

3A: Cracking the Code: Teaching the Hidden Value of Legal Citation

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Introduction to the Purpose and Usefulness of Citation Exercise.

You are writing a paper about the best techniques in legal research. In your research you have come across the same article multiple times in different places: 'How Legal Research Rocks: Let Me Count the Ways' by Sanjay Tenurestein. The article strongly supports your thesis so you would like to cite to it. However, you have encountered the article in six different places:

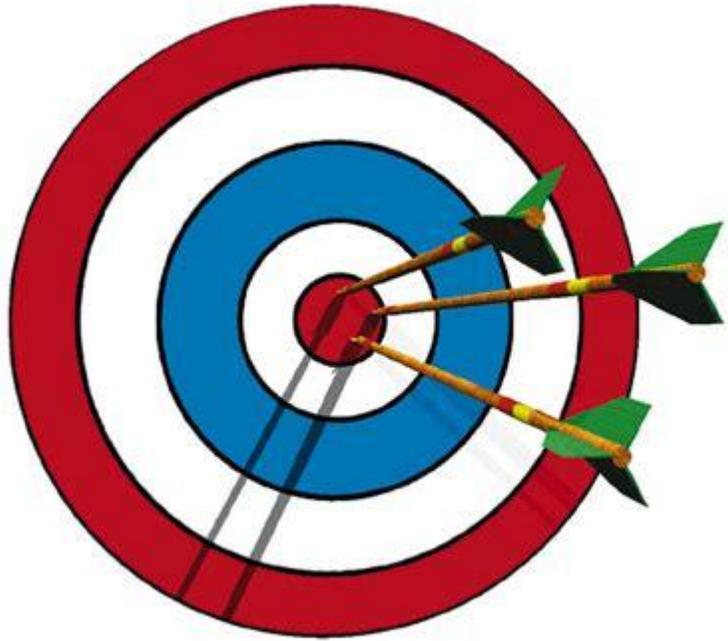
- A. The online institutional repository of the prestigious University that currently employs Tenurestein.
- B. Professor Tenurestein's personal square space webpage.
- C. The blog of the Concerned Legal Researches of the Midwest, a blog that aggregates and publishes articles of interest to the legal research community.
- D. SSRN
- E. Legal Reference Services Quarterly (in print)
- F. The Monograph entitled: The Best Legal Research Articles of the Decade, Published by Oxford University Press.

You must decide where your citation should point. Please break into groups and discuss the best place to cite to and explain your answer.

Potential points to be drawn out in discussion

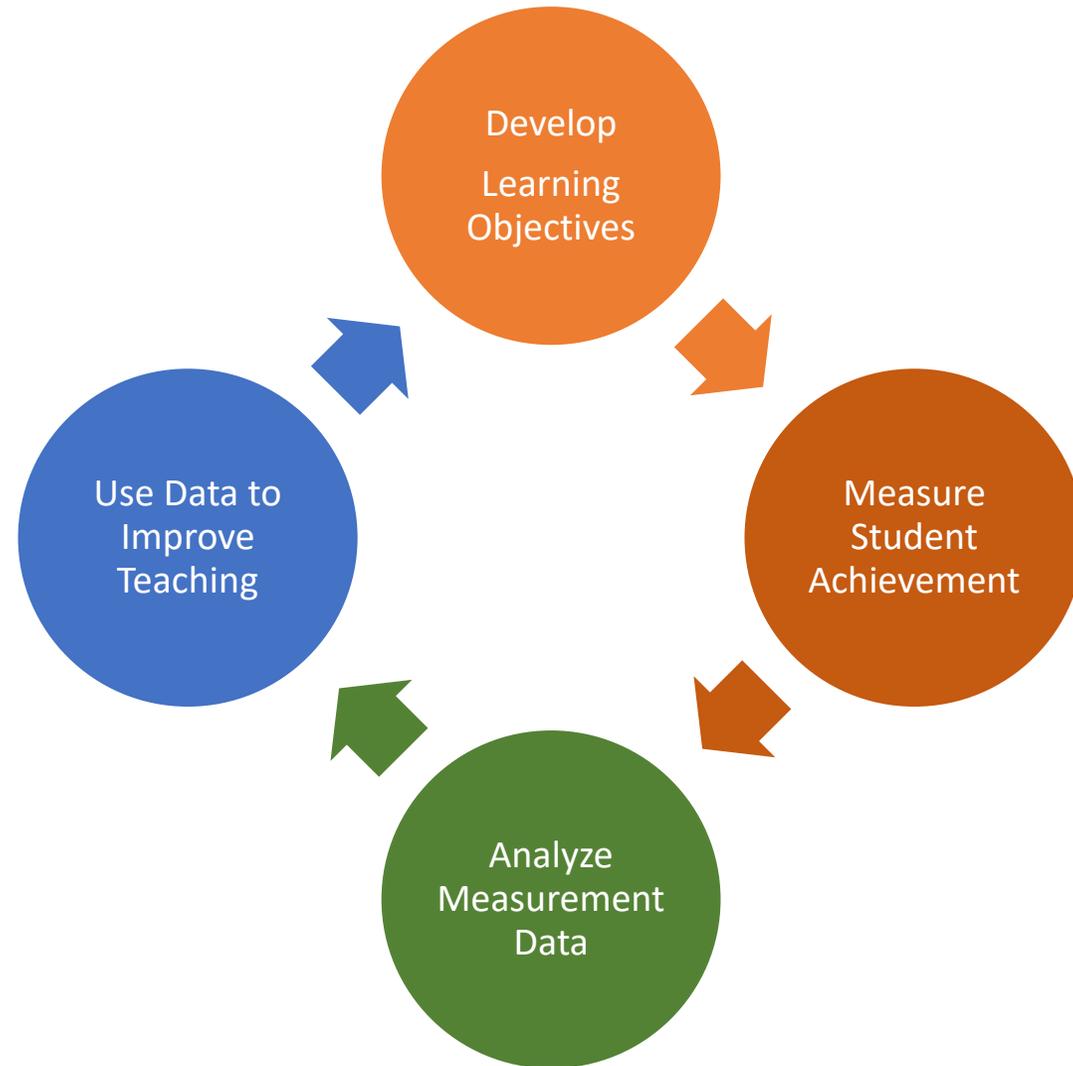
- Different citations point to places that convey different amounts of prestige (authority).
- Some places cited to will be more permanent than others
- Some places cited to will be easier for different audiences to access than others
- Some places are simply easier to put into a specific citation format
- A citation can give an impression of timeliness

