

LLT Lab Annotation Protocol (Public): CitationSentence Type

(Sentences That Primarily State Citations)

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The following guidelines and examples govern our annotation of spans of text using the type “CitationSentence”.

Part I: Guidelines

This protocol annotates text that has previously been annotated using the annotation protocol for the type “Sentence.” Each and every annotation should span one (and only one) entire sentence.

We adopt a fairly standard definition of a “citation,” as used in law. The definitive style guide for legal citation in the United States is *The Bluebook*. The citation format or style found in *The Bluebook* is designed to allow the reader to efficiently locate the cited source, and to provide the reader with a limited amount of encoded information about that source or about the relation between the citing document and that source.

Therefore, we consider every citation to be either a clause (embedded within a sentence) or a sentence (when the citation is syntactically independent of surrounding text). Every citation (clause or sentence) states a complete thought, although it usually does so by using a conventional encoding.

We are annotating at the sentence level,¹ so a sentence that primarily provides a citation, but which also includes within it additional information (e.g., a legal rule inside a parenthetical), should be annotated as a citation sentence. Correspondingly, a sentence that is primarily some other type (e.g., a legal-rule sentence), but which incidentally also contains a citation, should be annotated as the other type of sentence (e.g., a legal-rule sentence). (Note that on a second layer of analysis, looking inside the content of a sentence, we can still extract the citation embedded in a legal-rule sentence, or the legal rule embedded in a citation sentence, so no information is lost. It’s just that for now we are annotated whole sentences only.)

In general, you should proceed by taking the following steps:

1. If the sentence as a whole conforms to a form contained in *The Bluebook: A Uniform System of Citation*, then it is almost certainly a CitationSentence.
2. Regardless of whether the sentence style conforms to *The Bluebook*, if the main structure of the sentence is a reference to a source of legal authority, then the sentence is highly likely to be a CitationSentence.

¹ If we were to annotate citations embedded within sentences of a different sentence type, we would regard the citation as a clause (stating a complete thought), and most of the examples of citation sentences given below will also apply to embedded citations.

3. In addition, see specific examples below, some of which may be peculiar to BVA decisions.

Additional General Considerations. A citation sentence may begin with introductory signals (for example, “E.g.”, “Accord”, “See” and “See also”) or attach a parenthetical with text at the end of the citation. *Bluebook B1.2, B 1.3*. But as stated above, we are not annotating a citation clause embedded in the text (primarily in a legal rule sentence) as a citation sentence. *Bluebook B1.1 Citation clauses*.

A parenthetical with text provides additional information to explain the relevance of a cited authority to the proposition given in the text. *Bluebook B1.3, rule 1.5*. The parenthetical with text usually begins with a present participle (“-ing”), except when it is a quote or a short phrase. *Bluebook B 1.3*.

One important type of citation will cite to documents issued by an institution that has authority to make legal rules binding on the fact-finding institution (e.g., the Board of Veterans Appeals) or other lower adjudicating institution. For the BVA, these are (see 38 U.S.C. § 7104(c)):

1. Federal statutes (“U.S.C.” or “U.S.C.A.”; Pub. L. No.”; “Stat.”);
2. VA regulations (“38 C.F.R.”; “Fed. Reg.”);
3. Decisions of the U.S. Supreme Court (“U.S.” or “S.Ct.”);
4. Decisions of the U.S. Court of Appeals for the Federal Circuit (“Fed. Cir.”);
5. Precedential decisions of the U.S. Court of Appeals for Veterans Claims (“Vet. App.”)²;
6. Instructions of the Secretary of the VA; and
7. Precedential opinions of the VA Office of General Counsel (VAOPGCPREC #-year).

Particularly in citations to a document created by a rule-making institution, the following introductory signals provide important information:

- **See:** an introductory signal with the meaning that the “[c]ited authority clearly supports the proposition. ‘See’ is used . . . 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.” *Bluebook B1.2, rule 1.2(a)*.
- **See also:** an introductory signal with the meaning that the “[c]ited authority constitutes additional source material that supports the proposition.” Following a “see also” signal, the use of a parenthetical with text is encouraged. Thus, there

² **Note:** whether or not a CAVC decision is precedential or not is a function of complex procedural rules, but in general decisions by single judges and some decisions by panels of three judges are not precedential. For our purposes, however, if the citation is to a decision published in “Vet.App.” we will regard it as a citation to a rule-making authority.

should be a correlation between “see also” and being accompanied by a parenthetical. *Bluebook B1.2, rule 1.2(a)*.

