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New Edition of State's "Tanbook" Implements Extensive Revisions in Quest for Greater Clarity

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Inside
Administrative Hearings
Exculpatory Clauses
Last Resort Estate Plans
SLAPP Suits
Real Property Section
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BY GERALD LEBOVITS

Question: What’s tan and black and should be read all over? Answer: The Official Edition New York Law Reports Style Manual 2002, effective March 1, 2002, affectionately known as the Tanbook because its cover is tan with black print. The 2002 Tanbook, with a new, gold state seal, is the most extensive and important revision the Tanbook has ever undergone. Even where rules remain the same, the 2002 Tanbook gives new and better examples.

Chief Judge Judith S. Kaye wrote a foreword for the 2002 Tanbook in which she exclaimed that the 2002 revision “makes my heart jump with joy.” As the Chief Judge observed, “I detect a decisive step toward clearer, cleaner, more readable decisions, unencumbered by needless, distracting material. And I applaud it.”

Curious what Tanbook citing looks like? Read on. Unless indicated otherwise, all citations in this article are from the new Tanbook. You’ll see these citations in future New York Official Law Reports (Misc 2d, AD2d, and NY2d). And maybe judges will see these citations in practitioners’ briefs and papers.

2002 Tanbook Overview

The Tanbook is designed for anyone who writes to or for a New York State court. Published New York judicial opinions must comply with the Tanbook. Adherents should include not only New York State judges and their law clerks and court attorneys but also any advocate who seeks to persuade them by making decision making easier, faster, and more accurate. According to one authority, “[t]he Official Style Manual * * * is the citation standard used by judges and * * * is recommended for use by attorneys in briefs and papers submitted to the courts of New York.” (Ellen M. Gibson, New York Legal Research Guide I-170 [2d ed, William S. Hein & Co. 1998].)

The 2002 Tanbook, which replaces the 1998 edition, was prepared by the New York State Law Reporting Bureau (LRB) board of editors headed by Senior Legal Editor Katherine D. LaBoda under State Reporter Gary D. Spivey’s direction. LRB edits all published judicial opinions and selects miscellaneous opinions (those below the Appellate Division) for book publication (Judiciary Law §§ 431-432; 22 NYCRR part 7300) and online publication (<www.courts.state.ny.us/reporter/decisions.htm> [accessed Mar. 7, 2002]). (See generally James M. Flavin, Decisions and Opinions for Publication, 12 Syracuse L Rev 137 [1960]; Gary Spencer, Behind the Books, Reporter Selects, Cuts Official Opinions, NYLJ, Feb. 28, 1991, at 1, col 3). LRB gives unedited slip opinions selected for official publication to a West Group arm—West Group publishes the official and the unofficial reports as well as the Tanbook—for publication in the state’s unofficial reports (NYS2d and NE2d), where unofficial parallel citations are added and Tanbook citation format is changed to a West Group version of Bluebook citation.

The New York Court of Appeals adopted the Tanbook on December 12, 2001. It takes effect for opinions submitted to the State Reporter on or after March 1, 2002. Drafts of the 2002 Tanbook were reviewed by the Court of Appeals, the decision departments of the four Appellate Division departments, and all who responded to a solicitation for comments. My contribution as a Housing Court judge was to recommend a new “Hous Part” citation, now included in section 2.2 (a) (1) (g) (“Court Abbreviations”) with an example of a citation in parentheses in “Optional Information”: (Pershad v Parkchester S. Condominium, 174 Misc 2d 92 [Hous Part, Civ Ct, NY County 1997]).

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All legal writers should care about citing and citations. Citations explain, justify, and persuade—or not, as the case may be. Citations contain the information necessary to find and read the material. And good citing impresses readers. Citing is like bread at a restaurant. It won’t make the meal. But you’ll know whether the meal will be good by the bread you’re served.

