

Texas Law Review Online

Volume 97

Article

The Development and Evolution of *The Greenbook*: The First Fifty Years

Jane O'Connell*

Since its founding over 50 years ago, *Texas Rules of Form*, more commonly known as *The Greenbook*,¹ has gone through 14 editions and expanded from a diminutive 17 pages to its current 132 pages.² Today's *Greenbook* provides not only Texas-specific citation information but also serves as a guide to general Texas practice, Texas court structure, Texas-specific legal publications, and Texas legal history. This article covers the founding and evolution of this indispensable Texas legal resource.

I. Reasons for the Creation of *The Greenbook*

The Greenbook can trace its origins to dissatisfaction with the treatment of Texas legal materials by *The Bluebook*. First published in 1922, *The Bluebook* has a long history of being the preeminent legal citation authority in the United States. However, a major omission in early editions of *The Bluebook* was the lack of any state specific guidance. Even when *The Bluebook* finally introduced state specific instructions in its twelfth edition in 1976, the section for Texas did not address issues of crucial importance to

*Associate Dean for Legal Information, Levin College of Law, University of Florida. I am indebted to Professor Barbara Bintliff, Director of the Tarlton Law Library/Jamail Center for Legal Research at the University of Texas School of Law, for her guidance and support, and to Hugh Brady, Elizabeth Hilkin, and Matthew Steinke for their helpful comments.

1. TEXAS RULES OF FORM's green cover resulted in law students and practitioners referring to it informally as *The Greenbook*. This practice was so pervasive that the editors changed the title to THE GREENBOOK: TEXAS RULES OF FORM with the publication of the twelfth edition in 2010. I will generally refer to publication as *The Greenbook*.

2. TEXAS RULES OF FORM (Texas Law Review ed., 1st ed. 1966) [hereinafter TEXAS RULES OF FORM (1st ed.)]; TEXAS RULES OF FORM: THE GREENBOOK (Texas Law Review Ass'n ed., 14th ed. 2018) [hereinafter TEXAS RULES OF FORM (14th ed.)].

Texas practitioners, particularly the appropriate citation format for subsequent history.³

Subsequent history for appellate cases is of unique importance in Texas. In 1892, the Courts of Civil Appeals were created to reduce the backlog of cases at the Texas Supreme Court.⁴ The Courts of Civil Appeals were intended to have final jurisdiction on questions of fact, while the Texas Supreme Court would only consider questions of law except in original proceedings.⁵ Appellate cases could be appealed using a writ of error for the Texas Supreme Court to review questions of law.⁶ The Supreme Court of Texas incorporated the subsequent history of writs into citations to Courts of Civil Appeals opinions as early as 1896.⁷

Unfortunately, the creation of the Courts of Civil Appeals did not lessen the backlog of cases at the Texas Supreme Court to the extent that was hoped. The Texas Legislature passed a number of statutes that attempted to reduce the burden on the court, but these efforts were largely unsuccessful.⁸ In 1927, the Legislature attempted to reduce the backlog by altering the court's treatment of writs of error. Specifically, the enacted statute provided that if "the judgment of the Court of Civil Appeals is a correct one and . . . the principles of law declared in the opinion are correctly determined," the Texas Supreme Court should refuse the writ of error.⁹ This important change meant that if the Texas Supreme Court refused an appeal, the appellate opinion had the same precedential value as a Texas Supreme Court opinion. This was a very significant departure from prior practice where refusal of a writ added no additional precedential value to the appellate opinion. Alternatively, if the appellate court's opinion was correct but the court was "not satisfied that the opinion of the Court of Civil Appeals in all respects has correctly declared the law, it shall dismiss the case for want of jurisdiction."¹⁰ The notation "Dismissed, W.O.J.," used in such cases, caused particular confusion as it was used both for writs where the court actually lacked jurisdiction and also to indicate that the appellate opinion was generally correct but did not have precedential weight of a Texas Supreme Court opinion.¹¹

3. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 137–38 (Columbia Law Review Ass'n et al. eds., 12th ed. 1976).

4. Gordon Simpson, *Notations on Applications for Writs of Error*, 12 TEX. B.J. 547, 548 (1949).

5. *Id.*

6. *Id.*

7. James Hambleton, *Notations for Subsequent Histories in Civil Cases*, 65 TEX. B.J. 694, 699 n.2 (2002).

8. Act of April 13, 1892, 22nd Leg., 1st C.S., ch. 14, 1892 Tex. Gen. Laws 19 (1892); Act of April 10, 1901, 27th Leg., R.S., ch. 53, 1901 Tex. Gen. Laws 122 (1901); Act of March 28, 2013, 33rd Leg., R.S., ch. 55, 1913 Tex. Gen. Laws 107 (1913).

9. Act of March 25, 1927, 40th Leg., R.S., ch. 144, 1927 Tex. Gen. Laws 214, 215 (codified at Tex. Rev. Civ. Stat. Ann. art. 1728); Tex. R. Civ. P. 56.1(c) (formerly Tex. R. Civ. P. 483).

10. Act of March 25, 1927, 40th Leg., R.S., ch. 144, 1927 Tex. Gen. Laws 214, 215 (codified at Tex. Rev. Civ. Stat. Ann. art. 1728); Tex. R. Civ. P. 56.1(c) (formerly Tex. R. Civ. P. 483).

11. Simpson, *supra* note 4, at 571.

The court's adoption of additional notations during the early twentieth century only increased the uncertainty as to the exact meaning of notations. In the midst of this confusion, the State Bar of Texas clamored for uniform treatment of subsequent history by the Texas Supreme Court. For example, the usage of "Refused. No Reversible Error" in the 1940s caused such dissatisfaction that the State Bar of Texas adopted a resolution requesting an amendment to the Texas Rules of Civil Procedure to clarify the usage of the notation.¹² In order to assist practitioners, the *Texas Bar Journal* published the article *Notations on Applications for Writs of Error* by prominent Dallas oil and gas attorney Gordon Simpson in 1949.¹³ This article provided guidance about the meaning of the notations that had been used by the Texas Supreme Court up until that time. During the 1950s and early 1960s, the Texas Supreme Court continued to adopt new notations. By 1964, there were eight different ways that the Texas Supreme Court could respond to writs of error.¹⁴ The complicated idiosyncrasies of Texas writ practice and citation to their subsequent history were not addressed at all by *The Bluebook*. Texas practitioners badly needed guidance. Texas legal citation needed standardization and uniformity.

Judge Joe Greenhill¹⁵ was acutely aware of these issues prior to his appointment to the Texas Supreme Court in 1957. While serving as First Assistant Attorney General in 1949, Greenhill prepared the UNIFORM CITATIONS FOR OPINIONS AND BRIEFS¹⁶ to be used by the Texas Attorney's General staff. Its introduction noted that "with a large staff of attorneys and secretaries, certain rules have become necessary for uniformity in writing abbreviations and citing authorities in our opinions and briefs. Accordingly, the following rules prepared by First Assistant Joe R. Greenhill have been adopted and should be followed in all official opinions, letters opinions, and briefs."¹⁷ In its 18 pages, the citation guide covered the citation of cases, constitutions, statutes, rules of court, treatises, and periodicals along with abbreviations, indication of the purpose of a citation, how to treat quotations from cases and other general guidance.¹⁸ The section on citation to civil appeals cases required subsequent history in citations and provided the

12. *Id.* at 547.

13. *Id.*

14. Joe Greenhill, *Uniform Citations for Briefs: With Observations on the Meanings of the Stamps or Marking Used in Denying Writs of Error*, 27 TEX. B.J. 323, 386 (1964).

