

CALIFORNIA CRIMINAL LAW REVIEW
CITECHECKING MANUAL
2000

(with thanks to BWLJ and CLR)

WHAT IS CITECHECKING?

Citechecking is the process by which the Journal verifies the accuracy of the author's citations and ensures that the citations appear in proper form. Citecheckers make sure that all propositions that need to be supported are supported and that the sources actually support the proposition for which they are cited. This is the most important part of citechecking. Citecheckers also make sure that each cite's format conforms to Bluebook rules. This is important because it helps readers locate sources with relative ease. Citecheckers also edit their section of the article for grammar, clarity, and style.

Citechecking is also a process through which you can practice skills to help you in your profession. Whether you work in a judge's chamber, a professor's office, a public interest organization or a law firm, your supervisors will want you to know how to cite sources accurately and write with clarity and precision. Careful citechecking now will help you better meet these expectations later. Your editors are committed to helping you acquire these skills. Please feel free to call on us to answer any questions that arise.

OVERVIEW OF THE EDITING PROCESS

By the time you get a citechecking packet, the article editors (AEs) will have completed a substantive edit of the article in which they thoroughly edit the structure and content of the article. The article is then returned to the author, who has the opportunity to accept or reject the proposed changes and to otherwise make improvements to the article. After all of these changes are incorporated into the article, citechecking begins. Citechecking is done by CCLR's full membership. Citecheckers ensure that the article has adequate source support and that citations are in proper Bluebook format, as described above. The citechecking changes are reviewed and incorporated into the article by the AEs. Members then work to convert the articles to html, and add hyperlinks to sources cited. Finally, the editorial board does a final read-through and the Journal is posted on boalt.org's server.

THE CITECHECKING PROCESS

These are the steps to successful citechecking:

- 1. ATTEND CITECHECKING TRAINING.**
- 2. PICK UP YOUR CITECHECKING PACKET FROM YOUR ARTICLE EDITOR (AE).**

Make sure you have: the complete article, a list of the footnotes you're responsible for, your article editor's contact information, and contact information for other citecheckers working on your article.

3. SCHEDULE ENOUGH TIME TO CITECHECK.

Most journals say a packet takes about twenty-five hours the first time you do it. The process gradually gets faster the more you do it, so that your packet requirement next time won't be as onerous as it is this time. Make sure to get work done early, so you can review it before returning it to your AE.

4. CAREFULLY READ THE ENTIRE ARTICLE.

You need to read the article in order to understand what the author is trying to accomplish in the footnotes. Read the entire article through once, and re-read the sections containing your footnotes.

5. FIND AND CHECK ALL SOURCES CITED.

CCLR strives to make citechecking a less arduous process than at some other journals. We do not require members to look at actual paper copies of sources cited or to photocopy them for AE's. Instead, we look up sources online whenever possible, using Westlaw and LEXIS. These should be your first stop, because they have nearly all the cases and law review articles authors cite.

Some sources may not be available online, such as books, or foreign case law. Your AE's have already scanned the article for books by the time you receive it, and have placed most of them on reserve in the library (assuming Boalt has them). If you cannot find a book at Boalt, look it up on Melvyl, UC's multi-library search engine. If the book is available at another UC Berkeley library, you will need to make the trip to check the assertions therein. If a book is neither in Boalt's library nor on Melvyl, let your AE know as soon as possible, so they can request the pages from the author.

For other sources not available on Westlaw or LEXIS, try searching for them by title and/or author on altavista.com or google.com. If you find a source that way, please write the URL ("http:www.....") next to the source in the article, so we can use it when we convert the article to html. As with books, if you cannot find a source, let your AE know as soon as possible.

While you have the source open in front of you, go on to step 6 below. You may also find it helpful to do your Bluebooking at the same time, because sometimes the source will give you necessary citation information that the author has left out.

6. MAKE SURE ALL ASSERTIONS HAVE SUFFICIENT SUPPORT.

Never assume that the author has correctly used support. You will be the only person to determine whether the author's use of source support is correct, so it is very important that you

make sure that the article has sufficient support.

There are two ways in which an article may lack sufficient source support. First, a proposition that needs a cite may not have one. Second, a proposition may purport to be supported by a cite to a source that does not actually support the proposition.