There are nearly as many citation formats as there are varieties of bread at restaurants. If you’re a sentient lawyer under 120 years old, you’ve heard of the Bluebook, established in 1926, which over the years has been olive green, brown, white, and light blue. In its current 2000 edition, it’s royal blue. (See The Bluebook: A Uniform System of Citation [Columbia L Rev Assn. et al. eds, 17th ed 2000]; Bluebook Home Page <www.legal-bluebook.com> [accessed Mar. 7, 2002].) If you’re new to law school or you teach legal writing, you’ve recently become a master of the gray, green, blue, and red 2000 ALWD (pronounced “All Wid”), the Association of Legal Writing Directors’ answer to the Bluebook. (See Assn. of Legal Writing Directors and Darby Dickerson, ALWD Citation Manual: A Professional System of Citation [Aspen L & Bus 2000]; ALWD Home Page <www.alwd.org> [accessed Mar. 7, 2002].)


A law-review editor in New York? You fix the Bluebook with the St. John’s Rules of Citation, which, in its 2001 fourth edition, released in February 2002, is white with red print, although it used to be gray and red with blue hairy speckles. (See St. John’s Law Review, New York Rules of Citation [William H. Manz rev ed, 4th ed 2001].)

But if you practice in or work for the New York State court system, then you live and die by the Tanbook.


Among its attributes is that the Tanbook is free for New York judges, court staffs, attorneys, and libraries. To download a copy on PDF format, visit <www.courts.state.ny.us/reporter/new_styman.htm> [accessed Mar. 7, 2002]. Regular Tanbook updates will be available on that site as well. To get a free hard copy, which will be available in a few months, write to the Law Reporting Bureau at One Commerce Plaza, Suite 1750, Albany, New York 12210; e-mail reporter@courts.state.ny.us; or telephone (518) 474-8211.

Few are familiar with the Tanbook. A recent Westlaw and LEXIS check disclosed only two law-journal references to it; the references, both in footnotes, take up one sentence each. (See William H. Manz, The Citation Practices of the New York Court of Appeals: A Millennium Update, 49 Buff L Rev 1273, 1281 n 37 [2001]; James W. Paulsen, Book Review, An Uninformed System of Citation, 105 Harv L Rev 1780, 1791 n 77 [1992] [reviewing The Bluebook: A Uniform System of Citation, 15th ed 1991].) The Bluebook, ALWD, and even the St. John’s Rules of Citation don’t mention the Tanbook at all. Practitioners buy, research from, and cite West Group’s New York Supplement, Second Series (NYS2d), or the New York Law Journal, which don’t cite Tanbook-style. Many practitioners, even New York practitioners, don’t read or cite the Official Reports. They’re unfamiliar with New York’s official citation scheme, a curious amalgam of the Maroon Book (relaxed system with lots of discretion and period dropping) and the California Style Manual (abounding in parentheses), with significant departures from each. Other practitioners, aware that New York has its own citation system, prefer not to learn it. No law journal or law review uses the Tanbook, unknown territory for academics and students.

New York judges think well of those who cite from the Tanbook, but no judge requires Tanbook citation.
Many trial judges in New York don’t cite according to the Bluebook, although all appellate judges do. Many New York trial judges and their law clerks have never even heard of the Bluebook.

Some who are aware of the Bluebook dislike it. It’s got parentheticals and brackets, it’s not keen on periods or apostrophes, and it leaves a good deal to the writer’s discretion. It doesn’t impress law-review types, who assume that those who cite according to the Bluebook didn’t make law review and thus weren’t inculcated in the Bluebook. Until the 2002 Tanbook, New York’s way of citing was so archaic that it didn’t pay to learn the formulas.

Below are some 2002 Tanbook case-citation options for New York case law, adapted from section 1.2 (c) (2). The first 8 of the 12 examples are citations in parentheses. The last four are citations in running text. The rule on including, in brackets, optional case-citation information like the deciding forum, judge, and date (section 2.2 [a] [1] [g]) hasn’t changed from the old to the new Tanbook. But, according to the 2002 Tanbook’s Preface, “[t]he rule * * * * has been restated to make clear that such information may be included when desired.”

