

Subject: ABA Citation Resolution**Date:** Fri, 14 Mar 1997 15:25:00 +0000**From:** NET9!PO9!BiermanL@aba.attmail.com (Bierman, Luke)**To:** citation@teo.uscourts.gov**CC:** NET9!PO9!aba!NET9!PO9!BiermanL@aba.attmail.com,
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The following is submitted on behalf of the ABA Judicial Division, Hon. Norma L. Shapiro, Chair. Questions can be referred to Luke Bierman, Director, Judicial Division, 541 North Fairbanks Court, Chicago, IL 60611, phone 312-988-5703, fax 312-988-5709, email biermanl@staff.abanet.org

Comment on Adoption of ABA Citations Resolution

Three of the six Judicial Division Conferences supported the ABA resolution on citations. It should be noted, however, that three constituencies of the ABA who are very affected by this policy, the Appellate Judges Conference, the National Conference of Federal Trial Judges and the Conference of Chief Justices, all opposed its adoption. Three reasons are paramount:

1) Instead of encouraging adoption of a uniform electronic citation format and encouraging its use as a parallel cite to the Reporters currently in use, the policy encourages adoption of the new format as the primary cite. Thus, it recommends that courts not require page citation to current Official Reporters. This would leave courts that are not online without precise citation to readily-available authority.

2) It may be premature to adopt the ABA model until litigation is resolved; the Conference of Chief Justices advises that there may be litigation pending involving West Publishing Company and the copyright issue over pin-point citations.

3) The Conference of Chief Justices is currently conducting a survey of all state courts seeking information on how the proposed system would operate and the costs of this changed system. Until this information is analyzed, the Conference of Chief Justices is opposed to the ABA recommendation as to citation style and proper respect for federal/state judicial relations suggests that the Judicial Conference (and federal judiciary generally) should defer at least for the present. It also should be noted that with regard to citation in state reporters, there is likely to be little implementation of the ABA policy until the Conference of Chief Justices is satisfied with the format.

cc: Conference of Chief Justices