent with the other cites to books which have "and" in the title, such as the immediately preceding cite to "MIDNIGHT AND BEYOND." Second, the use of both a comma and an ampersand after "SHAPIRO" in the listing of the names of the authors is inconsistent with the pertinent rule in paragraph 8.58 of *U.S. Government Printing Office Style Manual* (rev. ed. 1973), the work recommended for such matters in the prefatory note to the Twelfth Edition.<sup>A9</sup> Third, the use of an ampersand in the title as well as in the names of the authors creates confusion between the two.

**Page 83.** There are problems when citing a work that uses an author's name in the title. Page 85 lists "BLACK'S LAW DICTIONARY" and

A6. The third printing cites both in regular roman.

A7. Both were cited in regular roman in the third printing.

A8. This was corrected in the second printing.

A9. This comma was deleted in the third printing.

"MOORE'S FEDERAL PRACTICE." However, Corbin's treatise is cited in the third line on page 83 as "A. CORBIN, CONTRACTS," even though the actual title is *Corbin on Contracts*. Thus, Corbin's treatise is done one way, but other works which present the same problem are done another. I suspect the cite to Corbin was merely carried over from previous editions of *A Uniform System of Citation* when the full title of books was not required. This ambiguity should be corrected as it leaves unclear the citation to such works as *McCormick on Evidence*, *Page on the Law of Wills*, *Patton on Land Titles*, and *Weinstein's Evidence*.

Similarly, it is arguable that the citation to Blackstone in Rule 16:4(b) should read "COMMENTARIES ON THE LAWS OF ENGLAND" because that is the full title of the book; again, this problem may have been caused by a carry-over from previous editions.

**Page 85.** The last two *Restatement* examples in Rule 16:5:3 cause some problems. First, neither of the comment letters "b" or "a" are in italics, even though italics is used on page 41 of the Eleventh Edition and in the *Restatement* itself. Also, the first "comment" has a capital "c" whereas the second does not. The reason, if any, for the difference should be explained.

**Page 88.** "Loyola University of Los Angeles Law Review" is cited "Loy. L.A.L. Rev." This seems to be inconsistent with the example of the *UCLA Law Review* cited in Rule 6:1(a) where a space is placed between "U.C.L.A." and "L. Rev."

**Page 89.** All the abbreviations for periodicals on pages 89 to 93 are given in regular roman; however, all the periodical abbreviations on pages 87 to 89 are in large and small capital letters. I suspect the editors inadvertently failed to put the abbreviations in Rule 17:2:2 in large and small capital letters.

**Page 92.** Listing "New" as a word that should not be abbreviated is a bad choice. Consider "N.Y.U. L. Rev." among others.

**Page 93.** The list of words not to abbreviate includes "On." I wonder how it *could* be abbreviated. Also, as explained on page 105 of the Tenth Edition, "Texas" in the citation to *Texas Law Review* was not abbreviated to avoid confusion with *Tax Law Review*. The Twelfth Edition fails to include Texas in the list of words not to be abbreviated.

**Page 94.** Contrary to the rule stated in the first sentence of 19:1, the designation of the publisher "(BNA)" does not appear in the example at the bottom of the page.

**Page 95.** The list of services has several general problems. First, some entries are incorrect. For example, the publisher of *Radio Regulation* is Pike and Fischer rather than Prentice-Hall. Second, several permanently bound forms were omitted, such as *U.S. Tax Cases* for the Commerce Clearing House *Federal Estate and Gift Tax Reporter* and *Federal Excise Tax Reports* (although it was included for *Standard Federal Tax Reports*), as well as the *American Federal Tax Reports* for the Prentice-Hall *Federal Taxes*. Third, some publications such as



*Public Utilities Reports* are listed as looseleaf services when in fact they are reporters. I assume this had to be done because the format of listing individual state reporters left no room for single-subject reporters which collected cases from several jurisdictions. If so, reporters such as *United States Aviation Reports*, *Negligence and Compensation Cases Annotated*, and others listed on pages 7 to 15 of the Eleventh Edition also should have been included in the Twelfth Edition. Fourth, the list is not complete. Admittedly, the list only purports to consist of "[c]ommonly used services," but the addition of many unlisted services would help. A good working list can be found in Morris Cohen's *Legal Research in a Nutshell* 373-82 (3d ed. 1978). The current listing in the Twelfth Edition omits the *Uniform Commercial Code Reporting Service*, *Federal Rules Service*, and *U.S. Supreme Court Bulletin*—all commonly used works.