- That is the law (People v Moran, 91 NY2d 1010. Or
- That is the law (see People v Moran, 91 NY2d 1010). Or
- That is the law. (People v Moran, 91 NY2d 1010.) Or
- That is the law. (See People v Moran, 91 NY2d 1010.) Or
- That is the law (People v Moran, 91 NY2d 1010 [1998]). Or
- That is the law. (People v Moran, 91 NY2d 1010 [1998].) Or
- That is the law (People v Moran, 246 AD2d 607, 607-608, lv denied 91 NY2d 1010). Or
- That is the law (People v Moran, 246 AD2d 607, 607-608 [2d Dept 1998, mem], lv denied 91 NY2d 1010 [1998]). Or
- That is the law, according to People v Moran (91 NY2d 1010). Or
- That is the law, according to People v Moran (91 NY2d 1010 [1998]). Or
- That is the law, according to People v Moran (246 AD2d 607, lv denied 91 NY2d 1010). Or
- That is the law, according to People v Moran (246 AD2d 607 [2d Dept 1998, mem], lv denied 91 NY2d 1010 [1998]).

Below are six 2002 Tanbook case-citation options for federal case law, adapted from section 2.2 (b) (2). The first two are citations in parentheses. The last four are citations in running text. The Tanbook lets the writer alter this citation in at least a dozen other ways to add optional information.

- That is the law (United States v Gridley, 725 F Supp 398). Or
- That is the law (United States v Gridley, 725 F Supp 398, 402-403 [US Dist Ct, ND Ind]). Or
- That is the law, according to United States v Gridley (725 F Supp 398, 402-403 [ND Ind]). Or
- That is the law, according to United States v Gridley (725 F Supp 398). Or
- That is the law, according to United States v Gridley (725 F Supp 398, 398-399 [ND Ind 1989, Sharp, Ch. J.], affd 909 F2d 1486 [7th Cir 1990], cert denied 499 US 951 [1991]).

Below are four 2002 Tanbook statutory-citation options, from section 3.1 (b) (2). The first two are citations in parentheses. The second two are citations in running text.

- That is the law (Town Law § 199 [1], [3]). Or
- That is the law (Town Law § 199 [1], [3]). Or
- That is the law, according to Town Law § 199 (1), (3). Or
- That is the law, according to subdivisions (1) and (3) of Town Law § 199.

As non-standard as the Tanbook is, however, it’s a great deal better for New York authorities than the Bluebook or ALWD.

Bluebook v Tanbook

The Bluebook is confusing and unhelpful—doubtless about many things, say those with the Bluebook blues. (See e.g. Maureen B. Collins, Legal Communication, Bluebook Blues: Changes in the Seventeenth Edition, 88 III B J 663 [Nov. 2000]; A. Darby Dickerson, An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form), 26 Stetson L Rev 53 [1996].) The Bluebook is especially unhelpful when it comes to New York citations.

One can study the Bluebook for years—as many law students do—before realizing that it distinguishes between citing New York cases in general and citing them for New York courts. In the Bluebook’s most recent edition, the seventeenth, we’re told in the section on New York materials (T.1) (pages 217–218) to cite current Court of Appeals opinions only to West Group’s unofficial NE and NYS2d reporters, not to NY2d. Then we’re told to cite current Appellate Division cases to the unofficial NYS2d reporters, not to Misc 2d. This advice violates several New York rules. (See CPLR 5529 [e] [requiring that “New York decisions * * * be cited from the official reports, if any”]; Rules of Ct of Appeals [22 NYCRR] §§ 500.1 [a], 500.5 [d] [3], 510.1 [a]; Rules of App Div, 1st Dept [22
Hidden at rule 10.3.1 (a) (page 62) and Practitioners’ Notes rule P3 (page 14) is the Bluebook’s directive for those who write briefs to New York State courts. The Bluebook tells New York practitioners to cite thus, with parallel pinpoint (jump) citations: People v Taylor, 73 N.Y.2d 683, 690, 541 N.E.2d 386, 389, 543 N.Y.S.2d 357, 360 (1989). This directive is directionless. New York judges, citing according to the Tanbook (section 2.2 [2] [a]), will not use an unofficial reporter if an Official Reports citation is available. Most New York State judges aren’t even given West Group’s unofficial reporters. Taxpayers don’t pay for them. But all judges of courts of record in New York get the Official Reports. (Judiciary Law § 434 [6].)

