

Overview of *The Greenbook* 12th Edition

by Judy L. White¹

Significant Changes

- The cover and title
- Follow the rules in *The Bluebook* except as modified in *The Greenbook* (p. iv)
- In case of conflicts, follow *The Greenbook* when citing Texas authorities (p. iv)
- Cite to West as the publisher of statutes and rules, not Vernon (r. 10.1.1, p. 44)
- Use an em-dash between the court of decision and the city: (Tex. App.—Dallas) (r. 4.1.1, p. 15)

Typeface Conventions - Briefs and Legal Memoranda

- Italicize case names, procedural phrases, and titles of publications in briefs and legal memoranda; use roman type for everything else (statutes, reporters, rules, etc.) (ch. 1, pp. 1–4)

Opinions Issued by the Texas Supreme Court

- When referring to the Texas Supreme Court without using the word “Texas,” do not capitalize Supreme or Court, because “Supreme Court” refers to the United States Supreme Court. Instead, state “supreme court.” Also, most cases refer to this court as the “Texas Supreme Court,” although its official name is “Supreme Court of Texas.”
- Cite only the *South Western Reporter*. If the opinion is too recent to appear in the reporter, you must include a cite to an electronic database. (r. 2.1.2(c), p. 8)
- No longer necessary to include parallel citation to *Texas Reports*. (r. 2.3.2, p.9)
- The Westlaw citation form always includes the case name in italics followed by a comma and the court’s case number, followed by another comma and the Westlaw citation, followed by another comma, the pinpoint cite, and in parentheses “Tex.” and the abbreviated full date of the opinion (abbreviations for the months of the year are located in *The Bluebook*, T12):

City of Keller v. Wilson, No. 02-1012, 2005 WL 1366509, at *1 (Tex. June 10, 2005).

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Short form: *City of Keller*, 2005 WL 1366509, at *2.

- Do not include subsequent history unless it is from the Supreme Court, and do not include denials of certiorari for opinions over two years old unless particularly relevant. (r. 2.2, pp. 8–9)

- Include a separate parenthetical if the case was an original proceeding. (r. 6.1, p. 32)

Flores v. Fourth Court of Appeals, 777 S.W.2d 38 (Tex. 1989) (orig. proceeding)

- Include a separate parenthetical if the opinion was issued per curiam.

(Tex. 2009) (per curiam)

- A recent supreme court opinion indicates that the “(per curiam)” parenthetical goes before the “(orig. proceeding)” parenthetical. See *Robinson v. Crown Cork & Seal Co., Inc.*, No. 06-0714, 2010 WL 4144587, at *12 n.122 (Tex. Oct. 12, 2010).

Opinions Issued by the Texas Court of Criminal Appeals

- Same rules that apply to the Texas Supreme Court, except the court designation is “Tex. Crim. App.”

- No longer necessary to include a parallel citation to *Texas Criminal Reports*. (r. 3.3, p. 13)

- If the opinion was by a panel of the court, include a designation to that effect. (r. 3.1.1, p. 11):

Stringer v. State, 632 S.W.2d 340 (Tex. Crim. App. [Panel Op.] 1982)

- Do not use “en banc” at the end of the citation.

Opinions Issued by the Courts of Appeals

- The date of the decision determines how the case is cited. Look for two dates: before or after September 1, 1981 AND before or after September 1, 1997.

- Prior to September 1, 1981, the intermediate appellate courts heard only civil appeals. When the courts of civil appeals were given jurisdiction to hear criminal appeals in 1981, they became the courts of appeals and “civil” was dropped from the name.

- Cases decided before September 1, 1981: Use “Tex. Civ. App.” (r. 4.2.1, p. 18)

- Cases decided on and after September 1, 1981: Use “Tex. App.” (r. 4.1.1, pp. 14–15)

- Civil cases decided before September 1, 1997: cite to writ history (writ denied, writ ref’d n.r.e., etc.) (r. 4.4.2, p. 23)

- Civil cases decided on and after September 1, 1997: cite to petition history (r. 4.4.1, p. 22)
- Subsequent history in criminal cases remains unchanged (still petition history)
- When to use “no pet. h.” or “no pet.”

Use “no pet. h.” when the time for filing a petition for review with the Texas Supreme Court or the time for filing a petition for discretionary review with the Texas Court of Criminal Appeals has not yet passed. (“Practice Tip,” pp. 23, 25). Check petition history for recent cases at Texas Courts Online, www.courts.state.tx.us.

- If the court gives a reason for granting or refusing a request for review, include that information in italics as subsequent history. (r. 4.6.1(b), p. 26)

Court Names in Citations

- Never abbreviate Texas courts of appeals in citations (r. 4.3.1, pp. 19–20).
- *The Bluebook* states to abbreviate Dallas (Dall.) and Houston (Hous.), but *The Greenbook* controls when there is a conflict. (p. iv)

Memorandum Opinions

- Beginning January 1, 2003, the courts of appeals must publish an opinion in every civil case and designate the opinion as either an “opinion” or a “memorandum opinion.” Memorandum opinions must be designated in a separate parenthetical. (r. 4.1.2(a), p. 16)
- Unpublished cases before January 1, 2003 lack precedential value.
- All civil opinions on or after January 1, 2003 have precedential value, even if designated “mem. op.” (r. 4.1.2(c), p. 16; TRAP 47 & cmt.)
- Criminal opinions also must be designated “opinion” or “memorandum opinion” and further designated “publish” or “do not publish.”
- If the criminal opinion is both a memorandum opinion and a do not publish opinion, include a notation within the same parenthetical: (mem. op., not designated for publication)

- Include a parenthetical “(op. on reh’g)” only if both opinions are reported and you’re citing the opinion on rehearing. Be sure to cite the correct date—sometimes opinions and opinions on rehearing are issued in different years.