Learning Objective:

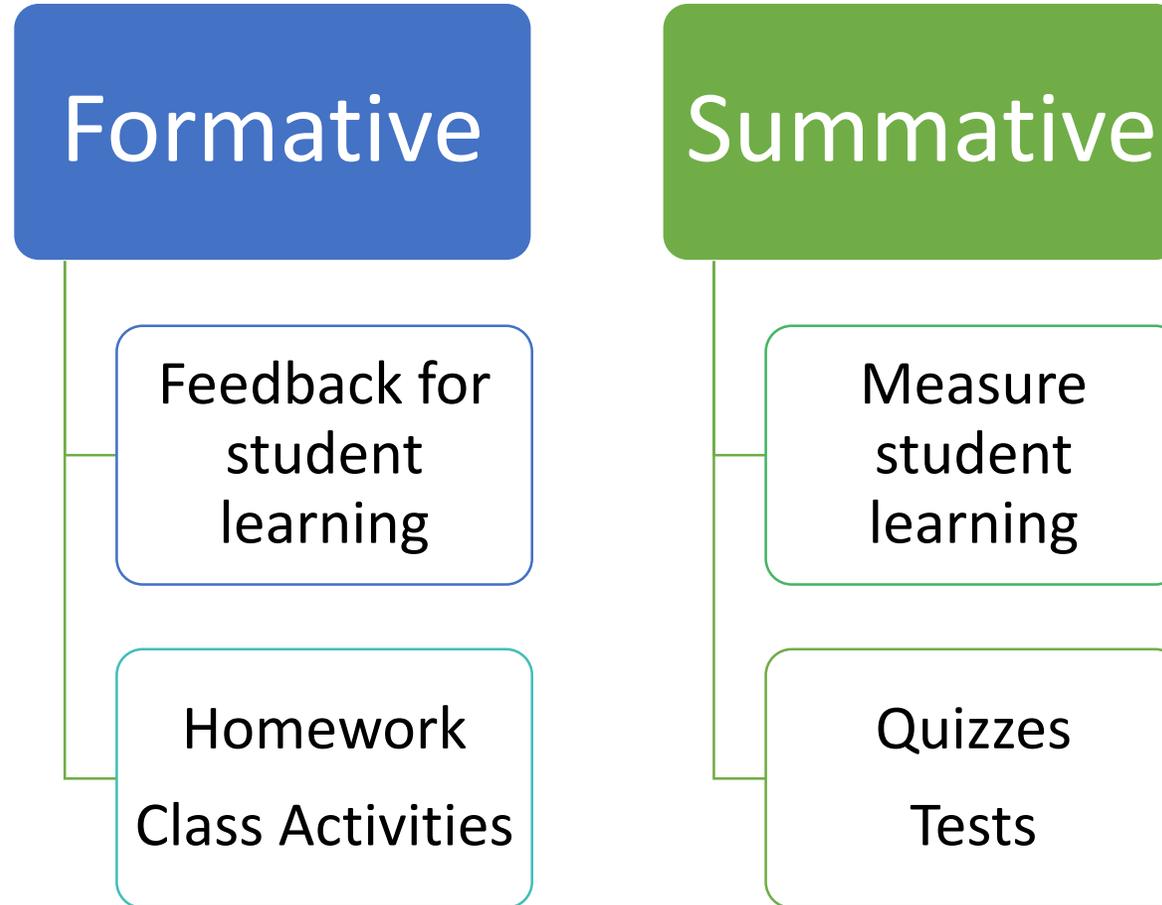


To understand that a citation conveys information and to assess the information conveyed.