Giving parallel New York citations serves only to help adversaries find your citations more easily—a professional courtesy, but ethically unnecessary—and bill clients for needless research. (See e.g. Disenhouse Assoc. v Mazzaferro, 135 Misc 2d 1135, 1137 n * [Civ Ct, NY County 1987, Friedman, J.] [urging attorneys to cite the Official Reports in their papers and briefs to trial courts], citing CPLR 5529 [e].) Giving parallel citations for New York cases will not help a New York State court.

Besides, it’s a principle of honesty in citing that writers use what they cite and cite what they use. (See e.g. Paul Axel-Lute, Legal Citation Form: Theory and Practice, 75 Law Lib J 148, 149 [1982].) Differences sometimes appear between the authoritative Official Reports and the unofficial reports because court-annexed editors like New York’s LRB often edit slip opinions after slip opinions are published unofficially. Sometimes private publishers conform to the final, official source; sometimes they don’t, especially for lower-court opinions. Writers who give parallel citations but take their quotations from the unofficial reports may misquote. That’s another reason to cite only the Official Reports in New York, a Tanbook directive the Bluebook contradicts.

The Tanbook gives correct, straightforward, easy-to-follow advice. Telling the reader at section 7.1 (b) that “the full names of authors is optional,” the Tanbook explains how to cite New York Law Journal articles in a citation in parentheses: (Spencer, Court of Appeals Caseload Shifts, NYLJ, May 2, 1991, at 1, col 3). At section 2.2 (a) (2) (c), the Tanbook tells you how to cite Law Journal opinions in parentheses: (Tryon v Westermann, NYLJ, Oct. 6, 2000, at 30, col 5 [Sup Ct, Nassau County, Austin, J.]). On the other hand, the Bluebook is internally inconsistent and wrong when it comes to citing New York authorities.


The Bluebook can make a New Yorker blue in the face. Rule 10.4 (b) (page 66) provides as follows: “Do not indicate the department or district in citing decisions of intermediate state courts unless that information is of particular relevance.” This is the Bluebook’s example: Schiffman v Corsi, 50 N.Y.S.2d 897 (Sup. Ct. 1944). The only problem with this guidance on New York law is that it’s all wrong. First, it’s always relevant for legal writers to denote the “department or district.” Indeed, the rebellion against rule 10.4 (b) is the reason St. John’s compiled its New York Rules of Citation. According to page 9 of the Rules of Citation, “Contrary to rule 10.4(b) of The Bluebook: A Uniform System of Citation (17th ed. 2000), it is the policy of the St. John’s Law Review to give as complete information as possible when citing New York authority.” Second, the cited Schiffman case isn’t from an intermediate state court. The Bluebook’s Schiffman citation is from a court of first instance: Supreme Court, Special Term, New York County. And third, an intermediate court really did decide Schiffman.

The Appellate Division, First Department, a New York intermediate court, affirmed in Schiffman, the Court of Appeals reversed, and the United States Supreme Court denied certiorari. The Bluebook should therefore have given a rather different citation, consistent with its own Practitioners’ Notes and accurate legal research: In re Schiffman v Corsi, 182 Misc 498, 50 N.Y.S.2d 897 (Sup. Ct. N.Y. County), aff’d mem. sub nom. In re Schiffman v Murphy, 268 App. Div. 765, 50 N.Y.S.2d 132 (1st Dep’t 1944), rev’d sub nom, Schiffman v Corsi, 294 N.Y. 305, 62 N.E. 81, cert. denied, 326 U.S. 744 (1945). Of all the examples the Bluebook could have picked, it picked one that has quite the intermediate
procedural history, all of which the Bluebook ignored. Under the Tanbook, the citation for running text, with the optional bracketed details, is *Matter of Schiffman v Corsi* (182 Misc 498 [Sup Ct, NY County 1944], aff’d *sub nom. Matter of Schiffman v Murphy*, 268 App Div 765 [1st Dept 1944, mem], rev’d *sub nom. Schiffman v Corsi*, 294 NY 305 [1945], *cert denied* 326 US 744 [1945]).

