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Citation Form: Keeping Up with the Times

by Susan W. Fox and Wendy S. Loquasto

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A quiet buzz circulated last January at the Appellate Practice Section's Publications Committee to the effect that a new edition of *The Bluebook* had been published. None of us anticipated seeing the book on the *New York Times* best-seller list, but we took note since *The Bluebook* is the appellate lawyer's "bible" for legal citation. Just as substantive law changes, citation rules also change and keeping abreast of the new rules is essential for clear communication in the appellate realm. This article will attempt to update Florida practitioners on some of the latest changes to citation rules that all attorneys, trial and appellate, should know, and it will present some examples of the basic citation forms using *The Bluebook* and Rule 9.800.

Florida lawyers have two main sources of citation forms and a third less-utilized source. The two main style guides are Florida Rule of Appellate Procedure 9.800, which sets forth Florida's "Uniform System of Citation," and *The Bluebook: A Uniform System of Citation*.¹ Rule 9.800 by its terms applies in all appellate proceedings in Florida,² and specifies that citations not covered in the rule should follow *The Bluebook*. New editions of *The Bluebook* are generally issued every five years; the newest 18th edition was released in 2005.³ The third source of citation rules is the *Florida Style Manual* (4th ed. 1997), published by the Florida State University *Law Review*, which is most frequently used for legislative materials and state and local government documents. Rule 9.800(o) provides that citations should be in the form set forth in the rule, the latest edition of *The Bluebook*, or, if not covered by those, then in the form prescribed by the *Florida Style Manual*.

Before discussing the citation rules, it may be helpful to review the purposes of citations and citation forms. The purposes of citation in legal writing are attribution and support. Attribution citations allow identification of the source of legal and factual statements and ideas that are beyond the writer's own reasoning process. Support citations establish the legal authority for statements of law. Citations are designed to allow the reader to locate a cited source accurately and efficiently.⁴ Citation forms provide the minimum amount of information necessary to lead the reader to the source and to convey other key information concerning the source, including the character and degree of support the authority provides and the nature and date of the authority.⁵

A citation consists of three basic parts: an introductory signal stating the nature of the support provided, a description of the authority, and an optional parenthetical phrase explaining its relevance to the subject matter. The rules for each of these parts of a citation have undergone change in recent

years. While the Florida Uniform Citation System in Rule 9.800 has been fairly static, *The Bluebook* has been revised on a schedule of once every five years, most recently in the new 18th edition.

Introduction to the 18th Edition *Bluebook*

One of the primary complaints about *The Bluebook* for many years has been that it was poorly indexed and impossible for practitioners to use.⁶ This criticism prompted the Association of Legal Writing Directors to publish a competing citation manual in 2000.⁷ The editors of *The Bluebook* have now attempted to address this concern by making it more user-friendly. The "Bluepages," new to the 18th edition, is "a how-to guide providing easy-to-comprehend instruction for the everyday citation needs of first-year law students, summer associates, law clerks, practicing lawyers, and other legal professionals."⁸ The examples used in the Bluepages employ simple typeface conventions common in the legal profession rather than typesetting conventions used in law review publications. The Bluepages replace the Practitioners' Notes. The 18th edition also sports a fresh new look from cover to cover, and has been professionally reformatted for ease of use.

The Bluebook recognizes for the first time that many state and federal courts promulgate local citation rules, which take precedence over *Bluebook* rules in documents submitted in those jurisdictions. Bluepages Table 2 lists local rules and jurisdiction-specific citation manuals that provide guidance on local citation, such as Florida's Uniform Citation System in Rule 9.800.

