

Association of
Legal Writing
Directors
Darby Dickerson

ALWD CITATION MANUAL

A Professional
System of Citation

Third Edition

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MANUAL

A PROFESSIONAL SYSTEM OF CITATION

Third Edition

*Association of Legal Writing Directors
and
Darby Dickerson, Stetson University College of Law*

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CONTENTS

<i>About the Authors</i>	xxi
<i>Preface</i>	xxiii
<i>Acknowledgments to the First Edition</i>	xxvii
<i>Acknowledgments to the Second Edition</i>	xxix
<i>Acknowledgments to the Third Edition</i>	xxxix

PART 1

INTRODUCTORY MATERIAL

1

A. Purpose and Use of Citations	3
B. How to Use This Book	4
Overall Organization	4
Organization within Each Part of This Book	5
Finding Tools	6
Caveats	6
Footnotes Versus Endnotes	6
Citing Sources Not Covered in This Book	6
Sources for Additional Information	7
Citing This Book	7
Web Site for Updates and Frequently Asked Questions	7
C. Local Citation Rules	7
D. How Your Word Processor May Affect Citations	8
Margin Justification	8
Default Settings and Quick Correct Features	8

PART 2

CITATION BASICS

11

1.0 Typeface for Citations	13
1.1 Typeface Choices	13
1.2 When to Use Ordinary Type in Citations	13

1.3	When to Use Italics in Citations	13
1.4	Typeface for Punctuation in Citations	14
1.5	Possessive Endings of Italicized Material	14
1.6	Italicized Material within Italicized Material	14
1.7	Italics to Show Emphasis	15
1.8	Italicizing Foreign Words	15
2.0	Abbreviations	16
2.1	Use	16
2.2	Spacing for Abbreviations	16
2.3	Authorities Referred to in Textual Sentences	17
3.0	Spelling and Capitalization	19
3.1	Words in Titles	19
	Sidebar 3.1: Common Prepositions in Titles	20
3.2	General Rules	21
3.3	Capitalizing Specific Words	23
3.4	Capitalization in Selected Non-English Languages	27
3.5	Other Capitalization and Spelling Rules	28
4.0	Numbers	29
4.1	Numbers in Citations	29
4.2	Numbers in Textual Material	29
4.3	Ordinal Numbers	32
5.0	Page Numbers	33
5.1	Initial Pages	33
5.2	Pinpoint Pages	33
	Sidebar 5.1: Importance of Using Pinpoint References	35
5.3	Citing Consecutive Pages	35
5.4	Citing Scattered Pages	35
	Sidebar 5.2: Using Hyphens, En Dashes, and “to” for Spans	36
5.5	Passim	36
6.0	Citing Sections and Paragraphs	37
6.1	General Rules	37
6.2	Spacing	38
	Sidebar 6.1: Inserting the Symbols for Sections and Paragraphs	38
6.3	Unnumbered Paragraphs	38
6.4	Subsections and Subparagraphs	39
6.5	Distinguishing Sections from Subsections	39
6.6	Citing Consecutive Sections or Paragraphs	39
6.7	Citing Scattered Sections or Paragraphs	40

6.8	Citing Consecutive Subdivisions within a Single Section or Paragraph	41
6.9	Citing Scattered Subdivisions within a Single Section or Paragraph	41
6.10	Citing Multiple Subdivisions within Multiple Sections or Paragraphs	41
6.11	Referring to Sections and Paragraphs in Textual Material	42
7.0	Citing Footnotes and Endnotes	43
7.1	General Rules	43
7.2	Preventing Confusion	43
7.3	Footnotes and Endnotes in Short Citations	44
8.0	Supplements	45
8.1	Citing Material Found Only in a Supplement	45
8.2	Citing Material Found Only in the Main Volume	45
8.3	Citing Material in Both the Main Volume and a Supplement	45
8.4	Citing Material in Multiple Supplements	46
9.0	Graphical Material, Appendices, and Other Subdivisions	47
9.1	Citing Graphical Material	47
9.2	Citing Appendices	47
9.3	Citing Other Subdivisions	48
9.4	Preventing Confusion	48
10.0	Internal Cross-References	49
10.1	Definition	49
10.2	Material That May Be Cross-Referenced	49
10.3	<i>Supra</i> and <i>Infra</i>	49
10.4	Format for Internal Cross-References	50
Sidebar 10.1:	The Two Uses of <i>Supra</i>	51
11.0	Introduction to Full and Short Citation Formats	52
11.1	Full Citation Format	52
11.2	Short Citation Format	52
11.3	<i>Id.</i> as a Short Citation	53
Sidebar 11.1:	<i>Id.</i> Versus <i>Ibid.</i>	53
11.4	<i>Supra</i> as a Short Citation	56

PART 3**CITING SPECIFIC PRINT SOURCES****61****FAST FORMATS: CASES****63****12.0 Cases****64**

12.1 Full Citation Format

64

12.2 Case Name

64

Sidebar 12.1: Distinguishing Case Names from Party Names	65
Sidebar 12.2: Public Official Named as a Party	71
Sidebar 12.3: Explanation of Commonly Used Procedural Phrases	75
12.3 Reporter Volume	76
12.4 Reporter Abbreviation	76
Chart 12.1: Common Reporter Abbreviations	77
Sidebar 12.4: Early Supreme Court Reporters	80
Sidebar 12.5: Locating Parallel Citations	81
12.5 Page Numbers	82
12.6 Court Abbreviation	83
12.7 Date	86
12.8 Subsequent History	87
Sidebar 12.6: Information about Denials of Certiorari	88
12.9 Prior History	90
12.10 Additional Rules Concerning Subsequent and Prior History	91
12.11 Parenthetical Information	93
Chart 12.2: Abbreviations for Titles of Judges and Other Judicial Officials	94
12.12 Cases Published Only on LexisNexis or Westlaw	94
12.13 Cases Not Yet Reported	95
12.14 Table Cases and Federal Appendix Cases	96
12.15 Cases on the Internet	97
12.16 Neutral Citations	98
12.17 Cases Published Only in a Looseleaf Service	98
12.18 Unreported Cases	98
12.19 Early Federal Circuit Cases	99
12.20 Court Documents, Transcripts, and Records	99
Sidebar 12.7: Court Rules Prohibiting or Limiting Citation of Unreported Cases in Briefs	100
12.21 Short Citation Format	101
FAST FORMATS: CONSTITUTIONS	106
13.0 Constitutions	107
13.1 Which Source to Cite	107
13.2 Full Citation Format for Constitutions Currently in Force	107
13.3 Full Citation Format for Constitutions No Longer in Force	108
13.4 Short Citation Format	108
Sidebar 13.1: Referring to Constitutions in Text	109
FAST FORMATS: STATUTORY CODES, SESSION LAWS, AND SLIP LAWS	110
14.0 Statutory Codes, Session Laws, and Slip Laws	111
14.1 Which Source to Cite	111

14.2	Full Citation, Print Format for Federal Statutes Currently in Force	111
	Sidebar 14.1: Date of United States Code	114
14.3	Full Citation, Print Format for Federal Statutes No Longer in Force	115
14.4	Full Citation, Print Format for State Statutes	115
14.5	Statutes Available on Electronic Databases	116
14.6	Short Citation, Print Format for Federal and State Statutes	117
14.7	Full Citation Format for Federal Session Laws Currently in Force	117
	Sidebar 14.2: Referring to Statutes in the Text	118
14.8	Full Citation Format for Federal Session Laws No Longer in Force	120
14.9	Full Citation Format for State Session Laws	120
14.10	Short Citation Format for Federal and State Session Laws	121
14.11	Full Citation Format for Federal Slip Laws	121
14.12	Full Citation Format for State Slip Laws	122
14.13	Short Citation Format for Federal and State Slip Laws	122
FAST FORMATS: OTHER FEDERAL LEGISLATIVE MATERIALS		123
15.0	Other Federal Legislative Materials	124
15.1	Full Citation Format for Unenacted Bills and Resolutions	124
	Sidebar 15.1: Types of Proposed Laws	125
15.2	Short Citation Format for Unenacted Bills and Resolutions	127
15.3	Enacted Bills and Joint Resolutions	127
15.4	Full Citation Format for Enacted Simple and Concurrent Resolutions	127
15.5	Short Citation Format for Enacted Simple and Concurrent Resolutions	128
15.6	Proposed House and Senate Amendments	128
15.7	Full Citation Format for Congressional Hearings	129
15.8	Short Citation Format for Congressional Hearings	131
15.9	Full Citation Format for Numbered Congressional Reports, Documents, and Prints	132
15.10	Short Citation Format for Numbered Congressional Reports, Documents, and Prints	135
15.11	Unnumbered Reports, Documents, and Prints	135
15.12	Full Citation Format for Congressional Debates Occurring after 1873	135
15.13	Short Citation Format for Congressional Debates Occurring after 1873	137
15.14	Full Citation Format for Congressional Debates through 1873	138
15.15	Short Citation Format for Congressional Debates through 1873	138

15.16 Congressional Journals	139
15.17 United States Code Congressional and Administrative News	139
15.18 Declaration of Independence	140
15.19 Other Legislative Materials	140