The Tanbook requires parentheses and brackets to make citations unobtrusive. Parentheses and brackets (probably) have the opposite effect. But the Tanbook gets New York law right every time, and the Bluebook gets it wrong every time. And New Yorkers cite, or should cite, according to the Tanbook, whereas the Bluebook is designed to assure uniformity for practitioners and law-review editors from Alaska to Arkansas. Given all that, which style guide—the Tanbook or the Bluebook—should New York practitioners use to cite New York law?

**ALWD v Tanbook**


ALWD’s main goal is to “address[] the needs of practitioners, not the needs of law journals.” (M.H. Sam Jacobson, *The ALWD Citation Manual: A Clear Improvement Over the Bluebook*, 3 J App Prac & Process 139, 139 [2001].) Unlike the Bluebook, ALWD doesn’t distinguish between law-review and practitioner citing. But ALWD fails New York practitioners. ALWD repeatedly tells its readers to follow local citation rules in jurisdictions that have local rules. (Pages 6-7 [Caveats]; 8-9 [Local Citation Rules].) And ALWD (Appendix 1) (page 361) tells its readers that New York has a local citation rule, which it purports to give in Appendix 2 (page 395). From its citations, however, all that ALWD tells you in Appendix 2 is that briefs to the Court of Appeals require citations to the Official Reports in every document to every New York appellate court. Nor does ALWD mention the Tanbook, which tells you at section 2.2 (a) (2) (a) not to cite unofficial New York reporters if a case is officially reported, regardless of the court to which or for which you write. Indeed, whenever ALWD gives an example of how to cite a case from New York, ALWD violates not merely New York’s “local rules” but also its own rules. At ALWD rule 11.3 (f) (page 51), the entire New York citation, from a citational footnote, is 634 N.Y.S.2d 740 (App. Div. 1995), *aff’d*, 679 N.E.2d 1035 (N.Y. 1997). This citation breaks with tradition by italicizing the comma after “*aff’d*”; contradicts ALWD rule 12.6 (b) (2) (page 74), which requires that citations include “information about departments, districts, or divisions”; and flips from the New York Supplement Reporter, Second Series, to the North Eastern Reporter, Second Series, without rhyme, reason, or explanation. The Tanbook would cite the case as follows in running text: *Matter of Gazza v New York State Dept. of Envtl. Conservation* (217 AD2d 202 [2d Dept 1995], *aff’d* 89 NY2d 603 [1997]).

ALWD fares no better in the other three places it cites New York cases. A key problem ALWD presents is whether practitioners should give parallel citations. In its New York section (Appendix 1) (pages 360–361), ALWD doesn’t tell its readers which reporter to cite. That’s an improvement from the Bluebook’s Table 1, which tells you to cite only the West Group unofficial reporters. But it’s not much of an improvement. ALWD tells you at rule 12.5 (c) (page 73) that if you use a parallel citation, “provide the pinpoint reference to at least the West reporter.” Pinpoint citing only to an unofficial West Group reporter will force diligent New York judges to read your entire case from the Official Reports. That defeats the entire reason for pinpoint citing.