Several other problems are discussed on pages 714 to 715 of a book review by Richard L. Bowler, appearing in volume 44 of the *University of Chicago Law Review*.

**Page 98.** *Public Utilities Reports*, contrary to the listing here, is numbered by page, not paragraph. Also, the publication is in its fourth series and is a topical reporter rather than a looseleaf service. *Tax Court Memorandum Decisions* is given one abbreviation on page 98 and a different abbreviation on page 101.<sup>A10</sup>

**Page 99.** *Trade Cases*, another commonly used bound reporter, is not listed under its corresponding looseleaf service: *Trade Regulation Reporter*.

#### D. Specific Citation Forms and Abbreviations

This chapter is probably the heart of the Twelfth Edition and will be the portion the working researcher consults most frequently. Unfortunately, it also has more errors and ambiguities than any part of the book, even though some of the same information was given correctly in the Eleventh Edition. Although some states stopped publication of official reporters after the Twelfth Edition went to press, a significant number of other states had stopped publication before and were not listed even though the information was readily available. A simple check of the *National Reporter Blue Book* would have revealed many incorrect listings.<sup>A11</sup> For example, Iowa, which stopped its official reports with 1968 cases in volume 261, is listed on page 113 as publishing to date.<sup>A12</sup> Also, the section has numerous typographical errors. This has made some

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A10. The third printing changed the citation for the bound version of *Tax Court Memorandum Decisions* on page 98 to "T.C.M."

A11. The following state reporters were listed in the 1975 supplement as having terminated publication: Iowa, Louisiana, Tennessee, and Utah.

A12. Some of the problems with termination of official reporters were corrected in the third printing. See notes A13-A14, A16 *infra* and accompanying text.

reporter dates 100 years off and other reporter names misspelled. Two helpful books in checking such material are *The Legal Citation Directory* (1971) by Marion Powers and *The Reporters* (4th ed. 1882) by John Wallace.

### 1. *United States*

**Page 100.** *Federal Cases* end in 1880, not in 1800 as reported.

**Page 102.** The list of publications here contains at least the following problems and others may still exist. First, volume one of the reports for civil aeronautics starts with 1939 decisions in the "Civil Aeronautics Authority Reports," although the "Civil Aeronautics Board Reports" does commence in 1940. Second, the *Court of Customs Appeals Reports* starts with decisions in 1910 rather than 1919 as indicated. Third, *Decisions of the Department of the Interior* and *Department of the Interior, Decisions Relating to Public Lands* are not two separate reporters, as indicated in the list, but rather one continuous publication. *Department of the Interior, Decisions Relating to Public Lands* began with cases decided in 1881, as indicated, and continued with that name until 1929. In 1930 the name of the publication was changed to *Decisions of the Department of the Interior*. Thus, the entry for "Interior Dec." should read "1930-date" and the entry for "Pub. Lands Dec." should read "1881-1929." Finally, a second series of the *Federal Communications Commission Reports* began in 1965, but is not listed.

**Page 103.** *Interstate Commerce Commission Reports* starts with cases in 1887, not 1931. The *Official Opinions of the Solicitor for the Post Office Department* starts with opinions in 1873, not 1878. *Treasury Decisions Under Customs and Other Laws* starts in 1899, not 1943; publication in *Treasury Decisions* terminated in 1966 and continued in *Customs Bulletin* from 1967. Finally, the starting date for *Treasury Decisions Under Internal Revenue Laws*, 1899, was erroneously omitted in the first and second printings and the termination date, 1942, was erroneously listed as the starting date in the third printing.

### 2. *State Citations*

Although a separate listing of citation forms for each state is an excellent idea, the final product still leaves some problems. The two most important areas of concern are the accuracy of the dates of the reporters listed and the inconsistent manner of treating the publisher on state codes and session laws.

The designation of state reporters that no longer are published had several significant omissions to begin with and is only made worse with time. Some of the errors can be excused because the reporters stopped after the publication date of the Twelfth Edition; however, many others cannot be excused.

State codes and session laws published by someone other than the state must be so designated, yet exactly which codes and session laws is ambiguous. In some states, for example, the name of the publisher is appended to the name of the code or session law service in the left column (for example Arizona and Wisconsin on pages 105 and 142). In other states it is appended only after the citation of the code or session law service in the right column (for example Michigan and Minnesota on page 119). In still others it is given in both columns (Ohio code on page 131). I assume a designation in either column would mean that it must be in the citation itself, yet the present listing leaves this unclear.