FAST FORMATS: OTHER STATE LEGISLATIVE MATERIALS 141

16.0 Other State Legislative Materials	142
16.1 Full Citation Format for State Unenacted Bills, Files, and Resolutions	142
16.2 Short Citation Format for State Unenacted Bills, Files, and Resolutions	145
16.3 State Enacted Bills, Files, and Resolutions	145
16.4 Full Citation Format for State Legislative Hearings	145
16.5 Short Citation Format for State Legislative Hearings	147
16.6 Full Citation Format for State Legislative Reports, Documents, and Prints	148
16.7 Short Citation Format for State Legislative Reports, Documents, and Prints	150
16.8 Full Citation Format for State Legislative Debates	151
16.9 Short Citation Format for State Legislative Debates	153
16.10 State Legislative Journals	153
16.11 Other State Legislative Materials	153

FAST FORMATS: COURT RULES, ETHICS RULES AND OPINIONS, AND JURY INSTRUCTIONS 155

17.0 Court Rules, Ethics Rules and Opinions, and Jury Instructions	156
17.1 Full Citation Format for Rules Currently in Force	156
17.2 Full Citation Format for Rules No Longer in Force	157
17.3 Short Citation Format	157
17.4 Full Citation Format for Ethics Opinions	158
17.5 Short Citation Format for Ethics Opinions	159
17.6 Full Citation Formats for Jury Instructions	160
17.7 Short Citation Formats for Jury Instructions	160

FAST FORMATS: LOCAL ORDINANCES 161

18.0 Local Ordinances	162
18.1 Full Citation Format for Codified Ordinances	162
Sidebar 18.1: Locating Ordinances on the Internet	163
18.2 Full Citation Format for Uncodified Ordinances	163
18.3 Short Citation Format for Codified and Uncodified Ordinances	165

FAST FORMATS: FEDERAL ADMINISTRATIVE AND EXECUTIVE MATERIALS	166
19.0 Federal Administrative and Executive Materials	167
19.1 Full Citation Format for Code of Federal Regulations	167
Sidebar 19.1: Determining the Date of Current C.F.R. Volumes	169
19.2 Short Citation Format for Code of Federal Regulations	169
19.3 Full Citation Format for Federal Register	170
19.4 Short Citation Format for Federal Register	171
19.5 Full Citation Format for Agency Decisions	172
19.6 Short Citation Format for Agency Decisions	173
19.7 Full Citation Format for Attorney General Opinions and Justice Department Office of Legal Counsel Opinions	173
Sidebar 19.2: Purpose of Attorney General Opinions	174
19.8 Short Citation Format for Attorney General Opinions and Justice Department Office of Legal Counsel Opinions	175
19.9 Full Citation Format for Executive Orders, Proclamations, Determinations, and Reorganization Plans	175
19.10 Short Citation Format for Executive Orders, Proclamations, Determinations, and Reorganization Plans	178
19.11 Executive Agreements	178
19.12 Other Presidential Documents	178
19.13 Patents	179
19.14 Other Administrative and Executive Materials	180
Sidebar 19.3: Citing Tax Materials	180
FAST FORMATS: STATE ADMINISTRATIVE AND EXECUTIVE MATERIALS	181
20.0 State Administrative and Executive Materials	182
20.1 Full Citation for State Administrative Codes	182
20.2 Short Citation Format for State Administrative Codes	182
20.3 Full Citation Format for State Administrative Registers	182
20.4 Short Citation Format for State Administrative Registers	183
20.5 Full Citation Format for State Agency Decisions	183
20.6 Short Citation Format for State Agency Decisions	183
20.7 Full Citation Format for State Attorney General Opinions	183
20.8 Short Citation Format for State Attorney General Opinions	184
20.9 State Executive Materials	184
20.10 Other State Administrative and Executive Materials	185
FAST FORMATS: TREATIES AND CONVENTIONS, INTERNATIONAL SOURCES, AND FOREIGN SOURCES	186

21.0	Treaties and Conventions to Which the United States Is a Party, International Sources, and Foreign Sources	187
21.1	Full Citation Format for Treaties and Conventions Currently in Force	187
21.2	Full Citation Format for Treaties and Conventions No Longer in Force	189
21.3	Short Citation Format for Treaties and Conventions	189
	Chart 21.1: Selected Bound Treaty Sources	190
	Sidebar 21.1: Internet Access to International Materials	191
21.4	Selected International Law Sources	191
21.5	Selected Foreign Sources	197
	Sidebar 21.2: Other Foreign and International Materials	200
	FAST FORMATS: BOOKS, TREATISES, AND OTHER NONPERIODIC MATERIALS	201
22.0	Books, Treatises, and Other Nonperiodic Materials	202
22.1	Full Citation Format	202
22.2	Short Citation Format for Works Other Than Those in a Collection	212
22.3	Short Citation Format for Works in a Collection	213
	FAST FORMATS: LEGAL AND OTHER PERIODICALS	216
23.0	Legal and Other Periodicals	217
23.1	Full Citation Format	217
	Sidebar 23.1: Identifying Student Authors	218
23.2	Short Citation Format	223
	Sidebar 23.2: Journals That Use Large and Small Capital Letters	224
	FAST FORMATS: A.L.R. ANNOTATIONS	226
24.0	A.L.R. Annotations	227
24.1	Full Citation Format	227
	Chart 24.1: Abbreviations for A.L.R. Series	228
24.2	Short Citation Format	228
	FAST FORMATS: LEGAL DICTIONARIES	230
25.0	Legal Dictionaries	231
25.1	Full Citation Format	231
25.2	Short Citation Format	231
25.3	Nonlegal Dictionaries	231
	FAST FORMATS: LEGAL ENCYCLOPEDIAS	233
26.0	Legal Encyclopedias	234
26.1	Full Citation Format	234
	Chart 26.1: Encyclopedia Abbreviations	235
26.2	Short Citation Format	237

FAST FORMATS: RESTATEMENTS, MODEL CODES, UNIFORM LAWS, AND SENTENCING GUIDELINES 238

27.0 Restatements, Model Codes, Uniform Laws, and Sentencing Guidelines 239

- 27.1 Full Citation Format for Restatements 239
- Sidebar 27.1: Subject Matters of Restatements 240
- 27.2 Short Citation Format for Restatements 241
- 27.3 Model Codes and Acts 241
- 27.4 Uniform Laws 242
- 27.5 Sentencing Guidelines 244

FAST FORMATS: LOOSELEAF SERVICES AND REPORTERS 245

28.0 Looseleaf Services and Reporters 246

- 28.1 Full Citation Format for Cases and Administrative Decisions in Looseleaf Services 246
- Chart 28.1: Abbreviations for Looseleaf Publishers 248
- Sidebar 28.1: Understanding Paragraphs in Looseleaf Services 249
- 28.2 Short Citation Format for Cases and Administrative Decisions in Looseleaf Services 250
- 28.3 Full Citation Format for Noncase Material in Looseleaf Services 250
- 28.4 Short Citation Format for Noncase Material in Looseleaf Services 251

FAST FORMATS: PRACTITIONER AND COURT DOCUMENTS, TRANSCRIPTS, AND APPELLATE RECORDS 252

29.0 Practitioner and Court Documents, Transcripts, and Appellate Records 253

- 29.1 Scope of Rule 253
- 29.2 Full Citation Format for Practitioner and Court Documents 253
- 29.3 Full Citation Format for Transcripts 255
- 29.4 Short Citation Format for Practitioner and Court Documents and for Transcripts 256
- 29.5 Full Citation Format for Appellate Records 256
- 29.6 Short Citation Format for Appellate Records 257
- Sidebar 29.1: Inserting Document Names and Record Cites in Memoranda and Court Documents 257

FAST FORMATS: SPEECHES, ADDRESSES, AND OTHER ORAL PRESENTATIONS 258

30.0 Speeches, Addresses, and Other Oral Presentations 259

- 30.1 Full Citation Format for Unpublished Speeches, Addresses, and Other Oral Presentations 259

30.2 Short Citation Format for Unpublished Speeches, Addresses, and Other Oral Presentations	261
30.3 Published Presentations	261
FAST FORMATS: INTERVIEWS	263
31.0 Interviews	264
31.1 Full Citation Format for Interviews Conducted by the Author	264
31.2 Full Citation Format for Interviews Conducted by Another	265
31.3 Short Citation Format	266
FAST FORMATS: LETTERS AND MEMORANDA	267
32.0 Letters and Memoranda	268
32.1 Full Citation Format for Unpublished Letters and Memoranda	268
32.2 Short Citation Format for Unpublished Letters and Memoranda	270
32.3 Published Letters and Memoranda	271
FAST FORMATS: VIDEO AND VISUAL RECORDINGS AND BROADCASTS	272
33.0 Video and Visual Recordings and Broadcasts	273
33.1 Full Citation Format	273
33.2 Short Citation Format	276
FAST FORMATS: SOUND RECORDINGS	277
34.0 Sound Recordings	278
34.1 Full Citation Format for Entire Recordings	278
34.2 Full Citation Format for a Single Work in a Collection	279
34.3 Additional Information	279
34.4 Short Citation Format for Sound Recordings	279
FAST FORMATS: MICROFORMED MATERIALS	280
35.0 Microformed Materials	281
35.1 Full Citation Format for Microform Collections Containing Material Also Available in Print Format	281
35.2 Full Citation Format for Microform Collections Containing Material Not Otherwise Available	281
35.3 Short Citation Format	282
FAST FORMATS: FORTHCOMING WORKS	283
36.0 Forthcoming Works	284
36.1 Full Citation Format	284
36.2 Short Citation Format	284

