



# Legal Writing Center

## Effective Use of Quotations

By Angela Kershner, Legal Writing Fellow, 2017-2018

Reference to primary sources is important in all types of legal writing. Facts, rules, and holdings from these sources must be incorporated into your writing for your argument to have weight. What is the best way to incorporate these things into your paper without the paper being choppy or imprecise?

There are two basic ways to incorporate someone else's ideas into your paper (without plagiarizing, that is!): quotations and paraphrasing. Quotations use the exact wording from the original source, while paraphrasing uses the concepts from the original while changing the wording. **Knowing when and how to use each of them will make your paper easier to read and therefore more persuasive.**

Generally, deciding whether to quote or paraphrase and how to go about it is highly context-specific, but here are a few basic rules to make the decision easier:

- Most of the time, you should go out of your way to avoid long quotations, especially block quotes.
- Only quote the source when the exact language is needed or if the wording in the original is particularly powerful or persuasive.
- For most things, you should paraphrase.
- The two are not mutually exclusive! You can combine quotation with paraphrasing.
- Don't try to shoe-horn a quotation into your paper – use ellipses and brackets to make the quote work for you.

This Due Diligence Guide focuses on how to quote effectively and correctly.



## Block Quotes

According to the Bluebook rules, any quotation that is 50 words or longer must be formatted as a block quote. Because of the way block quotes are separated from the rest of the text, many readers do not read them. You may have noticed this in your own reading. When you come to a block quote, at most you skim it to see what it's about, then skip down to see what the author has to say about the quotation. For this reason, it is best to avoid block quotes unless they are absolutely necessary.

Block quotes should be used primarily in two situations: when quoting a statute or when quoting from the record (*e.g.*, what a witness said during deposition or what the opposing party posted on Facebook). These are situations in which the precise wording is very important. As such, you should not try to paraphrase, and it is often difficult or impossible to avoid having your quotation be fewer than 50 words. This makes block quotes unavoidable.

Oftentimes when quoting statutes, there will be long sections that are irrelevant to your argument and need not be quoted. You may remove these sections by using ellipses according to Bluebook rules. You only want to be presenting to your reader the parts of the statute that are relevant to what is at issue in your paper.

For Example – Using a Block Quote to quote from the Record.

After Moore was released from CAI as part of its reduction in force, Ian Rollo, President of Volant (“Rollo”), wrote a letter to CAI and Welch on October 5, 2009. CP 127. In this letter, Rollo stated the following:

Mr. Moore has requested that Volant extend an offer of employment to him and Volant has agreed to do so, but only if said offer of employment does not violate any non-compete or other restrictive covenants existing between Mr. Moore and CAI.

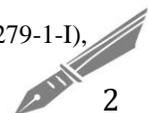
....

I am requesting that you acknowledge and agree on behalf of CAI that Volant's offer of employment to Mr. Moor is not objectionable to CAI and will not violate any agreement

*Id.*<sup>1</sup>

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<sup>1</sup> Brief of Respondents at 4-5, *Moore v. Commercial Aircraft Interiors*, 168 Wn. App. 502 (2012) (No. 66279-1-I), 2011 WA App. Ct. Briefs LEXIS 586.



In the example above, an entire paragraph was removed from the quoted material and was replaced with an ellipsis on its own line, where the paragraph would have been. This is required by Bluebook Rule 5.1(a)(iii).

#### For Example – Block Quote with the Addition of Brackets and Ellipsis.

A comment to Rule 32.6(c) states that this section “instructs the court to make a final adjudication of all the petitioner’s claims--those lurking in the background as well as those specified.” *Id.*, cmt. to Rule 32.6(c) and (d). The comment continues:

If the court finds from the pleadings and record that all of the petitioner’s claims are frivolous and that it would not be beneficial to continue the proceedings, it may dismiss the petition. . . . However, if the court finds any colorable claim, it is required by *Townsend v. Sain*, [372 U.S. 293 (1963)], to make a full factual determination before deciding it on its merits.

*Id.*<sup>2</sup>

Note three things about the example above: the ellipsis, the brackets, and the citation. The ellipsis contains four periods. This follows Bluebook Rule 5.3, which requires four periods instead of the usual three when the ellipsis separates two sentences. The writers also used brackets to add in the citation to *Townsend*, which was not included in the comment. Finally, the citation for the block quote, in this case the “*Id.*,” is placed on the next line after the block quote and was not indented, as required by Rule 5.1(a)(ii).

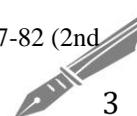
Finally, it is important that you introduce block quotes in a way that lets the reader know upfront why the quote is important. This is especially true when you are quoting from a case rather than from a statute or the record. Try not to introduce a quote with phrases such as “In this case, the court held:” or “The witness stated in her testimony:”. Instead, briefly summarize the court’s holding before quoting the opinion, or explain why it is important that the witness testified the way she did.