No Source Support

You must determine if the article contains propositions that need to be cited that are not cited. As you read through the article, look for any sentences that need source support. In law review articles, the rule is that all assertions except those that express common knowledge must be accompanied by a citation. For example, the statement "courts usually reject such attempts as a denial of due process" must be followed by a citation. Any time an author makes a claim based on authority ("the weight of case law," "in a majority of cases," "as clearly indicated by legislative history"), she must back herself up. If you think that the author could support the assertion by adding another footnote to a source already cited, please indicate so on your copy of the article. If the source is from one of your footnotes, add a suggested footnote, and the accompanying text, to your copy of the article. If the source is from another member's packet, let your AE know as soon as possible by phone or e-mail, so s/he can let the other member know. However, if the source support is not readily available, do not spend too much time looking for new sources for the author. Inform your AEs of the need for source support and any sources that you looked at and found inapplicable.

Inadequate Source Support

You must determine if the sources cited by the author actually support the proposition for which they are cited. Read the text of the article and determine the proposition that the author needs to have supported. Then read the source to determine if it provides the needed support. This may require reading the whole case or source cited, particularly if the author makes a general claim about the whole source. Read enough of the source to make sure the author is not quoting or citing out of context. You will be the only person to actually examine the sources cited by the author, so make sure that the cited authority really says what the article claims that it does. If the article quotes a passage from a source, verify that the quotations in the article appear exactly as they do in the original source, with appropriate ellipses and notations as necessary.

Possible Solutions to Source Support Problems

If the cited source does not adequately support for the article's proposition, try to edit the article to bridge **the gap** between what the author wants to say and what the sources say. For example, if the author makes a very specific statement (e.g. "In *Webster*, the Supreme Court virtually decimated the right to privacy") and cites to a source that cannot accurately support her assertion (*Webster*), read the source and consider what she could rely on it to say. In this example, the author could accurately assert that *Webster* substantially changed abortion jurisprudence and she could describe the effects of these changes. When suggesting such changes, be very careful not to lose the author's argument.

You may find the author needs to say exactly what she has said for her argument to work. In this case, **additional sources** providing better support may need to be found. If you have this problem, talk to your editor. If possible, suggest a source that would provide the needed support. Otherwise, your editor may want to ask the author to find additional authority or rewrite the passage. Do not feel awkward about suggesting additional sources to the author; it will only make his or her article better.

Misplaced footnotes may create the appearance of inadequate support. Often, a mismatch between the author's statement and cited authority result from misplaced footnotes. Sometimes, the footnote should be located in the middle of a sentence -- for example, where the cited authority supports one clause of a sentence, but not another. In situations like this, **move the footnote** so that it relates to the proposition that it actually supports. When you do this, make sure the rest of the sentence still has adequate support.

The introductory signal indicates the strength of support provided by the authority for the proposition in the text. Thus, changing or adding an **introductory signal** can sometimes remove the perception of inadequate authority. See Bluebook Rule 1.2 for explanations of introductory signals.

Sometimes, footnotes will be accurate, but unenlightening. The point of a footnote, after all, is to tell the reader something about what the source says, so she can decide whether to consult it. Therefore, a general statement (e.g. "Many courts have struck down classifications based on gender") followed by a string citation doesn't do anybody much good. Such citations should include explanatory parentheticals. You should craft a descriptive clause that summarizes the facts and holding, or other relevant aspect of each case. For the example above, you might add an explanatory parenthetical like this: *Reed v. Reed*, 404 U.S. 71(1972) (holding a statute creating a preference for males as executors of wills violates the Equal Protection Clause). Parenthetical phrases should begin with a present participle and a lower-case letter, and can be used to explain cases, books, and articles. See Bluebook rules 1.5 and 10.6. Parentheticals should be used in any citation in which the specific content of the source is not clear from context.

Often, the author will make a very specific statement, then cite to an entire book, article, or case. If this happens, try to locate the specific pages or sections of the source that support the author's assertion, and pincite to those pages. If you cannot find the specific page or section that precisely supports her statement, make a note to your editor of what the source does say, so she can decide whether to change the text. When in doubt, photocopy the source or bring it directly to your article editor.

A Note About Plagiarism

While propositions need to be supported, that support can not come through plagiarism. Plagiarism occurs most obviously when the article contains the exact text of another article without appropriate quotation marks and citations. If you discover that a phrase or sentence in the article is a verbatim quotation from a source, either add quotation marks or change the sentence. Be sure to note the reason for the change on the citechecking form. If this happens

frequently, inform your AEs immediately.

Plagiarism also occurs when the article borrows significant content or structure from another article. This type of plagiarism is harder to detect but more problematic. If you think that the article has problems of this type, discuss it with your article editor immediately.