FAST FORMATS: UNPUBLISHED WORKS AND WORKING PAPERS	285
37.0 Unpublished Works and Working Papers	286
37.1 Full Citation Format for Unpublished Works	286
37.2 Short Citation Format for Unpublished Works	287
37.3 Working Papers	287
PART 4	289
ELECTRONIC SOURCES	289
38.0 General Information about Online and Electronic Citation Formats	291
38.1 Source Available in Print and Electronic Formats	291
38.2 Source Available Only in Electronic Format	292
Sidebar 38.1: Accessing and Preserving Electronic Sources	293
FAST FORMATS: WESTLAW AND LexisNexis	294
39.0 Westlaw and LexisNexis	295
39.1 Full Citation Format When a Unique Identifier Is Available	295
39.2 Full Citation Format When a Unique Identifier Is Not Available	295
39.3 Short Citation Format for Westlaw and LexisNexis Citations	296
39.4 Compilation of Materials from Electronic Databases	297
FAST FORMATS: WORLD WIDE WEB SITES	299
40.0 World Wide Web Sites	300
40.1 Full Citation Format	300
40.2 Short Citation Format	305
Sidebar 40.1: Types of Web Sites and Indicia of Reliability	305
40.3 Weblogs	307
FAST FORMATS: ELECTRONIC MAIL	308
41.0 Electronic Mail	309
41.1 Full Citation Format for Personal E-mail	309
41.2 Full Citation Format for E-mail Sent to a Discussion Group or Listserv	309
41.3 Short Citation Format for E-mail	310
FAST FORMATS: CD-ROM MATERIAL	311
42.0 CD-ROM Material	312
42.1 Full Citation Format	312
42.2 Short Citation Format	313

43.0 Citation Placement and Use	317
43.1 Placement Options	317
Sidebar 43.1: Using Your Word Processor to Format Footnotes	320
43.2 Frequency of Citation	320
43.3 Number of Sources to Cite	321
43.4 Guidelines for Determining Which Authorities to Cite in a Legal Memorandum or Court Document	322
44.0 Signals	323
44.1 Purpose of Signals	323
44.2 Use of Signals	323
44.3 Categories of Signals	324
44.4 Signals and Explanatory Parentheticals	325
44.5 Capitalizing Signals	325
44.6 Placement and Typeface of Signals	325
44.7 Repeating Signals	326
44.8 Order of Signals and Punctuation between Different Signals	326
45.0 Order of Cited Authorities	328
45.1 Applicability	328
45.2 Punctuation between Citations	328
45.3 General Ordering Rules	328
45.4 Specific Order of Authorities	330
46.0 Explanatory Parentheticals and Related Authority	335
46.1 Using Explanatory Parentheticals	335
Sidebar 46.1: Using Explanatory Parentheticals Effectively	335
46.2 Placement of Explanatory Parentheticals	336
46.3 Formatting Explanatory Parentheticals	337
46.4 Related Authority and Commentary	337

47.0 Quotations	341
47.1 Using Quotations	341
47.2 Accuracy	341
47.3 Relation to Text	341
47.4 Short Quotations	341
47.5 Longer Quotations	344
47.6 Epigraphs	346
47.7 Quotations within Quotations	346

48.0 Altering Quoted Material	348
48.1 Altering the Case of a Letter	348
48.2 Adding, Changing, or Deleting One or More Letters	348
48.3 Adding a Footnote within a Block Quotation	348
48.4 Substituting or Adding Words	349
48.5 Altering Typeface	349
48.6 Mistakes within Original Quoted Material	350
49.0 Omissions within Quoted Material	351
49.1 General Considerations When Omitting Material within a Quotation	351
49.2 Indicating Omissions	351
49.3 When to Use an Ellipsis	351
49.4 How to Use Ellipses	353
PART 7	APPENDICES
	357
Appendix 1: Primary Sources by Jurisdiction	359
Appendix 1A: West Regional Reporter Coverage	407
Appendix 2: Local Court Citation Rules	409
Appendix 3: General Abbreviations	453
Appendix 4: Court Abbreviations	463
Sidebar A4.1: The Structure of State Court Systems	464
Sidebar A4.2: Dissecting a Federal District Court Abbreviation	469
Appendix 5: Abbreviations for Legal Periodicals	471
Appendix 6: Legal Memorandum Example	519
Appendix 7: Federal Taxation Materials	523
Sidebar A7.1: Versions of the Internal Revenue Code	524
Sidebar A7.2: Case Names in Older Tax Authorities	527
Sidebar A7.3: Categories of Tax Regulations	529
Sidebar A7.4: Document Numbers Before and After 2533	533
Chart A7.1: Abbreviations for Less Frequently Cited Tax Materials	538
Appendix 8: Selected Official Federal Administrative Publications	539
<i>Index</i>	541

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

ABOUT

THE AUTHORS

The Association of Legal Writing Directors is a learned society for professors who coordinate legal writing instruction in legal education. ALWD members teach at nearly all American law schools. ALWD is headquartered at the University of Michigan School of Law, 625 South State Street, Ann Arbor, MI 48109-1215.

Darby Dickerson is Vice President and Dean of Stetson University College of Law. From 1996 through 2004, she directed Stetson's Legal Research and Writing Program. She is a leading authority on American legal citation and has written in depth on the subject.

Copies of this book can be ordered from Aspen Publishers by calling 1-800-638-8437. Law school teachers should call 1-800-950-5259 for a complimentary copy.

PREFACE

The Association of Legal Writing Directors created the *ALWD Citation Manual* because lawyers, judges, law teachers, and law students need a citation manual that is easy to use, easy to teach from, and easy to learn from.

ALWD was fortunate to recruit for this purpose a leading authority on American legal citation, Dean Darby Dickerson of the Stetson University College of Law. Dean Dickerson has a thorough knowledge of the forms of legal citation used throughout the United States for the last century or more. And as a professional legal writing teacher, she writes in a style marked by clarity and conciseness.

In her work on the third edition, Dean Dickerson was guided by the same principles she was in writing the first two editions—that the *Manual* should be easy to use and have a clear style. Her work was informed by the insights of a number of people, including the ALWD Citation Manual Advisory Committee, which reviewed and offered detailed comments on the manuscript.

Every effort has gone into writing and printing the book in a format that is accessible as well as gentle on the eye. Among its attributes are flexibility where it facilitates good writing without hindering the easy identification and verification of the cited source, a single and consistent set of rules for all forms of legal writing, a set of rules that reflects a consensus in the legal profession about how citations should function, and an appendix that includes the court-mandated citation rules of every state. To keep the size of this edition manageable, some materials appear on the ALWD Web site, <http://www.alwd.org>. Those materials are cross-referenced in the *Manual*.

The goals for the third edition were to refine and clarify rules and to respond to users' inquiries. Below are some of the most notable changes in the third edition.

Rule 1
(typeface)

Information has been added in **Rule 1.1** and in **Sidebar 23.2** about how to use large and small capital letters as a typeface when submitting material to law journals and book publishers that require that typeface.

- Rule 2
(abbreviations)** Rule 2.3 now permits abbreviation of “U.S.” in case citations that appear in textual sentences (Rule 12.2(e) was also revised to acknowledge this change).
- Rule 3
(capitalization)** Sidebar 3.1 provides a list of prepositions commonly used in titles. New Rule 3.4 addresses capitalization rules for titles in French, German, and Spanish.
- Rule 6
(sections and paragraphs)** An addition explains how to prevent confusion when citing both page numbers and section and paragraph numbers.
- Rule 7
(footnotes and endnotes)** New Rule 7.2 provides guidance about how to prevent confusion when citing both page numbers and footnote or endnote numbers. New Rule 7.3 provides additional guidance about how to cite footnotes and endnotes when using the *id.* short citation format.
- Rule 8
(supplements)** New Rule 8.4 addresses citing material that appears in multiple supplements.
- Rule 9
(other subdivisions)** An addition explains how to prevent confusion when citing both page numbers and other subdivisions, such as appendices and tables.
- Rule 11
(short citations)** This rule has been clarified to explain when the term “at” is used in short citation formats.
- Rule 12
(cases)** Additional guidance has been provided about how to cite bankruptcy cases. In addition, new sections of Rule 12.2 explain how to cite popular case names and how to present cases with multiple decisions. Rule 12.4 regarding which reporter or reporters to cite has been rewritten to clarify the rules presented in the first and second editions.
- Rule 14
(statutes)** This rule now provides that titles of statutes should be presented in ordinary type, not italics. Although the *Manual* attempted to achieve uniformity by indicating that all titles should be presented in italics, it simply has not become common practice to italicize the titles of statutes and statute-like material; thus, we opted to reflect the format used by most practicing attorneys. In addition, Sidebar 14.2 now indicates that the abbreviation “U.S.C.” may be used in textual sentences. Finally, throughout the *Manual*, the term “LEXIS,” when used to denote the publisher now known as LexisNexis, has been changed to “Lexis.”

