

PRACTICE TIP SHEET

A Cite Checking Checklist

I used to love the library as a kid, so spending time in law libraries seems like a natural progression for me, although in this digital age, I spend less time in a physical law library than a virtual one.

One of the tasks I am frequently called on to perform in my paralegal career is cite checking legal briefs. At one of my previous law firms, cite checking was a primary duty of the paralegal department and for some of us, it comprised the largest volume of our tasks in any given week. Now that I'm a contract paralegal, I still find myself performing a lot of cite checking for my attorney clients.

What it is? So what exactly do we mean when we talk about cite checking? Cite checking involves reviewing and verifying the accuracy and completeness of all citations contained in a legal brief or memorandum. It typically has two elements: 1) verifying citations to the case law, statutes and other authorities contained in the memorandum; and 2) verifying citations to the record.

Why is this important? It is important because in motion practice, accuracy counts! Your attorney may be more focused on the content of his or her arguments than on the details of all those cites. It is surprisingly easy for little typos to slip into citations or quotes, even for the most meticulous writer. A second pair of eyes is often needed to spot and correct those errors. An accurate brief makes our supervising attorneys look good. An accurate brief is in the best interest of our clients. And finally, an accurate brief makes us look good too! Errors in citations may not lose a motion, but they certainly do nothing to enhance one's reputation for professionalism.

So without further ado, here are some tips.

Checklist for Cite Checking Best Practices:

1. Gather all case law, statutes and other authorities cited in the brief so you can check them more efficiently.
2. Verify the accuracy of the case name, reporter, page number and year - or author, title and publication year - of each source.
3. Review all case and statute citation formats for conformity to whichever citation scheme your attorney prefers. I became most familiar with the Bluebook early in my career, and that is still the format I use, but defer to your attorney's preference.
4. For each case citation, make sure the cited page of the case accurately reflects the content in the brief.
5. Carefully check each quotation word for word to assure that it is a verbatim reflection of the language in the case or statute, complete with accurate spelling and punctuation. Use appropriate ellipses and brackets when language is omitted or altered.
6. If requested by your attorney, Shepardize® or KeyCite® each case to assure it is still good law.

7. If requested by your attorney, mark all cases, statutes and treatises in the brief in order to create tables of authorities.
8. Gather all supporting evidence, whether in the form of declaration exhibits, request for judicial notice exhibits, or compendium of exhibits to a separate statement of undisputed facts.
9. Review each record citation to assure the correct exhibit and page has been cited.
10. Carefully review all quotations for accuracy to assure the quote in the brief is a verbatim reflection of the language in the exhibit.
11. Compile all exhibits with appropriate slip sheets.
12. If required by your jurisdiction, mark or bracket all referenced pages and lines in preparation for filing with the court.

By following these best practices, you can help assure the accuracy of your attorney's motion prior to filing with the court, assist your firm's clients with their cases, and put your own most professional foot forward. It's a win-win for all!