More problematic still is that ALWD doesn’t tell you what to do with parallel citations for New York. ALWD’s lack of guidance concerning parallel citations forces the reader to study ALWD’s examples. One example (rule 12.6 [b]) (page 74) that has no parallel citation is *Kozemko v. Griffith Oil Co.*, 682 N.Y.S.2d 503 (App. Div. 4th Dept. 1998). ALWD burdens its readers with the “App. Div.” mention—perhaps first-year law students in Idaho don’t know that the Fourth Department already suggests the Appellate Division—and forgets the
“Inc.” after “Co.” The Tanbook would cite the case as follows in running text: *Kozemko v Griffith Oil Co., Inc.* (256 AD2d 1199 [4th Dept 1998, mem]).

The next example from ALWD (rule 12.6 [e]) (page 76) is a parallel citation: *People v. Hackett*, 228 A.D.2d 377, 646 N.Y.S.2d 89 (1st Dept. 1996). The Tanbook would make the running-text citation more simple: *People v Hackett* (228 AD2d 377 [1st Dept 1996]).

The last example from ALWD (rule 12.11 [b]) (page 84) reverts to the unofficial reporter only: *Harrison v. Alago*, 608 N.Y.S.2d 118 (App. Div. 2d Dept. 1993) (mem.). ALWD’s citation will raise a New York judge’s eyebrows because it fails to include the official citation and because it presumes that the judge doesn’t know that the Second Department is part of the Appellate Division. ALWD’s citation also contradicts ALWD rule 12.2 (o) (pages 65–66), which tells you to include “In re” in a case name and to replace “Matter of” with “In re.” *Harrison* is an “In re.” The Tanbook would cite the case as follows in running text: *Matter of Harrison v Alago* (199 AD2d 562 [2d Dept 1993, mem], appeal dismissed & lv denied 83 NY2d 831 [1994]).

ALWD was written by non-New Yorkers for non-New Yorkers. It tells us to cite the Official Miscellaneous Reports (although it doesn’t tell us when) as follows (Appendix 1) (page 361): N.Y. Misc. 2d, as in 60 N.Y. Misc. 2d 60. Follow that advice and you’ll be labeled a novice who doesn’t realize that New York judges know that the Miscellaneous Reports contain cases from New York only. ALWD gives you good advice if you’re from Rome, Italy, but poor advice if you’re from Rome, New York.

Except in general terms in Appendix 1 (page 361), moreover, ALWD doesn’t tell you how to cite a New York statute. That’s a good thing, for ALWD’s advice in Appendix 1 mirrors the Bluebook’s turgid advice (T.1) (pages 219–221). The Tanbook’s simple CPL 10.20 citation becomes, in both the Bluebook and ALWD, a complex N.Y. Crim. Proc. Law § 10.20 (McKinney 1992 & Int. Supp. 2001-2002) or equally complex citations from Consolidated Laws Service or Gould’s New York Consolidated Laws Annotated.

The one time ALWD gives a specific example of a New York court rule, ALWD makes it difficult to find the citation: ALWD doesn’t give the location of the court rule. From ALWD (page 150): N.Y. Code Prof. Resp. DR 4-101(c)(2) (1999). From a running-text citation in the Tanbook (section 4.1 [b] [5] [b]): Code of Professional Responsibility DR 1-102 (a) (7) (22 NYCRR 1200.3 [a] [7]). The Tanbook’s authors know that the Disciplinary Rules
are binding because the departments of the Appellate Division adopted them, and therefore that the Rules are in the Appellate Division’s Rules. ALWD doesn’t know about that stuff.

Both the Bluebook and ALWD are brilliant documents, the product of years of thought and sacrifice. They’re exceptional when it comes to citing federal, international, and foreign authorities. Indeed, in the Preface to the 2002 edition, the Tanbook itself suggests consulting the Bluebook and ALWD if the Tanbook doesn’t answer a question. But the Bluebook and ALWD don’t cite New York sites properly. When it comes to citing New York authorities, the Bluebook and ALWD remind me of the Rabbi’s prayer for the Czar in Fiddler on the Roof: “May God bless and keep the Czar—far away from us.”

