

# The Writing Center



## DLA: Intro to CA Citation Cases, Yellow Book

This DLA is a writable PDF form. You can enter your answers directly into this document.

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**Student Name:**

### Important Note

To get completion credit for this DLA, make sure you complete all the required activities. If you'd like help while working on a specific DLA, you can meet with a specialist at the Writing Center. Keep in mind that you might need to schedule a second appointment to review your work, check your understanding, and get your completion credit. You can only review **ONE** DLA per appointment. (Check the last section of this DLA for information on making your appointment and receiving completion credit for your work).

### Objective

An integral part of legal writing is being able give references to the legal sources relied on, whether quoted or paraphrased. This activity takes students through an easy-to-follow, step-by-step process in which students learn how to cite from California legal resources.

## Understanding California Citation

**There are three ways to use a source**

1. **Direct Quotation:** A direct quotation is the use of the author's exact words in your legal document. When you use a direct quotation, indicate this by putting the author's words in quotation marks.
  - Example: According to the California Supreme Court, "To establish a violation of the Fourth Amendment, the defendant must show either (1) a physical intrusion onto defendant's personal property; or (2) a violation of a defendant's reasonable expectation of privacy."
2. **Summary:** When using a summary in your legal document, you condense a lengthy source to just a few sentences or a short paragraph of your own words. If you use any words from the source in your summary, you must put those words in quotation marks.
  - Example: In *Garcia v. Jones* the California Court of Appeal held that the real estate broker had broken his fiduciary duty by failing to disclose the presence of radon gas in the home or the presence of a crack in the home's foundation.

For further information and practice on summarization, please refer to the Summary Skills for Academic Writing DLA.

3. **Paraphrase:** Paraphrasing is somewhat similar to summarizing; you put a source's ideas into your own words. The main difference, though, is that a paraphrase is around the same length as the original source while a summary is a shortened version of a source.
  - Original Source: "In this case we are asked to determine the applicable statute of limitations when a bank honors a depositor's check, fails to debit the depositor's account, and subsequently seeks repayment. We hold that the case is governed by Code of Civil Procedure section 338, subdivision (d) (hereinafter section 338(d)), which provides for a three-year statute of limitations in an action for relief on the ground of fraud or mistake."

- Example Paraphrase: The issue in the case was the appropriate statute of limitations when a bank seeks repayment when it has failed to debit a depositor's account for a check it has honored. The court held that the three-year statute of limitations specified in Code of Civil Procedure section 338 subsection (d) applied.

**After you have decided which way you will use the source, create a signal phrase (shown in the examples above also).**

The signal phrase alerts your readers that a source is coming, whether it's a quotation, summary, or paraphrase. Usually, the signal phrase mentions the author and/or text of the source you are using (Hacker 508). Here are some examples:

- **According to Vallejo v. Bronson,** benefit of the bargain damages may be calculated as of the date of the discovered fraud.
- California lawyers must comply with all of the rules contained within the California Rules of Professional Conduct, **according to the California Supreme Court.**

Here are some common verbs in signal phrases (Hacker 509). Choose the tense for your signal phrase verb based on the citation style you are using.

**Analytical and Informative:** comments, notes, reports, observes, responds, points out, suggests, implies, compares, illustrates, adds, writes

**Argumentative:** admits, argues, claims, declares, disputes, insists, rejects, asserts, contends, reasons, thinks, denies, refutes, grants, agrees, acknowledges, emphasizes, believes, confirms, endorses

A signal phrase may also give context to the source you are using (Hacker 508). Here are some examples:

- **The judge disagreed with the outcome of the case, writing,** "The court is left with no other choice, given the express language of the statute. The court encourages the legislature to revisit the statute and consider amending it."
- **It is unclear what the victim died from:** "blunt force trauma to the head" or asphyxiation.

## Activities

Complete the steps below and check off each box once you have completed the activity.

### 1. Introduce a Quote with a Signal Phrase

Go to the Mt. SAC Library website at <http://www.mtsac.edu/library> and access the database "Westlaw." Click on the State Materials tab, then on "California" and then on "All California State Cases." In the search box type "In re Glass" and click search. The top case should be In re Glass. Click on it. Scroll down past the word "Opinion." Choose a passage from the text to directly quote and write it in the space provided.

Then create a signal phrase to introduce this quote and write it in the space provided.

Now put the signal phrase and quote together.

## □ 2. Write a Paraphrase 1

Next write a paraphrase of the following passage. Try not to look back at the original passage.

To establish entitlement to relief for ineffective assistance of counsel the burden is on the defendant to show (1) trial counsel failed to act in the manner to be expected of reasonably competent attorneys acting as diligent advocates and (2) it is reasonably probable that a more favorable determination would have resulted in the absence of counsel's failings. From *People v. Pope* (1979) 23 Cal.3d 412, 425 [152 Cal.Rptr. 732, 590 P.2d 859].

Now practice using a different signal phrase to introduce the paraphrase and write it in the space provided.

Now put the signal phrase and paraphrase together.

### □ 3. Write a Paraphrase 2

Finally, continue the process by paraphrasing the following passage:

The Supreme Court declared the constitutional protected freedom of association embraced two distinct species of association. In one line of decisions, the court concluded the choices to enter into and maintain certain intimate human relationships must be secured against undue intrusion by the State because of the role of such relationships in safeguarding the individual freedom that is central to our constitutional scheme. In this respect, freedom of association receives protection as a fundamental element of personal liberty. From dissenting opinion, Curran v. Mount Diablo Council of Boy Scouts (1994) 24 Cal.App.4<sup>th</sup> 1166 [29 Cal.Rptr.2d 580].

Then create a signal phrase that provides context to the passage to introduce the paraphrase and write it in the space provided.

Now put the signal phrase and paraphrase together.

#### □ 4. Review the DLA/Receive Completion Credit

1. Go to [EAB Navigate](#) and make an appointment (online or in-person).
2. Attend your session and be prepared to explain your understanding of the information you've learned in the DLA. Consider the main concept you learned and how you might use this in your future assignments/classes.
3. If your professor asks you to provide proof, you can review the "appointment summary report" through EAB Navigate (app or desktop). You will find all Writing Center appointments under "appointment summary reports" (app or desktop). Look for the summary report for your DLA appointment. This is where your writing specialist will indicate the title of your DLA and state whether it is "completed" or "not completed." If it is marked as "not completed," book a follow up appointment to complete.

Note: Appointment summary reports are also sent weekly to your instructor on record. If there is an issue, please contact us at [writingcenter@mtsac.edu](mailto:writingcenter@mtsac.edu) or (909) 274-5325.

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