

Texas Citation Teaching Tips

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Texas
Rules of Form
The Greenbook

Fifteenth Edition
PUBLISHED BY THE
Texas Law Review

Lone ★ Star
Regional Legal Writing Conference
April 2023

Precedential Value and Citation of Texas Cases—Civil

Date	Court	Designation	*Precedential Value?	Citable?	How to Cite
All	Texas Supreme Court	All Texas Supreme Court decisions are published opinions	Binding	Yes	No special citation rules
All	Court of Appeals	“Opinion”	Binding (if from the binding COA)	Yes	No special citation rules
Before 1/1/03	Court of Appeals	“Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.7(b) 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	“Memorandum Opinion”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	“Memorandum Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “mem. op., not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7(b). 47.7 commentary; GB 4.1.2(c)
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Precedential Value and Citation of Texas Cases—Criminal

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All	All	“Opinion”	Binding (if from CCA or binding COA)	Yes	No special citation rules
All	Ct of Crim Appeals	“Do not publish”	Not binding or persuasive	No	TRAP 77.3: “must not be cited as authority” If citing for another reason, like to show a step in the history of a case, add notation “not designated for publication” following the full citation, in a separate parenthetical
All	Court of Appeals	“Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(b), 47.7(a); GB 4.1.2(b)
All	Court of Appeals	“Memorandum Opinion”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(b)
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	Before 9/1/97	On/after 9/1/97
Civil	writ history	petition history
Criminal	petition history	petition history

Rules and Tips for the Citation Game

1. Make sure students know to bring Bluebook, Greenbook, and computer to class.
2. Have students self-select into teams of 2-3 people and name their team.
3. Write the team names on the board.
4. Display the first page of a case on the class screen.
5. First team to get the cite ready raises hand, designates one person to write it on the board.
6. After the cite is on the board, others can offer friendly corrections.
7. This is a point-based game. How to earn points:
 - a. First team to have the cite ready and put it on the board: 1 point
 - b. If the cite as originally put on the board has no errors: 1 point
 - c. Any actually correct friendly correction: 1 point
 - d. Note: don't deduct for errors in writing the case or for errors for suggested friendly corrections
8. Each member of winning team gets a small prize, like a highlighter.
9. Extra tips:
 - a. No winging it. The citation must be written or typed out in full before raising your hand.
 - b. Ban the use of the citation feature in Westlaw or Lexis. They should be creating the cite on their own.
 - c. The person at the board is on their own. No help from teammates in the audience.
 - d. Create a hard signal for when the board writer is finished. The equivalent of taking your finger off the checker piece. I go by when the cap is replaced on the dry erase marker.
 - e. People might begin to see errors before the writer is finished, so keep an eye on the audience. I have them raise their hands, and I give them a number and then call on them in order after the writer finishes.
 - f. Update the case list each time you play to include a new case that will require a no pet. h. designation.
 - g. Emphasize that this a friendly competition. You'll do your best to see hands raised in order, etc. Have fun with it, and remember, at most, it's a highlighter on the line!
 - h. Bring extra prizes because you might have two teams tied, or come up with some sort of speed round/sudden death to break a tie.

Citation Game Cases

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2. *Tejas Elevator Co. v. Concord Elevator, Inc.*, 982 S.W.2d 578 (Tex. App.—Dallas 1998, no pet.) (mem. op.)
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9. *Madera's Favor of God, LLC v. Great Am. Ins. Grp.*, No. 13-21-00227-CV, 2021 WL 4780219 (Tex. App.—Corpus Christi—Edinburg Oct. 14, 2021, no pet.) (mem. op.)
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1. Start with Garner

“If you’re writing about Texas law and hope to seem to know what you’re doing, you’ll need to follow the guidance here. Many readers—perfectly decent and humane people in other respects—won’t give your writing a serious look if you don’t.”

Bryan Garner,
Foreword, *The Greenbook*

2. BB Table 1 Texas Pages— Rip Them Out!

- (not really)
- Tell students to never look at the Texas pages in Table 1.
- Not helpful.
- Sometimes just wrong.
 - says Tex. Civ. App. is still a thing
 - says to include dates/publisher on current Texas statutes
 - implies something called *The Texas Code* exists

3. Provide Context

- Why include cities in intermediate appellate court cites?
 - because each court has limited jurisdiction
 - without knowing the city, we don't know if that court is binding in our situation
- Why do the two high courts not have pet history?
 - because pet history is about appealing to another Texas court
 - there's no Texas court to appeal to from the highest court

4. Unpublished, Unreported, and Memorandum Opinions

- Teach this early.
 - Explain before they do their first Texas research.
- Integrate with discussion of the relevant TRAP rules.
- Focus on the decision maker.
 - What can West do?
 - What must a court do?
- Give them my handy chart to remember what's binding or persuasive and how to cite it all correctly.