Old Tanbooks v 2002 Tanbook

Previous editions of the Tanbook did not become widely used. Its rules were not current, and they deviated too greatly from other citation manuals. Previous Tanbooks dictated commas after signals (“see”), short-form pinpoint citations (142 AD2d, at 483), footnote numbers (20, n 2), and “id.” (Id., at 234). They’re (not preferred) now. Previous Tanbooks required “supra” for short-form case citing. They, too, are “not preferred” any longer. Now, as in ALWD, all signal commas are disfavored. Now, as in the Bluebook and ALWD, “at” and “id.” short-form citing is required. In the past, every other word, it seemed, was a capital investment: from “Judge,” to “Federal,” to “Statute of Limitations.” Now (section 10.1) using these ancient capitals is a capital offense.

The 2002 Tanbook still uses 19th century asterisks (* * * [omission within sentence] or * * * * [omission at end of sentence or to jump sentences]), not modern ellipses (… or . . . .), to denote omissions in quoted material. Other than that, the 2002 Tanbook has entered the 21st century. Old Official Reports contain numerous ways to punctuate quotation marks. Now the Tanbook (section 11.1 [b]) requires writers to follow current, conventional American format: “Commas and periods are placed within the ending quotation mark; colons and semicolons are placed outside. Other punctuation, such as question marks and exclamation marks, is placed within the ending quotation mark only if part of the quoted material.”

It can even be said that the Tanbook has entered the 22nd century. Four examples. In section 12.3, the new Tanbook contains a section, with excellent examples, on avoiding Latinisms: “The use of Latin and other foreign language words and phrases generally is discouraged where an English language equivalent is available.” The quantum of Latin will now be pro rata.

In section 12.1, the new Tanbook has an updated section on gender-neutral writing, based on, but better than, a court-system booklet, New York State Judicial Committee on Women in the Courts, Fair Speech: Gender-Neutral Language in the Courts (2d ed, NY St Unified Ct Sys 1997). The Tanbook is progressive and intelligent on the subject. For example, it turns “foreman” into “presiding juror,” not the trite “foreperson.”

Throughout the new Tanbook, moreover, are sophisticated ways to cite CD-ROM and Internet materials, including cases reported on the Law Reporting Bureau’s Slip Opinion Online Service, accessible from the LRB at <www.courts.state.ny.us/reporter/decisions.htm> [accessed Mar. 7, 2002]. (See generally Nora A. Jones, Greater Access to NY Trial Court Decisions, Daily Record, Aug. 30, 2001, at 1, col 2.) Unedited opinions not selected for the Miscellaneous Reports but published in the LRB’s Slip Opinion service, including all Appellate Term opinions from now on, are cited as follows (section 2.2 [a] [2] [b]) when citing in parentheses: (TSI W. 14 v Samson Assocs., 2001 NY Slip Op 40001 [U], *5). Selected but not-yet-published opinions are cited as follows (section 2.2 [a] [1] [h]) as citations in parentheses, with optional details in brackets and a pinpoint citation: (Pittari v Pirro, ___ Misc 2d __, 1999 NY Slip 99006, * 3 [Sup Ct, Westchester County, Sept. 15, 1998]).

The new Tanbook also enters the modern era by permitting conventional spelling (“marijuana”) (Preface) and by eliminating excessive italicization for foreign words and phrases used in common legal English (“pro se,” not “pro se”) (section 12.3).

Some Tanbook rules will frustrate Bluebook aficionados. For example, the Bluebook tells you in rule 6.2 (a) (page 49) to “spell out the numbers zero to ninety-nine in both text and in footnotes.” The Tanbook’s suggestion (section 10.2 [a] [1]) is less formal but easier to read: “[N]umbers up to and including nine should be spelled out and numbers above nine should be denoted by figures.” The Bluebook (rule 5.1 [a]) (pages 43–44) also instructs not to surround blocked double-indent quotations of 50 words or more with quotation marks, and to add the citation on a line separate from the quotation. The Tanbook (section 11.1 [a]) provides that quotation marks must fully surround blocked quotations. By LRB editorial convention, the citation must appear immediately at the end of and on the same line as the blocked quotation. The reason the Tanbook departs from the Bluebook on this question is that when an opinion goes online, the reader cannot see the indentations; quotation marks make double-indent quotations visible. Here, again, the Tanbook is more user friendly than the Bluebook.