In these days of high speed technology, it is not surprising that one of the major changes in the 18th edition is the nearly complete rewrite of Rule 18 (Electronic Media and Other Nonprint Resources).⁹ Review of any Florida Bar *Journal* article or appellate brief will demonstrate the increasing use of electronic databases and Internet citation. Major changes include rules for direct citation of electronic databases such as Lexis and Westlaw and parallel citation of electronic sources when it will "substantially improve access to the relevant information."¹⁰ When citing cases in electronic databases, include the case name, docket number, database identifier, court name, and the full date of the disposition, as well as any codes or numbers that identify the case citations and indicate screen or page numbers with an asterisk preceding the number. Lexis cases are cited as follows: *Gibbs v. Frank*, No. 02-3924, 2004 U.S. App. LEXIS 21357, at *18 (3d Cir. Oct. 14, 2004); Westlaw cases are cited as: *Shelton v. City of Manhattan Beach*, No. B171606, 2004 WL 2163741, at *1 (Cal. Ct. App. Sept. 28, 2004). Our fascination with technology is also reflected in the fact that the 18th edition includes citation formats for e-mails and blogs.¹¹

The increase in globalization prompted another major change to the 18th edition. Rule 21 (international materials) provides citation forms for treaties and international agreements, international law cases, and United Nations, European Union, and World Trade Organization materials.¹² Practitioners who work in international courts will welcome the style guides for the International Court of Justice or World Court, the European Court of Human Rights, or the East African Court of Appeal.¹³

Rules for Citing Cases

- *Common Form for Florida Cases Published in Official Reporters* — The anatomy of a citation to a case in an official reporter has not changed. A full case citation includes the following components: 1) case name; 2) official reporter or other published source in which the case is found; and 3) parenthetical containing court and year of decision. Common citation forms are as follows: *Fenelon v. State*, 594 So. 2d 292 (Fla. 1992), signifies an opinion of the Florida Supreme Court, and *Sotolongo v. State*, 530 So. 2d 514 (Fla. 2d DCA 1998), signifies a district court of appeal decision. The only tricky rule here is that the citation to Second District opinions is "2d DCA," not "2nd DCA," and the Third District's opinions are cited as "3d DCA." The other districts are cited as 1st, 4th, and 5th. Superscript (e.g., "4th") should not be used. The case name may be either underlined or italicized, provided consistency is maintained, however, Rule 9.800 calls for italics. It may be helpful to remember that the underlining of case names originally was merely a notation to the typesetter to use italics. Nevertheless, underlining of cases names is common, even customary, in Florida appellate practice. Common errors in this format include the omission of the space between "So." and "2d" and improper abbreviations to refer to the district courts.

- *Recently Published Cases Not Yet in Official Reporter* — To cite a recent Florida Supreme Court opinion not yet published in *Southern Reporter*, use the *Florida Law Weekly* citation, and include the date of issuance of the opinion, for example, *Trailer v. State*, 17 Fla. L. Weekly S42 (Fla. Jan. 16, 1992). A

common error in these forms arises when abbreviating *Florida Law Weekly*, which is frequently incorrectly cited "FLW." The actual date of the opinion (not just the year) is always important in locating a case too recent for the official reporter and should not be omitted.¹⁴ For circuit or county court opinions, the *Florida Supplement* should be cited, for example, *Whidden v. Frances*, 27 Fla. Supp. 80 (Fla. 11th Cir. Ct. 1996), or *State v. Alvarez*, 42 Fla. Supp. 83 (Fla. Dade Cty. Ct. 1975). Occasionally, a case citation will be filed with the court before the *Florida Law Weekly* page numbers are available. In this event, it is permissible to use an electronic database, such as Lexis and Westlaw.

- *Florida Administrative Orders* — For orders issued by Florida administrative agencies, there are three official reporters that may be cited in accordance with Rule 9.800. For decisions of the Public Employees Relations Commission, the correct form is: *Indian River Education Ass'n v. School Board*, 4 F.P.E.R. 4262 (1978).¹⁵ For decisions of the Florida Public Service Commission, *In Re Application for Approval of Transfer*, 89 F.P.S.C. 11:5 (1989), is the proper form.¹⁶ Decisions of all other agencies are cited as follows: *Insurance Co. v. Department of Ins.*, 2 F.A.L.R. 648-A (Fla. Dept. of Insurance 1980).¹⁷ For other administrative agency orders, consult the *Florida Style Manual*.