15. Greenhill served on the Texas Supreme Court from 1957 to 1982 including ten years as Chief Justice (1972 to 1982). As demonstrated by his biography on Baker Botts's website (<https://web.archive.org/web/20070927022236/http://www.bakerbotts.com/lawyers/detail.aspx?id=0ae17456-0e49-40ed-bd52-7a187601b7a8> [<https://perma.cc/U5K6-MHLG>]) and his obituary (<https://www.legacy.com/obituaries/statesman/obituary.aspx?n=joe-r-greenhill&pid=148550134> [<https://perma.cc/9GEG-G989>]), he preferred to be referred to as Judge Greenhill. In keeping with his preference, he is referred to in this article as Judge rather than Justice or Chief Justice.

16. PRICE DANIEL, UNIFORM CITATIONS FOR OPINIONS AND BRIEFS (1949).

17. *Id.*

18. *Id.*

following abbreviations for the disposition of writs of error: “error ref. w.o.m.,” “error ref. n.r.e.,” “error disp. w.o.j.,” “error disp.,” “error disp., judm.cor.,” and “error disp. by agr.”¹⁹ Using “error” rather than “writ” was preferred to “avoid any possible confusion with other types of writs such as writ of mandamus or writ of prohibition.”²⁰ The Attorney’s General office continued to revise and publish later editions of this title based upon Greenhill’s original work.²¹

After joining the Texas Supreme Court in 1957, Judge Greenhill published a guide to uniform citations in the *Texas Bar Journal* in 1964.²² His article expanded upon his original citation guide, including coverage of Texas Supreme Court opinions with special attention paid to the court during the Reconstruction period. The suggested format for citation to civil appeals opinions adopted the use of “writ” rather than “error” in abbreviations.²³ Addressing the confusion caused by some notations, Greenhill attempted to explain the importance of various notations used by the Texas Supreme Court, particularly the use of “Dismissed, Want of Jurisdiction.”²⁴

II. First Edition

It was in this landscape that the editors of the *Texas Law Review* published the first edition of *The Greenbook* in 1966.²⁵ Whereas Judge Greenhill’s article covered non-Texas specific materials including federal and non-Texas state cases and statutes, the first edition of *The Greenbook* was specifically meant to supplement *The Bluebook* and focused exclusively on Texas legal materials. Topics covered included Texas cases, constitutions, statutes, quasi-statutory material and secondary materials. Thomas Susman and the other *Texas Law Review* editors at the time conferred with the Texas Supreme Court prior to publication of the first edition, and Judge Greenhill authored the preface. In the preface, he both commended the editors on their new publication and endorsed all but one of their citation rules. Specifically, he noted that the Texas Supreme Court would prefer the use of “Tex. Sup.” rather than merely “Tex.” in briefs before the court.²⁶

Of particular note, Rule 4:2 provided Texas practitioners with guidance on citing writ history. It provided that, “A complete civil appeals citation *must* include the writ-of-error history to determine how the Texas Supreme

19. *Id.*

20. *Id.* at 4.

21. WILL WILSON, UNIFORM CITATIONS FOR OPINIONS AND BRIEFS (1957); WAGGONER CARR, UNIFORM CITATIONS FOR OPINIONS AND BRIEFS (1963) (“This was originally prepared by Joe R. Greenhill, First Assistant, during the Administration of Hon. Price Daniel, and has been revised by C.K. Richards and W. V. Geppert.”).

22. Greenhill, *supra* note 14.

23. *Id.* at 386.

24. *Id.* at 387.

25. TEXAS RULES OF FORM (1st ed.), *supra* note 2.

26. *Id.* at 5.

Court has disposed of the particular case.²⁷ Therefore, it is imperative that the Texas Writ of Error Table be examined in connection with every civil appeals case cited.²⁸ Rule 4:2 listed the 10 citation forms in use at the time for citing the filing, absence, or disposition of an application for writ of error, namely, writ granted, writ ref'd, writ dismiss'd, writ dismiss'd w.o.j., writ dismiss'd jdgmt cor., writ ref'd n.r.e., writ ref'd w.o.m, writ dismiss'd by agr., no writ and writ filed. To help practitioners navigate these options, the table of notations from Gordon Simpson's 1949 *Texas Bar Journal* article, *Notations on Applications for Writs of Error*,²⁹ was reprinted. This table provided the notation, an abbreviation for the notation, the dates of use of the notation, a citation to the statute or rule defining the notation, and the meaning of the notation including citations to cases discussing the notation.³⁰

The first edition provided citation guidance for courts such as the Commission of Appeals of the Supreme Court (1920–1945) and the old Texas Court of Appeals (1876–1891). In regard to current Texas statutes, *The Greenbook* acknowledged that “the legislature is presently in the process of formulating a comprehensive revision of the Texas statutes which is likely to necessitate some modification of the citation forms currently employed.”³¹ Rule 15:1 described the numbering schema used for Texas attorney general opinions between 1939 and 1952 and contrasted it to the then current schema. In addition, it provided guidance on how to cite attorney general opinions issued before the adoption of the contemporary schema in 1939. Reflecting the decentralized nature of agency materials prior to the adoption of the Administrative Procedure and Texas Register Act in 1975,³² *The Greenbook* acknowledged that “it would be impossible to standardize all of the material published by different state commissions and agencies.”³³ The only specific agency citation was for orders of the Railroad Commission.³⁴ In its 17 pages, the first edition of *The Greenbook* attempted to provide citation guidance for Texas specific issues that *The Bluebook* did not cover. While the scope of its coverage and length expanded dramatically over the next thirteen editions, the first edition addressed major issues in Texas citation and provided a framework for future editions.

27. *Id.* at 7.

28. *Id.*

29. Simpson, *supra* note 4, at 574–75.

30. *Id.*

31. TEXAS RULES OF FORM (1st ed.), *supra* note 2, at 11.

32. Administrative Procedure and Texas Register Act, 64th Leg., R.S., ch. 61, 1975 Tex. Gen. Laws 136 (codified at Tex. Gov't Code §§ 2001.001–2002.023).

33. TEXAS RULES OF FORM (1st ed.), *supra* note 2, at 14.

34. *Id.*

III. Second Edition

Published in 1968, the second edition of *The Greenbook*³⁵ made only minor changes from the first edition, remaining a succinct 17 pages. The foreword provided authors with recommendations for typescript conventions, specifically, that citation text that would be italicized by a printer should be underscored when typed and citation text that would be in small capitals if printed should be typed entirely in uppercase letters.³⁶ The new edition also incorporated references to the newly created Fourteenth Court of Appeals in Houston, which was established in 1967,³⁷ and the Business & Commerce Code, adopted in 1967.³⁸

Up until 1967, most Texas statutes were part of the Revised Civil Statutes, with the Code of Criminal Procedure and the Penal Code being the only independent codes.³⁹ In 1963, Texas began a statutory revision program to create new subject-specific codes in order to “clarify and simplify the statutes and to make the statute more accessible, understandable and usable.”⁴⁰ The Business & Commerce Code was the first subject specific code enacted as part of the statutory revision project.⁴¹ *The Greenbook* rules on statutes would continue to evolve in later editions to reflect the adoption of additional subject-specific codes. Overall, the second edition was substantially similar to the first edition.

IV. Third Edition

Published in 1974, the third edition of *The Greenbook*⁴² included a new preface from Judge Greenhill. He again disagreed with some of the recommended citation practices, namely the use of city names in Court of Civil Appeals citations and the abbreviation of the Texas Commission of Appeals to “Tex. Comm’n App.”⁴³ He also raised concerns about citing to unpublished opinions from the Courts of Civil Appeals, noting, “I would simply throw up a flag here to say that I am not familiar with an authoritative declaration concerning whether such unpublished opinions have precedential value.”⁴⁴ Section 4 on Courts of Civil Appeals was rearranged and a reference to the new notation “mand. overr.” was added. References to subject-specific codes enacted as part of the statutory revision project, namely the Education

35. TEXAS RULES OF FORM (Texas Law Review ed., 2nd ed. 1968).

36. *Id.* at 4.