Assessment: it's a **CYCLE**

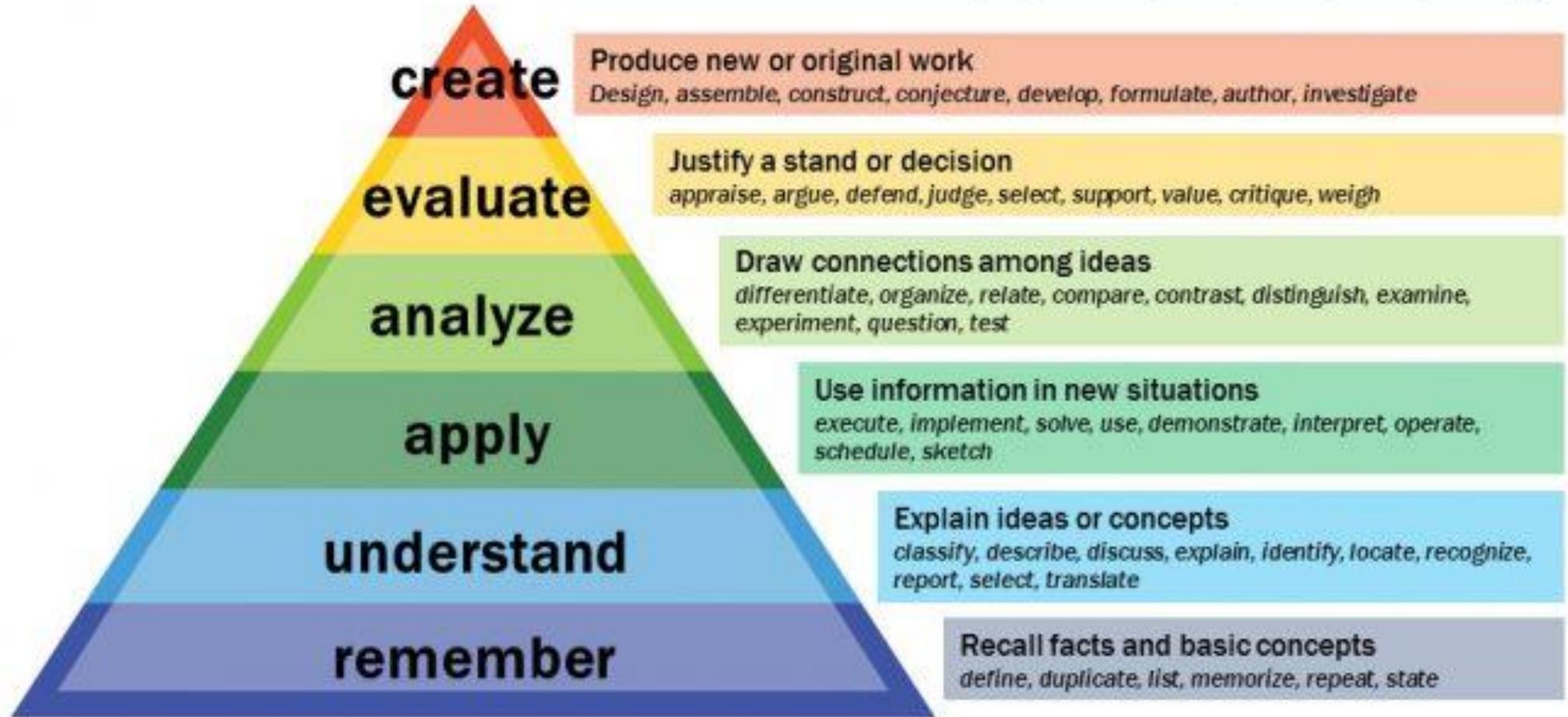


Types of Assessment (FEEDBACK)