- *Citation of Federal Cases* — To cite opinions of the U.S. Supreme Court, one need only cite to the United States Reporter; parallel citations are not required. Thus, the proper form is: *Sansone v. United States*, 380 U.S. 343 (1965). If the United States Reporter citation is not available, then cite to Supreme Court Reporter, Lawyers' Edition, or United States Law Week "in that order of preference."¹⁸ Only if the opinion is not yet published in one of these reporters is *Florida Law Weekly Federal* an appropriate cite.¹⁹ Citations to all other federal cases are the same as *The Bluebook*, that is, *Holland v. Donnelly*, 216 F. Supp. 2d 227 (S.D.N.Y. 2002).

- *Abbreviations* — Full case names are generally too long and include too much information to make a useful citation. Learning to properly format the case name and when and what words to abbreviate in the case name takes practice. In formatting the case name, list only the last name of the first party for each side. As for abbreviations, these are the major differences between case citations used in textual sentences and those used in citation sentences. In text, abbreviations in case names are limited to widely known acronyms, such as NAACP, CBS, and CIA, and these eight words: &, Ass'n, Bros., Co., Corp., Inc., Ltd., and No.²⁰ For citation sentences, however, *The Bluebook* includes Table 6, which is a two-page listing of words that should be abbreviated. In addition to the words in Table 6, words of eight letters or more can also be abbreviated if substantial space would be saved and the result is not ambiguous.²¹ In earlier editions of *The Bluebook*, the first word of either party's name was not to be abbreviated even in citation sentences; however, this rule has been changed and the first word of a party's name should be abbreviated in citation sentences if that word is listed in Table 6.²²

- *Subsequent History* — Omit denials of certiorari in describing subsequent history of cases, "unless the decision is less than two years old or the denial is particularly relevant."²³ For Florida practitioners filing briefs on issues for which there is conflict between districts, the denial of certiorari will probably be relevant.

- *Pinpoint Citations* — Also known as pincites, pinpoint citations to specific pages in an opinion are required for quotations and recommended in most other citations. "Pincites are critical: They provide the only means by which you can direct the reader to the exact page that contains the information or quotation on which you are relying for support."²⁴

- *Weight of Authority & Explanatory Parentheticals* — To add information to a citation indicating the weight of authority, such as when citing a concurring or dissenting opinion, always include a parenthetical, such as (Lewis, C.J., dissenting). An explanatory parenthetical can briefly explain the proposition for which the case stands and is particularly useful in string citations.

Rules for Citing Statutes, Constitutions & Rules

- *Statutes* — It is common to see Florida Statutes cited in a variety of different ways, but there is only one correct form of citation: § 350.34, Fla. Stat. (2005).²⁵ It is common to see "Florida Statutes" spelled out in citations, to see the source and section number in inverted order, to see the year omitted, or to see inappropriate underlining. Most of these errors will cause no significant problem, but failure to include the year of the statute is a pet peeve of many judges. Oftentimes, the year of a

frequently amended statute will be critical to the legal issues in the case. *Florida Statutes Annotated* is not to be cited except for court-appointed rules or references to other nonstatutory materials that do not appear in an official publication.²⁶ If a law is not in the Florida Statutes or if citation of the session law is desired for clarity or adoption reference, then cite it as: Ch. 74-177, § 5, at 453, Laws of Fla.²⁷ Proper use of the word “section,” as opposed to the section sign (§), is given coverage in the 18th edition in Rule 12.9, which establishes the general rule that the word is used in text, while the symbol is used in citation sentences.

- *Constitutions* — The Florida Constitution is cited as follows: Art. V, § 3(b)(3), Fla. Const. The year of adoption must be given only if necessary to avoid confusion.²⁸

- *Florida Rules* — To cite the various Florida rules, Rule 9.800(i) provides a list of the correct abbreviations, which are to be followed by the rule number. For example, the Florida Rule of Civil Procedure 1.180 is cited as follows: Fla. R. Civ. P. 1.180. The listing of proper rule abbreviations includes not only procedural rules, but also Florida Bar rules and jury instructions. The Florida Administrative Code is also included in this list and is cited: Fla. Admin. Code R. 8H-3.02 (not F.A.C., as is commonly used). If you have any uncertainty as to how to cite a rule, you will nearly always find the correct abbreviated form in Rule 9.800(i).