37. Act of June 18, 1967, 60th Leg., R.S., ch. 728, 1967 Tex. Gen. Laws 1952 (codified at Tex. Rev. Civ. Stat. Ann. art 198); Tex. Gov’t Code Ann. § 22.215.

38. Act of June 14, 1967, 60th Leg., R.S., ch. 785, 1967 Tex. Gen. Laws 2343.

39. *Texas Law Timeline*, LEGIS. REFERENCE LIBR. TEX. (Oct. 12, 2017), <https://lrl.texas.gov/legis/TexasLawTimeLine.cfm> [https://perma.cc/DB98-JE75].

40. Tex. Gov’t Code Ann. § 323.007.

41. TEX. LEGISLATIVE COUNCIL, TEXAS LEGISLATIVE DRAFTING MANUAL 156 (2017).

42. TEXAS RULES OF FORM (Texas Law Review ed., 3rd ed. 1974).

43. *Id.* at 3.

44. *Id.*

Code,⁴⁵ Family Code,⁴⁶ Parks & Wildlife Code,⁴⁷ Penal Code⁴⁸, and Water Code,⁴⁹ were incorporated into Section 9 on Current Statutes. Rule 15:3.1 on citation to Texas Railroad Commission documents was expanded, and Section 16 on the Texas Canons of Ethics was amended to reflect the adoption of the Texas Code of Professional Responsibility.⁵⁰ The third edition remained extremely similar to the prior editions.

V. Fourth Edition

The greatest change made by 1977's fourth edition of *The Greenbook*⁵¹ was the addition of Rule 16 on Agency Material. This addition reflected the commencement of publishing the *Texas Register* in January 1976.⁵² The *Texas Register* publishes state agency rulemaking including proposed, adopted, withdrawn and emergency rule actions, notices of state agency review of agency rules, governor's appointments, and summaries of attorney general opinions.⁵³ Although the codification of the Texas statutes continued, Section 9:3 on Future Codifications was removed. Even with these changes, the fourth edition expanded only to 19 pages.

VI. Fifth Edition

The fifth edition of *The Greenbook*,⁵⁴ published in 1983, was dramatically different from the earlier editions. Compiled by Mickey R. Davis, 1981–1982 Associate Editor of the *Texas Law Review*, the text expanded from 19 pages to 53 pages.⁵⁵ As Chief Justice Jack Pope explained in his preface, the new edition reflected the significant changes to the Texas legal system since 1977, namely the continued codification of the statutes, the publication of the *Texas Administrative Code*, and the reorganization of the appellate courts.⁵⁶ In Chief Justice Pope's opinion, "The most significant

45. Acts of June 21, 1969, 61st Leg., R.S., ch. 889, 1969 Tex. Gen. Laws 2735; Act of June 15, 1971, 62nd Leg., R.S., ch. 1024, 1971 Tex. Gen. Laws 3072.

46. Acts of May 14, 1969, 61st Leg., R.S., ch. 888, 1969 Tex. Gen. Laws 2707; Act of June 15, 1973, 63rd Leg., R.S., ch. 543, 1973 Tex. Gen. Laws 1411; Act of June 16, 1973, 63rd Leg., R.S., ch. 544, 1973 Tex. Gen. Laws 1460.

47. Act of June 19, 1975, 64th Leg., R.S., ch. 545, 1975 Tex. Gen. Laws 1405.

48. Act of June 14, 1973, 63rd Leg., R.S., ch. 399, 1973 Tex. Gen. Laws 883.

49. Act of April 12, 1971, 62nd Leg., R.S., ch. 58, 1971 Tex. Gen. Laws 110.

50. Code of Professional Responsibility was promulgated by order of the Supreme Court and effective on December 20, 1971.

51. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 4th ed. 1977) [hereinafter TEXAS RULES OF FORM (4th ed.)].

52. *About the Texas Register Section*, TEX. SECRETARY ST., <https://www.sos.state.tx.us/texreg/about.shtml> [<https://perma.cc/N4DP-BZBX>].

53. *Id.*

54. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 5th ed. 1983) [hereinafter TEXAS RULES OF FORM (5th ed.)].

55. TEXAS RULES OF FORM (4th ed.), *supra* note 51; TEXAS RULES OF FORM (5th ed.), *supra* note 54.

56. TEXAS RULES OF FORM (5th ed.), *supra* note 54, at 1.

change since 1977 has been the reorganization of our appellate system. Courts of Civil Appeals are now the Courts of Appeals with civil and criminal jurisdiction, and the Court of Criminal Appeals now has discretionary review.”⁵⁷ This edition of *The Greenbook* started with a new chapter on typeface conventions that covered briefs and legal memoranda and law review material. This topic was previously only covered perfunctorily in the foreword of the fourth edition. The addition of the new chapter required the renumbering of the subsequent rules.⁵⁸ This edition also introduced a new numbering format that replaced colons with periods, resulting in the rule covering current Texas Supreme Court cases being covered in Rule 3.1 rather than Rule 1:1 as it had been in the previous editions.

The fifth edition introduced the use of narrative information outside of the citation rules. For example, the introduction to Section II on Texas cases explained the changes to appellate jurisdiction effective August 31, 1981.⁵⁹ As of August 31, 1981, the jurisdiction of the former Courts of Civil Appeals was expanded to include appellate criminal jurisdiction, and the courts were renamed the Courts of Appeals to reflect the expanded jurisdiction.⁶⁰ Due to these changes, Chapter 6 on Courts of Appeals was completely reworked to reflect the changes in appellate jurisdiction. New Rule 6.6 on criminal cases’ petition history reflected the expansion of appellate jurisdiction. The Table of Notations Used on Applications for Writs of Error was moved from the main text to a new Appendix A.

The newly added Chapter 11 covered the interpretative commentaries to the Texas Constitution provided in *Vernon’s Annotated Constitution of the State of Texas*. These commentaries, originally published in the 1955 edition of *Vernon’s Annotated Constitution of the State of Texas*, were written by Professor A.J. Thomas of Southern Methodist University Law School and his wife and collaborator, Ann Van Wynen Thomas.⁶¹ Chapter 12 on current statutes divided uncodified and codified statutes into separate rules, namely 12.1.1 and 12.1.2, and added Rule 12.2 regarding future codifications. Rule 12.1.2 on codified statutes added references to the recently adopted Agricultural Code,⁶² Alcoholic Beverage Code,⁶³ Human Resources Code,⁶⁴ and Natural Resources Code.⁶⁵ Related to the enactment of additional subject-specific codes, new Appendix B on Texas Statutes: Codification

57. *Id.*

58. See TEXAS RULES OF FORM (4th ed.), *supra* note 51; TEXAS RULES OF FORM (5th ed.), *supra* note 54.

59. TEXAS RULES OF FORM (5th ed.), *supra* note 54, at 6.

60. *Id.*

61. *Id.* at 16.

62. Act of June 10, 1981, 67th Leg., R.S., ch. 388, 1981 Tex. Gen. Laws 1012.

63. Act of May 20, 1977, 65th Leg., R.S., ch. 194, 1977 Tex. Gen. Laws 391.

64. Act of June 13, 1979, 66th Leg., R.S., ch. 842, 1979 Tex. Gen. Laws 2333.

65. Act of June 15, 1977, 65th Leg., R.S., ch. 871, 1977 Tex. Gen. Laws 2345.

Abbreviations was added.⁶⁶ Chapter 14 covering comments and commentaries on statutes was also added.⁶⁷

With the fifth edition, *The Greenbook* provided citation guidance to Texas legislative history information for the first time. Chapter 16 on legislative history covered bills and resolutions, House and Senate Journals, fiscal notes and bill analyses, committee minutes, testimony and debate, and gubernatorial messages.