- Rule 19 (federal administrative and executive materials)** Revised **Rule 19** provides additional guidance about how to cite Code of Federal Regulations sections that appear in electronic databases. It also clarifies how to cite proposed federal regulations. New **Rule 19.13** shows how to cite patents.
- Rule 21 (citing sources)** **Rule 21** has been expanded to include rudimentary information about citing basic international, foreign, and intergovernmental sources.
- Rule 22 (books and treatises)** New information was added about how to cite books with multiple publishers and books in a language other than English. Information and examples also have been provided about how to cite the Koran and the Talmud.
- Rule 23 (periodicals)** New sections have been added about how to cite letters to the editor, cartoons and comic strips, and advertisements. **Rule 23** also now provides specific guidance about whether to italicize the comma when a title ends with quotation marks.
- Rule 24 (A.L.R.)** New examples show the format for A.L.R.6th and A.L.R. Fed. 2d.
- Rule 37 (unpublished material)** New **Rule 37.3** explains how to cite working papers, including material that appears on SSRN.
- Rule 40 (World Wide Web)** New **Rule 40.3** explains how to cite weblogs.
- Rule 44 (signals)** A clarification in **Rule 44.4** and **Rule 46.1** indicates that explanatory parentheticals should be used to assist readers and need not be included any time a signal is used.
- Rule 45 (order of citation)** The list now includes foreign, international, and intergovernmental organizations, and clarifies where material from electronic sources should be inserted.
- Rule 48 (altering quoted material)** New **Rule 48.3** addresses the relatively rare situation when an author needs to insert a footnote into the middle of a block quotation.
- Appendices** All appendices now appear in the book. In both the first and second editions, portions of **Appendices 1, 2, 4, and 5** appeared only on the ALWD Web site, and **Appendices 1A and 8** appeared only on the Web site. **Appendix 2** now includes lists of subject matter abbreviations that can be used when preparing material for California and New York

courts and practitioners. In addition, country and region abbreviations have been added to **Appendix 3**.

In addition, the index has been expanded and examples throughout the *Manual* have been updated.

We appreciate input that will help us with the ongoing process of making the *Manual* as complete, accurate, and user-friendly as possible. If you find any errors or omissions in this *Manual*, or if you have suggested revisions, please notify Darby Dickerson at darby@law.stetson.edu, or at 1401 61st Street South, Gulfport, FL 33707.

The Association of Legal Writing Directors
November 2005

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April 2000

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As with many projects, there are so many people to thank and such little space in which to express that thanks. Over the years, many individuals and organizations have contributed to the production and success of the *ALWD Citation Manual*. In addition to those recognized in the *Manual's* first edition, I would like to thank the following for their assistance with the second edition:

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November 2002

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Darby Dickerson
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November 2005

PART



INTRODUCTORY

MATERIAL

	<u>Page</u>
A. Purpose and Use of Citations	3
B. How to Use This Book	4
C. Local Citation Rules	7
D. How Your Word Processor May Affect Citations	8

A

PURPOSE AND USE OF CITATIONS

In legal writing, a “citation” is a reference to a specific legal authority or other source. A legal citation contains various words, abbreviations, and numbers presented in a specific format that allows a reader to locate the cited material. The typical information in a citation includes the cited material’s author, the name of the authority or source, information about where the pertinent information can be found within the source (such as a volume or page number), the publisher, and the date. Rules 1 through 37 of this Manual explain and illustrate how to present this information for both primary and secondary authorities.

Legal citations serve many purposes. First, a citation should tell readers **where to find** the cited source. Readers often want to review the cited source, either to verify what the source says or to learn additional details from the source. Therefore, it is important that the citation provide all the information necessary to locate both the source and the exact reference. For this reason, each citation must be accurate.

Second, from reading the citation, readers should be able to determine information about the **weight and persuasiveness of that source**. For example, when reading a case citation in a brief, readers should be able to determine whether the court must follow this case. Readers also should be able to make other judgments about the cited authority, such as who the author is, the level of court deciding a specific case, how old the authority is, and whether the authority is still good law.

Third, a citation should convey the **type and degree of support** that it provides for a particular proposition. For example, one case might provide strong, direct support for a proposition, while another authority might contradict your statement. Readers should be able to discern this information from the citation, typically through the use of introductory signals (addressed in Rule 44).

In addition, attorneys use citations to **demonstrate that their positions are well researched and well supported**. Nearly all legal research is based on prior research. Readers expect to see that you have thoroughly researched a proposition and that you have referred to authorities that support your proposition. Citations allow you to document such research and support. On a related note, citations **give credit** to those who originated an idea that you are now presenting. Giving proper attribution to those whose thoughts, words, and ideas you use is an important concept in legal writing and legal citation.

This book contains a single citation system that can be used to develop citations for any type of legal document. The book codifies the most commonly followed rules for legal citation. While no citation system can anticipate every source a writer might need or choose to cite, the system presented here provides rules and examples for the most frequently cited materials and guidelines for citing new or rarely encountered materials.

This book focuses primarily on sources of United States law and provides limited guidance regarding international and foreign sources, except for treaties binding on the United States. If you need to cite a legal source from a foreign country, consult ALWD & Molly Lien, *ALWD Citation Manual: International Sources* (Aspen Publishers forthcoming).

Overall Organization

This book is organized into seven parts:

- (1) **Part 1** contains introductory material, including information on local citation formats and on how your word processor may affect citations you write.
- (2) **Part 2**, “Citation Basics,” addresses key concepts you will use when citing most types of legal sources. You should read Part 2 before attempting to cite any particular source.
- (3) **Part 3** provides citation formats for print (as opposed to electronic) versions of various primary and secondary sources. Use these rules to determine how to cite a specific source, such as a case or legal periodical.
- (4) **Part 4** addresses electronic materials, including sources available on Lexis, Westlaw, and the Internet.
- (5) **Part 5**, “Incorporating Citations into Documents,” explains how to insert citations into various documents, such as memoranda or law review articles. It also addresses other important concepts you need to know when writing documents that contain legal citations, such as when and how to use introductory signals and how to use explanatory parentheticals.
- (6) **Part 6** discusses how to quote material and how to properly reflect alterations to and omissions from quoted material.
- (7) **Part 7** consists of various appendices, including one on court-specific formats and another that lists commonly used abbreviations. In addition,

a full-text sample of a legal memorandum demonstrates how to insert citations into such documents.

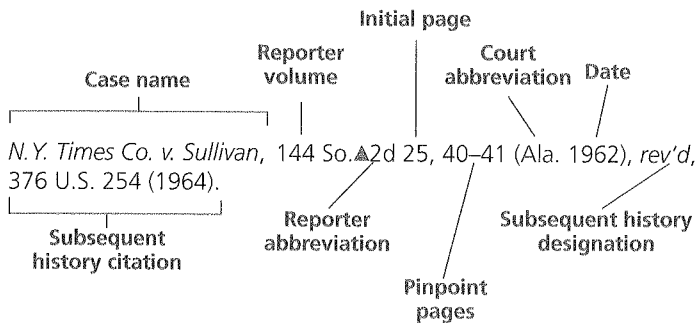
Organization within Each Part of This Book

Each part of this book is further divided into rules, which may, in turn, have several subsections. Each rule provides detailed instructions about citing a particular source or using a particular concept. Examples illustrate key points and exceptions to general rules.

Rules about citing a particular source, such as a case, begin by identifying the components of the full citation, such as the case name and the date. The different components are separated by green circles (●). A green circle (●) does not designate a space. Instead, green triangles (▲) are used throughout to designate spaces. Green circles show where different components of a citation end. A component includes a comma that would not appear in a citation if the rest of that component were missing (for example, the comma before a pinpoint page). Those components that should be italicized appear in italics; those that should be enclosed in parentheses appear in parentheses. An example immediately follows the presentation of the components. The parts of the example are labeled with the corresponding component terms. The example below comes from Rule 12 on cases.

Case name,●Reporter volume●Reporter abbreviation●Initial page●, Pinpoint page●(Court abbreviation●Date),●*Subsequent history designation*,●Subsequent history citation.

Example



After the initial example, each component of the full citation is explained in detail, and additional examples are provided.

Rules 12 through 37 and Rules 39 through 42 each begin with a section called “Fast Formats,” which provides sample citations for the commonly

cited materials within that category. Use these formats to check your own citations or to refresh your memory when you have not used a particular rule in some time.

Finally, throughout the book, you will encounter “Sidebars” presented on a gray background. These provide additional information on various concepts, caveats about common mistakes, and tips for citing particular sources.

Finding Tools

To understand the book’s overall organization and to quickly locate rules on the major sources of law, use the table of contents in the front of the book. To find the rule covering a specific source or concept, use the detailed index in the back.

Caveats

You may read citations in other sources that are inconsistent with ALWD citation rules. For example, West Group and other legal publishers often follow their own unique citation formats. In addition, as noted below in section C, many courts have special citation rules that attorneys must follow when submitting documents to those courts. Finally, for many years, the most commonly used citation guide was *The Bluebook: A Uniform System of Citation*. When you find nonconforming citations, put them in ALWD citation format. The one exception to this rule applies when submitting a brief to a court that has its own local citation format (see listings in Appendix 2): Always follow a court’s own citation rules, if any, when submitting a document to that court.

Footnotes Versus Endnotes

This book covers material contained in a document’s footnotes. (An example of a document with footnotes is a law review article.) Although the word “footnote” is used in this book, the rules also apply to endnotes.

Footnotes and endnotes serve the same purpose: Both contain citations or additional text that supports, contradicts, or further explains material in the main text. The difference is in the location of the notes in relation to the main text. When notes appear at the bottom—or foot—of the page with the corresponding main text, they are called footnotes. When notes appear at the end of the paper or at the end of a chapter or section, they are called endnotes. Again, the same citation rules apply to both footnotes and endnotes.

Citing Sources Not Covered in This Book

Think of this book as a statute. In the absence of a rule exactly on point, use the most analogous rule. Remember, the primary goal of legal citation is to

lead the interested reader to the cited source. By analogizing to the most similar format in the book, you stand the best chance of providing your readers with the information they need to find the source. Essential information about a source typically includes the name of its author, its title, the relevant page or other subdivision, its publisher, and its date of publication. For cases, also include the issuing court and any subsequent history. Do not spend hours agonizing over how to cite the source. Select a logical format and be consistent. Consistency is as important for clarity as is following a particular rule.

