

What's with the repetitious citing?

MY PREVIOUS COLUMN DISCUSSED LEADING INTO QUOTATIONS WITH A SUBSTANTIVE POINT, rather than with stock phrases like *The statute provides in pertinent part* and *The officer testified as follows* I mentioned—only in passing—that writers should avoid doubling up on the lead-in, a practice that often involves repeating the citation:

“Title 18 U.S.C. § 3585(a) governs the date a federal sentence com-

mences. ~~Section 3585(a) provides as follows:~~ [quotation].”

Now I think that advice is worth its own column because, with a little browsing, I was able to find other instances of inexplicable repeated citations of a single source for a single point in a statute or rule. Can we please do away with this? It's clunky to cite the same provision two or three times when once will do.

Incidentally, some authorities frown on embedding citations in the sentence as the examples do,¹ but I'll save the larger debate over where to put the citations for another day. The simple point here is to avoid the repetition. I've highlighted it in red below.

¹ See, e.g., Carolyn V. Williams, ALWD GUIDE TO LEGAL CITATION § 34.1(c) (7th ed. 2021).

BEFORE

Under the federal sentencing scheme, sentence modifications are available under very limited circumstances. A sentence reduction is permitted when the applicable Sentencing Guideline range has been lowered by the Sentencing Commission and it makes the amendment retroactive. See 18 U.S.C. § 3582(c)(2). Section 3582(c)(2) of Title 18 of the United States Code provides as follows:

[I]n the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission

18 U.S.C. § 3582(c)(2).

AFTER

The federal sentencing scheme allows sentence modifications under very limited circumstances. Under 18 U.S.C. § 3582(c)(2), a sentence reduction is permitted when the applicable Sentencing Guideline range has been lowered by the Sentencing Commission and it makes the amendment retroactive:

[I]n the case of a defendant [No citation needed after the quotation.]

BEFORE

Pursuant to Federal Rule of Civil Procedure 25, a party may move for substitution upon the death of any party. In pertinent part, Rule 25 provides as follows:

If a party dies and the claim is not extinguished

Fed. R. Civ. P. 25(a)(1).

AFTER

Under Federal Rule of Civil Procedure 25(a)(1), a party may move for substitution upon the death of any party:

If a party dies and the claim is not extinguished [No citation needed after the quotation.]

BEFORE

Federal Rule of Civil Procedure 10(a) requires that a plaintiff “name all the parties” in “[t]he title of the complaint.” Fed. R. Civ. P. 10(a).

AFTER

[Drop the second citation.]

BEFORE

Mr. McMaster further argues that the VA and the Board erred by considering pre-appointment evidence in violation of 5 C.F.R. § 315.805. Specifically, he argues that section 315.805 gives a probationary employee the opportunity to respond if the termination was based on pre-appointment evidence. 5 C.F.R. § 315.805. A review of the record shows that

AFTER

[Drop the third citation. And even better, you could start the second sentence with “Specifically, he argues that the rule”]



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