7. KEYCITE OR SHEPARDIZE ALL CASES, STATUTES, OR CONSTITUTIONS.

The only time you do not need to do this is when the author's assertion does not depend on the source being valid authority. However, since you will be checking these types of sources on LEXIS or Westlaw, a quick look at the color of the Keycite flag, or the Shepards symbol should let you know whether you need to look further. When using a citatory service, focus on the specific proposition for which the case is being cited in the article. For instance, in Westlaw, you can keycite the headnote for a particular proposition in a case, to see if other cases have commented on that particular holding.

8. PUT ALL CITATIONS INTO PROPER BLUEBOOK FORM.

Use the 17th edition, and be scrupulous. Because many of the changes you will make will be minor and technical, make sure you indicate them clearly on your copy of the article. If you have any questions, contact your AE immediately.

9. RECORD YOUR WORK FOR THE AE.

Record your changes directly on your copy of the article in **non-black ink**. Use accepted proofreaders marks, included at the end of this packet. All changes must be made on your article. If you have comments or questions about a particular source, and you haven't discussed them with your AE, put these comments in an attached memo, or write them on the sheet with your list of footnotes.

10. RETURN YOUR PACKET TO YOUR AE.

When you finish citechecking, you will need to turn the following items in to your AE:

- Your section of the article, with your changes and suggestions clearly marked in non-black ink
- The sheet with your assigned footnotes on it
- Any notes you have made regarding the article or sources

BLUEBOOKING CHECKLIST

The Bluebook contains four major sections for journals: introductory information for all sources (1-9); rules that apply to specific types of sources (10-20); tables used to determine proper reporters and abbreviations; and the index.

When Bluebooking a cite, regardless of the kind of cite, always remember to consider the

application of the general rules (1-9). The most important issues addressed by these rules include:

- SIGNALS (1.2)
Is a signal needed?
Which signal is required?
- CITATION ORDER (1.3, 1.4)
When cites have different signals
When cites have the same signal
- PARENTHETICALS (1.5, 1.2)
Is a parenthetical needed?
Is it in the proper format?
- TYPEFACE (2)
Proper use of roman, italics, and small caps?
- SHORT CITATION FORMS (4)
Is a short citation needed?
Should it be id or supra or hereinafter?
How recently was the source cited in another footnote or in the text?
- QUOTATIONS (5)
Within the text or as a block?
Alterations or omissions?
- ABBREVIATIONS (6.1)
See tables
Check spacing
- NUMERALS (6.2)

Remember to also check the specific rules for different types of citations (cases, statutes, etc.)

BLUEBOOK HIGHLIGHTS FOR CITECHECKERS

The entire Bluebook is important. The book is a universal citation code that will give our journal citation consistency even though many people are working on it. There is a rule for every punctuation, typeface, and abbreviation. It may be helpful to review the table of contents, the general rules 1 through 9, and the examples for law reviews on the first two pages. There are a few common rules you will learn quickly, but after that it's a matter of searching in the index. When you are really stuck, as another member, an article editor, an executive editor, or an editor-in-chief for help.

Here are some trouble spots and things to look out for while editing. This is by no means an exhaustive list.

Block Quotations - Rule 5.1: Quotes of fifty or more words should be placed in an indented block. Block quotes should not have quotations around them unless they have quotations around them in the

actual publication.

Book Titles - Rule 15.2: DON'T abbreviate words in book titles. You can abbreviate words in case names (but only according to Bluebook Table T.6 and never the first word of a party name).

Case Name Typeface - Rule 2 et seq.: In the text, case names are italicized. Case names are **Roman in footnotes, unless the case name is grammatically part of the sentence** in which it appears. No case cite should be in the text.

Ellipses - Rule 5.3: Three periods separated by spaces, preceded and followed by a space--this depends on what portion of the sentence quoted is omitted.

Et al. in Book Citations - Rule 15.1.1: When a work has more than two authors, use the first author's name, followed by "et al."

Infra: *Infra* is the opposite of *supra* and refers to authority that will be fully cited later in the article.

Introductory Signals - Rules 1.2 & 1.3: **Look at what the signals mean.** Some take **commas, some do not.** They are italicized. They go in a particular order. Like signals need to go together **within the footnote. No signal is necessary when you are citing a direct quote or if the source is directly referenced in the text sentence**-in ALL other cases (even with *id.*'s, *supras*, and *infras*), you must have a signal.

Newspaper Citations - Rule 16.4: Make sure that you get all the correct information (especially the page numbers) when citechecking newspaper articles. Note that pincites are not used.

Paragraphs - Rule 3.4: Paragraph cites should be indicated by the paragraph symbol or by "para.." depending on the publication itself.

