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The Supreme Court Rule Respecting Citations in Briefs

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most of the punctuation marks for us, are generally unable to correctly punctuate land descriptions in legal notices.

The description of land is usually followed by the name of the county where the land is located. This is a convenient thing and many descriptions would be unintelligible without it, but where a description is fully and correctly written, the name of the county is unnecessary. In 52 Colorado 166, the Court very properly held that where the name of the wrong county followed an accurate description of land by Township and Range, the name of the county was unimportant and would be considered surplusage. The description was held to be complete without any county.

THE SUPREME COURT RULE RESPECTING CITATIONS IN BRIEFS

By FRED Y. HOLLAND, *Librarian, Supreme Court*

THE rule requiring the proper citing of cases from published reports is often overlooked or ignored in preparing briefs, although the Supreme Court has forcefully called attention to the rule in several of its opinions in recent years.

Supreme Court Rule No. 42 reads as follows:

“In citing cases from published reports, the title of the case shall be given as well as the volume and initial page and also the page whereon the matter for which the citation is made may be found. If a case is published in more than one series of reports, the citation to the official report should be given, if possible.”

This rule recognizes the fact that strict compliance is not always possible. Current reports of several important courts, both Federal and State, are found only in the National Reporter System. Examples are:

United States Circuit and District Court reports from 1880;

All decisions of the United States Circuit Court of Appeals since its organization in 1891;

The Texas Civil Appeals Reports, from volume 63, published in 1910, to date; and others.

The Supreme Court also recognizes the fact that the official reports are not always accessible in every part of the state. If such is the fact it should be noted at the beginning of the briefs. However, in the absence of the official reports, if the National Reporter Blue Book, or Shepard's Citations, or the American Digests are available, the initial page of the official reports should be shown.

It is not practicable or desirable for each of the Judges to maintain a complete reference library in his chambers in order to obtain the official citation when it is not shown, or to enable him to give the citations in his opinion to the unofficial reports which are customarily given with each official citation.

It is possible, however, to comply with Rule No. 42 in the great majority of cases cited, and in this connection the Supreme Court has said:

"We direct attention to our rule No. 42, which counsel for the defendants in error seem to have overlooked when preparing their briefs." *Hicks vs. Cramer, et al.*, 85 Colo. 409, P. 417.

"We again direct attention to Rule No. 42 of this Court." *Industrial Commission vs. Continental Investment Co.*, 85 Colo. 475, P. 479.

"Counsel on both sides, in preparing their briefs, have paid no attention to our Rule No. 42. A failure to comply with that rule may result in our striking briefs from the files." *Smart vs. Radetsky*, 86 Colo. 93, P. 97.

THE AMERICAN LEGAL HISTORY SOCIETY

By FRANCIS S. PHILBRICK of the University of Pennsylvania

ON December 29th last, in Chicago, an American Legal History Society was organized and its officers elected. The president of the new Society is Professor Joseph H. Beale of the Law School of Harvard University (Cambridge, Mass.), and the secretary and treasurer is Professor Francis S. Philbrick of the Law School of the University of