Assessment

Bloom's Taxonomy



Vanderbilt University Center for Teaching

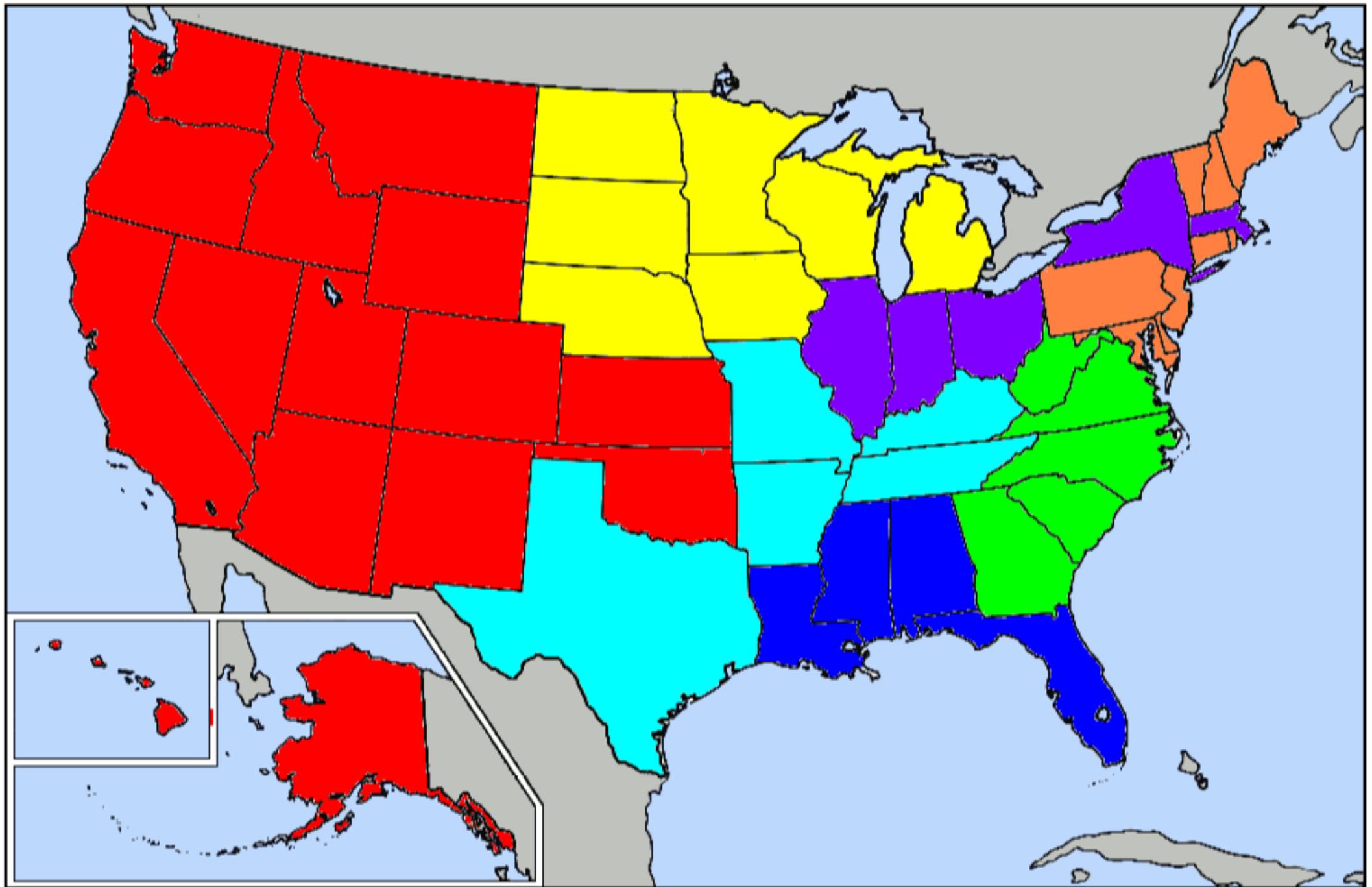
<https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/>

How to identify JURISDICTION and
AUTHORITY from a case citation

Case citations: Is it a Federal Court or a State Court?

- Which U.S. Court of Appeals covers Tennessee? _____
- Which West Regional Reporter covers Tennessee? _____

Federal Case Reporters		State Case Reporters (West's National Reporter System)	
U.S. Supreme Court		Region: Atlantic	States:
U.S. Supreme Court		Region: North Eastern	States:
U.S. Supreme Court		Region: North Western	States:
U.S. Court of Appeals (for the various circuits), precedential opinions		Region: Pacific	States:
U.S. Court of Appeals (for the various circuits), non-precedential opinions		Region: South Eastern	States:
U.S. District Courts		Region: South Western	States:
		Region: Southern	States:



MAALL Annual Meeting 2018

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For direction on which reporters are authoritative and, consequently, should be cited first in an order of preference, please consult the applicable court rules or, absent such rules, consult The Bluebook, 20th Edition, T1, pages 233-306.

U.S. Supreme Court (see The Bluebook, T1.1, page 233)

Reporter	Coverage	Publisher	Bluebook Citation Format
United States Reports	U.S. Supreme Court	U.S. Government Publishing Office (GPO)	U.S.
Supreme Court Reporter	U.S. Supreme Court	West (Thomson Reuters)	S. Ct.
United States Supreme Court Reports, Lawyers' Edition	U.S. Supreme Court	LexisNexis	L. Ed.

Federal Circuit and District Courts (see The Bluebook, T1.1, pages 234-236)

Reporter	Coverage	Publisher	Bluebook Citation Format
Federal Reporter	U.S. Court of Appeals (for the various circuits)	West (Thomson Reuters)	F., F.2d, F.3d
Federal Appendix	Unpublished/non-precedential opinions of the U.S. Court of Appeals (for the various circuits)	West (Thomson Reuters)	F. App'x
Federal Supplement	U.S. District Courts	West (Thomson Reuters)	F. Supp., F. Supp. 2d, F. Supp. 3d

State Courts (see The Bluebook, T1.1, pages 248-302)