To reflect the commencement of publication of the *Texas Administrative Code* in 1977, Chapter 18 on agency material was dramatically expanded with Rule 18.1 covering the enactment of the Administrative Procedure and Texas Register Act in 1975 and the Texas Administrative Code Act in 1977. The fifth edition was also the first edition with a subject index to the rules, a significant enhancement that made use of *The Greenbook* easier for new users. The additional content provided in the fifth edition and the introduction of a subject index marked the most significant evolution of *The Greenbook* to date.

VII. Sixth Edition

The sixth edition of *The Greenbook*,⁶⁸ published in 1987 and compiled by Eric J.F. Redwine, 1986–1987 Associate Editor of the *Texas Law Review*, changed how the citation examples were created. Prior editions of *The Greenbook* used fictitious citations in examples. For example, the fifth edition used the names of three former *Texas Law Review* Editors in Chief in the case citation example, *Atlas v. Susman & Gee, Inc.*, 625 S.W.2d 123 (Tex. App.—Fort Worth 1982, writ ref'd n.r.e.).⁶⁹ The sixth edition primarily used actual court decisions and other legal documents in its examples.

The sixth edition also added information in Rule 3.5 about cases from the 1845 term of the Texas Supreme Court that were not published until the *Texas Law Review*'s Sesquicentennial Special Issue in 1986.⁷⁰ Rule 6.4 on writ history in civil cases was updated to include two additional writ notations, n.w.h. and writ denied. Rule 12.1.2 on codified statutes was updated to include the newly adopted Civil Practice & Remedies Code,⁷¹ Election Code,⁷² Government Code⁷³ and Property Code.⁷⁴ Other additions

66. TEXAS RULES OF FORM (5th ed.), *supra* note 54, at 43.

67. *Id.* at 23.

68. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 6th ed. 1987) [hereinafter TEXAS RULES OF FORM (6th ed.)].

69. Scott J. Atlas was Editor in Chief for Volume 53 (1974–75); Stephen D. Susman was Editor in Chief for Volume 43 (1964–65); Thomas G. Gee was Editor in Chief for Volume 31 (1952–53).

70. James W. Paulsen, *The Missing Cases of the Republic*, 65 TEXAS L. REV. 372 (1986).

71. Act of June 16, 1985, 69th Leg., R.S., ch. 959, 1985 Tex. Gen. Laws 3242.

72. Act of May 24, 1985, 69th Leg., R.S., ch. 211, 1985 Tex. Gen. Laws 802.

73. Act of June 11, 1985, 69th Leg., R.S., ch. 479, 1985 Tex. Gen. Laws 1652; Act of June 12, 1985, 69th Leg., R.S., ch. 480, 1985 Tex. Gen. Laws 1720; Act of May 21, 1987, 70th Leg., R.S., ch. 147, 1987 Tex. Gen. Laws 316.

74. Act of June 19, 1983, 68th R.S., ch. 576, 1983 Tex. Gen. Laws 3475.

included Rule 13.4 covering Republic of Texas statutes, Rule 15.2 covering the new Rules of Appellate Procedure that were effective September 1, 1986,⁷⁵ and Rule 15.3 covering the new Rules of Evidence that were effective September 1, 1983.⁷⁶ Overall, the sixth edition made only minor changes compared to the dramatic changes of the fifth edition.

VIII. Seventh Edition

Published in 1990, the seventh edition of *The Greenbook*⁷⁷ included the first reference to online legal research with new Section VI covering electronic media.⁷⁸ The chapter focused on citation to Lexis and Westlaw and provided specific rules for slip opinions, recent Texas Supreme Court cases, cases not designated for publication, administrative adjudications and alternative pinpoint citations.⁷⁹ *The Greenbook* along with other citations manuals would continue to evolve and adjust its rules for citation to online sources in later editions.

Another significant change in the seventh edition of *The Greenbook* was the introduction of new citation rules for mandamus proceedings. This addition was prompted by the growth of mandamus practice in Texas.⁸⁰ The Texas Supreme Court issued sixteen opinions in causes brought to it by a petition for writ of mandamus in 1985.⁸¹ The expansion of mandamus practice created citation issues. Prior to the addition of new Chapter 8 on Mandamus and Other Original Proceedings to *The Greenbook*, Justice Cread L. Ray, Jr. of the Texas Supreme Court co-authored an article on mandamus that included a section providing guidance on citing to mandamus proceedings.⁸² The seventh edition incorporated his suggestions in the new Chapter 8, even using several of the examples from Ray's article. Due to this new chapter, the prior reference to "mand. overr." in Rule 6.4 on writ history was deleted and incorporated into new Chapter 8.

In another update that reflected changes in Texas practice, Chapter 19, formerly known as Texas Rule of Professional Responsibility, was renamed Texas Disciplinary Rules of Professional Conduct and significantly revised to reflect the adoption of the Texas Disciplinary Rules of Professional

75. *Texas Court Rules: History & Process*, excerpted from Nathan L. Hecht & E. Lee Parsley, *Procedural Reform: Whence and Whither* (Sept. 1997), updated by Robert H. Pemberton (Nov. 1998), TEX. JUD. BRANCH, <http://www.txcourts.gov/rules-forms/rules-standards/texas-court-rules-history-process/> [<https://perma.cc/UR8V-TRHJ>] [hereinafter TEX. JUD. BRANCH].

76. *Id.*

77. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 7th ed. 1990) [hereinafter TEXAS RULES OF FORM (7th ed.)].

78. *Id.*

79. *Id.* at 40–42.

80. C.L. Ray and M.R. Yogi McKelvey, *The Mandamus Explosion*, 28 S. TEX. L. REV. 413 (1987).

81. *Id.* at 413.

82. *Id.* at 425–26.

Conduct on January 1, 1990.⁸³ The revision also provided prospective citation guidance for the proposed Texas Rules of Disciplinary Procedure.

The seventh edition featured a number of new rules. Rule 6.1.2 addressed pending and unreported cases and discussed official publication of appellate opinions under Texas Rule of Appellate Procedure 90(e). Rule 7.2 covered citation to a district court's record on appeal including examples of citations to the statement of facts and exhibits. Rule 10.2 expanded the section on prior constitutions and specifically addressed pre-statehood documents such as the Declaration of Independence of the Republic of Texas as printed in an appendix to Volume 3 of *Vernon's Annotated Constitution of the State of Texas* and other colonial period documents printed in Gammel's *Laws of Texas*. Appendix C covering Dates of Pre-1876 Legislative Sessions was another new edition.

Numerous existing rules were also updated while other rules were deleted. A new notation for appellate history in criminal cases, "no pet. h.," was added to Rule 6.6. Rule 12.1.2 on codified statutes added a reference to the newly enacted Health & Safety Code.⁸⁴ The title and scope of Chapter 14 was expanded. Formerly known as Comments and Commentaries, Chapter 14 was renamed Comments, Commentaries and Historical Notes Accompanying Statutes and included subsections covering comments and revisor's notes, practice commentaries and historical notes. Rule 17.3 covering city attorney opinions was another newly added rule.

The seventh edition omitted former rule 3.4 on the *Texas Supreme Court Journal* 1957–Date. Instead, that information was incorporated into Rule 3.1 Current Cases–1962 to Date. Subparts of former Rule 15.2 regarding the rules of appellate procedure were deleted along with former Rule 13.2 on earlier revisions and codification of statutes and former Rule 23.1 on Order Within a Signal. Chapter 24 on order of citation was abbreviated.

The seventh edition reorganized and expanded a great deal of information, moving information on the Old Texas Court of Appeals–1876–1891 from Rule 8.1 to new Rule 4.3, and creating subparts to new Rule 4.3 to address criminal cases and civil cases separately. Similarly, information on the Old Texas Commission of Appeals–1876–1891 was moved from Rule 8.2 to new Rule 5.1 with new subparts addressing 1879 to 1881 and 1881 to 1891 separately. More importantly, new Rules 4.3 and 5.1 included greater detail about the creation and jurisdiction of the respective courts that was not present in former Rule 8. The inclusion of this historic information changed the scope of *The Greenbook*. It was no longer merely a helpful citation guide; it was also a very useful introductory guide to Texas legal history. Overall, the seventh edition was another major revision to *The Greenbook*,

83. TEXAS RULES OF FORM (7th ed.), *supra* note 77, at 37.

84. Act of June 14, 1989, 71st Leg., R.S., ch. 678, 1989 Tex. Gen. Laws 2230; Act of May 10, 1991, 72nd Leg., R.S., ch. 76, 1991 Tex. Gen. Laws 515.

incorporating numerous changes in Texas law in addition to emerging electronic resources.