Also, some listings give the dates the regional reporter begins (a good idea), for example Louisiana, while most do not. A consistent current listing is badly needed.

**Page 104.** *Alabama Reports* stopped with volume 295 in 1976.<sup>A13</sup> *Alabama Appellate Courts Reports* stopped with volume 57 in 1976.<sup>A14</sup> "Alaska" is used in full, yet the list of abbreviations on the back inside cover suggests the use of "Alas." Finally, the *Arizona Appeals Reports* stopped with volume 27 in 1976.

**Page 106.** The list of California codes gives "U. COM." as a separate code. However, the Uniform Commercial Code material is included in the "Commercial" code and is not a separate code name.

**Page 107.** Publication of the *Colorado Court of Appeals Reports* started again with cases decided in 1970.

**Page 108.** According to the *National Reporter Blue Book* the *Connecticut Circuit Court Reports* stopped with volume six with 1974 cases. The *Delaware Reports* stopped with volume 59 in 1966.

**Page 109.** The citations for both of the District of Columbia codes should be in large and small capital letters rather than roman.<sup>A15</sup>

**Page 110.** The *Florida Supplement* starts with cases in 1948, not 1952. The *Georgia Appeals Reports* start in 1907, not 1807.

**Page 111.** Whether "Hawaii" should be abbreviated is unclear. The word is spelled out in the parenthetical after "Supreme Court" and after "Cite to" but is abbreviated in the citations themselves. This is complicated by the list of abbreviations on the back inside cover, which spells out the word. Finally, the *Illinois Court of Claims Reports* starts with cases in 1889, not 1899.

**Page 113.** The *Iowa Reports* stopped with 1968 cases in volume 261.<sup>A16</sup>

**Page 115.** The *Louisiana Reports* ended with volume 263 in 1972. According to the rule on page 43, the abbreviations in the parenthetical after "Courts of Appeals" should be "(Ct. App.)" not "(Ct. of App.)" as listed.

A13. This information is given in the third printing.

A14. The information is given in the third printing.

A15. This was corrected in the second printing.

A16. The information was included in the third printing.

**Page 118.** The dates for "Douglas" (which should be spelled "Douglass") in the Michigan Supreme Court portion should read "1843-1847" rather than "1843-1947."<sup>A17</sup>

**Page 123.** The clause in the New Mexico Court of Appeal section, "From 1967, cite to *N.M. and P. or P.2d*" should be amended to read "From 1967, cite to *N.M. and P.2d*." The first series of *Pacific Reporter* stopped well before 1967.

Under New York Court of Appeals, the "Cite to" phrase does not mention any of the second series of reporters; this is inconsistent with the pattern adopted for the other states.

**Page 132.** "Oregon" is abbreviated as "Or." while in the list of suggested abbreviations on the back inside cover it is abbreviated as "Ore."<sup>A18</sup>

**Page 136.** "COMPILED" is spelled out in the citation to the *South Dakota Compiled Laws Annotated*, yet when the same word is used in the citation to *Michigan Compiled Laws* and to *Michigan Compiled Laws Annotated* on page 119 it is abbreviated to "COMP." In addition, *Tennessee Reports* on page 136 ended with volume 225 in 1971.

**Page 137.** The *Tennessee Appeals Reports* ended with volume 63 in 1971.

**Page 139.** According to the *National Reporter Blue Book*, the second series of *Utah Reports* ended with volume 30 in 1974.

**Page 142.** The *Wisconsin Reports* started a second series in 1957, but is not mentioned.

### E. Index

The citation of pages in the index often fails to follow the Twelfth Edition's own rule on the citation of consecutive pages, set forth in Rule 3:3(c). The first half of the first column is correct, but then problems begin. Thereafter, more entries violate this rule than adhere to it.

### F. Back Inside Cover

As discussed in the individual state section, three abbreviations suggested on this list do not correspond with those suggested in the individual state section: Alaska, Hawaii, and Oregon.<sup>A19</sup> This inconsistency may have occurred if the list was merely copied from the Eleventh Edition.

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A17. This was corrected in the second printing.

A18. The abbreviation on the back inside cover was changed to "Or." in the third printing.

A19. The inconsistency in the Oregon citations was eliminated in the third printing.