*= includes only the state's highest appellate court

West Regional Reporter	State Highest and Intermediate Appellate Courts	Bluebook Citation Format
Atlantic Reporter	CT, DE, DC, ME, MD, NH, NJ, PA, RI, VT	A., A.2d, A.3d
North Eastern Reporter	IL, IN, MA, NY*, OH	N.E., N.E.2d, N.E.3d
North Western Reporter	IA, MI, MN, NE, ND, SD, WI	N.W., N.W.2d
Pacific Reporter	AK, AZ, CA*, CO, HI, ID, KS, MT, NV, NM, OK, OR, UT, WA, WY	P, P.2d, P.3d
South Eastern Reporter	GA, NC, SC, VA, WV	S.E., S.E.2d
South Western Reporter	AR, KY, MO, TN, TX	S.W., S.W.2d, S.W.3d
Southern Reporter	AL, FL, LA, MS	So., So. 2d, So. 3d
West's California Reporter	CA	Cal. Rptr., Cal. Rptr. 2d, Cal. Rptr. 3d
West's New York Supplement	NY	N.Y.S., N.Y.S. 2d

Illinois (see The Bluebook, T1.1, page 262)

Reporter	Court(s)	Dates	Bluebook Citation Format
North Eastern Reporter	IL Supreme + Appellate Courts	1884 – present	N.E., N.E.2d, N.E.3d
Illinois Official Reports	IL Supreme + Appellate Courts	2011 – present	IL
Illinois Reports	IL Supreme + Appellate Courts	1819 – 2011	Ill., Ill. 2d
West's Illinois Decisions	IL Supreme + Appellate Courts	1976 – present	Ill. Dec.
Illinois Court of Claims Reports	IL Circuit (Trial) Courts	1889 – present	Ill. Ct. Cl.

Jurisdiction (Federal)

Meritor Sav. Bank v. Vinson, 477 **U.S.** 57, 60 (1986).

Theunissen v. Matthews, 935 **F.2d.** 1454, 1460 (**6th Cir.** 1991).

Baranish v. Barnhart, 128 **F. App'x.** 481, 486 (**6th Cir.** 2005).

Little v. Shelby County, Tenn., 384 **F. Supp. 2d** 1169 (**W.D. Tenn.** 2005).



Jurisdiction (State)

State v. McGouey, 229 **S.W.3d** 668 (**Tenn.** 2007).

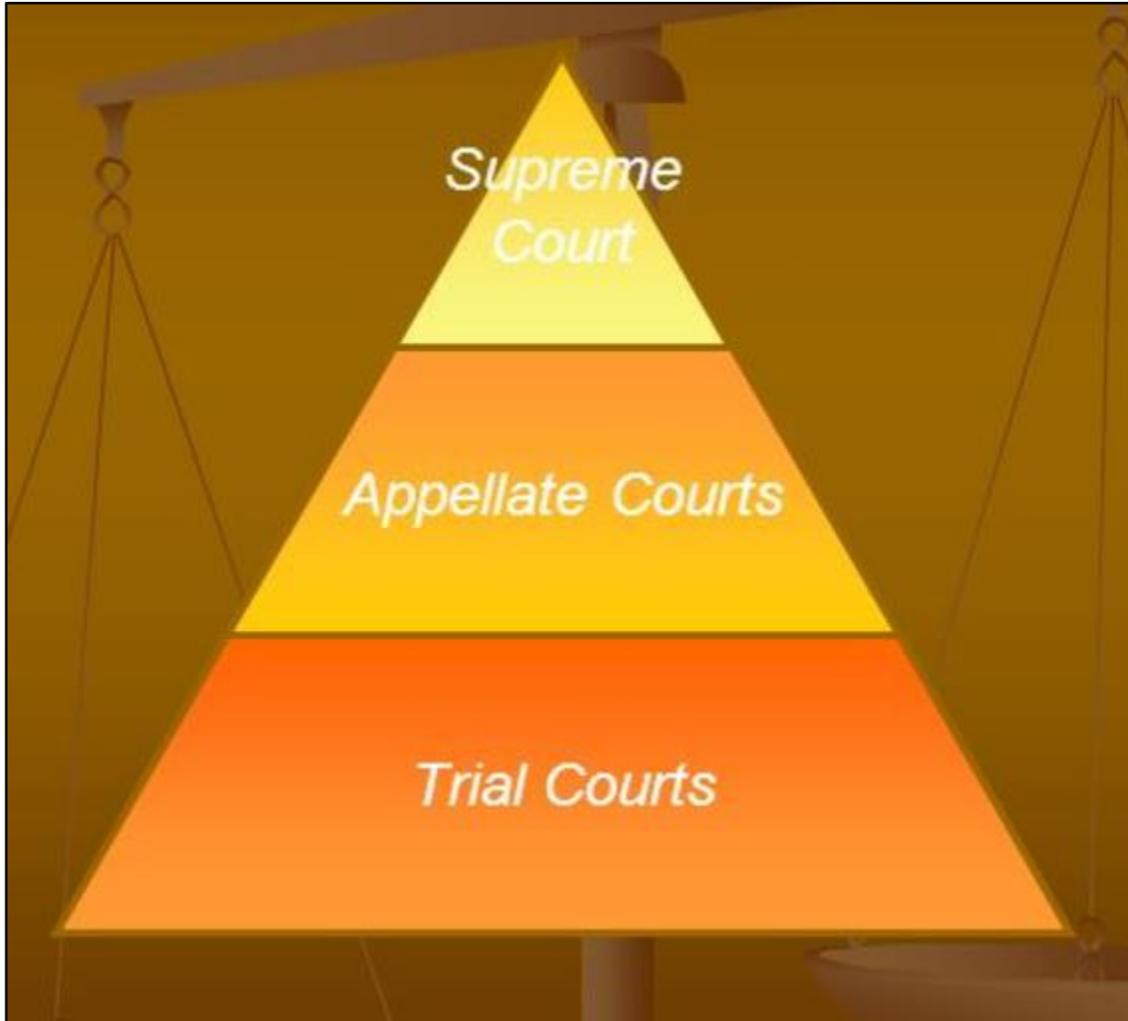
Messer Griesheim Industries, Inc. v. Cryotech of Kingsport, Inc.,
131 **S.W.3d** 457 (**Tenn. Ct. App.** 2003).