Sources for Additional Information

For additional guidance on matters of style, punctuation, capitalization, and special citation formats, consult the most recent editions of the *United States Government Printing Office Style Manual*, *The Chicago Manual of Style*, the *ALWD Citation Manual: International Sources* (forthcoming), or Bryan A. Garner, *The Redbook: A Manual on Legal Style*.

Citing This Book

Cite this book as ALWD & Darby Dickerson, *ALWD Citation Manual* (3d ed., Aspen Publishers 2006).

Web Site for Updates and Frequently Asked Questions

The rules in this book will not be changed arbitrarily. However, because types and formats of legal sources constantly evolve—and because no work is perfect—some clarifications, updates, and additions will be inevitable. To keep this edition current, any such changes will be posted on a Web site located at www.alwd.org. The information on this Web site is available for browsing and downloading at no charge.

C

LOCAL CITATION RULES

Many state and federal courts have adopted local citation rules that practitioners **must** follow when submitting documents to those courts. Therefore, if you are writing a court document, such as a brief, consult the entry in **Appendix 2** for your particular jurisdiction. If a particular source is not covered in **Appendix 2**, use the rules and formats in other sections of this book. If your court is included in **Appendix 2**, also check the current court rule or statute in a rule book or statutory code because rules and statutes change more frequently than this manual is updated. When using **Appendix 2**, you should consult only the

entries for the court to which you are submitting the document; you will not use other courts' special citation formats.

Law students and new practitioners should be aware that local custom sometimes dictates that local rules also be used in other documents within that jurisdiction, such as interoffice memoranda. Determine whether such preferences apply before preparing documents containing citations. Some local customs—but not all—are included in **Appendix 2**.

For all other documents and purposes, use the rules in **Parts 2 through 7** (other than **Appendix 2**).

D

HOW YOUR WORD PROCESSOR MAY AFFECT CITATIONS

How you format your word processor may affect the way citations look on the page. Below are some issues you should consider before preparing a document that contains citations.

Margin Justification

The “justification” function on your word processor will affect whether text at your left and right margins appears “straight” or “ragged.” The justification choices typically are “full,” “centered,” “right-only,” and “left-only.” Full justification produces straight edges at both side margins. Centered justification produces ragged edges at both side margins. Right-only justification produces a straight right margin and a ragged left margin. Left-only justification produces the opposite: a straight left margin and a ragged right margin. The only two options appropriate for a legal paper are full justification and left-only justification. Below are examples of these two options.

Examples

Full justification

The cooperation requirement does allow for a “good cause” exception to cooperation, if it is determined to be in the best interests of the child. 42 U.S.C. § 654(4)(a)(1) (2000). The good cause exception works better in theory than in practice, however, as documentation of prior domestic violence, not a well-founded fear of future violence, is required. Jacqueline M. Fontana, *Cooperation and Good Cause: Greater Sanctions and the Failure to Account for Domestic Violence*, 15 Wis. Women’s L.J. 367, 383 (2000).

Left-only justification

The cooperation requirement does allow for a “good cause” exception to cooperation, if it is determined to be in the best interests of the child. 42 U.S.C. § 654(4)(a)(1)

(2000). The good cause exception works better in theory than in practice, however, as documentation of prior domestic violence, not a well-founded fear of future violence, is required. Jacqueline M. Fontana, *Cooperation and Good Cause: Greater Sanctions and the Failure to Account for Domestic Violence*, 15 Wis. Women's L.J. 367, 383 (2000).

The margin justification you select for your document may affect the spacing within citations. To avoid a possible spacing problem, first determine whether your word-processing program distorts spacing when you justify the margins on both sides of the page (called “full justification” in most programs). If the program does not distort spacing, use full justification because it creates a more professional look.

If the program does distort spacing, consider whether readers will prefer a fully justified page, with whatever spacing distortion your software creates, or a page that is justified only on the left margin, with undistorted citation spacing. The trade-off for perfect spacing in a left-justified document is that left-only justification leaves the right edge of the text ragged.

When deciding which justification setting to use, consider the sensibilities of your readers. If you are submitting an article for publication in a law review, you might opt for perfect spacing because law review editors care a great deal about perfect citation format. If you are submitting a brief to a court or a memo to a senior partner, you might opt for full justification because judges and partners often appreciate an eye-friendly page.

Default Settings and Quick Correct Features

Some word-processing programs come preloaded with default features that may affect citations. Below are some settings about which you should be aware.

Periods and automatic spacing

The default settings in some word-processing programs automatically place one or two spaces after each period, regardless of whether the period ends the sentence. Such formatting does not conform to the citation rules in this book. Accordingly, reformat your word processor so that it does not automatically insert spaces after each period. In current word-processing programs, you can correct this problem by pulling down the “Tools” menu bar and then selecting an item called “QuickCorrect” in WordPerfect or “AutoCorrect” in Word.

Example of problem: N. E. 2d

Correct citation: N.E.2d

Automatic capitalization

Some word-processing programs default to a setting that automatically capitalizes the first letter after a period. This setting can also cause problems. In current

word-processing programs, you can correct this problem by pulling down the “Tools” menu bar and then selecting an item called “QuickCorrect” in WordPerfect or “AutoCorrect” in Word.

Example of problem: *Johnson Steel Corp. v. Smith,*
Correct citation: *Johnson Steel Corp. v. Smith,*

Automatic ordinal superscript

As explained in Rule 4.3, ordinals are numbers that denote a series. “First,” “second,” and “third” are ordinals. In legal citation, ordinal contractions, such as 1st, 4th, and 5th, are used quite frequently. Some word-processing programs automatically place the letter portion of the ordinal contraction in superscript, above other text. While this is not a serious problem and superscripted ordinals are not prohibited by this citation manual, superscripted ordinals will look incorrect to many readers. Also, some readers will be distracted if some ordinals are presented in superscript and others are not. Thus, the best policy is to disable this default setting by consulting the “Tools” menu bar, as described above.

Example of problem: (5th Cir. 2003)
Preferred citation: (5th Cir. 2003)

Automatic replacement of words and symbols

Some word-processing programs will automatically change one word, term, or symbol into another. In legal citation, the most problematic changes are those converting (c) to © and (r) to ®. Again, you can avoid this problem by disabling the default setting by consulting the “Tools” menu bar, as described above.

Example of problem: Rule 26©
Correct citation: Rule 26(c)

Automatic hyperlinks

Some word-processing programs automatically insert a hyperlink when you type a URL (Uniform Resource Locator, which is an Internet “address”). The hyperlink typically appears as an underline; in addition, the entire address is presented in a color, such as blue. Although having hyperlinks in a document can be helpful, in some types of legal writing, such as in law review articles, they are not necessary and should be removed. To remove hyperlinks, you may either delete them as you type or disable the default setting that inserts them automatically. Consult the “Tools” menu bar to disable the function.

Example of problem: <http://www.findlaw.com>
Preferred citation: <http://www.findlaw.com>

PART

2

CITATION BASICS

	<u>Page</u>
1.0 Typeface for Citations	13
2.0 Abbreviations	16
3.0 Spelling and Capitalization	19
4.0 Numbers	29
5.0 Page Numbers	33
6.0 Citing Sections and Paragraphs	37
7.0 Citing Footnotes and Endnotes	43
8.0 Supplements	45
9.0 Graphical Material, Appendices, and Other Subdivisions	47
10.0 Internal Cross-References	49
11.0 Introduction to Full and Short Citation Formats	52

1.0**TYPEFACE FOR CITATIONS****1.1 Typeface Choices**

Most material in legal citations should be presented in ordinary type. Another type convention, *italics*, is used for specific elements of citations (Rule 1.3). Italics may be represented with *slanted type* or with underlining.

Once you decide how to present italicized material, use that choice consistently. Do not use italics for some types of material and underline other types of material.

If you choose to denote italics by using an underline, underline spaces within a component, but do not underline spaces between components of the citation. Note that while periods typically are parts of the component (and usually are underlined), commas typically are not parts of the component (and usually are not underlined).

Please note that some law journals and book publishers that do not follow the *ALWD Citation Manual* strictly also use a third typeface convention, LARGE AND SMALL CAPITAL LETTERS. If you are working with a journal or publisher that requires you to use this convention, please consult **Sidebar 23.2** for explanations and examples.

Examples (using an underline to reflect italics)

Hofstee v. Dow, 36 P.3d 1073, 1076 (Wash. App. Div. 3 2001).

See Warrick v. Cheatham County Hwy. Dept., 60 S.W.3d 815, 819 (Tenn. 2001).

See e.g. Warrick v. Cheatham County Hwy. Dept., 60 S.W.3d 815, 819 (Tenn. 2001).

Incorrect: See Warrick v. Cheatham County Hwy. Dept.,
(The space between "See" and the case name should not be underlined and the comma at the end should not be underlined)
See Warrick v. Cheatham County Hwy. Dept.,
(Do not mix italics and underlining within a paper)

1.2 When to Use Ordinary Type in Citations

Ordinary type consists of uppercase and lowercase letters without any enhancement. Use ordinary type for everything not listed in Rule 1.3.

