

TCDLA Guidelines for Voice Articles

We welcome all submissions to the *Voice for the Defense*. What follows are some general guidelines for your articles.

Required

- Articles generally run between 500 and 2,500 words. The size should be dictated by the relevance and significance of the material presented.
- Be sure to include a short (3-5 sentence) biography, photo, and contact information to be included along with the article.
 - **Sample Bio:**
Ed McClees is the managing partner of McClees Law Firm, PLLC. He is the former Chief of the Organized Crime Section of the Harris County District Attorney's Office, where he routinely provided advice to federal and state law enforcement agencies, including the FBI, IRS, Joint Counterterrorism Task Force, United States Secret Service, Houston Police Department, Harris County Sheriff's Office, and many others. He currently represents individuals charged with various DWI and intoxication-related crimes, murder, sexual assault, white collar crimes, and others. He can be reached at ed@mctexaslaw.com or 713-322-9087.
- We generally do not publish articles that detail pending litigation. Topics should be timely or relevant to case law. We suggest you visit the TCDLA website to review previous *Voice* articles.
- Articles need to be of law review quality. Be sure to proofread your article before submission and double-check all citations, grammar, and punctuation.
- See below for Guidelines for writing articles.

Deadlines

The drop-dead deadline for articles is the 10th day of the month preceding the month of publication—i.e., March 10th for the April issue. For the bi-monthly issues, the deadline is the 15th day of the first month (i.e., January 15 for the January/February issue). These fall after the annual Rusty Duncan Advanced Criminal Law Seminar and over the Christmas holidays.

Submission

Submission of an article does not guarantee its publication. Acceptance is contingent upon myriad considerations, including relevance and timeliness. Articles are also not always published on a first-in-first-out basis in order to deliver the most relevant, timely information to our readers. If you have any questions about whether a subject might prove of interest to readers, email one of the following:

Editor | Jeep Darnell at jedarnell@jdarnell.com

Vice Editor | Sarah Roland at sarah@sarahroland.com

Vice Editor | Clay Steadman at csteadman612@hotmail.com

Vice Editor | Amanda Hernandez at amanda@flanarylawfirm.com

Submit articles to jedarnell@jdarnell.com and rkeith@tcdla.com.

Selection Process

- Articles will be edited for content as well as for conformity to magazine style.
- Be sure to proofread your article prior to submission and to double check all citations, grammar, and punctuation.
- We encourage *everyone* to participate in our magazine. Our members depend on the new and pertinent information found in its pages. Do not feel that you need to set the world on fire with your prose. If the subject matter is important to our members, we will work with you to make sure the information is presented in a clear and concise manner.

TCDLA Guidelines for Writing Voice Articles

The *Voice for the Defense* welcomes submissions for publications. We do, however, expect authors to write in a clear, professional manner, using correct grammar, citation forms, etc. If you decide to submit an article to the Voice, please adhere to the following guidelines. Also please be sure your paper is up-to-date. Remember, the law changes every week in Texas, so if you don't keep up, it is easy to fall behind. (For example, a significant decisions paper from 2004 is not acceptable for publication in 2006.) Non-conforming papers will be returned to the authors for revision, correction, or updating. We cannot publish hard copies of papers, or those that have been scanned. You must submit your paper in Word or Word Perfect format. Also, please remember to put your name on your paper with contact information so that we will know how to get in touch with you prior to publication.

I. Citation form.

Remember that blue plastic spiral bound book you had in law school that everyone hated? Well dig it out of your closet and keep it somewhere in your office. The "Blue Book" contains the proper citation forms used in legal writing. We don't expect you to adhere to every little nit-picky rule and regulation. (We're not Blue Book experts ourselves.) However, we do expect attorneys and other people writing for a professional lawyers' magazine to use correct citation forms. If the thought of using the Blue Book makes you want to gag, at least get a copy of the Texas Rules of Form (the "Green Book") published by the UT Law School, which is much smaller and far more "user-friendly." It may be purchased online from the Texas Law Review: <http://www.utexas.edu/law/journals/tlr/trof.html>.

A. Case Cites

1. General Rules.

Case citations generally have four components:

- case name

- reporter
- court
- date.

All must be included: *State v. Jones*, 22 S.W.3d 354 (Tex.Crim.App. 2005).

If you are quoting from a case, you must also include a “jump” cite:
State v. Jones, 22 S.W.3d 354, 356 (Tex.Crim.App. 2005).

