

Admin.

February 11, 2021

## Memorandum 2021-2

**Commissioner Suggestions**

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At each meeting, the Commission<sup>1</sup> opens the floor to suggestions from the Commission's members. Suggestions may address any aspect of the Commission's business, including the proposal of a new study topic.

Commissioner David Carrillo has suggested that the Commission change the style it uses when citing court decisions. Specifically, he suggests that the Commission adopt the following practices from the *California Style Manual*:

- (1) Place the year of the decision in parenthesis immediately after the case name (rather than at the end of the citation).
- (2) Omit any spaces in abbreviating case reporter names.

Under the Commission's current practice, which is based on *The Bluebook: A Uniform System of Citation*, a case citation in a memorandum footnote would be structured as follows:

Bernard v. Foley, 39 Cal. 4th 794 (2006).

With the changes described above, the citation would be structured as follows:

Bernard v. Foley (2006) 39 Cal.4th 794.

**The Commission needs to decide whether to approve those changes to its citation practices.**

The Commission's existing use of Bluebook style has been in place since the Commission's inception. The staff sees some virtue in that constancy. It creates a consistent aesthetic for the Commission's publications.

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1. Any California Law Revision Commission document referred to in this memorandum can be obtained from the Commission. Recent materials can be downloaded from the Commission's website ([www.clrc.ca.gov](http://www.clrc.ca.gov)). Other materials can be obtained by contacting the Commission's staff, through the website or otherwise.

The Commission welcomes written comments at any time during its study process. Any comments received will be a part of the public record and may be considered at a public meeting. However, comments that are received less than five business days prior to a Commission meeting may be presented without staff analysis.

Leaving settled practices alone also avoids the effort required to adjust to new technicalities. This is a relatively minor concern if only one change is made. But if the introduction of one change invites a series of changes, based on changing Commissioner preferences over time, the inconvenience involved would be greater.

The proposed change would have the advantage of being more consistent with the style used in many official California documents, including court decisions, statutes, Attorney General opinions, and the like.

Retaining the existing style practice would be more consistent with the nationwide style taught in law schools and used in most academic journals, federal court decisions, and materials in other states.

**Should the proposed change be made?**

Respectfully submitted,

Brian Hebert  
Executive Director