State v. Korsakov, 34 **S.W.3d** 534 (**Tenn. Crim. App.** 2000).

Hobbs v. State, 3 **Tenn. Crim. App.** 238 (1970).



Authority (Federal and State)



U.S. Supreme Court (**U.S., S. Ct., L. Ed.**)

U.S. Court of Appeals (Circuits) (**F., F.2d., F.3d, F.App'x**)

U.S. District Courts (organized by state; often regional districts within a state) (**F. Supp., F. Supp. 2d, F. Supp. 3d**)

State's Highest Appellate Court (**West's National Reporter System**)

State's Intermediate Appellate Courts (when applicable) (**West's National Reporter System, specialized for CA & NY**)

State's Trial Courts (look at The Bluebook, T.I.I, pages 248-302)

How to tell a STATUTE from a REGULATION

Online Everything Looks Alike

§ 1331. Congressional findings and declaration of policy

Currentness

Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

CREDIT(S)

([Pub.L. 92-195](#), § 1, Dec. 15, 1971, 85 Stat. 649.)

§ 9212.0–6 Policy

Currentness

It is the policy of the Bureau of Land Management to take all necessary actions to protect human life, the public lands and the resources and improvements thereon through the prevention of wildfires. Wherever possible, the Bureau of Land Management's actions will complement and support State and local wildfire prevention actions.

SOURCE: [46 FR 42828](#), Aug. 24, 1981, unless otherwise noted.

AUTHORITY: [43 U.S.C. 1701 et seq.](#)

Current through April 12, 2018; 83 FR 15755.

Online Everything Looks Alike

United States Code

16 U.S.C.A. § 1331

§ 1331. Congressional findings and declaration of policy

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([Pub.L. 92-195](#), § 1, Dec. 15, 1971, 85 Stat. 649.)

Code of Federal Regulations

43 C.F.R. § 9212.0-6

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SOURCE: [46 FR 42828](#), Aug. 24, 1981, unless otherwise noted.

AUTHORITY: [43 U.S.C. 1701 et seq.](#)

Current through April 12, 2018; 83 FR 15755.

Wren & Wren Chart

Christopher G. Wren & Jill Robinson Wren, *The Legal Research Manual: A Game Plan for Legal Research and Analysis*, 18 (2d Ed. 1986).