IX. Eighth Edition

Coming only 2 years later in 1992, the eighth edition of *The Greenbook*⁸⁵ made few changes to the seventh edition. While the number of pages increased from 62 to 82 pages, this expansion was mostly due to the use of a larger font and additional white space. Chapter 3 on Texas Supreme Court Cases was renumbered but not substantively changed. Rule 4.4 on Disposition by the United States Supreme Court, Rule 5.3 on the Commission in Aid of the Court of Criminal Appeals—1925 to Present, Rule 15.1.3 on the new Rules of Judicial Administration effective February 1, 1987⁸⁶ and Rule 15.4 on Local Court Rules were added. Overall, the changes in the eighth edition were very minor.

X. Ninth Edition

Published in 1997, the ninth edition of *The Greenbook*⁸⁷ reflected the evolution of Texas law and technology since the eighth edition's publication five years earlier. The most interesting addition was new Chapter 21 covering Internet Resources. As Chapter 21 noted, "The Internet is becoming an increasingly useful source of information for legal research."⁸⁸ Regardless, the ninth edition continued to prefer citation to a "hard copy" source.⁸⁹ The ninth edition acknowledged the transitory nature of Internet resources noting that "[b]ecause the universe of Internet resources is constantly changing and expanding any effort to create a lasting catalogue of sources would be doomed to futility."⁹⁰ That said, "[T]he *Texas Law Review* will maintain a list of 'links' to various state resources on its own World Wide Web site, located at <<http://www.utexas.edu/students/tlr/trof/links/>>. Users of the *Texas Rules of Form* are encouraged to use this site for help in locating Texas state legal materials on the Internet."⁹¹ As a testament to the transitory nature of the Internet, this website is no longer functional.

Other changes reflected developments in Texas practice. Rule 6.4 on writ history in civil cases added the new notation "writ granted w.r.m." to reflect current Texas Supreme Court Practice. Former Rule 6.5—No Writ History was absorbed into Rule 6.4, while new Rule 6.5 on Civil Cases—

85. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 8th ed. 1992).

86. TEX. JUD. BRANCH, *supra* note 75.

87. TEXAS RULES OF FORM (Texas Law Review Ass'n ed., 9th ed. 1997) [hereinafter TEXAS RULES OF FORM (9th ed.)].

88. *Id.* at 72.

89. *Id.*

90. *Id.* at 73.

91. *Id.*

Interlocutory Orders was added. Chapter 9 focusing the newly created Special Court of Review and Review Tribunal⁹² was added.

Rule 12 on current statutes was significantly revised with Rule 12.1.1 covering codified statutes and Rule 12.1.2 covering uncoded statutes.⁹³ References to the newly enacted Labor Code⁹⁴ and Transportation Code⁹⁵ were added to Rule 12.1.1. Rule 12.1.3 on Auxiliary Laws was introduced. Prior Rule 12.1.3 on the Texas Uniform Commercial Code and prior Rule 12.2 on Additional Codifications were both deleted. Rule 12.3 on Citation of Several Provisions was reworked as new Rule 12.2 on Citation of Multiple Provisions. Reflecting the ongoing codification process, Rule 12.2.1 focused on citation to multiple sections within the same code rather than prior Rule 12.3.1, which focused on citation to uncoded statutes within the same volume. Prior Rules 12.3.1. and 12.3.2 regarding citation to uncoded statutes, the Code of Criminal Procedure and the Penal Code were combined into Rule 12.2.2., now titled Multiple Articles Within the Uncoded Statutes or Within the Same Independent Code.

Other changes included the addition of Rule 16.6 on House and Senate rules, and the expansion of Chapter 17 on Formal Advisory Opinions to cover opinions from the Secretary of State (Rule 17.2) and the Texas Ethics Commission (Rule 17.3). Chapter 19 on State Bar Rules, Professional Conduct and Admission to the Bar was revised to cover rules for removal or retirement of judges (Rule 19.6) and rules governing admission to the Bar of Texas (Rule 19.7). Former Rule 10.2 on Pre-Statehood Documents was narrowed to cover only the Constitution of the Republic of Texas in new Rule 11.2, and other pre-statehood documents were moved to Rule 13.3, which now covered Pre-Statehood Statutes and Documents rather than just Republic of Texas Statutes. Chapter 11 on Interpretative Commentaries and Rule 14.2 on Practice Commentaries were deleted. The ninth edition expanded to 96 pages with an emphasis on technology and current Texas practice.

XI. Tenth Edition

The tenth edition of *The Greenbook*⁹⁶ reflected the changes in legal practice at the turn of the millennium. Published in 2003, six years after the ninth edition, the tenth edition started with a new foreword by Bryan Garner where he admonished readers, “If you’re writing about Texas law and hope to seem to know what you’re doing, you’ll need to follow the guidance here. Many readers—perfectly decent and human people in other respects—won’t

92. Act of August 3, 1987, 70th Leg., 2nd C.S., ch. 47, § 2, 1987 Tex. Gen. Laws 143 (codified at Tex. Gov’t Code Ann. § 33.034).

93. TEXAS RULES OF FORM (9th ed.), *supra* note 87, at 42.

94. Act of May 22, 1993, 73rd Leg., R.S., ch. 269, 1993 Tex. Gen. Laws 987.

95. Act of May 23, 1995, 74th Leg., R.S., ch. 165, 1995 Tex. Gen. Laws 1025.

96. THE GREENBOOK: TEXAS RULES OF FORM (Texas Law Review Ass’n ed., 10th ed. 2003) [hereinafter TEXAS RULES OF FORM (10th ed.)].

give your writing a serious look if you don't."⁹⁷ At 106 pages, this edition of *The Greenbook* did not dramatically differ from the ninth edition with the introduction acknowledging that "[M]ost of the changes in the tenth edition are minor updates and corrections."⁹⁸

Numerous changes were made to the Texas Rules of Appellate Procedure in 1997, and those changes were reflected in the tenth edition of *The Greenbook*. One of the most notable changes was the replacement of the long-standing writ of error system with a completely new petition for review system.⁹⁹ These changes required numerous updates to *The Greenbook*. New Rule 5.5.1 covered petition history on or after September 1, 1997. The notations "n.w.h." and "writ requested" were deleted from Rule 5.5.2 on writ history because after September 1, 1997, writs could no longer be filed, so the time for any pending writ request or potential writ request had expired.¹⁰⁰ Appendix A—Table of Notations Used on Applications for Writs of Error Before September 1, 1997 was significantly simplified and no longer credited to Gordon Simpson's 1949 *Texas Bar Journal* article. Appendix B—Table of Notations Used on Petitions of Review September 1, 1997 to Present summarized the new terminology used after the changes in the Texas Rules of Appellate Procedure.

The changes to the Texas Rules of Appellate Procedure also required changes to the rules covering the record on appeal. Rule 7.2 Record on Appeal was divided into Rule 7.2.1 for records created on or after September 1, 1997 that used the new terms "reporter's record" and "clerk's record," and Rule 7.2.2. for records created before September 1, 1997 that used the older terms "statement of facts" and "transcript." Rule 7.2.3 on trial court exhibits was also added.