Other Authorities

- *Books & Law Reviews* — Books, law reviews, and other nonperiodic materials are cited by the full name of the author(s); followed by title of the book (underscored or italicized); the page number and/or section or paragraph designation, if applicable; and a parenthetical with the editor and/or edition information and publication date, for example: Philip J. Padovano, *Florida Appellate Practice* § 1.1, at 2 (2007 ed.). Law reviews are similarly cited; however, they include both the title of the article, as well as the title of the law review, for example: John Mills, *Sex, Lies and Genetic Testing: What Are Your Rights to Privacy in Florida*, 48 U. Fla. L. Rev. 813 (1996). Do not underscore or italicize the author’s name or the name of the periodical; only underscore the title of the book or article.

- *Legislative Materials* — Rule 13 of *The Bluebook* provides examples of the basic citation forms for bills, resolutions, and committee materials, which generally consist of the title, abbreviated house coupled with the appropriate number assigned to the material, and the year of publication, as in Privacy Protection Act of 1998, H.R. 3224, 105th Cong. § 2(a) (1998). The *Florida Style Manual* is the best source for citing Florida legislative materials. More recent staff analyses are available online and the Web site can be provided.²⁹

Short Forms for Citations

Caution should be used in the application of “*supra*” and “*hereinafter*,” which are restricted to referring to books, reports, and unpublished materials.³⁰ Despite their restricted use, these terms are still often seen and frequently improperly used in appellate briefs. Every *Bluebook* since the 15th edition published in 1991 has prohibited the use of “*supra*” and “*hereinafter*” to refer to cases, statutes, or constitutions, because the importance of these authorities warrants repetition of the cite to ensure easy reference. Fifteen years later, “*supra*” is still inappropriately used to refer back to a previously cited case. An appropriate short citation form should be used instead.

In general, once a case has been cited in full in a document, future references to that case may be made by way of a short form citation, provided that shortened citation clearly identifies the case. Short forms of case citations give the name of only one party, avoiding use of a geographical or governmental unit, and they generally omit the first page of the case, utilizing a pinpoint cite instead, and the parenthetical information concerning the court and year of decision.³¹ Use of *id.* is an appropriate short form when referring to the same case in the immediately preceding citation. Acceptable short forms for *State of Florida v. Walborn*, 729 So. 2d 504 (Fla. 2d DCA 1999), are thus:

- *Walborn*, 729 So. 2d at 505;
- 729 So. 2d at 505; and
- *Id.* at 505.
- Not: *State of Florida*, 729 So. 2d at 505.

Books, pamphlets, periodicals, and other similar materials may be referred to by the “*supra*” and “*hereinafter*” short forms, as well as *id.*, once cited in full.³²

There is no appropriate short form for a cite to a constitution, so always repeat the cite in full. *The Bluebook* does suggest short forms for statutory cites, but the Florida form is so short already that no shorter form seems appropriate. Omission of the date of the statute is advisable only when there have been no relevant amendments that could have a bearing on the case.

Introductory Signals — Rule 1.2

In every type of legal writing, it is customary to show support or contradiction for legal or factual propositions or arguments by citing authority. The introductory signal tells the reader how the authority relates to your proposition. This is true in appellate briefs, judicial opinions, and even in opinion letters, as well as in scholarly writing.

There are 11 introductory signals. “[*No signal*],” “*Accord*,” “*See*,” “*See also*,” and “*Cf.*” indicate authorities that support a stated proposition. “*Compare*” suggests a useful comparison. “*Contra*,” “*But see*,” and “*But cf.*” show contradiction. “*See generally*” indicates helpful background material. The last signal, “*e.g.*,” indicates the cited authorities are examples. When used as signals in citation sentences, they are italicized, but when used as verbs in textual sentences, they should not be italicized and any material that would ordinarily be placed in the parenthetical should be worked into the sentence.³³ Learning the distinct meaning of each signal provides a valuable tool for conveying the importance and relevance of the authority you are citing and, thus, warrants some discussion.

