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THE SCRIVENER: MODERN LEGAL WRITING

Colorado Citations

by **K.K. DuVivier**

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More than ten years ago, I wrote a column addressing special citation forms used by Colorado courts.¹ Readers have clamored for an update, so here it is:

Colorado Statutes

*ALWD*² & *Bluebook*:³ Colo. Rev. Stat. § 18-13-122 (2004)

Colorado Supreme Court:⁴ § 18-13-122, C.R.S. (2004)

Colorado Court of Appeals:⁵ § 18-13-122, C.R.S. 2004

Session Laws

ALWD:⁶ 2004 Colo. Laws 294, § 1

Bluebook:⁷ 2004 Colo. Sess. Laws, ch. 294, sec. 1

Colorado Supreme Court: Ch. 294, sec. 1, § 18-13-122, 2004

Colo. Sess. Laws 1096-97

Colorado Court of Appeals: Colo. Sess. Laws 2004, ch. 294, § 18-13-122 at 1096-97

Colorado Regulations

ALWD:⁸ 2C Colo. Code Regs. 503-1 (2004)

Bluebook & *Colorado Supreme Court*:⁹ 2C Colo. Code Regs. § 503-1 (2004)

Colorado Court of Appeals: Dep't of Human Services Reg. 16.323, 2C Code Colo. Regs. 503-1

Rules¹⁰

Civil Procedure

ALWD & *Bluebook*: Colo. R. Civ. P. 12(b)

Colorado Supreme Court & *Court of Appeals*: C.R.C.P. 12(b)

Criminal Procedure

ALWD & *Bluebook*: Colo. R. Crim. P. 52

Colorado Supreme Court & *Court of Appeals*: Crim. P. 52

Evidence

ALWD & *Bluebook*: Colo. R. Evid. 5

Colorado Supreme Court & *Court of Appeals*: CRE 611(b)

Probate

ALWD: Colo. R. Prob. P. 2

Bluebook: Form suggested by rules¹¹

Colorado Supreme Court & *Court of Appeals*: C.R.P.P. 2

Appellate

ALWD & *Bluebook*: Colo. R. App. P. 58

Colorado Supreme Court & *Court of Appeals*: C.A.R. 58

Jury Instructions

Civil

ALWD:¹² Colo. Pattern Jury Instr. Civ. 22:2 (2d ed. 2003)

Bluebook: No Rule

Colorado Supreme Court & *Court of Appeals*: CJI-Civ. 4th 22:2 (2000)

Criminal

ALWD: Colo. Pattern Jury Instr. Crim. 17:07 (1983)¹³

Bluebook: No Rule

Colorado Supreme Court & *Court of Appeals*: CJI-Crim. 17:07 (1983)

Colorado Court of Appeals Cases

(officially published after August 7, 1980,
with no available parallel citation)

ALWD & all Colorado courts:¹⁴ Fitzgerald v. Edelen, 623 P.2d 418 (Colo. App. 1980)

Bluebook: Fitzgerald v. Edelen, 623 P.2d 418 (Colo. Ct. App. 1980)

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through the *Scrivener* column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.



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Comments

The citation forms listed are those used internally by the clerks of the Colorado Supreme Court and the Colorado Court of Appeals and in those courts' opinions. These courts do not publish the special forms and do not require practitioners to submit pleadings using these forms.

The rules above apply when citing to the official version of these authorities. The Colorado Supreme Court and Colorado Court of Appeals cite only to the official version of the statutes in their opinions. If the full statute is not included in the latest codification of the official version of the code, they cite to the relevant session law. However, if you must cite to an unofficial source, *The ALWD* and *The Bluebook* require an additional parenthetical, for example: Colo. Rev. Stat. Ann. § 18-13-122 (West 2004 & Supp. 2004).¹⁵

Furthermore, the Colorado courts have not adopted any special rules for citing information retrieved electronically. Nevertheless, *The ALWD* and *The Bluebook* state an additional parenthetical should indicate the currency of the database as provided by the database itself, for example: Colo. Rev. Stat. § 18-13-122 (LEXIS current through 2004 Second Reg. Sess.).¹⁶

In addition, the Colorado Court of Appeals citation rules vary from all of the others in two ways. First, the Court of Appeals does not require that the word "section" be spelled out in the text of a sentence, except when it is the first word. In all other cases, the Court of Appeals allows citation forms, including section symbols, in the text. In contrast, the Colorado Supreme Court follows *The ALWD* and *The Bluebook* convention of prohibiting the use of citation format to refer to statutes in text.¹⁷ Second, instead of requiring a writer to spell out all of the statute sections, the Colorado Court of Appeals allows the use of "et seq." when referring to an entire article of a statute. The Colorado Supreme Court follows *The ALWD*¹⁸ and *The Bluebook*¹⁹ format and discourages the use of this form.