- *But see*: an introductory signal with the meaning that the “[c]ited authority clearly supports a proposition contrary to the main proposition.” *Bluebook B1.2, rule 1.2(a)*.
- *Cf.*: an introductory signal with the meaning that the “[c]ited authority supports a proposition different from the main proposition but sufficiently analogous to lend support.” Following “cf.”, the use of parenthetical with text is encouraged. *Bluebook B1.2, rule 1.2(a)*.
- *Compare . . . with . . .*: an introductory signal with the meaning that “the authorities are similar or different in important respects.” *Bluebook B1.2, rule 1.2(b)*.
- *But cf.*: an introductory signal with the meaning that the “[c]ited authority supports a proposition analogous to the contrary of the main proposition.” Following “but cf.”, the use of parenthetical with text is encouraged. *Bluebook B1.2, rule 1.2(c)*.
- *See generally*: an introductory signal with the meaning that the “[c]ited authority presents helpful background material related to the proposition.” Following “see generally”, the use of parenthetical with text is encouraged. *Bluebook B1.2, rule 1.2(d)*.

NOTE that many citations are not to rule-making institutions. They could, for example, cite to the evidentiary record (e.g., transcripts from a hearing, formal filings of attorneys), or to publications (e.g., newspapers, scientific or medical articles).

Part II: List of Examples

Normal Form -- A span of characters is a "normal form" if we are highly confident that it constitutes an annotation of the type “Sentence”, and this confidence is based on some evidence or feature from the span text itself (the "linguistic cue"). Also, a sentence in "normal form" has a certain fixed format or pattern, which we find recurring numerous times. These should be the easiest types of sentences for computer software to identify.

Citation sentences are perhaps peculiar in that there are so many conventional forms that we can regard each one of them as a “normal form.”

EXAMPLES:

Documents from rule-making authorities:

38 U.S.C.A. § 1131 (West 2014); 38 C.F.R. §§ 3.102, 3.159, 3.303, 3.304, 3.655(a), 4.125 (2015).

Veterans' Benefits Improvement Act of 2008, Pub. L. No. 110-389, § 212 (2008).

See Pub. L. No. 110-389, § 212, 122 Stat. 4145, 4151 (2008).

38 U.S.C.A. § 1110 (wartime service), 1131 (peacetime service); 38 C.F.R. §§ 3.303, 3.306.

See 38 C.F.R. §§ 4.125, 4.130; 79 Fed. Reg. 45093 (Aug. 4, 2014).

38 C.F.R. § 3.159(c) (4) (2014); *Barr v. Nicholson*, 21 Vet. App. 303, 312 (2007).

38 C.F.R. § 3.304(f) (2015) (emphasis added).

See 79 Fed. Reg. 149, 45094 (August 4, 2014).

See Stressor Determinations for Posttraumatic Stress Disorder, 75 Fed. Reg. 39,843, 39,852 (July 13, 2010) (codified at 38 C.F.R. § 3.304(f)(3)) and 75 Fed. Reg. 41,092 (July 14, 2010) (correcting the effective date of the rule published on July 13, 2010).

See *Shinseki v. Sanders*, 129 S.Ct.1696 (2009).

Holton v. Shinseki, 557 F.3d 1363, 1366 (Fed. Cir. 2009) (quoting *Shedden v. Principi*, 381 F.3d 1163, 1167 (Fed. Cir. 2004)).

AZ v. Shinseki, ---F.3d ---, Nos. 2012-7146, 2012-7048, 2013 WL 5420978, (Fed. Cir. September 30, 2013). (quoting *United States v. Robinson*, 544 F.2d 110, 114 (2d Cir.1976).