“[*No signal*]” refers to the citation of an authority without any introductory signal. Omitting a signal is proper *only* to 1) identify the source of a quotation in the preceding sentence; 2) refer to an authority that directly states the cited proposition; and 3) further identify an authority referred to in the text.³⁴

“*See*” is used to introduce an authority that clearly supports the proposition addressed in the text but does not directly state it.³⁵

“*See also*” is used when the cited authority “constitutes additional source material that supports the proposition.”³⁶ Use it after you have already quoted an authority using “[*no signal*]” or supported a proposition using “*see*.” A parenthetical explanation following such a cite is strongly encouraged.³⁷

“*Accord*” is used when a single authority is quoted in the text, but one or more other cited authorities also “*clearly support*” the proposition. The signal is also used to show that the law of another jurisdiction is in accord with the cited authority.³⁸

“*Cf.*” identifies support of a proposition different from the main proposition, but sufficiently analogous to lend support. Parenthetical explanations are “strongly recommended.”³⁹

“*Compare*,” which is used with “*and*” and “*with*,” suggests a useful comparison or illustrates the proposition. Since the relevance of the comparison will usually be apparent only if explained, parenthetical explanations are “strongly recommended.”⁴⁰

“*Contra*” is used to cite authority that directly states the contrary to the proposition, and is used as a counterpoint to authorities subject to a “[*no signal*]” introduction.⁴¹ “*Contra*” had been eliminated entirely as a signal in prior editions of *The Bluebook*, when its function was transferred to the “*but see*” signal.

“*But see*” introduces an authority that clearly supports a proposition contrary to the main proposition, and it is used as a counterpoint to “*see*” authorities.⁴²

“*But cf.*” signifies an authority that supports a proposition analogous to the contrary of the main proposition. Again, a parenthetical explanation is “strongly recommended.”⁴³

“*See generally*” suggests that the cited authority presents helpful background information related to the proposition. Parenthetical explanation following each such authority is, again, encouraged.⁴⁴

"E.g." introduces an authority that is one of multiple examples of the stated proposition.⁴⁵ This signal may also be used in combination with other signals, such as "See, e.g." and "But see, e.g."⁴⁶

• *Order of Signals & Citations* — When multiple signals are used in citation sentences, the signals should be listed in the order set forth in Rule 1.2 and all signals of the same basic type, such as supportive, comparative, or contradictory, should be strung together in one citation sentence separated by semicolons.⁴⁷ The stringing of similar signals into one citation sentence is a relatively new procedure, replacing the prior requirement that citation sentences be limited to one signal each.

If one authority is considerably more helpful or authoritative than the others cited within a signal, it should precede the others. Otherwise authorities are cited in the following order: 1) constitutions; 2) statutes; 3) treaties; 4) cases; 5) legislative materials; 6) administrative and executive material; 7) intergovernmental resolutions or decisions; 8) records, briefs and petitions; and 9) secondary materials such as restatements, books, articles, and annotations.⁴⁸ Within any category, federal authorities should appear before state authorities. When citing cases, state court decisions should be listed alphabetically by state, and the decisions should appear in reverse chronological order. Courts within the same state are listed in order of the superiority of jurisdiction, for example, supreme court cases are listed before those of a lower appellate court.⁴⁹

Helpful Miscellaneous Rules

The 18th edition explains the spacing requirements for ellipses in Rule 5.3 — there should always be a space between each period. Rule 5.1(b) reiterates the rules regarding placement of footnotes outside quotation marks and placement of commas and periods inside quotation marks, while other punctuation marks, such as semicolons and question marks are to be placed outside the quotation marks unless they are part of the original text. Finally, Rule 10.7.1(c) includes directions for citing cases that have been abrogated or superseded by statute, and Rule 10.8.1(d) governs cases that have been republished.

Conclusion

Citations play an important role in legal writing by telling the reader where to find the cited source, the relation of the authority to the argument you are making, and by demonstrating that your position is well researched. Your readers (judges, clients, and supervising lawyers, just to name a few) expect proof that your argument or conclusion is supported. Incomplete citation form may cause your reader difficulty in locating a cited authority to verify your conclusions. Sloppy citation form will cause the reader to question the substance of your writing. These problems create doubts that you generally wish to avoid in persuasive legal writing. Good form implies an attention to detail that reassures the reader of your thoroughness and knowledge. Good citation form takes a few extra minutes, but is well worth the trouble.

¹ The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

² Although Rule 9.800 is part of the appellate rules, it "applies to all legal documents."