Finally, here are two standard format rules: All of the authorities require one section symbol (§) when referring to a single statute section and two section symbols (§§) when referring to multiple statute sections.²⁰ They also insert one space after the section symbol.²¹

NOTES

1. See K.K. DuVivier, *Are You Practicing an Uninformed System of Citation?*, 23 Colo. Law. 27 (Jan. 1994). Note that many publishers, including *The Colorado Lawyer*, follow their own citation conventions. To avoid confusion, my editor has made an exception and allowed me to use standard forms for this column and footnotes.

2. ALWD & Darby Dickerson, *ALWD Citation Manual* R. 14.4, at 112, 338 app.1 (2d ed., Aspen Publishers 2003) [hereinafter *The ALWD*]. Page 7 of *The ALWD* describes how to cite to rules in *The*

ALWD itself. Thanks to Darby Dickerson, Vice President and Dean of Stetson University College of Law, for answering my questions about *The ALWD* citation form. "ALWD" stands for Association of Legal Writing Directors.

3. *The Bluebook, A Uniform System of Citation* R.12.3, at 78-81, 194 tbl. T.1 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) [hereinafter *The Bluebook*]. Page 114 of *The Bluebook* describes how to cite to rules in *The Bluebook* itself.

4. Thanks to Susan Festag, Clerk of the Colorado Supreme Court, and Eileen Kiernan-Johnson, Counsel to the Chief Justice, for providing me with information about citation forms currently used by the Colorado Supreme Court.

5. Thanks to Wendy Busch, the Reporter of Decisions for the Colorado Court of Appeals, for providing me with information about citation forms currently used by the Colorado Court of Appeals.

6. *The ALWD*, *supra* note 2, R. 14.9, at 117, 338 app.1.

7. *The Bluebook*, *supra* note 3, R. 12.4, at 81-83, 194 tbl. T.1.

8. *The ALWD*, *supra* note 2, R. 20.1, at 177, 338 app.1.

9. *The Bluebook*, *supra* note 3, R. 14, at 96-104, 194 tbl. T.1. The Colorado Supreme Court follows *The Bluebook* convention in citing the regulations, even though the number after the section symbol is not really a section but instead denotes the department and agency.

10. *The ALWD*, *supra* note 2, R. 17.1, at 153-54, 378 app.2; *The Bluebook*, *supra* note 3, R. 12.8.3, at 86. These sections apply to all of the local rules listed.

11. *The Bluebook*, *supra* note 3, R. 12.8.3, at 86.

12. For both civil and criminal jury instructions, see *The ALWD*, *supra* note 2, R. 17.6-17.7, at 156-57.

13. The most recent hardbound version of these rules is 1983, and the most recent supplement is 1993. If you need to cite to an amended rule that is only in the supplement, the Colorado courts' form is CJI-Crim. 11:06 (Supp. 1993).

14. Only *The Bluebook* version includes "Ct." in the parenthetical. See *The Bluebook*, *supra* note 3, R.10.4, at 64-66, 193 tbl. T.1. Cf. *The ALWD*, *supra* note 2, 338 app.1.

15. Subsection 3(c) was added to this statute section during the summer of 2004, so both the main volume of the West statutes (issued in May 2004) and the supplement (issued in October 2004) must be included for a complete citation to this statute. *The ALWD*, *supra* note 2, R. 8.3, at 45; *The Bluebook*, *supra* note 3, R. 12.3.1, at 80.

16. *The ALWD*, *supra* note 2, R. 14.5, at 112-13; *The Bluebook*, *supra* note 3, R. 18.1.2, at 131.

17. *The ALWD*, *supra* note 2, Sidebar 14.2, at 114. Furthermore, these sources indicate that when the reference to the statute is clear from the text, you do not also need to put a citation at the end of the same sentence.

18. *The ALWD*, *supra* note 2, R. 6.6(d), at 40.

19. *The Bluebook*, *supra* note 3, R. 3.4, at 38.

20. Note that only a single section symbol is appropriate if you are citing to multiple subsections within a statutory section. *The ALWD*, *supra* note 2, R. 6.1, at 37; *The Bluebook*, *supra* note 3, R. 3.4, at 38.

21. *The ALWD*, *supra* note 2, R. 6.2, at 37; *The Bluebook*, *supra* note 3, R. 6.2(c), at 50. ■

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