

University of Denver

Digital Commons @ DU

Sturm College of Law: Faculty Scholarship

University of Denver Sturm College of Law

7-1-2000

String Citations-Part I

K.K. DuVivier

University of Denver, kkdvvivier@law.du.edu

Follow this and additional works at: https://digitalcommons.du.edu/law_facpub



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

Recommended Citation

K.K. DuVivier, String Citations-Part I, 29 Colo. Law. 83 (July 2000).

This Article is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Sturm College of Law: Faculty Scholarship by an authorized administrator of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu,digitalcommons@du.edu.

String Citations-Part I

Publication Statement

Copyright is held by the author. User is responsible for all copyright compliance.

Publication Statement

Copyright is held by the author. User is responsible for all copyright compliance.

The Scrivener: Modern Legal Writing



String Citations—Part I

by *K.K. DuVivier*

© 2000 K.K. DuVivier

The temptation is strong. You spent hours tracking down cases on point, and now you have reams of citations. Shouldn't you include all of them in your brief to demonstrate to the court that you know your stuff? Shouldn't you at least include them to show your client that the billable hours are justified? The answer is no.

“String Citations”

Whenever you list more than one authority to support the same legal proposition, you are using a “string citation.” The name arises from the impression that the writer is “stringing” together several citations. In a string citation, each authority follows the next in a proscribed order: (1) by strength of authority (primary before secondary, enacted law before case law); (2) by jurisdiction (federal before state, alphabetically among states); (3) by rank of court (highest to lowest court); and (4) by date (reverse chronological with most recent first).¹ Semi-colons are placed between each authority.

Using String Citations

String citations are beneficial in some circumstances. For example, it may be essential to show that more than one case supports the proposition you urge. It also may be important to show that a number of jurisdictions have recognized a particular rule. Finally, a string citation may be used strategically to demonstrate the degree of support graphically on the page.² However, string citations are most appropriate when readers are expecting comprehensive treatment of the relevant authorities. Because law review articles attempt to be comprehensive in this way, string citations are the rule, rather than the exception, in the law review context.

String citations can be irritating at best, and disruptive at worst. The longer the string, the more intrusive is the inter-

ruption to your argument's readability. Law reviews use footnotes to minimize this disruption. However, footnotes are discouraged in briefs, so you should reflect carefully before interrupting the flow of your argument with a string citation.

Avoiding String Citations

Generally, cases that are simply listed in a string citation, and not fully discussed, add little to legal analysis. Bare citations give the readers only a place to search for supporting authority; they do not tell the readers much about those authorities. The citations are wasted because most busy readers will simply skip over that part of the text. Furthermore, the doubting reader or conscientious law clerk will feel compelled to check all of the cases cited and will be annoyed if that time was wasted because some of the cases are not pertinent.

In persuasive writing, it is more effective to cite fewer legal authorities, giving those that are cited more extensive treatment. Reduce your string of citations to one when that one case is sufficient to support a legal proposition. There are several ways you can use this valuable newfound space on the page.

- 1) Summarize the relevant facts of the precedent used; do not assume your readers are familiar with the cases.
- 2) Explain more fully the reasoning in the precedent.
- 3) Strengthen your argument by explicitly connecting the facts and reasoning of the precedent with the parties' situation.

How do you choose one case to discuss from the string of citations? Here are some suggestions:

- 1) Concentrate first on relevant, controlling legal authority from your jurisdiction. Generally, such controlling authority will be more valuable to the analysis than persuasive authorities from other jurisdictions, and a more in-depth discussion of the reasoning in one key case can better progress your argument.

- 2) Look for a case that has the same legal issue and is factually on point.

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

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

K.K. DuVivier is an Assistant Professor and Director of the Lawyering Process Program at the University of Denver College of Law.

3) If more than one case is legally and factually relevant, it is preferable to cite to the case decided by the highest controlling court.

4) If you still have a choice of cases, cite to the most recent case.³

There is an exception to the most-recent-case rule: sometimes it is preferable to cite to a seminal case on a particular topic if that case is cited by more recent cases as the source of the rule. However, if you choose to cite to an older case, you may want to signal that this case is still good law. An 1888 case still may be appropriate for interpreting the 1872 Mining Law, but some areas of the law are changing rapidly, and a year-old case may be out-of-date. You can indicate an older case is still relevant by referencing the newer case in commentary after the older one.

Example: Courts can avoid the stubborn enforcement of an honestly mistaken judgment. *Reasoner v. District Court*, 594 P.2d 1060 (Colo. 1979), cited in *Diamond Back Services, Inc. v. Willowbrook Water & Sanitation Dist.*, 961 P.2d 1134 (Colo.App. 1997).⁴

Conclusion

String citations are appropriate when you are trying to give readers comprehensive coverage of an issue. They also are helpful to show that a particular rule is widely accepted. However, in most situations, the court will find one or two well-developed authorities more useful than a slew of them. So if you are considering a string citation, fight the temptation.