Citing to the Reporter’s Record and Clerk’s Record

- Please cite to the record and check cites for accuracy. (r.7.3, pp. 37–38)
- Refer to the Reporter’s Record as “R.R.” Use either numbers or roman numerals to cite to the volume:

4 R.R. at 23 OR IV R.R. at 23

- Refer to the Clerk’s Record as “C.R.”

4 C.R. at 23 OR IV C.R. at 23

- Use “Suppl.” instead of “C.R.” if citing to a supplemental clerk’s record. [If the record also contains a supplemental reporter’s record, then cite Suppl. C.R. and Suppl. R.R.]

Mandamus/Original Proceedings

- Indicate if the proceeding was a mandamus or other original proceeding by stating “orig. proceeding” in the place for subsequent history. (r. 6.1–.2, pp. 32–35)

In re Ruiz, 16 S.W.3d 921 (Tex. App.—Waco 2000, orig. proceeding).

- If the Texas Supreme Court has taken action, indicate the action it took in brackets. If the court issued an opinion, along with the ruling, cite the opinion also:

In re Onstad, 20 S.W.3d 731, 733 (Tex. App.—Texarkana 2000, orig. proceeding [mand. denied]).

Contico Int’l, Inc. v. Alvarez, 910 S.W.2d 29 (Tex. App.—El Paso 1995, orig. proceeding), *mand. granted*, *Mendoza v. Eighth Court of Appeals*, 917 S.W.2d 787 (Tex. 1996).

In re Luna, No. 01-03-01055-CV, 2004 WL 2005935 (Tex. App.—Houston [1st Dist.] Sept. 9, 2004, orig. proceeding [mand. pending]).

- The citation rules are different for cases decided before 9/1/97, so check *The Greenbook* (p. 32).

Statutes

- Cite to West, not Vernon. Statute abbreviations are on pp. 117–18.
- If cited provision appears partly in a bound volume and partly in a supplement:

(West 1988 & Supp. 2010)
- If cited provision appears in a pamphlet that does not supplement a bound volume, do not use “Supp.” (r. 10.1.4, 10.2.1, pp. 46, 48)
- When citing multiple sections and all appear in the same volume, use two section symbols and cite in numerical order with one reference to the bound volume. (Same with regard to multiple articles - use “arts.”) (r. 10.1.5, pp. 46–47)

Tex. Health & Safety Code Ann. §§ 286.101, 361.502, 433.045 (West 1992)
- When citing multiple sections that appear in different volumes, cite in numerical order as follows:

Tex. Parks & Wild. Code Ann. § 31.005 (West 1991), §§ 42.002, 43.001 (West Supp. 1997)
- If the statute or session law is available in print format, cite to it. If not, cite to an electronic version as follows: (r. 10.5, p. 57)

(West, Westlaw through 2009 Sess.)
- When citing to an expired, amended, or repealed statute, you must cite to the Texas Session Laws. (r. 10.3, 10.4, pp. 53–56)

Citing City Charters and Ordinances

- Cite similarly to statutes (r. 10.6, p. 57)

Citing Rules

- The rules for citing some State Bar Rules, etc. have changed. Two examples are the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure:

Tex. Disciplinary Rules Prof’l Conduct R. 1.02(a)(2)
Tex. Rules Disciplinary P. R. 2.16(A)
[before, “Rules” was abbreviated and there was no “R.” before the rule number]
- Continue to cite rules of evidence and procedure as before (r. 13.2, 13.3, pp. 66–68)

Miscellaneous

- When using the signal “*See, e.g.*,” italicize the first comma, but not the second.
- *The Greenbook* contains citation forms for:
 - Municipal laws and ordinances
 - Rules of evidence and procedure
 - Legislative history and resolutions
 - House & senate journals, bill analysis, testimony & debate
 - Gubernatorial messages
 - Attorney general and other advisory opinions
 - Administrative rules and regulations
 - State Bar rules, professional conduct, and admission to the bar rules
 - Books, encyclopedias, etc.
 - Conference and institute proceedings
- *The Greenbook* contains information about the meaning of petitions for review and writs of error and their abbreviations.

Errors in *The Greenbook*

- Page i – Citing “Books” is discussed in Ch. 18, not Ch. 19.
- Page 8 – rule 2.1.2(c) – the example for citing the Texas Supreme Court Journal is incorrect. “Tex.” should be deleted.
- Page 19 – rule 4.2.2 – the text states to include a parallel cite to the *Texas Civil Appeals Reports*, but the example does not include a parallel citation. Because other parallel-cite requirements were eliminated in this edition, the example is most likely correct and the text is not.
- Page 27 – rule 4.6.2 – do not capitalize “parte” in a case styled *Ex parte*.
- Page 50 – rule 10.2.2(e) and page 117 Appendix H. The references to the “Estates and Guardianships Code” are most likely incorrect. The West 2010 pamphlet is entitled “Estates Code” and includes guardianship proceedings and other matters from the probate code.
- Page 58 – rule 10.6.1 – the example is incorrect. “Houston” should be abbreviated to “Hous.” because it is abbreviated in *The Bluebook* T10.
- Page 96 – rule 18.1.2 – the examples are incorrect. Dorsaneo’s name should appear with a comma as follows: William V. Dorsaneo, III
(The example on p. 95 – rule 18.1 – is correct.)