[NOTE: there is an incorrect placement of a period before the parenthetical. Such typographical errors are to be expected in such stylized sentences.]

Gilbert v. Derwinski, 1 Vet. App. 49 (1990); 38 U.S.C.A. § 5107(b) (West 2014); 38 C.F.R. § 3.102.

38 U.S.C.A. 5107(b); 38 C.F.R. § 3.102; *Aleman v. Brown*, 9 Vet. App. 518 (1996); *Gilbert v. Derwinski*, 1 Vet. App. 49 (1991).

VAOPGCPREC 3-2003 (July 16, 2003).

See also *Smith v. Gober*, 14 Vet. App. 227, 230 (2000), *aff'd*, 281 F.3d 1384 (Fed. Cir. 2002), *cert. denied*, 537 U.S. 821 (2002); *Dela Cruz v. Principi*, 15 Vet. App. 143 (2001); VAOPGCPREC 5-2004 (June 23, 2004).

See *Woods v. Gober*, 14 Vet. App. 214, 224 (2000); see also *Hurd v. West*, 13 Vet. App. 449, 452 (2000) (noting that a veteran cannot passively wait for help from VA).

See *Stegall v. West*, 11 Vet. App. 268, 271 (1998) (noting that where the remand orders of the Board are not complied with, the Board errs as a matter of law when it fails to ensure compliance).

See *Nieves-Rodriguez v. Peake*, 22 Vet. App. 295, 304 (2008) (most of the probative value of a medical opinion comes from its reasoning).

See *Clemons v. Shinseki*, 23 Vet. App. 1, 5 (2009) (holding that the scope of a mental health disability claim includes any mental disability that may reasonably be encompassed by the claimant's description of the claim, reported symptoms, and the other information of record).

See *McIntosh v. Brown*, 4 Vet. App. 553, 555 (1993) (providing that the "PULHES" profile reflects the overall physical and psychiatric condition of the appellant on a scale of 1 (high level of fitness) to 4 (a medical condition or physical defect that is below the level of medical fitness for retention in the military service)).

See *Melson v. Derwinski*, 1 Vet. App. 334 (1991) (use of the conjunctive "and" in a statutory provision meant that all of the conditions listed in the provision must be met); compare *Johnson v. Brown*, 7 Vet. App. 95 (1994) (only one disjunctive "or" requirement must be met in order for an increased rating to be assigned).

See *Lynch v. Shinseki*, June 2011 Memorandum Decision.

Documents not from rule-making authorities:

Diagnostic Codes 9201-9211 (2012).

See DSM-IV, pages 37-45 (4th ed. 1994) (describing the multiaxial assessment and explaining that it allows for considerations of mental disorders, general medical conditions, psychosocial and environmental problems that can all contribute to the mental disorder).

Webster's Third New International Dictionary (1966).

See May 2012 VA examination; March 2013 substantive appeal.

See January 2004 private treatment record.

See July 2012 VA PTSD examination.

See, e.g., March 2013 private clinic discharge summary, July 2013 VA examination report, and November 2014 Vet Center memorandum/psychological assessment from D.P., LCSW.

See August 2012 statement from M.A.

See generally VA treatment records.

See also October 2006 Disability Report.

See November 2006 VA treatment note.

See July 2013 hearing testimony at pages 13-14.

See July 2013 hearing testimony at pages 15-22; December 2009 and January 2013 NOD; December 2012 VA Form 9; November 2009, March 2010, October 2010, and February 2013 Veteran's statements; August 2009 claim to reopen.

See July 2013 hearing testimony at pages 23-32; VA psychological examinations dated in December 1991, November 2010, and September 2011; September 2010 stressor statements.

See M21-1MR, Part III, Subpart iv, Chapter 4, Section I, Topic 34, Block a (August 3, 2009).

M21-1MR.IV.ii.1.D.17.a.

DRO Hearing Transcript 4-5.

Board Hearing Transcript 3-4.

(See September 2009 VA outpatient note).

[NOTE: the incorrect placement of a period outside the closing parenthesis.]

Documents that might be either from rule-making authorities or not:

Id.

See *ibid.*

Id. at 1382 n.1.