#### For Example<sup>3</sup>-- Introductory Sentence Giving Context to a Block Quote.

Simply put, CAI was acting to protect from possible disclosure the trade secrets it owned. Such action is expressly permitted under Washington law:

<sup>2</sup> Brief of Law Professors and Legal Scholars as *Amici Curiae* in Support of Respondent at 30-31, *Harrington v. Richter*, 562 U.S. 86 (2011) (No. 09-587), 2010 U.S. S. Ct. Briefs LEXIS 677.

<sup>3</sup> For more examples of how to effectively introduce block quotes, see ROSS GUBERMAN, *POINT MADE* 177-82 (2nd ed. 2014).



The defendant is . . . permitted to interfere with another’s contractual relations to protect his own present existing economic interests, such as the ownership or condition of property, or a prior contract of his own, or a financial interest in the affairs of the person persuaded. He is not free, under this rule, to induce a contract breach merely to obtain customers or other prospective economic advantage; but he may do so to protect what he perceives to be existing interests.

*Deep Water Brewing*, 152 Wn. App. at 264 (quoting *W. Keeton, Prosser and Keeton on Torts*, § 129, at 986 (5th ed.)) (emphasis supplied).<sup>4</sup>

In this example, the writer introduces the quoted material with a phrase that summarizes why it is important. The reader thus knows that the quote is presented to prove that the client’s actions were permitted by that state’s law. Also note the ellipsis within the block quote and the placement of the citation.

### Short Quotations

Short quotations, fewer than fifty words, are formatted the same way as the rest of your text. Because of the formatting consistency, your reader is much more likely to read short quotes than block quotes. However, the presence of quotation marks slightly disrupts the flow of reading. For this reason, among others, it is still best to avoid quotations unless the exact wording is significantly preferable to paraphrasing.

It is not always clear whether to quote or paraphrase. Generally, you should quote when the exact wording is needed, as when quoting the law or the record, or when the wording in the original is germane to the legal issue or is particularly powerful and persuasive.

#### For Example—Quoting Material that Contains Fewer than Fifty Words.

In *Arizona v. Evans*, 514 U.S. 1, 7 (1995), this Court reaffirmed the presumption that state court decisions are on the merits rather than on [other] state law grounds, “to obviate the ‘unsatisfactory and intrusive practice of requiring state courts to clarify their decisions to the satisfaction of this Court.’”<sup>5</sup>

<sup>4</sup> Brief of Respondents at 12-13, *Moore v. Commercial Aircraft Interiors*, 168 Wn. App. 502 (2012) (No. 66279-1-I), 2011 WA App. Ct. Briefs LEXIS 586.

<sup>5</sup> Petitioner’s Reply Brief on the Merits at 11, *Harrington v. Richter*, 562 U.S. 86 (2011) (No. 09-587), 2010 U.S. S. Ct. Briefs LEXIS 1292.



In this example, the court’s phrasing is especially persuasive for the writer’s argument, describing the proposed course of action as “unsatisfactory and intrusive.”

Just as you would with block quotes, you should only present to your reader those parts of the source wording that are necessary. Eliminate unnecessary words by using ellipses according to the Bluebook rules. However, when doing so, be careful not to change the meaning of the original.

In addition, keep in mind that you can always change verb tenses and add or delete wording for purposes of clarity through the use of brackets.

#### For Example—Using Brackets.

Further, the proffered expert opinions did not explain how Klein could have been shot in the bedroom doorway even though his body was found on the living room couch. They did nothing to advance the implausible defense scenario that “the drug-addled, intoxicated, 5’10”, 155 pound Johnson [c]ould have [performed] an athletic feat of nearly Olympic proportions [by moving] Klein from the bedroom doorway to the couch” without leaving any smears or a trail of blood.<sup>6</sup>

In this example, the writers changed the quoted material so that it worked grammatically in their sentence. They changed “would” to “could” by putting the “c” in brackets. They replaced words or phrases from the source material by adding their own words (“performed” and “by moving”) in brackets. They didn’t, however, change the overall meaning of the words quoted. Brackets and ellipses can be very effective tools for the legal writer.

#### Sources:

ROSS GUBERMAN, *POINT MADE* 171-82 (2nd ed. 2014).

RICHARD K. NEUMANN, JR., ET AL., *LEGAL WRITING* 199-215 (3rd ed. 2015).

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<sup>6</sup> Petitioner’s Reply Brief on the Merits at 32, *Harrington v. Richter*, 562 U.S. 86 (2011) (No. 09-587), 2010 U.S. S. Ct. Briefs LEXIS 1292.