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All	Texas Supreme Court	All Texas Supreme Court decisions are published opinions	Binding	Yes	No special citation rules
All	Court of Appeals	“Opinion”	Binding (if from the binding COA)	Yes	No special citation rules
Before 1/1/03	Court of Appeals	“Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.7(b) 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	“Memorandum Opinion”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	“Memorandum Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “mem. op., not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7(b). 47.7 commentary; GB 4.1.2(c)
On/after 1/1/03	Court of Appeals	“Memorandum Opinion”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.7 commentary; GB 4.1.2(a)
On/after 1/1/03	Court of Appeals	“Opinion” or “Memorandum Opinion” and “Do Not Publish”	Binding (if from the binding COA)	Yes	This would be an error; in civil cases, there is no proper option to designate a civil case as “Do Not Publish” as of 1/1/03. If an opinion is erroneously designated as “Do Not Publish,” ignore it; it does not affect the precedential value of the case. TRAP 47.2(c), 47.7(b)

*TRAP 47.7 and its commentary speak in terms of the whether unpublished or memorandum opinions have “precedential value.” That has been interpreted to mean whether the case is binding precedent (if issued from the binding court of appeals or from the high court) or whether it is persuasive precedent only (even if issued from the otherwise binding court). See *Carrillo v. State*, 98 S.W.3d 789, 794 (Tex. App.—Amarillo 2003, pet. ref’d); see also *Asplundh Tree Expert Co. v. Abshire*, 517 S.W.3d 320, 338 n.9 (Tex. App.—Austin 2017, no pet.).

4. Unpublished, Unreported, and Memorandum Opinions

Precedential Value and Citation of Texas Cases—Criminal

Date	Court	Designation	*Precedential Value?	Citable?	How to Cite
All	All	“Opinion” and “Publish”	Binding (if from CCA or binding COA)	Yes	No special citation rules
All	All	“Opinion”	Binding (if from CCA or binding COA)	Yes	No special citation rules
All	Ct of Crim Appeals	“Do not publish”	Not binding or persuasive	No	“must not be cited as authority” TRAP 77.3
All	Court of Appeals	“Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(b), 47.7(a); GB 4.1.2(b)
All	Court of Appeals	“Memorandum Opinion”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(b)
All	Court of Appeals	“Memorandum Opinion” and “Do Not Publish”	Persuasive only	Yes	Add notation “mem. op., not designated for publication” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.2(b), 47.4, 47.7(a); GB 4.1.2(b)
All	Court of Appeals	“Memorandum Opinion” and “Publish”	Binding (if from the binding COA)	Yes	Add notation “mem. op.” following the full citation, in a separate parenthetical TRAP 47.2(a), 47.2(b), 47.4; GB 4.1.2(b)

*TRAP 47.7 and its commentary speak in terms of the whether unpublished or memorandum opinions have “precedential value.” That has been interpreted to mean whether the case is binding precedent (if issued from the binding court of appeals or from the high court) or whether it is persuasive precedent only (even if issued from the otherwise binding court). See *Carrillo v. State*, 98 S.W.3d 789, 794 (Tex. App.—Amarillo 2003, pet. ref.d); see also *Asplundh Tree Expert Co. v. Abshire*, 517 S.W.3d 320, 338 n.9 (Tex. App.—Austin 2017, no pet.).

5. Pair Citation with Research

- Forces them to use citation skills immediately.
- Reinforces the importance of cities in citation because they are looking for binding courts.
- Finding unreported cases is inevitable. They need to know what to do with them.