For short forms you can cite: *Jones* at 356, or *Id.* at 356. Also, remember that “*Id.*” refers only to cases, not statutes or other materials.

We prefer that you italicize case names. Please do not bold or underline them.

2. United States Supreme Court:

Published cases:

If there is a US Reporter citation, it is proper to cite only that one.

- *United States v. Smith*, 123 US 254 (1992)

However, if you wish to use parallel cites, the following is proper.

- *United States v. Smith*, 123 US 254, 225 S.Ct. 884, 29 L.Ed.2d 208 (1992).

United States is NOT abbreviated “US” or USA.

Not yet published:

- *United States v. Smith*, ___ US___ (No. 04-789, delivered March 12, 2005).

If there are Supreme Court and/or Lawyer’s Edition cites, but no US Reporter, use those:

- *United States v. Smith*, ___ U.S.___, 992 S.Ct. 342, 85 L.Ed.2d 143 (2005).

You can also use US Law Week or Lexis/Westlaw.

- *United States v. Smith*, ___ US___, 12 USLW 225 (2005).
- *United States v. Smith*, ___ US___, 332 US LEXIS 1245 (2005).

3. Fifth Circuit:

Published cases:

- *United States v. Smith*, 79 F.3d 336 (5th Cir. 2001).

Not F.3rd, Not Fed.3d, Not (CA5 2001), and Not (5th Cir. Texas 2001).

Not yet published:

- *United States v. Smith*, ___ F.3d ___ (5th Cir. No. 02-0005, delivered March 24, 2001).

Unpublished decisions:

- *United States v. Smith*, No. 02-0005 (5th Cir. 2001) (not designated for publication).

4. Court of Criminal Appeals:

Published cases:

- *Jones v. State*, 954 S.W.2d 225 (Tex.Crim.App. 1994).

The following are not acceptable: (Tex.Cr.App. 1994); (Crim.App. 1994); also, the date must be included.

Not yet published:

- *Jones v. State*, __S.W.3d__ (Tex.Crim.App. No. 1234-05, delivered January 22, 2005).

5. Courts of Appeal:

Published cases:

- *Jones v. State*, 98 S.W.3d 443 (Tex.App. – Houston [14th Dist.] 2003, pet. ref'd)

*Note that the 1st and 14th courts in Houston are the only two which have the district number designated. For example, the third court would be (Tex.App. – Austin 2003), NOT (Tex.App. – Austin [3rd Dist.] 2003).

Not yet published:

- *Jones v. State*, __S.W.3d__ (Tex.App. No. 13-05-442-CR – Corpus Christi, delivered January 22, 2005).

Not designated for publication:

- *Jones v. State*, No. 13-05-442-CR (Tex.App. – Corpus Christi 2005) (not designated for publication).

B. Statutes.

United States Constitution: US Const, amend. XIV.

United States Code: 42 U.S.C. § 1983

Texas Constitution: Tex.Const., Art. I, § 9.

Code of Criminal Appeals: Tex.Code Crim.Proc. Art. 32.04, § 5(b)

Do not cite the Code as “Art. 32.04, § 5(b), V.A.C.C.P.”

Texas Penal Code: Tex.Penal Code § 19.05

Do not cite, Sec. 19.05, VAPC. And you don’t need to put (Vernon 2004) or (Vernon Supp. 2005) after a Code citation. We don’t care about that unless you are citing to an old version of a statute.

C. Secondary Sources

1. Law Journals & Periodicals

Jane Doe & John Smith, *How to Lose a DWI Trial without Really Trying*, 22 Tex. L. Rev. 541 (2004).

Dexter E. Gilford, *Constructive Waiver and Compelled Defendant Interviews: Understanding the Lagrone Doctrine and Implementing Strategies for Limiting its Effect, Part II*, 35 Voice for the Defense 14 (2006)

2. Books

Murl A. Larkin, *Criminal Trial Evidence Manual for Texas Lawyers*, 3d ed. (2005).

Wayne R. LaFave, *Search & Seizure* § 1.3(f) (1987).

II. Signals

If you are going to use signals, please be aware of the meaning and proper usage of each one. If you are uncertain about a signal, either look it up in the Blue Book (it’s rule 1.2, in case anybody even has one) or just don’t use it. For example, many people feel compelled to

use “see” before every case citation. According to the Blue Book, *see* doesn’t actually mean “see.” It means:

Cited authority *clearly supports* the proposition. “*See* is used instead of “[no signal]” when the proposition is not directly stated by the cited authority but obviously follows from it, there is an inferential step between the authority cited and the proposition it supports.