Parentheticals - Rule 1.5: Parentheticals begin with lower-case present participles (e.g., "finding that..."), but check the rule closely for exceptions.

Periodical Abbreviations - Rule 6.1: In general, there are no spaces between single capital letters in periodical names (e.g., A.L.I.) unless **on or more letters stands for a geographic or institutional entity**, in which case those letters are set off from the others (e.g., N.Y.U. L. REV.). Numbers are treated as single capitals (e.g., F.2d).

Quotation Marks & Punctuation - Rule 5.1: Commas and periods are always placed within quotation marks. **Other** punctuation marks are placed inside the quotation marks only if they are part of the text quoted.

Short Form for Cases - Rule 10.9: Memorize the short forms for cases!! Make sure the short form is **within** five footnotes of the long form or the case is named in the text.

Et al. in Case Names - Rule 10.2.1: Omit "et al." from case names. (But use them when citing a book with more than two authors.)

Font: Law review footnotes are always in Roman font, and they never have anything underlined. You will need to learn when to italicize and when to use small caps. Here are some basics:

***Books:** authors and titles are in small caps. Here is an example: CATHARINE A. MACKINNON. ONLY WORDS 57 (1993). Note that this font is often referred to as "large and small caps" since the first letter of major words—a minor word like "and" would just be "AND"—is in regular cap size and appears larger. As you citecheck, make sure you properly notate what needs to be in small caps, while still putting the proper letters in "large cap."

***Periodicals:** There are two kinds--consecutively paginated (Rule 16.2) and nonconsecutively paginated (Rule 16.3)--and it is important to pay attention to which kind you have. (It's consecutively paginated when the page number begins at the beginning of the volume and only ends at the end of that volume, so that, for example, the May Issue actually opens up on page 246.) See 41e Bluebook for the font differences.

***Newspapers:** citations to newspapers involve italics and small caps. Here is an example: *Cop Shoots Tire, Halts Stolen Car*, S.F. CHRON., Oct. 10, 1975, at 43. Note the nitpicky things like what is abbreviated and what is not, and the fact that the punctuations even with the italicized phrases are NOT italicized.

***Cases:** example: Lane v. State, 364 N.E.2d 756, 760 (Ind. 1977). Note that this is very basic. There are many variations when citing a case, including which reporter to use, whether you need subsequent history, etc.

There are all kinds of other sources you will need to cite--law journals, interviews, television programs, statutes, constitutions, legislative bills, etc. --so remember to use the Bluebook and talk to other members and editor!

Footnotes - Rule 3.3: When referring to footnotes, there is NO space between "n." and the number (e.g., n.6).

Hereinafter - Rule 4.2: Hereinafter is used to shorten long publication names or to clarify when there is more than one work by the same author(s) being cited. Hereinafter is never italicized. Hereinafter should never be used to refer to cases, statutes, or constitutions except in extraordinary circumstances.

Id. - Rule 4.1: There is NO comma after *id.* but there is always a period, which is NOT italicized!

Supra - Rule 4.2: *Supra* refers to an authority already fully cited. when using *supra* to refer to a previous footnote, the *supra* is italicized, the word "note" is NOT.

Tables

T.6 - Case Names: This is REALLY important. These abbreviations are only for case names and must be used unless the abbreviated word is the first in a party name.

T.7 - Court Names: This is also REALLY important. Note that superior court is Super. Ct. and a state's supreme court is Sup. Ct.

T.10 - Geographical Terms: Watch for correct abbreviations, state names in particular.

T.13 - Periodicals: EVERY periodical should be looked up here. If it is not here, find similar words in other periodicals and create the appropriate abbreviation. Be sure to refer to Rule 6.1 regarding spacing.

T.15 - Services: Every service should be looked up here. If it is not here, find similar words in other services and create the appropriate abbreviation. Be sure to refer to Rule 6.1 regarding spacing.

STYLE HINTS

Look in the Bluebook first for any style, grammar, or punctuation information. For anything you can't find there, use the Chicago Manual of Style.

Capitalization: In the Bluebook, see generally Rule 8. In other instances, opt for lowercase. NOTE: "Due Process Clause and Equal Protection Clause," but "due process and equal protection doctrine."

Dashes: No spaces between words and dashes. (E.g., "This weekend's offerings—each the subject of censor skirmishes—discuss sex.") NOTE: "em dashes" are longer than "en dashes" (the preceding example is an em dash) and both are longer than a hyphen. En dashes are used principally for connecting numbers (such as dates or time).