



Signal Confusion

For many people, signals are the trickiest part of legal citation. When do you use a signal? When can you omit the signal? What is the difference between *see* and *cf.*?

And: Do signals even matter?

Signals matter a great deal. In fact, missing or incorrect signals might be the most significant citation errors law students and practicing attorneys make.¹ In our common-law system, where we frequently reason by inference as new legal and factual situations arise, it's important to be able to distinguish between sources that directly support a proposition and sources that only support a proposition indirectly or by analogy or extension. Signals like *see* and *cf.* tell your reader at a glance that one or more inferential steps fall between your assertion and any explicit statement of law in your cited source.

To some extent, we can blame *The Bluebook's* Sixteenth Edition for our signal confusion. Before that edition, *The Bluebook* consistently required us to use no signal where the source contained explicit statements directly supporting the assertion made. The signal *see*, on the other hand, let your reader know that the cited source only supported your assertion implicitly or through dicta. In the Sixteenth Edition, the editors erased this distinction, permitting no signal only where the cited source was quoted or named in the preceding sentence. Now there was no way to indicate the difference between sources that directly supported a proposition and those that did so only indirectly.

Mayhem ensued.² Practitioners and academics protested the change. The new rules made no sense; after all, one can tell at a glance whether a sentence contains a case name or a quotation, but this new signal regime left no means to make the more subtle distinction between direct and indirect support. Ultimately, the original signal rule was restored in the Seventeenth Edition, but some law-review articles and briefs of 1996–2000 vintage surface now and then with unhelpful signals.

Do you know attorneys who use the signal *see* before every citation (or require you to do so)? They probably learned the Sixteenth Edition and never realized that the rule changed back.

So what do signals mean now? Here's a quick guide:

No Signal—This indicates the strongest possible support. If you can accurately cite using no signal, do so. Most commonly, you use no signal where the cited source explicitly states the legal rule for which you cite it. No inferences or analogies are necessary; the source directly says whatever proposition you assert in the preceding sentence. You also use no signal where the citation identifies the source of a quotation in the preceding sentence or identifies a source named in the preceding sentence.

See—As you've probably gathered already, *see* tells your reader that the cited source supports your assertion indirectly. As Bluebook rule 1.2 puts it, the proposition "obviously follows from" the case, but "there is an inferential step between the authority cited and the proposition it supports."

See also—Use this signal when you have already cited other authority that directly or indirectly supports your assertion; the

sources following *see also* provide additional support. Usually, you should include parentheticals to explain how these extra sources enhance your reader's understanding of the relevant law.

E.g.—As you might expect, *e.g.* precedes examples. You use this signal where many authorities directly state the proposition, but you do not want or need to cite them all. If the sources support the proposition indirectly, or if they are inconsistent with your assertion, you should pair the *e.g.* signal with *see* or *but see*. Frequently, you will want to use a parenthetical to clarify how the cited authorities support the proposition.

Cf.—The cited authority supports a different but analogous proposition from the one set forth in the sentence preceding the citation. Again, it's best to include parenthetical explanations of this analogous support.

But see—The source indirectly contradicts your assertion, although it does not explicitly state the contrary.

But cf.—The opposite of *cf.* The source contradicts your proposition, but only by analogy. It's best to clarify the nature and extent of contradiction with parentheticals.

In most law practice, you'll rarely use *contra* (the cited source explicitly contradicts your assertion), *accord* (to introduce additional support, possibly from another jurisdiction, after citing two or more sources that directly support the proposition), or *compare ... with ...* (to compare authorities dealing with the proposition).

In fact, you'll probably be fine most of the time with nothing more than no signal and *see*. But know the other five signals discussed above, and you'll communicate clearly and accurately.

endnotes

1. **Green only** to missing pinpoint citations. Don't omit your pinpoint citations, people. No one wants to have to read a 100-page case to find a statement in footnote four.
2. Well, sort of.



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