NOTES

1. The Harvard Law Review Association: *The Bluebook: A Uniform System of Citation*, 16th ed., Rule 1.4 at 25 (Cambridge, MA: Gannett House, 1996); Association of Legal Writing Directors and Dickerson, *ALWD Citation Manual*, Rule 46 at 305-10 (New York, NY: Aspen L. & Bus., 2000).

2. Edwards, *Legal Writing* (Boston, MA: Little Brown & Co., 1996) at 202.

3. *ALWD Citation Manual*, *supra*, note 1, Rule 44.4(c) at 300.

4. *The Bluebook*, *supra*, note 1, Rule 1.6(d) at 29-30. ■

· ->>> · In Memoriam · <<<- ·

The Colorado Bar Association Remembers The Lives and Contributions of Colorado Attorneys

Robert Lee Knous, former Colorado Lieutenant Governor, passed away in May 2000. He was 82. Knous served as Lieutenant Governor from 1959 to 1967. Before that, from 1953 to 1957, he served as a state senator.

He was born in Ouray, Colorado, on November 1, 1917. He attended Montrose public schools and graduated from the University of Colorado in Boulder. Knous received his law degree from the University of Denver College of Law after returning from his tour of duty as a Navy pilot and fighter instructor during World War II.

Knous had a strong interest in politics, which may have stemmed from his father's involvement. William Lee Knous was a former Colorado Governor and Supreme Court Justice. Robert Knous believed that politics was one way to participate "actively" in life. He ran unsuccessfully for the U.S. Senate in 1960. When he ran for the office of Lieutenant Governor in 1962, Knous was the only Democrat to be elected out of eighteen statewide races.

Governor Ed C. Johnson named Knous chairman of a special commission on the aged while he served in the state legislature. It was during this time that Knous wrote Colorado's Old Age Pension Act.

In addition to participating in numerous civic and community organizations, Knous was a member of the Colorado and Denver Bar Associations. He is survived by his wife of fifty-seven years, two daughters and three sons, and many grandchildren.

· ->>> · · <<<- ·

Attorney **Howard K. Phillips**, who passed away in April 2000, was remembered in these pages in the June 2000 issue at page 96. Phillips was incorrectly referred to as "Denver's first-appointed municipal judge." Rather, Phillips was reported to have been "the first lawyer to be appointed a Denver municipal judge in the 1960s." *The Colorado Lawyer* regrets the error.

· ->>> · · <<<- ·

The Colorado Bar Foundation is one means of commemorating members of the profession. For details, call Dana Vocate in Denver at (303) 824-5318 or toll free within the state at (800) 332-6736.

LEGAL SUPPORT BRIEFS . . .

Historical Briefs

"Legal Support Briefs" intends to reacquaint its readers with the histories and services of various paralegal and legal support organizations. These organizations provide a means of furthering the professional interests of paralegals, legal assistants, and staff employees who support the legal community in a variety of worthwhile capacities. "Historical Briefs" appear periodically, as information becomes available and space permits. The Colorado Lawyer also welcomes news and calendar items for publication in this page. Contact Leona Martínez at The Colorado Lawyer Editorial Office, (303) 824-5324, or leonamartinez@cobar.org.

Association of Legal Administrators Mile High Chapter

The Association of Legal Administrators ("ALA") was formed in 1971 to provide support to professionals involved in the management of law firms, corporate legal departments, and government legal agencies. The Mile High Chapter ("Chapter") in Denver was chartered in 1975.

The Chapter maintains a high standard of educational opportunities for its members through monthly luncheons (held the third Thursday of each month), retreats, and seminars. Guest speakers at the monthly luncheons address subjects ranging from human resources to billing to time management to information systems. The Chapter has two active "Special Interest Groups," Human Resources and Information Systems, which meet semi-monthly and monthly, respectively, at brown bag luncheons. The opportunities provided by these events and services are invaluable because the process of managing a law firm is continually changing and networking is crucial in keeping up with these changes.

Core competency seminars are offered on a quarterly basis. These seminars are approximately three hours long and generally follow the Certified Legal Manager areas of study, which include principles of law office management, human resources, financial systems, office systems, and administrators as leaders. For more information about ALA and the Mile High Chapter, visit www.milehighala.org.