1.3 When to Use Italics in Citations

Italicize only the following material:

- (1) Introductory signals (such as *see*; Rule 44).
- (2) Internal cross-references (such as *supra* and *infra*; Rule 10).
- (3) Case names (in both full citation format and short citation format; Rules 12.2(a) and 12.21).

- (4) Phrases indicating subsequent or prior history (such as *aff'd*; Rules 12.8 and 12.9).
- (5) Titles of most documents (for example, Rules 15.7(c), 22.1(b), and 23.1(b)).
- (6) Topics or titles in legal encyclopedia entries (Rule 26.1(c)).
- (7) Names of Internet sites (Rule 40.1(b)).
- (8) The short forms *id.* and *supra* (Rule 11).

1.4 Typeface for Punctuation in Citations

Italicize punctuation when it is located within other italicized material in the citation. Do not italicize a comma that follows a case name, title, or other italicized material. The same rule holds true if you use underlining to represent italics. Underline punctuation located within other underlined material, but do not underline a comma that follows a case name, title, or other underlined material (*N.Y. Times Co. v. Sullivan*). The sample memorandum in Appendix 6 uses underlining.

Examples (italicized and underlined periods appear in bold green and are circled)

Landgraf v. USI Film Prods., 968 F.2d 427 (5th Cir. 1992), *aff'd*, 511 U.S. 244 (1994).

See *id.*^o

See id.^o

1.5 Possessive Endings of Italicized Material

Do not italicize or underline the possessive ending of a publication name, case name, or other similar italicized or underlined material.

Examples

Smith's impact on how police officers conduct automobile searches will be significant.

In 2001, Ralph J. Rohner wrote an essay celebrating the *Catholic University Law Review's* fiftieth anniversary.

1.6 Italicized Material within Italicized Material

When words or phrases within italicized or underlined material would themselves have been italicized or underlined under another rule in this *Manual*, such as a case name in a book title, change those words or phrases to ordinary type.

Examples

Aaron Ponzo, Student Author, *Title II of the Americans with Disabilities Act Is a Valid Exercise of Congress' Power to Abrogate State Sovereign Immunity: Tennessee v. Lane*, 43 Duq. L. Rev. 317 (2005).

Robert Batey, *Kenneth Starr—Among Others—Should Have (Re)Read Measure for Measure*, 26 Okla. City U. L. Rev. 261, 298 (2001).

1.7 Italics to Show Emphasis

It is permissible to use italics or underlining to show emphasis; however, this stylistic convention should not be overused.

Example

J.K. Corporation will suffer *substantial* harm if the injunction is not granted.

1.8 Italicizing Foreign Words

It is permissible to italicize or underline foreign words that have not been incorporated into normal English. Below is a short list of commonly used foreign words and abbreviations that have been incorporated into normal English and thus should not be italicized or underlined in writing unless they appear as part of a citation that requires italics or underlining, such as the title of a law review article or case name (Rule 1.3). To determine whether to italicize or underline other words, consult the most current version of *Black's Law Dictionary*.

Selected words that ordinarily should not be italicized in legal writing

ad hoc	habeas corpus
amicus curiae	i.e.,
certiorari	in personam
de facto	in rem
de jure	inter alia
de novo	passim
dicta, dictum	prima facie
e.g.,	quantum meruit
en banc	quid pro quo
et al.	res gestae
et seq.	res ipsa loquitur
etc.	res judicata

2.1 Use

2.1(a)

Abbreviations are used in legal citations for common sources, such as legal periodicals, case names, and court names, and for some other less common items that are identified throughout this book. Tables of standard abbreviations are included in **Appendices 3, 4, and 5**. Do not abbreviate words not listed in this book, unless required by local court rule.

2.1(b)

On occasion, the same abbreviation may be used for different words. For example, “J.” sometimes stands for “Journal,” “Judge,” or “Justice,” depending on the context.

2.2 Spacing for Abbreviations

2.2(a)

Generally do not insert a space between consecutive single capital letters. However, you may insert a space between consecutive capital letters if the space would help avoid confusion. For example, if one party in a case is Northern Railroad, you may use N.▲R.R. instead of N.R.R. to avoid confusion.

2.2(b)

When abbreviating the name of a legal periodical, set the institutional or geographic abbreviation off from other parts of the abbreviation. Thus, insert one space before and after a group of consecutive capital letters that denotes a geographic or institutional entity.

2.2(c)

Insert one space between any two abbreviations when either is not a single capital letter.

2.2(d)

When an abbreviated word is combined with a word that is not abbreviated, insert one space on each side of the word that is not abbreviated.

2.2(e)

For purposes of this rule, treat an ordinal contraction, such as 2d or 5th, as a single capital letter. Ordinals are defined and discussed in **Rule 4.3**.

2.2(f)

For purposes of this rule, do not treat a section symbol (§), paragraph symbol (§), or ampersand (&) as a single capital letter; always place one space on each side of these symbols.

Examples (spaces are denoted by ▲)

Abbreviation	Explanation
S.D.N.Y.	The abbreviation consists of four consecutive single capital letters. Thus, do not insert any spaces. (Rule 2.2(a))
N.E.2d	The abbreviation consists of two consecutive single capital letters and an ordinal, which is treated like a single capital letter. Thus, do not insert any spaces. (Rules 2.2(a) and 2.2(e))
B.U.▲L.▲Rev.	Do not insert a space between “B.” and “U.” because they are consecutive single capital letters. (Rule 2.2(a)) Insert one space between “U.” and “L.” to offset the institutional abbreviation, “B.U.” for “Boston University” in this periodical name. (Rule 2.2(b)) Insert one space between “L.” and “Rev.” because “Rev.” is not a single capital letter. (Rule 2.2(c))
F.▲Supp.	Insert one space between “F.” and “Supp.” because “Supp.” is not a single capital letter. (Rule 2.2(c))
J.▲Air▲L.▲&▲Com.	Insert one space on each side of “Air” because the word is not abbreviated. (Rule 2.2(d)) Insert one space on each side of “&” because an ampersand is not treated as a single capital letter. (Rule 2.2(f))

2.3 Authorities Referred to in Textual Sentences

Do not abbreviate the name of an authority used as an integral part of a textual sentence. Consult **Rule 12.2(q)** regarding case names that begin with “The.”

Example

Correct: In *Los Angeles Memorial Coliseum Commission v. National Football League*, the NFL was concerned about stability and tried to prevent the Oakland Raiders from leaving Oakland for Los Angeles.

correct: In *L.A. Meml. Coliseum Commn. v. Natl. Football League*, the NFL was concerned about stability and tried to prevent the Oakland Raiders from leaving Oakland for Los Angeles.

However, in case names, you may abbreviate commonly used acronyms (see rule 12.2(e)(4)) and the following words: and (&), Association (Assn.), Brothers Bros.), Company (Co.), Corporation (Corp.), Incorporated (Inc.), Limited Ltd.), Number (No.), and United States (U.S.).

correct: In *Mark Twain Kansas City Bank v. Kroh Bros. Development Co.*, the Court concluded that the transaction at issue violated the terms of the trust agreement. 829 P.2d 907, 914 (Kan. 1992).

Consult **Sidebars 13.1** and **14.2** for additional guidance about using constitutions and statutes in textual sentences.

3.0**SPELLING AND CAPITALIZATION****3.1 Words in Titles****3.1(a)**

When presenting the title of a source, such as the title of a book or law review article, retain the spelling in the original source, but change capitalization to conform to Rule 3.1(b).

3.1(b)

In titles, capitalize the initial letter in the following words:

- (1) The first word in the title.
- (2) The first word in any subtitle.
- (3) The first word after a colon or dash.
- (4) All other words except articles (such as “a” and “the”), prepositions (such as “of,” “to,” and “under”), the word “to” when used as part of an infinitive (such as “to go”), and coordinating conjunctions (such as “and,” “but,” “or,” “nor,” and “for”).

Examples

Nicole B. Casarez, *Examining the Evidence: Post-verdict Interviews and the Jury System*, 25 *Hastings Commun. & Ent. L.J.* 499 (2003).

Kelly McMurry, *Illinois High Court to Rule Whether Consumer Fraud Law Applies to Lawyers*, 34 *Tr.* 80 (Aug. 1998).

3.1(c)

- (1) When one or more words are joined by a hyphen, always capitalize the first letter of the first word. Except as noted in subsections (2) and (3) below, also capitalize the first letter of the first word after the hyphen.

Examples

Secret Keeper or Tattletale: Incursions upon the Attorney-Client Privilege

Abriding the Freedom of Non-English Speech

Twenty-Five Years of the Fordham International Law Journal

- (2) If a word following the hyphen is an article, preposition, or conjunction, do not capitalize that word.

SIDEBAR 3.1

COMMON PREPOSITIONS IN TITLES

Unless a preposition appears as the first word of a title or subtitle, it should not be capitalized. Below is a list of commonly used prepositions. Please note that this list is not exhaustive. If you are not certain whether a word is a preposition, you should consult a dictionary, especially since these same words can function as adverbs and other parts of speech.

about	by	outside
above	down	over
across	during	since
after	except	through
against	for	throughout
around	from	till
at	in	to
before	inside	toward
behind	into	under
below	like	until
beneath	near	up
beside	of	upon
besides	off	versus
between	on	with
beyond	out	without

Examples

*The Knock-Down, Drag-Out Battle over Government Regulation of Television Violence
Duties and Responsibilities of the Guardian on a Day-to-Day Basis*

- (3) If the word before the hyphen is a prefix *and* the word after the hyphen is something other than a proper noun or proper adjective, do not capitalize the word that follows the hyphen.