6. Power Up the GB

- Point out the inside covers.
 - Front: basic cite form examples for most common cites
 - Back: abbreviations for all pet and writ history
- Tab key places.
 - 4.3.1: cities list
 - App. D: beginning of history explanations
 - App. H: abbreviations for all Texas statutes
- Bedazzle it!
 - Writ/pet history date chart on front cover
 - Unpublished/unreported/mem op chart on the back of the title page

6. Power Up the GB

	Before 9/1/97	On/after 9/1/97
Civil	writ history	petition history
Criminal	petition history	petition history

Precedential Value and Citation of Texas Cases—Civil					
Date	Court	Designation	*Precedential Value?	Citable?	How to Cite
All	Texas Supreme Court	All Texas Supreme Court decisions are published opinions	Binding	Yes	No special citation rules
All	Court of Appeals	"Opinion"	Binding (if from the binding COA)	Yes	No special citation rules
Before 1/1/03	Court of Appeals	"Opinion" and "Do Not Publish"	Persuasive only	Yes	Add notation "not designated for publication" following the full citation, in a separate parenthetical TRAP 47.2(a), 47.7(b) 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	"Memorandum Opinion"	Binding (if from the binding COA)	Yes	Add notation "mem. op." following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(c)
Before 1/1/03	Court of Appeals	"Memorandum Opinion" and "Do Not Publish"	Persuasive only	Yes	Add notation "mem. op., not designated for publication" following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7(b), 47.7 commentary; GB 4.1.2(c)
On/after 1/1/03	Court of Appeals	"Memorandum Opinion"	Binding (if from the binding COA)	Yes	Add notation "mem. op." following the full citation, in a separate parenthetical TRAP 47.2(a), 47.7 commentary; GB 4.1.2(a)
On/after 1/1/03	Court of Appeals	"Opinion" or "Memorandum Opinion" and "Do Not Publish"	Binding (if from the binding COA)	Yes	This would be an error; in civil cases, there is no proper option to designate a civil case as "Do Not Publish" as of 1/1/03. If an opinion is erroneously designated as "Do Not Publish," ignore it; it does not affect the precedential value of the case. TRAP 47.2(c), 47.7(b)

Precedential Value and Citation of Texas Cases—Criminal					
Date	Court	Designation	*Precedential Value?	Citable?	How to Cite
All	All	"Opinion" and "Publish"	Binding (if from CCA or binding COA)	Yes	No special citation rules
All	All	"Opinion"	Binding (if from CCA or binding COA)	Yes	No special citation rules
All	Ct of Crim Appeals	"Do not publish"	Not binding or persuasive	No	TRAP 77.3: "must not be cited as authority" If citing for another reason, like to show a step in the history of a case, add notation "not designated for publication" following the full citation, in a separate parenthetical
All	Court of Appeals	"Opinion" and "Do Not Publish"	Persuasive only	Yes	Add notation "not designated for publication" following the full citation, in a separate parenthetical TRAP 47.2(b), 47.7(a); GB 4.1.2(b)
All	Court of Appeals	"Memorandum Opinion"	Binding (if from the binding COA)	Yes	Add notation "mem. op." following the full citation, in a separate parenthetical TRAP 47.2(a), 47.4, 47.7 commentary; GB 4.1.2(b)
All	Court of Appeals	"Memorandum Opinion" and "Do Not Publish"	Persuasive only	Yes	Add notation "mem. op., not designated for publication" following the full citation, in a separate parenthetical TRAP 47.2(a), 47.2(b), 47.4, 47.7(a); GB 4.1.2(b)
All	Court of Appeals	"Memorandum Opinion" and "Publish"	Binding (if from the binding COA)	Yes	Add notation "mem. op." following the full citation, in a separate parenthetical TRAP 47.2(a), 47.2(b), 47.4; GB 4.1.2(b)

*TRAP 47.7 and its commentary speak in terms of the whether unpublished or memorandum opinions have "precedential value." That has been interpreted to mean whether the case is binding precedent (if issued from the binding court of appeals or from the high court) or whether it is persuasive precedent only (even if issued from the otherwise binding court). See *Carillo v. State*, 98 S.W.3d 789, 794 (Tex. App.—Amarillo 2003, pet. ref'd); see also *Asplundh Tree Expert Co. v. Abshire*, 517 S.W.3d 320, 338 n.9 (Tex. App.—Austin 2017, no pet.).