Third Annual NALS Region 8 Conference To be Held in Denver, July 13-16, 2000

CALS (doing business as Legal Staff Professionals of Colorado), the Colorado Chapter of NALS, is hosting the Third Annual NALS Region 8 Conference at the Embassy Suites Southeast in Denver on July 13-16, 2000. Region 8 includes Arizona, California, Colorado, Hawaii, Nevada, New Mexico, and Utah. On Friday, July 14, CALS will hold a full-day NALS Educational Institute ("NEI"). The NEI will cover written communications, ethics and judgment, office procedures, technology, and various areas of law. The sessions are designed to assist entry-through advanced-level legal support staff to update and enhance their knowledge and skills in the professional office setting. The sessions also may be used to study for ALS and PLS accredited and national legal certifications awarded through NALS. Guests and visitors are encouraged to attend the event. For additional information, contact Donna Coble at (970) 353-1292, or Sue Phelon at (303) 771-1900.

"Notaries and Licensing" Topic of MHALSS Monthly Meeting In Denver, July 17, 2000

Johanna Billmeyer of the Colorado Secretary of State's Office will address the Mile High Association of Legal Support

Staff ("MHALSS") at their monthly meeting on Monday, July 17, 2000. MHALSS will conduct a brief business meeting beginning at 6:00 P.M. and offer a light buffet before Billmeyer's presentation on "Notaries and Licensing," which will take place from 7:00 to 8:00 P.M. This meeting is the MHALSS annual membership drive meeting, and reservations are only \$5 for members and guests. The meeting will be held at Park Place Auditorium, 111 Emerson St., Denver. For more information, contact Valerie Gonzales, (303) 832-1122.

ALA, Mile High Chapter Presents "Negotiating Skills for the Legal Profession" At Monthly Meeting in Denver, July 20, 2000

The Association of Legal Administrators, Mile High Chapter ("Chapter"), will feature Daniel J. Reid, president of Paladin International, LLC, at its monthly meeting on July 20, 2000. Reid, who specializes in business development, contract negotiations, international business problem solving, dispute resolution, and serving as a government liaison, will speak on "Negotiating Skills for the Legal Profession." The meeting will be held at the Top of the Rockies restaurant in Denver at noon. Contact Christy Ramee at (303) 534-6335 for more information, or visit the Chapter's website at www.milehighala.org.

Legal Support Briefs continued on next page

[The following verse was submitted by Sally Hubbard, a legal assistant and freelance writer in Cortez, Colorado.]

BLANK LEGALITIES

COMES NOW the Petitioner, under no constraint or undue influence de bono et malo ex necessitate legis per stirpes escheat for such further relief as the Court deems just and shall proceed in forma pauperis flagrante delicto jure uxoris videlicet libel and slander de son tort; being THEREFORE ordered, adjudged, and decreed, DONE and SIGNED levari facias (Ignorantia legis neminen excusat) to counterclaim with force majeure de facto locus delicti caveat emptor! Claiming jus accrescendi seriatim— filius nullius, semper paratus— ad quod damnun in extremis per diem under penalties of perjury, Petitioner sua sponte bifurcates.

Organizational Membership Information

**Association of Legal Administrators (ALA),
Mile High Chapter:**

Linda C. Brittain, Denver, (303) 861-8013

Association of Legal Assistants of Colorado (ALAC):

Sunde King, Colorado Springs, (719) 684-9241

Colorado Association of Legal Support Staff (CALSS):

Janet Boughton, Grand Junction, (970) 241-0316

Colorado Bar Association Paralegal Committee:

Eileen Kelly-Sharpe, Denver, eksparalegal@cs.com

Legal Staff Professionals of Colorado:

Perri Morris, Denver, (303) 860-7700

Mile High Association of Legal Support Staff (MHALSS):

Teresa Stenwall, Denver, (303) 534-0311, ext. 24

Rocky Mountain Paralegal Association (RMPA):

Nanette K. Yokomizo, Denver, (303) 860-1900

The Salvation Army and Wells Fargo/Private Client Services to Co-Sponsor
An Estate Planning Seminar in Denver on September 21, 2000.
Contact Katie at The Salvation Army for information or to register: (303) 866-9213.

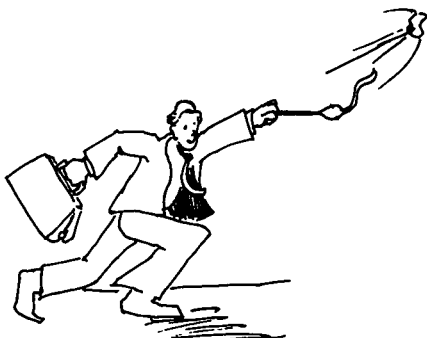
DON'T PAY GOLIATH'S PREMIUMS!

Now most small firms
can stop paying
PROFESSIONAL LIABILITY INSURANCE
premiums for the risks
of larger firms.
(Only for firms of 1 to 4 attorneys.)

Call the small firm
specialists at

(800) 817-6333

- Enroll by telephone
- One-page application
- Flexible Payment Plans
- Responsive Claims Handling



MAINSTREET

Insurance Purchasing Group