Examples

Frozen Pre-embryos and the Right to Change One's Mind

The Accordion of the Thirteenth Amendment: Quasi-persons and the Right of Self-interest

From the Pre-Bakke Cases to the Post-Adarand Decisions: The Evolution of Supreme Court Decisions on Race and Remedies

3.2 General Rules

3.2(a) Professional titles and titles of honor or respect

- (1) Capitalize professional titles and titles of honor or respect that immediately precede a person's name. Also capitalize titles of honor or respect that immediately follow a person's name, or substitute for a person's name, provided that the title identifies a head or assistant head of state, a head or assistant head of an existing or proposed national governmental unit, a diplomatic title, or a ruler or prince.

Examples

Title precedes name

General Colin Powell	President John Quincy Adams
Professor Peter F. Lake	Crown Princess Masako
Pope Benedict XVI	Dr. Welby

Title follows name

Diana, Princess of Wales	Orin Smith, president of Starbucks
--------------------------	------------------------------------

Title substitutes for name

the Vice President	Clerk of the Supreme Court
the Chargé d'Affaires	

- (2) Capitalize titles even if a title refers to more than one name (e.g., Mayors Giuliani and Bloomberg).
- (3) Capitalize titles presented in the second person (e.g., Your Honor, Your Majesty, Madam Secretary).

3.2(b) Organization names

Capitalize the full names of organized bodies, and their shortened forms.

Examples

U.S. Congress	the Congress
Department of Labor	the Department

3.2(c) Proper nouns

Capitalize proper nouns; proper nouns include the names of people and places, trademarks, titles of books, statutes, articles, and artistic works. Also capitalize the short form of proper nouns.

Examples

University of Michigan	the University
Gulf of Tonkin Resolution	the Resolution

3.2(d) Adjectives formed from proper nouns

Capitalize adjectives derived from words that exist only as proper nouns (e.g., American, German, Orwellian). However, when a word does not exist exclusively as a proper noun, do not capitalize the adjective (e.g., congressional, constitutional, presidential).

3.2(e) Holidays, events, and epochs

Capitalize the names of holidays, epochs, and historical, cultural, economic, and political events.

Examples

Fourth of July	Labor Day	Boston Tea Party
Battle of Gettysburg	the Renaissance	Dark Ages
Lyndon Johnson's New Deal	Kentucky Derby	Great Depression

3.2(f) Numerical designations

Unless it is part of a proper name, do not capitalize numerical designations.

Examples

twenty-first century	Fourth Republic
----------------------	-----------------

3.2(g) Midword capitalizations

Use midword capitalization if used by the company or product at issue (e.g., HarperCollins).

3.2(h) Defined terms

Once a word is defined in a document, it becomes a proper noun and thus should be capitalized.

Example

Jackson Elementary School (Buyer) agrees to purchase five hundred half-pint cartons of milk each week from SmartDairy, Inc. (Seller). Buyer will pay Seller within thirty days of receiving an invoice from Seller.

3.3 Capitalizing Specific Words

Capitalize the following words according to the specific listed rules. For words not listed, use the general rules listed above or consult the most recent edition of *The Redbook: A Manual on Legal Style*, the *United States Government Printing Office Style Manual*, or *The Chicago Manual of Style*.

Act: Capitalize only when (a) referring to a specific act or (b) as a substitute for a specific act.

Examples

Americans with Disabilities Act

Act (as a later reference to an act referred to earlier in the text, such as the Americans with Disabilities Act)

Board: Capitalize only when (a) part of a proper name or (b) part of a governmental board.

Examples

Civil Aeronautics Board, General Electric Board

The board of directors for Meade Corporation met last week.

Circuit: Capitalize only when used with a circuit number.

Examples

Eleventh Circuit

The circuit court held

Code: Capitalize only when referring to a specific code.

Examples

United States Code, Internal Revenue Code

Many states have codes that address

Commission: Capitalize only when (a) part of a proper name or (b) part of a governmental commission.

Examples

Warren Commission, Federal Trade Commission

According to the ABA commission, some version of the rules has been adopted by forty-two states and the District of Columbia.

Committee, subcommittee: Capitalize only when (a) part of a proper name or (b) part of a governmental committee.

Examples

Senate Appropriations Committee, Immigration Subcommittee of the Senate Judiciary Committee

Both bills were blocked or defeated in committee.

Commonwealth: Capitalize only when (a) part of the full title of a state or federation of states, (b) used as a substitute for a specific state or federation of states, or (c) referring to a state or federation of states as a governmental actor or party to litigation.

Examples

Commonwealth of Virginia

Jamaica, like Scotland, is part of the Commonwealth

The Commonwealth argued that the defendant should not be released

As a commonwealth develops politically, it often develops economically as well.

Congressional: Capitalize only when the word it modifies is capitalized.

Examples

Congressional Medal of Honor

congressional hearings

Constitution: Capitalize only when (a) naming any constitution in full or (b) when referring to the United States Constitution. Also capitalize parts of the United States Constitution.

Examples

Texas Constitution, First Amendment, Equal Protection Clause

Court: Capitalize only when: (a) naming the court in full; (b) referring to the highest court in any jurisdiction, once it has been identified by full name (such as “the Ohio Supreme Court”),

whether it is the United States Supreme Court or the highest court in a state; or (c) referring to the Court to whom the document (such as a brief) is submitted. Do not capitalize “court” when referring to any other court by partial name or to lower courts in general.

Examples

Ohio Supreme Court

the Court (when referring to the United States Supreme Court or to a state supreme court that previously has been identified)

This Court should rule (within a brief)

federal courts

The trial court found that

Defendant: Capitalize only when submitting a document to a court (such as a brief) and that document refers to a party in the pending case.

Examples

The Defendant filed a counterclaim (referring to a litigant in the case in which the court document is submitted)

In *Smith*, the defendant

Department: Capitalize only when (a) part of a proper name or (b) part of a governmental department.

Examples

Department of Agriculture, Harvard University Department of Economics

The local police department holds an annual safety day for children.

Federal: Capitalize only when the word it modifies is capitalized.

Examples

Federal Aviation Administration

federal government

Judge, Justice: Capitalize only when (a) giving the name of a specific judge or justice or (b) referring to a Justice of the United States Supreme Court.

Examples

Judge Susan C. Bucklew, Judge Fitzwater, Justice Ruth Bader Ginsburg, Magistrate Judge Mary S. Scriven

the Justice (when referring to a United States Supreme Court Justice)

Defense counsel argued that the judge did not instruct the jury properly.

Nation: Capitalize only when used (a) as part of a proper name or (b) as a synonym for the United States.

Examples

United Nations, Cherokee Nation

Throughout the Nation,

other nations have expanded trade

National: Capitalize only when the word it modifies is capitalized.

Examples

National Guard

national government

Plaintiff: Capitalize only when submitting a document to a court (such as a brief) and that document refers to a party in the pending case.

Examples

The Plaintiff in this case (referring to a litigant in the case in which the court document is submitted)

In *Smith*, the plaintiff

President: Capitalize only when the word (a) immediately precedes a person's name or (b) immediately follows a person's name or substitutes for a person's name, provided that the title identifies a head or assistant head of state.

Examples

President of the United States, President Eisenhower

The President gave his State of the Union address last night.

Frederick J. Krebs, president of the American Corporate Counsel Association

A public university president ordered a tenured professor to change a student's grade

State: Capitalize only when (a) part of the full title of a state or federation of states, (b) when used as a substitute for a specific state, or (c) when referring to a state as a governmental actor or party to litigation.

Examples

State of Nebraska, Organization of American States

The State passed legislation

The State argued that the defendant should not be released

3.4 Capitalization in Selected Non-English Languages

3.4(a) French

In titles, capitalize the initial letter of the following words: (1) the first word in the title; (2) if the first word is an article or other determiner, the first noun and any adjective that precedes it; and (3) important nouns. Do not capitalize the following words unless they start a title or subtitle: (1) the subject pronoun *je*, (2) the names of months and days of the week, (3) the names of languages, (4) adjectives derived from proper nouns, (5) titles preceding personal names, and (6) the names of places such as “street” and “mountain.”

Example

A Simple Heart

Un Coeur simple

3.4(b) German

In titles, capitalize the initial letter of the first word and of all subsequent nouns. The following terms are not capitalized unless they start a title or subtitle:

(1) the subject pronoun *ich*; (2) the names of languages and days of weeks used as adjectives, adverbs, or complements of prepositions; and (3) adjectives and adverbs formed from proper nouns.

Example

*Harry Potter and the Prisoner
of Azkaban*

Harry Potter und der Gefangene von Azkaban

3.4(c) Spanish

In titles, capitalize only the initial letter of the first word and the initial letter of any proper nouns.

Example

One Hundred Years of Solitude

Cien años de soledad

3.5 Other Capitalization and Spelling Rules

For other capitalization and spelling rules, consult the most recent edition of the *United States Government Printing Office Style Manual*, *The Chicago Manual of Style*, or *The Redbook: A Manual of Legal Style*.

4.0**NUMBERS****4.1 Numbers in Citations**

Present numbers within citations as numerals, unless the number appears in a title. In titles, copy the number as presented in the original, as noted in **Rule 3.1(a)**.

Examples**Citations**

Maxwell sued under 42 U.S.C. § 1983, claiming that the school district violated his constitutional rights.

Federal Rule of Civil Procedure 26(e) requires parties to supplement certain disclosures and discovery responses.