<https://www.amazon.com/Christopher-G-Wren-Research-Analysis/dp/B008VR91MW>

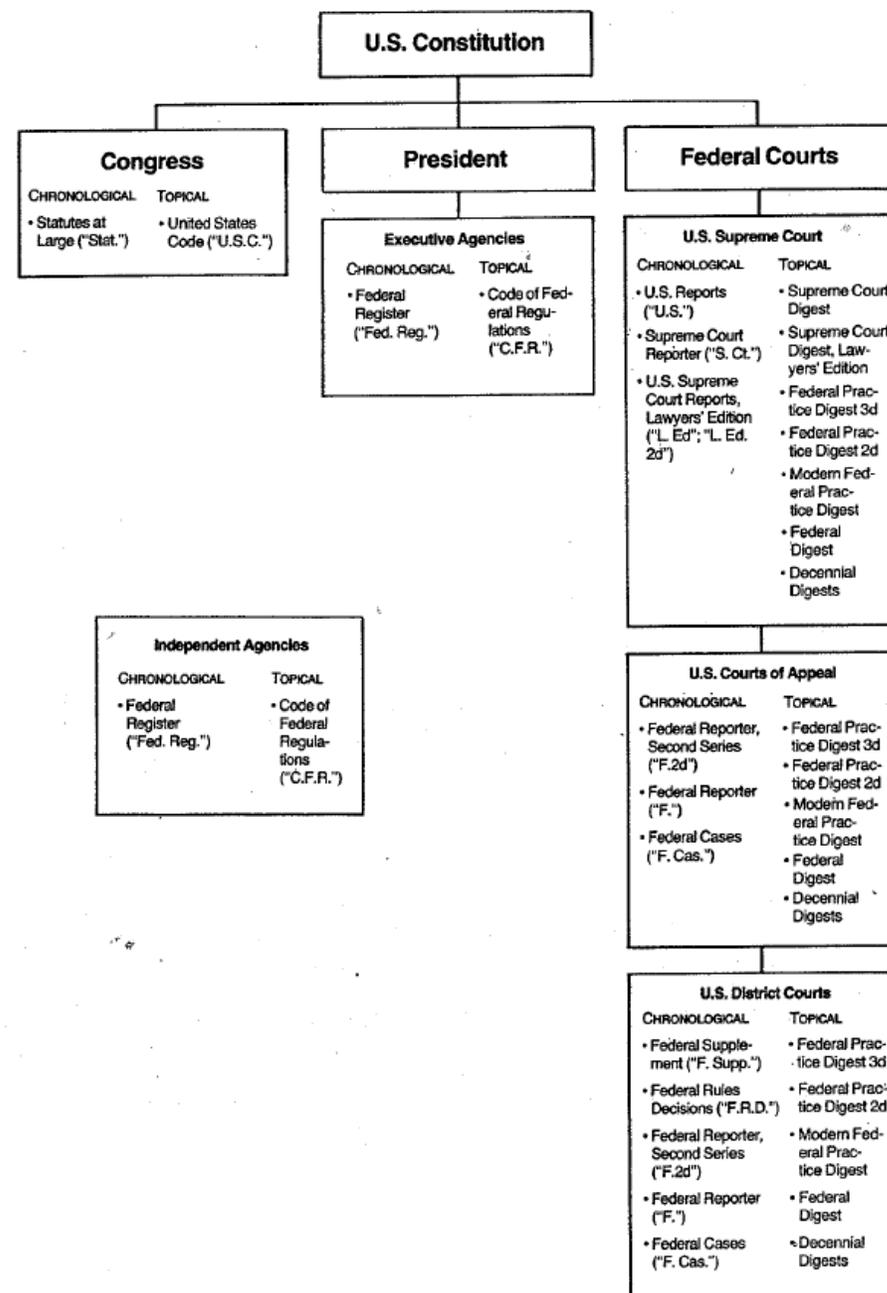


Figure L. Organizational Chart of Federal Government Entities and Their Corresponding Legal Research Sources

Statutes

Regulations

Chronological

Volume _____ Page

Containing Public Laws

PL ____ - ____

Chronological

Volume _____ Page

Topical

_____ § _____

Title _____ Section

Topical

_____ § _____

Title _____ Section



The Law of Wild Horses & Burros



§ 1338. Criminal provisions

(a) Violations; penalties; trial

Any person who--

- (1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or
- (2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or
- (3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

CREDIT(S)

(Pub.L. 92-195, § 8, Dec. 15, 1971, 85 Stat. 650; Pub.L. 101-650, Title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub.L. 108-447, Div. E, Title I, § 142(b), Dec. 8, 2004, 118 Stat. 3071.)

§ 4770.1 Prohibited acts.

The following acts are prohibited:

- (a) Maliciously or negligently injuring or harassing a wild horse or burro;
- (b) Removing or attempting to remove a wild horse or burro from the public lands without authorization from the authorized officer;
- (c) Destroying a wild horse or burro without authorization from the authorized officer except as an act of mercy;
- (d) Selling or attempting to sell, directly or indirectly, a wild horse or burro or its remains;
- (e) Commercially exploiting a wild horse or burro;
- (f) Treating a wild horse or burro inhumanely;
- (g) Violating a term or condition of the Private Maintenance and Care Agreement;
- (h) Branding a wild horse or burro;
- (i) Removing or altering a freeze mark on a wild horse or burro;
- (j) Violating an order, term, or condition established by the authorized officer under this part.

AUTHORITY: 16 U.S.C. 1331–1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

16 U.S.C.A. § 1338

§ 1338. Criminal provisions

(a) Violations; penalties; trial

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(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary, or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

CREDIT(S)

(Pub.L. 92-195, § 8, Dec. 15, 1971, 85 Stat. 650; Pub.L. 101-650, Title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub.L. 108-447, Div. E, Title I, § 142(b), Dec. 8, 2004, 118 Stat. 3071.)

43 C.F.R. § 4770.1

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(e) Commercially exploiting a wild horse or burro;

(f) Treating a wild horse or burro inhumanely;

(g) Violating a term or condition of the Private Maintenance and Care Agreement;

(h) Branding a wild horse or burro;

(i) Removing or altering a freeze mark on a wild horse or burro;

(j) Violating an order, term, or condition established by the authorized officer under this part.

AUTHORITY: 16 U.S.C. 1331–1340; 18 U.S.C. 47; 43 U.S.C. 315 and 1740.

And the answer is . . .