Now, if this seems a little confusing (not to mention irritating), consider the meaning of “no signal:”

Cited authority (i) *clearly states* the proposition, (ii) identifies the source of a quotation, or (iii) identifies an authority referred to in text.

No signal is generally better unless either you are familiar enough to know what signals really mean, or you want to spend all your time looking up their meanings in the Blue Book. Remember that signals are generally used only by law students and others who write for law reviews and must adhere strictly to Blue Book form. The rest of us don’t have to be so picky.

III. Footnotes and Endnotes

Please do not use footnotes. Remember, the Voice is not a law review, so every sentence does not need to be footnoted with a citation or countless “*Ids.*” If you feel it necessary to reference something in a note, please use endnotes instead, and use them sparingly. It is much easier for us if we don’t have to reformat your article by converting footnotes to endnotes.

IV. Punctuation.

Please pay attention to the following common punctuation errors.

| Incorrect | Correct |
|---|---|
| Possessive of words ending in “s:” witness’s (three s’s together are never correct) or witnesses’s | witness’ witnesses’ |
| Ellipsis at the beginning or end of a sentence. “. . . there was no probable cause to justify the arrest.” “The court held there was no probable cause” | Instead write: [T]here was no probable cause to justify the arrest. Instead write: “The court held there was no probable cause[.]” |

| | |
|---|--|
| Brackets used in place of parentheses, or anytime they are not being used in a quotation. | Brackets are correctly used only if you are either removing from or adding to a quotation. “The case were [sic] overruled.” Or “The case[s] were overruled.” “As the Court stated in <i>Smith</i> [v. <i>State</i> , 12 S.W.3d 465 (Tex.Crim.App. 2001)], <i>supra</i> , no probable cause existed.” |
| Quotations with punctuation: The Court ruled that “no probable cause existed”. Period outside quote is incorrect. | Period goes inside the quote: The Court ruled that “no probable cause existed.” The same rule applies to other punctuation: The Court ruled that “no probable cause existed,” but held the error was harmless. |
| Parenthesis with punctuation: The Court ruled (that no probable cause existed.). | Don’t use double periods. The Court ruled (that no probable cause existed). |
| Run-on sentence: The Court ruled the trial court erred, however, the error was harmless. | Use a semi-colon. The Court ruled the trial court erred; however, the error was harmless. |

V. Grammar.

A. Noun-Pronoun agreement:

Wrong: There are many people that don’t like flying. “That” refers to a “thing,” not a person.
Right: There are many people who don’t like flying.

B. Subject-Object agreement:

Wrong: All parents should bring their child to the assembly.
Right: All parents should bring their children to the assembly.

C. Overuse of “That.”

It is unnecessary to use “that” at the beginning of each clause of a sentence. For example:

- The Court held that the defendant was entitled to a charge that instructed jurors to find him guilty of the lesser included offense only if they found that he had not stolen the victim's purse.

The above sentence contains three "thats." See how much more smoothly it reads without them:

- The Court held the defendant was entitled to a charge instructing jurors to find him guilty of the lesser included offense only if they found he had not stolen the victim's purse.

V. Proper judicial terminology.

The Court of Criminal Appeals members are Judges, not Justices. Members of the other Texas appellate courts and the US Supreme Court are Justices. The 5th Circuit is also comprised of Judges, not Justices. The Court of Criminal Appeals has a Presiding Judge, not a Chief Justice.

VI. Passive Voice.

Try not to use passive voice. For example:

- It was noted by the Court of Criminal Appeals that the Supreme Court has declared the Fourth Amendment a relic, which should be removed from the Constitution.

Active voice is more forceful:

- The Court of Criminal Appeals noted the Supreme Court has declared the Fourth Amendment a relic, which should be removed from the Constitution.

VII. Miscellaneous:

Use of "it."

- Possessive of it: "its."
- "It's" means "it is."

All right, not "Alright."

Past tense of plead is pled, not plead.

- "She pled guilty," not, "She plead guilty."

Use of "this." Try to avoid sentences with "this" as the subject:

- This occurs frequently in such a situation. Instead, write: This situation occurs frequently.

Use of "all" with "of."

- She ate all her macaroni.

Not:

- “She ate all of her macaroni.”

VIII. Conclusion.

As stated in the introduction, TCDLA always welcomes submissions to the Voice. Use of these guidelines will vastly increase the chance of your article being published.