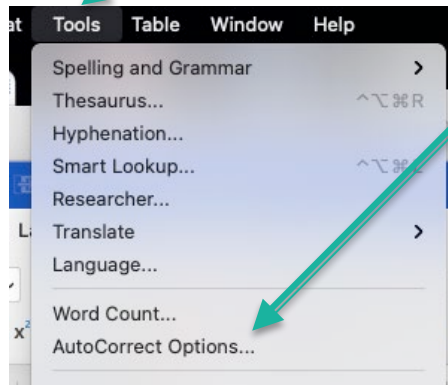
7. Electronic Shortcuts

- Keyboard shortcuts
 - em-dash
 - Windows: alt+0151
 - Mac: option+shift+hyphen
 - en-dash
 - Windows: alt+0150
 - Mac: option+hyphen
 - section symbol
 - Windows: alt+21
 - Mac: option+6 (do not use number pad)
 - paragraph symbol
 - Windows: alt+20
 - Mac: option+7 (do not use number pad)

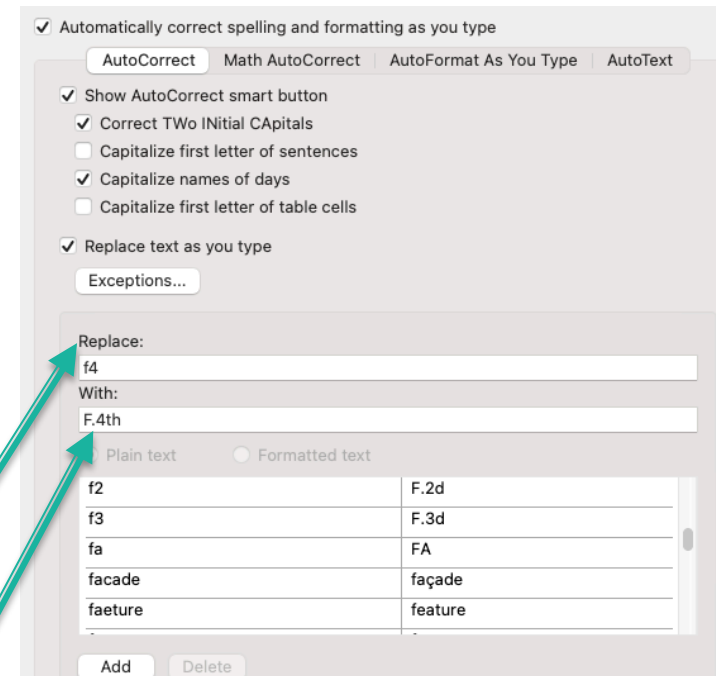
7. Electronic Shortcuts

- Create AutoCorrect Shortcuts in Word

- Tools → AutoCorrect Options



Tip: type the replacement text in Word and highlight it before opening AutoCorrect options, and that text will be auto-populated in the "with" box



- Add the text you want to replace and then what you want to replace it with. Then click Add.

7. Electronic Shortcuts

- Examples of Useful AutoCorrect Shortcuts

sss. = §

ppp. = ¶

s2 = S.W.2d

s3 = S.W.3d

f2 = F.2d

f3 = F.3d

f4 = F.4th

fs = F. Supp.

fs2 = F. Supp. 2d

fs3 = F. Supp. 3d

texx. = (Tex.

txcrim. = (Tex. Crim. App.

txapp. = (Tex. App.—

h1 = Houston [1st Dist.]

h14 = Houston [14th Dist.]

cce. = Corpus Christi–Edinburg

fif. = (5th Cir.

eeoc = EEOC

usc = U.S.C.

sct = S. Ct.

8. Make It Fun!

- The Citation Game
 - Repetition/practice
 - Competition = motivation
 - Hands on
- Handout gives the rules and examples to use.
- Examples cover a wide range:
 - Variety of courts
 - Pet and writ history
 - Unpublished, unreported, and mem ops

9. One-Year Rule

- When to use no pet. vs. no pet. h.
- GB isn't that helpful:
 - App. D: "With some exceptions, to be timely filed a petition must be filed within 45 days of . . ."
 - App. F: "generally within 30 days . . ."
- Not always easy for students to tell if rehearing has been sought or denied.
- Extensions may be granted. Covid, etc.
- I teach the one-year rule: if no history is indicated and date of opinion is less than one year, use no pet. h.

10. Rehearing Doesn't Count

- Common mistake: including rehearing history and confusing it with pet history
- Clearly explain the difference between rehearing and pet history.
 - Rehearing: fix before I tatttle
 - Pet history: I'm tattling

11. Quick Bonus Tips

- Never use Tex. Civ. App.
 - Even though old cases use it
 - Even though Lexis uses it
- No dates when citing current statutes
- Pet. ref'd, criminal vs. civil
 - Criminal: no big deal, routine
 - Civil: very big deal, court no longer uses

Questions?

- Reach out for questions or for digital copies of materials:

dshu@stcl.edu