

REVISING THE *CALIFORNIA STYLE MANUAL*

The Honorable Curtis E. A. Karnow

There are bigger fish to fry—the interplay between judicial and executive power, for example; civil rights; privacy rights in environments dominated by the Internet; the impact of the budget on the delivery of judicial services; access to the courts by the poor. But the “style” of legal citation in opinion writing looms high in the pantheon of some judges’ concerns.

The issue, generally recondite and obscure to the public, should take on new importance in light of a December 2011 report of the California Bench-Bar-Media Committee.¹ The committee was formed to better relations between the media and the courts and to explore the means by which the courts might be better understood by the general public. Whatever the merits of its other findings (a subject best left for another day), the committee also focused on making judges’ orders more understandable, suggesting among other things plain English summaries.

The work product of the courts might be better explained in many ways. One of them is to reexamine the traditional style of judicial writing, pushing closer to the sort of narrative and flow we expect from good writing generally. The *California Style Manual*,² in particular, should be re-examined, because it creates unnecessary obstruction in the reading of an opinion.

Compare the following examples, one from the United States Court of Appeals for the Ninth Circuit, which fol-

lows the style of *The Bluebook: A Uniform System of Citation* (currently in its nineteenth edition), and then one from a state court of appeal. Attend to the number of unnecessary symbols and letters in the latter. In each case, I begin with a citation to a statute, and then proceed to a citation of the cases and propositions for which they stand.

First, *Bluebook*:

We have jurisdiction pursuant to 18 U.S.C. § 3742(a) and 28 U.S.C. § 1291.

Typically, sentencing entrapment occurs when a government agent convinces a drug dealer to purchase or sell more drugs than he is otherwise inclined to deal in. See, e.g., *United States v. Mejia*, 559 F.3d 1113, 1118 (9th Cir.2009); *United States v. Rieuw*, 165 F.3d 727, 728-29 (9th Cir.1999) (per curiam); *Naranjo*, 52 F.3d at 249-50; *Stanfer*, 38 F.3d at 1104-08; see also *United States v. Parrilla*, 114 F.3d 124, 126-29 (9th Cir.1997) (finding that the defendant may have been entrapped into possessing a gun during a drug trafficking crime where government agent proposed trading the gun for drugs). Briggs does not argue that the stash house contained more drugs than he wanted....

U.S. v. Briggs, 623 F.3d 724 (9th Cir. 2010).

Second, *California Style Manual*:

The statutory definition of all murder is “the unlaw-

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