Statutes

Regulations

Chronological

Chronological

Statutes at Large

Federal Register

_____ **Stat.** _____
Volume Page

_____ **Fed. Reg.** _____
Volume Page

Containing Public Laws

PL ____ - ____
<session of Congress> - <number of law>

Topical

Topical

Legislative Code

Administrative Code

United States Code

Code of Federal Regulations

_____ **U.S.C. §** _____
Title Section

_____ **C.F.R. §** _____
Title Section or Part



Statutes

Regulations

Chronological

Chronological

Statutes at Large

Federal Register

85 Stat. 650

45 Fed. Reg. 31276

Volume Page

Volume Page

Containing Public Laws

PL 92-195

<session of Congress> - <number of law>

Topical

Topical

Legislative Code

Administrative Code

United States Code

Code of Federal Regulations

16 U.S.C. § 1338

43 C.F.R. § 9264.7

Title Section

Title Section or Part



And even secondary sources:

Roberto Iraola, *The Wild Free-Roaming Horses and Burros Act of 1971*, 35 *Envtl. L.* 1049, 1065 (2005)

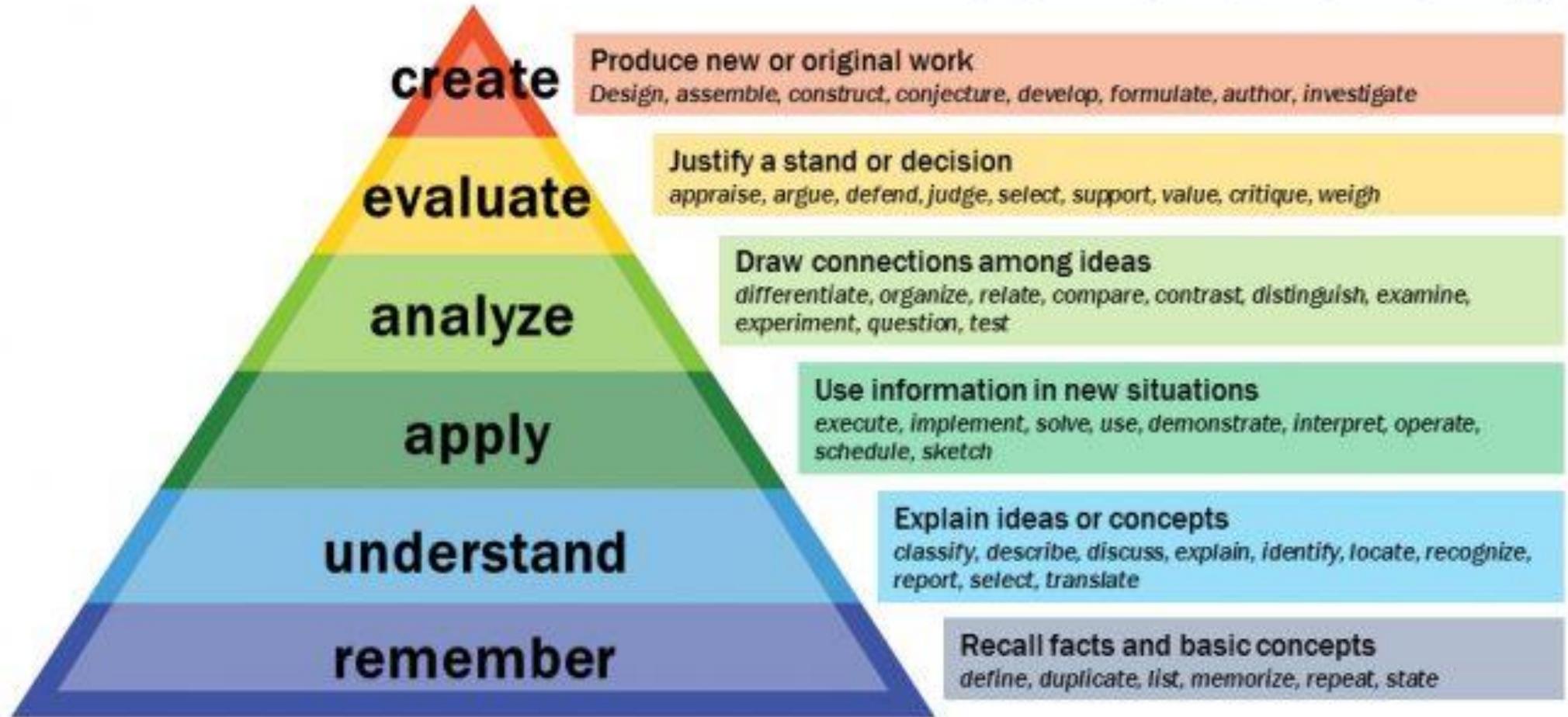
The Act provides that wild horses removed from public lands because of overpopulation are eligible for adoption by private parties if the Secretary determines that the potential adopters are “qualified individuals” and that they “can assure humane treatment and care” for the animals.¹⁰⁵ Unless the Secretary determines otherwise, a person may not adopt more than four animals per year.¹⁰⁶ If the adopter provides humane treatment and care for one year, the Secretary, upon application, is authorized to grant him title to the animal(s).¹⁰⁷

Roberto Iraola, *The Wild Free-Roaming Horses and Burros Act of 1971*, 35 *Envtl. L.* 1049, 1050 (2005)

In the United States, wild free-roaming horses and burros on public lands are deemed “living symbols of the historic pioneer spirit of the West and as such are considered a national aesthetic resource.”¹ At one time numbering in the millions, by the 1960s, the horse population had declined to seventeen thousand.² In 1971, concerned with this decline and recognizing the need for their protection, Congress enacted the Wild and Free-Roaming Horses and Burros Act (WFRHBA or Act).³

Assessment

Bloom's Taxonomy



Vanderbilt University Center for Teaching

<https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/>