The Tanbook’s Future

The Tanbook isn’t perfect. In its examples, it italicizes journal articles but not book titles. And its parentheses
and brackets detract and use up space the LRB could use to publish more opinions. In its massive revision, why didn’t the LRB get rid of those parentheses? All that parentheses do is throw readers a curve. The answer is *stare citatis*: not everything can change in one swoop. As State Reporter Spivey explained,

“Although this revision is extensive, we exercised restraint in changing established rules. Judges and their staffs, and our own staff, are familiar with the existing rules, and a change in rules requires re-learning. We didn’t want to burden anyone unnecessarily. So we confined our rule changes to those areas most in need of reform. The Style Manual is a work in progress, and I hope that we will be able to address additional problem areas in the future. For now, I’m satisfied that we have made a course correction and are headed in the right direction.” (E-mail from Hon. Gary D. Spivey to author, Feb. 21, 2002.)

Will the next Tanbook (finally [and definitively]) get rid of parentheses and brackets? One can only hope. They’re annoying, confusing space-wasters. Will the next Tanbook require authors to add currently optional information like years, courts, and leave-denied mentions in case citations? One can only hope. It’s smart to include that now-optimal information to explain whether a case is binding or persuasive, and if persuasive, how persuasive. Will the next Tanbook compel writers to add the first names and middle initials of writers of secondary authority? One can only hope. It’s polite to do so.

The 2002 Tanbook allows too many options. It’s perplexing, disordered, and non-uniform for readers to see and for writers to use citation variants, at the writer’s discretion, for citations in running text or in parentheses. Why have a system that allows any of the following? That is the law (Penal Law § 10.00 [1]). Or That is the law. (Penal Law § 10.00 [1].) Or That is the law at Penal Law § 10.00 (1). And recall the federal Gridley citation options above? The many ways to cite Gridley will cause gridlock. As one legal-writing guru explained, “[i]n citation, as in procedural matters, [i]t is almost as important that the law should be settled permanently, as that it should be settled correctly.” (Bryan A. Garner, Book Review, *An Uninformed System of Citation: The Maroon Book Blues*, 1 Scribes J Legal Writing 191, 191 [1990] [arguing that it’s “wrong to discount the importance of a uniform method of citing legal authority,” id. at 193], quoting *Gilman v City of Philadelphia*, 70 US [3 Wall] 713, 724 [1865].) Let’s hope that the next Tanbook eliminates the current Tanbook’s almost-limitless discretion.


Will the next Tanbook be even better than the 2002 Tanbook? Chief Judge Kaye in her Foreword to the 2002 Tanbook believes it will: “I suspect that the next edition of the Style Manual will, like this one, have many exciting improvements. And so the law develops, and is perpetuated.”

Until the next Tanbook is published, New York judges and attorneys should follow New York’s 2002 Tanbook. It’s by New Yorkers for New Yorkers. And it stands on its own as an efficient and effective system of citation and guide to legal writing.

*(See the next page for a comparison of selected rules from the Tanbook, the Bluebook and the ALWD volume.)*
# COMPARISON OF SELECTED ALWD, BLUEBOOK, AND TANBOOK RULES FOR NEW YORK PRACTITIONERS

<table>
<thead>
<tr>
<th>RULE</th>
<th>ALWD 2001</th>
<th>BLUEBOOK 17TH Ed.</th>
<th>TANBOOK 2002</th>
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<tbody>
<tr>
<td>Cases</td>
<td>Does not distinguish between citing in text and in parentheses.</td>
<td>Does not distinguish between citing in text and in parentheses.</td>
<td>The entire Tanbook distinguishes between citing in running text and in parentheses.</td>
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18  Journal  | March/April 2002