The changes to the Texas Rules of Appellate Procedure significantly altered mandamus practice. Prior to September 1, 1997, a petition for mandamus was required to be accompanied by a motion for leave to file.¹⁰¹ After September 1, 1997, a motion for leave to file was no longer required.¹⁰² Instead, the Texas Supreme Court acted directly on petitions for mandamus.¹⁰³ These changes were reflected in Rule 8.1 for mandamus filed on or after September 1, 1997 and Rule 8.2 for mandamus filed before September 1, 1997.

The reorganization of chapters and rules was notable in this edition. Chapter 4 on the Texas Court of Criminal Appeals was reorganized with former rule 4.3 on the Old Texas Court of Appeals—1876 to 1892 being moved into Chapter 5 on the Court of Appeals as new Rule 5.3. Former

97. *Id.* at foreword.

98. *Id.* at introduction.

99. TEXAS RULES OF COURT: STATE (Thomson West 1997).

100. See TEXAS RULES OF FORM (10th ed.), *supra* note 96 at 21–22.

101. *Id.* at 34.

102. *Id.*

103. *Id.*

Chapter 5 on the Commission of Appeals became Chapter 6, while former Chapter 6 on the Courts of Appeals became Chapter 5. Chapter 6 on Commission of Appeals was reorganized from prior Chapter 5. While prior Chapter 5 was organized chronologically with the oldest court listed first, new Chapter 6 reversed the order with the active commission listed first. After the renumbering, the active Commission in Aid of the Court of Criminal Appeals, was covered in Rule 6.1 rather than prior Rule 5.3 and the oldest court, the “Old” Texas Commission of Appeals—1879–1892, was covered in Rule 6.3 rather than prior Rule 5.1. With the continuation of the statutory revision program, Rule 12.1.1 on codified statutes added references to the Finance Code,¹⁰⁴ Insurance Code,¹⁰⁵ Occupations Code¹⁰⁶ and Utilities Code.¹⁰⁷ New Appendix E listed the Chief Justices and Associate Justices of the Texas Court of Civil Appeals (1892–1911).

As citation manuals continued to grapple with the impact of electronic resources, former Chapter 20 on Lexis and Westlaw was renamed Chapter 20 on Electronic Media, and former Chapter 21 on Internet Resources was deleted. While Chapter 20 reaffirmed a preference for traditional printed sources, it acknowledged that information may only be available in “electronic media and nonprint resources.”¹⁰⁸ In spite of the continued expansion of online sources of legal information, the coverage of Chapter 20’s rules actually shrank. Revised Chapter 20 covered only court opinions and provided only for citations to Westlaw or Lexis. This was significantly different from Chapter 20 in the ninth edition. The earlier version of the rule covered administrative adjudications and online sources besides Westlaw and Lexis.¹⁰⁹ Overall, the tenth edition responded to the numerous changes in citation prompted by the changes in the Texas Rules of Appellate Procedure, reorganized material in a more logical fashion, and attempted to respond to the changes in online legal resources.

XII. Eleventh Edition

The layout of *The Greenbook*¹¹⁰ was completely revised for the eleventh edition. The new layout added text boxes containing procedure, historical notes, format guides, and usage guides. While some of these boxes contained text from previous editions of *The Greenbook*, other boxes contained new content that provided additional context and guidance. New format guides at

104. Act of June 19, 1997, 75th Leg., R.S., ch. 1008, 1997 Tex. Gen. Laws 3091.

105. Act of May 17, 1999, 76th Leg., R.S., ch. 101, 1999 Tex. Gen. Laws 486; Act of May 22, 2001, 77th Leg., R.S., ch. 1419, 2001 Tex. Gen. Laws 3658.

106. Act of May 28, 1999, 76th Leg., R.S., ch. 388, 1999 Tex. Gen. Laws 1431; Act of May 22, 2001, 77th Leg., R.S., ch. 1421, 2001 Tex. Gen. Laws 4570.

107. Act of May 21, 1997, 75th Leg., R.S., ch. 166, 1997 Tex. Gen. Laws 713.

108. TEXAS RULES OF FORM (6th ed.), *supra* note 68, 79.

109. TEXAS RULES OF FORM (9th ed.), *supra* note 87 at 70–73.

110. THE GREENBOOK: TEXAS RULES OF FORM (Texas Law Review Ass’n ed., 11th ed. 2006) [hereinafter TEXAS RULES OF FORM (11th ed.)].

the beginning of five chapters¹¹¹ provided examples of each chapter's rules in a convenient location for users. As part of the redesign, many chapters were reorganized with the addition of "practice tips" and the division of existing rules into new subparts. For example, former Rule 5.8 on Subsequent History was divided into four rules.¹¹² Former Chapter 8 on Mandamus and Other Original Proceedings had only two rules.¹¹³ New Chapter 6 Mandamus & Other Original Proceedings covered the same content in eleven rules.¹¹⁴ Former Chapter 10 on Current Constitution had only one rule compared to new Chapter 9 that split the same content into four rules.¹¹⁵ Overall, these new divisions made use of *The Greenbook* easier for users by allowing them to quickly locate the appropriate rule.

With the eleventh edition, citation rules evolved to account for the continued emergence of online resources. Chapter IV Electronic Materials was deleted, but the chapters covering case law and statutes were revised to incorporate citation rules for electronic material. Rule 2.1.2 provided guidance for recent Texas Supreme Court Decisions not yet in the *South Western Reporter* advance sheets and allowed citation to Lexis, Westlaw, or the Texas Supreme Court's website. Similarly, Rule 3.1.2 allowed citation to Lexis or Westlaw for recent Texas Court of Criminal Appeals opinions while Rule 4.1.3 allowed citations to Lexis or Westlaw for recent Courts of Appeals opinions. The increasing importance of online sources was demonstrated by the revisions to Rule 2.1.2(b). The revised rule preferred a parallel citation to Lexis or Westlaw for citations to recent opinions printed in *Texas Supreme Court Journal*.¹¹⁶ For statutes, Rule 10.5 Statutes Available on Electronic Databases preferred print but allowed citation to an electronic database if a print version was not available. It did note the Texas Legislative Council's website should only be used for informational purposes and not for citation

111. Chapters with new format guides were Chapter 2: Texas Supreme Court; Chapter 3: Texas Court of Criminal Appeals; Chapter 4: Courts of Appeals; Chapter 10: Current Statutes; and Chapter 12: Comments, Commentaries & Historical Notes Accompanying Statutes.

112. The rules of subsequent history in the eleventh edition are Rule 4.6.1 Subsequent History with subparts Rule 4.6.1(a) General Rule and 4.6.1(b) Petition/Writ History as Subsequent History, Rule 4.6.2 Subsequent History—United States Supreme Court and Rule 4.6.3 History on Remand.

113. TEXAS RULES OF FORM (10th ed.), *supra* note 96. Rules covering Mandamus and Other Original Proceedings in the tenth edition were Rule 8.1 On or After September 1, 1997 and Rule 8.2 Before September 1, 1997.

114. Rules covering Mandamus and Other Original Proceedings in the eleventh edition were Rules 6.1 Original Proceedings in the Texas Supreme Court, 6.2 Mandamus in the Courts of Appeals, 6.2.1 No Action Taken by the Texas Supreme Court, 6.2.2 Mandamus Pending in the Texas Supreme Court, 6.2.3 Overriding Writs from the Texas Supreme Court, 6.2.4 Denial of Mandamus Relief by the Texas Supreme Court—On or After September 1, 1997, 6.2.4(a) Denial Without Opinion, 6.2.4(b) Denial Accompanied by an Opinion, 6.2.5 Denial of Mandamus Relief by the Texas Supreme Court—Before September 1, 1997, 6.2.5(a) Denial of Leave and 6.2.5(b) Grant of Leave Followed by Denial of Relief.

115. Rules covering the Texas Constitution in the eleventh edition were Rule 9.1 Current Constitution, 9.2 Repealed, Amended & Expired Provisions, 9.3 Temporary or Transitional Provisions, and 9.4 Interpretative Commentary.