³ All references to The Bluebook in this article will be to the 18th edition unless otherwise noted.

⁴ The Bluebook, R. B1, at 3.

⁵ *Id.*

⁶ See Darby Dickerson, *Professionalizing Legal Citation: The ALWD Citation Manual*, 9 The Record: J. of the Appellate Practice Section at 3, 4 (Fall 2000), available at www.flabarappellate.org/pdf/app-Fall2000.pdf.

⁷ Darby Dickerson, Ass'n of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation* (Aspen Law & Business 2000).

⁸ The Bluebook, Preface to 18th ed., at V.

⁹ *Id.* R. 18, at 151-61.

¹⁰ *Id.* at 151.

¹¹ *Id.* R. 18.2.4, at 158.

¹² *Id.* R. 21, at 168-92.

¹³ *Id.* at 174, 177-78.

¹⁴ Providing the exact date of the opinion allows the reader to access the decision in the archived opinions on the court's Web site.

¹⁵ See Fla. R. App. P. 9.800(d)(1).

¹⁶ See Fla. R. App. P. 9.800(d)(2).

¹⁷ See *id.*

¹⁸ Fla. R. App. P. 9.800(k).

¹⁹ *Id.*

²⁰ The Bluebook, R. 10.2.1(c), at 82-83.

²¹ *Id.* T.6., at 335.

²² *Id.* R. 10.2.1(c), at 83.

²³ *Id.* R. 4.2, at 66.

²⁴ *Id.* R. B5.1.2, at 7.

²⁵ Fla. R. App. P. 9.800(f).

²⁶ Fla. R. App. P. 9.800(g).

²⁷ Fla. R. App. P. 9.800(h).

²⁸ Fla. R. App. P. 9.800(e).

²⁹ Staff analyses and bill information dating back to 1998 are available on the Florida Legislature's official Web site ("Online Sunshine" — www.leg.state.fl.us). The *Florida Style Manual* is an excellent resource for citing these materials. The basic form for a staff analysis includes the legislative committee (appropriately abbreviated), bill number (year), staff analysis [page cited], parenthetical information indicating the version, and the location of the document, for example: Fla. H.R. Comm. on HRS, HB 19-A (1984) Staff Analysis 2 (final Dec. 12, 1984) (on file with comm.). For the location of the document, you may include the Web site, as that will be the location most accessible to the public, for example (available at <http://www...>).

³⁰ The Bluebook, R. 4.2, at 66.

³¹ *Id.* R. 10.9, at 98.

³² *Id.* R. 15.9, 16.7 & 4.2.

³³ *Id.* R. 1.2(e), at 47.

³⁴ *Id.* R. 1.2(a), at 46.

³⁵ Starting in 1991, *The Bluebook* limited use of "see" to introduce an authority that "clearly states" a proposition, however, in common practice, this role was given to "[no signal]." See, e.g., *The Bluebook* at 22 (15th ed. 1991). The "clearly states" function formerly ascribed to "[no signal]" was transferred entirely to the "see" signal in the 16th edition. These revisions of *The Bluebook* were the subject of significant criticism and debate, leading the editors to repeal these revisions in the 17th edition. However, the descriptions in the 17th edition received criticism for lacking clarity. The 18th edition now appears to put these concerns to rest by using "[no signal]" to introduce an authority that directly states a proposition and "see" to introduce an authority that clearly supports but does not directly state the proposition.

³⁶ The Bluebook, R. 1.2(a), at 46.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.* at 47.

⁴⁰ *Id.* R. 1.2(b), at 47.

⁴¹ *Id.* R. 1.2(c), at 47.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.* R. 1.2(d), at 47.

⁴⁵ *Id.* R. B4.3, at 5. "E.g." had been changed and later eliminated altogether as a stand-alone signal in prior editions, but has been restored to fill the role it has always maintained in common practice, which is to introduce a string of examples of a common proposition.

⁴⁶ *Id.* R. 1.2(a), at 46.

⁴⁷ *Id.* R. 1.3, at 48.

⁴⁸ *Id.* R. 1.4, at 48-51.

⁴⁹ *Id.* R. 1.4(d), at 50.a

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