116. TEXAS RULES OF FORM (11th ed.), *supra* note 110, at 7.

purposes as it made no warranty as to the accuracy of its version of the statutes.¹¹⁷

Rule 4.1 on citation to Court of Appeals opinions was substantially revised to reflect the 2003 changes to the Texas Rule of Appellate Procedure (TRAP) 47–Opinions, Distribution, and Citation. As of January 1, 2003, TRAP Rule 47.1 required the Courts of Appeals to issue opinions in every case. TRAP Rule 47.2 allowed opinions to be designated either as an opinion or memorandum opinion and allowed opinions in criminal cases to bear the notation “publish” or “do not publish.” TRAP Rule 47.7 covered the citation of unpublished opinions and, as amended in 2003, provided, “Opinions not designated for publication by the court of appeals under these or prior rules have no precedential value but may be cited with the notation, ‘(not designated for publication).’”¹¹⁸ In keeping with these changes to the Texas Rules of Appellate Procedure, Rule 4.1.2(a) addressed citation to memorandum opinions and opinions in civil cases. Rule 4.1.2(b) addressed citation to memorandum opinions and opinions in criminal cases as well as the use of the “publish” or “do not publish” notation.¹¹⁹ Rule 4.1.2(c) covered citations to opinions not designated for publication generally.¹²⁰

Another change was the dramatic expansion of the appendices. A number of citation rules formerly found in the main text were moved to the appendices. For example, former Rule 3.1.3 on Texas Reports–1847 to 1886 and former Rule 3.2 The Republic of Texas–1840 to 1845 moved to new Appendix A.¹²¹ Former Rule 5.3 Old Texas Court of Appeals–1876 to 1892 was now Appendix B, former Rule 6.3 “Old” Texas Commission of Appeals was moved to Appendix C, and former Chapter 11 Prior Constitutions was moved to Appendix F. Similarly, former Rule 15.3.1 Rules of Civil Evidence No Longer in Effect, Rule 13.3.2 Rules of Criminal Evidence No Longer in Effect and Rule 19.4 Former Canons of Ethics, Former Texas Code of Professional Responsibility, and Other Rules No Longer in Force were combined into Appendix J Rules No Longer in Effect.

Interestingly for a citation manual produced by a law review, former Chapter 2 on typeface conventions for law reviews was omitted from the eleventh edition as was former Chapter 22 on periodicals including the rule for citing to law reviews. Former Rules 3.3 Disposition by the United States Supreme Court and 3.4 Other Subsequent History were combined into Rule 2.3 Disposition by the United States Supreme Court & Other Subsequent History. For the first time, *The Greenbook* covered municipal laws and ordinances in new Rule 10.6. Overall, the eleventh edition covered similar

117. *Id.* at 52–53.

118. TEXAS RULES OF COURT: STATE 317–18 (Thomson West 2003).

119. TEXAS RULES OF FORM (11th ed.), *supra* note 110, at 15–16.

120. *Id.* at 16.

121. Appendix A in the eleventh edition was titled “Case Citations Formats–Texas Reports Cases (1846 to 1886) & Republic of Texas Information.”

information to the tenth edition, but its new design and layout as well as featuring additional historical information was a major advancement.

XIII. Twelfth Edition

With the twelfth edition, the *Texas Law Review* editors changed the name of the citation guide from the *Texas Rules of Form* to *The Greenbook: Texas Rules of Form*, formalizing the long-time unofficial but commonly used name “The Greenbook.”¹²² The trend of new appendices containing information formerly in the text of the rules continued from the eleventh edition with new Appendix F Table of Notations Used on Petition for Review in the Court of Criminal Appeals.

This edition also increased cross-references to *The Bluebook*. For example, the introductory materials for Part II on Texas cases now included the reference, “Consult *The Bluebook* Rule 10 for case citations not covered in Part II.”¹²³ Similarly, Rule 7.2 Court Abbreviations is expanded with new rule 7.2.1 which includes a cross-reference to *The Bluebook*, instructing users to “[A]bbreviate court names in accordance with *The Bluebook* Table T.7.”¹²⁴ Taking another cue from *The Bluebook*, new Rule 18.1.1 Books edited by the Texas Law Review Association was added to cover citation to *The Greenbook* and the *Texas Law Review Manual on Usage & Style* noting that “When the Texas Law Review Association is the editor of a publication, Texas is not abbreviated.”¹²⁵

Reflecting the importance of online sources, Rule 2.1.2 Recent Decisions-Slip Opinions, Electronic Citations, and the *Texas Supreme Court Journal* was reworked to provide separate subsections for citations to electronic databases (Rule 2.1.2(a)), the Texas Supreme Court’s website (Rule 2.1.2(b)), and the *Texas Supreme Court Journal* (Rule 2.1.2(c)). Parallel citation requirements were eliminated in numerous rules. Rule 2.3.2 Cases 1886 to 1992 no longer required parallel citation to the *South Western Reporter* for Texas Supreme Court cases between 1886 and 1962. Similarly, Rule 3.3 no longer required parallel citation to the *South Western Reporter* for Court of Criminal Appeals cases between 1886 and 1962. Rule 4.2.2 Citing to the *Texas Civil Appeals Reports*—1892 to 1911 now permitted the parallel citation to the *Texas Civil Appeals Reports* to be omitted if the document was not going to be filed with a court.

Continuing the trend of adding contextual information, a lengthy historical note was added to Rule 10.1.1. The note explained the history of Vernon Law Book Co. and *Vernon’s Annotated Revised Civil Statutes*, Vernon’s purchase by West Publishing, and the new edition’s change to refer

122. THE GREENBOOK: TEXAS RULES OF FORM (Texas Law Review Ass’n ed., 12th ed. 2010).

123. *Id.* at 5.

124. *Id.* at 36.

125. *Id.* at 95.

to West as the publisher of Texas statutes rather than Vernon as previous editions of *The Greenbook* did.¹²⁶

The Greenbook rules continued to be responsive to changes in Texas practice. Rule 3.1.2 Panel Opinions—1978 to 1982 was a new rule covering a limited practice of the Texas Court of Criminal Appeals. Rule 15.1 Attorney General was reworked to accurately reflect the then-current opinion practice of the Attorney General. Former Rule 15.1.2 Attorney General Open Records Decisions and Letter Advisory was divided into Rule 15.1.2(a) Letter Opinions or Advisory Opinions After January 4, 1999, Rule 15.1.2(b) Letter Opinions or Advisory Opinions Issued Before January 4, 1999, and Rule 15.1.3 Attorney General Open Record Letter Rulings (ORLs). These rule changes reflected the discontinuance of the use of letter opinions or advisory opinions by the Attorney General in 1999.¹²⁷ The citation format for ORLs was revised to accurately reflect the new numbering schema that the Attorney General had adopted for ORLs. While the twelfth edition incorporated more references to *The Bluebook*, revised Rule 15.1 to reflect current Attorney General practice, and changed parallel citation rules for older cases, both in substance and style it did not differ dramatically from the eleventh edition.

XIV. Thirteenth Edition

Published in 2015, the editors of the thirteen edition of *The Greenbook* focused on “getting things right, not on novelty for its own sake.”¹²⁸ True to the editors’ intent, the thirteenth edition was not substantially different from the twelfth edition. The most noticeable change was that five additional chapters now began with format guides,¹²⁹ an improvement originally introduced in the redesigned eleventh edition. While this edition continued to incorporate more references to *The Bluebook*, Rule 4.3.1 Cities—General Rules added a paragraph explaining that *The Greenbook* diverged from *The Bluebook* in this case, specifically, “In the parenthetical of a court of appeals citation, the city is *never* abbreviated, contrary to *The Bluebook* Table T10.1. Note especially that “Fort Worth” is not abbreviated.”¹³⁰ Rule 4.3.2’s title changed from Historical Notes to The Houston and Galveston Courts of Appeals—Special Rules, but the text of the rule remained unchanged. An extensive new practice tip was added at the beginning of Chapter 7 on Trial

126. *Id.* at 45.

127. *About Attorney General Opinions*, ATT’Y GEN. TEX., <https://www2.texasattorneygeneral.gov/opinion/about-attorney-general-opinions> [<https://perma.cc/FQK8-U7C2>].

128. THE GREENBOOK: TEXAS RULES OF FORM (Texas Law Review Ass’n ed., 13th ed. 2015) [hereinafter TEXAS RULES OF FORM (13th ed.)].

129. Format guides were added to Chapter 13 Rules of Procedure and Evidence, Chapter 14 Legislative History, Chapter 15 Formal Advisory Opinions, Chapter 16 Agency Material, Chapter 17 State Bar Materials.

130. TEXAS RULES OF FORM (13th ed.), *supra* note 128, at 20.

Courts. Four prior rules were combined into Rule 7.2 Court Abbreviations.¹³¹ A new historical note replaced the prior practice tip in Rule 13.2 Rules of Appellate Procedure. The expansion of the appendices continued with Appendix H now covering abbreviations for rules in addition to abbreviations for statutes. Overall, the changes in the thirteen edition were minor.

XV. Fourteenth Edition

The changes to the fourteenth edition of *The Greenbook* begin on the cover with the title being altered to *Texas Rules of Form: The Greenbook*.¹³² Changes continue in the overall design of the edition. The font size throughout is smaller, reducing the size from the robust 158 pages of the thirteenth edition to a thinner 132 pages. Examples are no longer set off from the text of the rules by use of text blocks in a smaller version of the same font used for the rules. Instead, the examples are in a different font of similar size to the font used for the rules. Page numbers are moved from the top of the page to the bottom, with rule numbers at the top of the page. Tables in Appendices D, E, and F are reformatted, but the content remains the same as the thirteenth edition. While the fourteenth edition begins with Bryan Garner's foreword that first appeared in the tenth edition, a new introduction from Andrew P. Van Osselaer in his role as Reporter for the fourteenth edition describes the survey methodology used to gather input and suggestions from *Greenbook* users that informed the changes in the fourteenth edition.¹³³ In order to assist long time users of *The Greenbook*, the fourteenth edition provides a summary of the rule changes in the new edition, all of which are summarized below in addition to other more minor changes.

The fourteenth edition of *The Greenbook* now permits use of large and small caps for stylistic purposes, mirroring changes in the twentieth edition of *The Bluebook*.¹³⁴ In addition to this change, Chapter 1 on Typeface Conventions also simplifies Rule 1.1 on Introductory Signals and Explanatory Phrases, moving references to phrases used in subsequent history to Rule 1.2 on Cases. Rule 2.1.2 on Texas Supreme Court Recent Decisions omits Rule 2.1.2(a) Citation to Unpaginated Opinion on Court Website, due to the fact that the Texas Supreme Court no longer issues unpaginated opinions on their website. Of note, Rules 3.1.3(a) and 4.1.3(a) on Citation to Unpaginated Opinion on Court Website for the Texas Court of Criminal Appeals and Courts of Appeals are retained.

In a departure from long standing practice, Rule 4.2.1 changes the court abbreviation for cases from 1911 to 1981 decided by the Texas Courts of

131. Rules 7.2.1 General Rule, 7.2.2 Constitutional County Courts, 7.2.3 County Courts at Law, and 7.2.4 Statutory Probate Courts from the twelfth edition were combined into Rule 7.2 Court Abbreviations in the thirteenth edition.

132. TEXAS RULES OF FORM (14th ed.), *supra* note 2.

133. *Id.* at XV.

134. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 7 (Columbia Law Review Ass'n et al. eds., 20th ed. 2015).

Civil Appeals from “Tex. Civ. App.” to “Tex. App.” This change is acknowledged in the text of Rule 4.2.1. The practice tips accompanying Rule 4.4 on petition and writ history in civil cases and Rule 4.5 on petition history in criminal cases are updated to reflect the discontinuation of West’s *Texas Subsequent History Table* in 2014.¹³⁵ In Rule 5.2.2 on opinions of the Texas Commission of Appeals of the Texas Supreme Court adopted or approved by the Texas Supreme Court, a new indicator of “[Comm’n Op.]” is added to the citation to show that the opinion was not written by the Texas Supreme Court.

In Rule 7.1 covering basic citation form for trial courts, the name of the county is no longer required for a citation to a county court at law in order to eliminate duplicative information. Accordingly, the example from the thirteenth edition of:

Batra v. Waggoner, No. 002-02559-2012 (Co. Ct. at Law No. 2, Collin County, Tex. Oct. 21, 2013).

Is now:

Batra v. Waggoner, No. 002-02559-2012 (Collin Co. Ct. at Law No. 2, Tex. Oct. 21, 2013).

The name of the county is still required in citations to district courts, as the court name does not include the name of the county that the court sits in.

The most significant changes in the fourteenth edition are to the rules for citing to current statutes in Chapter 10. The fourteenth edition eliminates the publisher and publication year for current and in-force statutes in Rule 10.1. Accordingly, Rule 10.1.1 on Publisher and Year is removed, and the other subparts are renumbered. References to West as a publisher are also removed from Rules 10.3.4 on Publication, 10.3.4 on Location in Code, and 10.5 on Statutes Available on Electronic Databases. Rule 10.1.3 on Pamphlets, Supplements and Pocket Parts is shortened to remove the portion of the rule focused on statutory provisions that appear partly in a bound volume and partly in a supplement. Similar language is removed from Rule 10.1.5(a) on Multiple Sections Within the Subject Matter Codes and 10.1.5(b) on Multiple Articles Within the Uncodified Statutes, Title 1 of the Insurance Code, or Within the Same Independent Code. Under Rule 11.1.2(a), the first citation of a repealed statute no longer requires a full citation to the repealing session law, although it can still be included if relevant.

In a seeming contradiction to the changes in Chapter 10 eliminating the publisher and year for current statutes, Chapter 12 on Comments and Notes Accompanying Statutes still requires references to the publisher West when citing Comments and Revisor’s Notes under Rule 12.1, Historical Notes under Rule 12.2, and Commentaries on Rules of Civil Procedure under Rule 13.1.3. While the publication year is necessary to locate these materials, the

135. TEXAS RULES OF FORM (14th ed.), *supra* note 2, at 21–25.

inclusion of the publisher seems at odds with the general elimination of publisher name from rules in Chapters 10. The publisher is also eliminated from rules on State Bar Materials in Chapter 17.

The fourteenth edition marks another significant advancement in *The Greenbook*. Visually, the fourteenth edition is different from prior editions with changes starting on the front cover with a new title and continuing throughout with new fonts and new layouts. The editorial staff actively solicited input from users of the *The Greenbook* to inform their rule changes. The end result is a new edition that produces a citation manual responsive to the needs of today's Texas practitioner.

The Greenbook has evolved from a mere citation manual to an introductory guide to Texas law. During the more than 50 years since its initial publication, *The Greenbook* has evolved from a slim 17 pages to the hearty 132 pages of its most recent edition. The scope of materials covered has expanded dramatically. In the evolution of *The Greenbook*, the fifth, seventh, eleventh, and fourteenth editions represent significant advancements. The fifth edition expanded the scope of coverage of *The Greenbook*, the seventh edition provided citation guidance for online legal research, the eleventh edition introduced a new layout with additional contextual information, and the fourteenth edition features a new layout and was updated based on input from *The Greenbook's* users.

Every edition represents the intellectual work of numerous *Texas Law Review* editors. It is due to the dedication of generations of *Texas Law Review* editors that today's Texas lawyers and law students benefit from not only the citation guidance provided by *The Greenbook*, but also the historical information, practice tips, and procedure guides that make *The Greenbook* an indispensable resource for Texas legal professionals.