Titles

Ten Principles to Aid the Quest for Peace in the Middle East

10 Hard-Earned Lessons about Life and Law

4.2 Numbers in Textual Material**4.2(a) Words or numerals**

Unless otherwise noted below, you may designate numbers with numerals (such as 19 or 234) or words (such as thirty-five or one hundred). *Whichever numbering method you select, be consistent.*

In law, the convention is to spell out zero to ninety-nine and to use numerals for higher numbers, such as 117 or 398. One exception is that lawyers typically spell out round numbers, such as hundred, thousand, and million.

In many non-legal settings, the trend is to spell out zero through nine and to use numerals for higher numbers, such as 10, 15, and 25.

4.2(b) Numbers that begin a sentence

Always spell out a number that begins a sentence.

Examples

Nineteen ninety-eight began with many significant legal events.

Two hundred ninety-five students attended the seminar.

Title 42 U.S.C. § 1983 permits lawsuits for damages for “the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.”

4.2(c) Numbers in a series and numbers in proximity

- (1) If one item in a series should be presented as a numeral, present all items as numerals.

Example

Dexter O’Conner was sentenced to 5, 10, and 110 years for his various crimes.

- (2) Even if numbers are not strictly in a series, typically present numbers that denote the same type of thing in a consistent format.

Example

Only 5 of 357 delegates voted on the measure.

4.2(d) Arabic rather than Roman numerals

When using numerals, typically use Arabic numerals (1, 2, 3) and not Roman numerals (I, II, i, ii).

4.2(e) Decimals, ratios, and time

Use a numeral when the number contains a decimal point (8.3), colon (4:1), or time abbreviation (4:30 p.m.).

4.2(f) Numbers and symbols

Use a numeral with a dollar, percentage, degree, or similar symbol. Do not insert a space between the symbol and numeral.

Instead of using numerals and symbols, you may spell out the phrase. Most lawyers prefer that a symbol not be used if the number should be spelled out (e.g., seven percent, as opposed to 7%). See **Rule 4.2(a)** regarding when to spell out numbers and when to use numerals.

Examples

\$27.50	or	twenty-seven dollars and fifty cents
9%	or	nine percent
60"	or	sixty inches
104°	or	one hundred four degrees

4.2(g) Fractions

Typically spell out fractions. However, when a fraction appears with a whole number, you may use words or numerals. If using numerals, do not insert a space between the whole number and the fraction.

Example

Mr. Stanford's will provided that his daughter Marie receive three-fourths of his estate.

Dr. Suarez purchased 58¾ shares of stock in the limited liability professional corporation.

4.2(h) Commas in numerals

- (1) As a general rule, when using numerals, insert commas between the third and fourth digits, the sixth and seventh digits, and so on.

Examples

1,000 10,000 100,000 1,000,000

- (2) Do not place commas within page, paragraph, or section numbers unless the cited source uses commas.

Examples

On page 1704, the author stated

13 F.3d 1477

Comma in original page number: 69 Fed. Reg. 12,057

- (3) Do not insert commas in numbers when the classification system does not include commas. Examples include docket numbers, Internet and other databases, product serial numbers, road numbers, room numbers, social security numbers, street addresses, telephone numbers, and years.

Examples

Address: 1600 Pennsylvania Avenue
Social security number: 247-89-4717
Database: 2005 WL 447189 (S.D.N.Y. Feb. 24, 2005)

4.2(i) Additional information about numbers

For additional information on numbers, consult the most recent edition of the *United States Government Printing Office Style Manual*, *The Chicago Manual of Style*, or *The Redbook: A Manual on Legal Style*.

4.3 Ordinal Numbers

4.3(a) Definitions

An ordinal is any number used to designate position in a series. “First,” “second,” and “third” are ordinal numbers. An ordinal contraction is a way to designate ordinals using numerals and letters (for example, 1st, 4th). Ordinals should not be presented in superscript format. Remember that some word-processing programs automatically superscript some ordinals. For example, 1st will become 1st; however, 2d will not become 2^d because 2d is a legal convention. Consult Part 1(D) for information about how to disable the automatic superscript function.

4.3(b)

- (1) Ordinal contractions appear in many citations. For example, ordinal contractions are used in certain court abbreviations (such as 11th Cir.) and to designate series of publications (such as Am. Jur. 2d and F.3d).
- (2) For ordinals in citations, use the contractions below as guidelines.

First:	1st	Fourth:	4th
Second:	2d	Twenty-second:	22d
Third:	3d	Forty-third:	43d

- (3) Ordinal contractions used in other contexts may differ from this format by including additional letters, such as “2nd” for “2d” or “3rd” for “3d.” These longer contractions should not be used in legal citations.
- (4) In legal writing, do not use an ordinal to denote a date.

Examples

Correct:	June 17, 2005 June 17	Incorrect:	June 17th, 2005 June 17th
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4.3(c) Punctuation

Do not place a period after the ordinal contraction.

Example

Correct:	3d	Incorrect:	3d.
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5.0**PAGE NUMBERS****5.1 Initial Pages****5.1(a) Definition**

The “initial page” is the page on which a particular source begins.

5.1(b) Use

- (1) When citing a source that has page numbers and is contained within a larger source, always include the initial page number.

Examples of a case and law review article (the initial page appears in green)

Archer v. Warner, 538 U.S. **314** (2003).

Mary Beth Beazley & Linda H. Edwards, *The Process and the Product: A Bibliography of Scholarship about Legal Scholarship*, 49 *Mercer L. Rev.* **741** (1998).

- (2) When citing a freestanding source—a source consisting of a single document—do not include the initial page number unless specifically referring to material on that page.

Example of a treatise

William A. Fischel, *Regulatory Takings: Law, Economics, and Politics* (Harv. U. Press 1995).

- (3) Do not use the abbreviations “p.” and “pp.” when referring to pages in a citation.

5.2 Pinpoint Pages**5.2(a) Definition**

The term “pinpoint page” refers to the page on which a quotation or other relevant passage appears. It is sometimes called a “jump citation” or “jump page.”

Example (the pinpoint pages appear in green)

Brunelle v. Town of S. Kingstown, 700 A.2d 1075, **1080–1083** (R.I. 1997).

5.2(b) Use

- (1) When quoting specific material from a source divided into pages, always include a pinpoint page reference that provides the exact location of cited material.

Example (the pinpoint page appears in green)

Branch Rickey, who helped build the Dodgers, commented that “[a] baseball club in any city in America is a quasi-public institution, and in Brooklyn, the Dodgers were public without the quasi.” Geoffrey C. Ward & Ken Burns, *Baseball: An Illustrated History* 348 (Alfred A. Knopf, Inc. 1994).

- (2) Even when not quoting specific material, include a pinpoint page reference that provides the exact location of the cited material. For example, when referring to the holding in a case, cite the page or pages on which the holding appears.

Example (the pinpoint page appears in green)

The Court held that a regulation is a taking when the landowner is left with no economically beneficial use of the land. *Lucas v. S.C. Coastal Council*, 505 U.S. 1003, 1019 (1992).

- (3) If a pinpoint page might be confused with the title, insert “, at” before the pinpoint page. A pinpoint page number might be confused with a title if the title ends with a numeral.

Example (the pinpoint pages appear in green)

During that period, a lynch mob mentality prevailed. Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900*, at 104–105 (Cambridge U. Press 1994).

- (4) If the pinpoint page is also the initial page, repeat the initial page number.

Example (the pinpoint page appears in green)

“Although not an entirely new development, franchise relocation is occurring more frequently in professional sports” Robert Taylor Bowling, Student Author, *Sports Aggravated: The Fan’s Guide to the Franchise Relocation Problem in Professional Sports*, 28 Stetson L. Rev. 645, 645 (1999).

- (5) On the rare occasion when a citation refers to the entire source, no pinpoint page is required.

SIDEBAR 5.1**IMPORTANCE OF USING PINPOINT REFERENCES**

The importance of including pinpoint references whenever possible cannot be overstated. If you do not refer readers to specific pages or other subdivisions where the referenced material appears, readers will be frustrated. Moreover, if a judge or judicial law clerk cannot locate support for your position, you may lose credibility with the court, or the court may discount your position. Accordingly, always spend the extra time it takes to insert the pinpoint reference.

5.3 Citing Consecutive Pages**5.3(a)**

When citing material on consecutive pages (sometimes called a “page span”), give the inclusive page numbers, separated by a hyphen, an en dash, or the word “to.” Consult *Sidebar 5.2* for additional information on the use of hyphens, en dashes, and “to” in citations.

5.3(b)

When citing a span of pages, numbers can be presented in two ways: by retaining all digits on both sides of the span or by dropping repetitious digits. If the second format is used, retain two digits on the right-hand side of the span. Be consistent, whatever style you choose.

Examples

Correct: 12–13

Incorrect: 12–3

Correct: 103–107 or 103–07

Incorrect: 103–7

Correct: 1230–1234 or 1230–34

Incorrect: 1230–4

5.4 Citing Scattered Pages

When citing multiple pages that are not consecutive, separate the page numbers by a comma and one space. Do not include an ampersand (&) or the word “and” before the final page number.

Example

Correct: 5, 14, 26

Incorrect: 5, 14 & 26 and 5, 14, and 26

SIDEBAR 5.2**USING HYPHENS, EN DASHES, AND "TO"
FOR SPANS**

A span of pages or other subdivisions may be denoted by a hyphen (-), an en dash (–), or the word “to.”

In typed material, such as a memorandum or brief, most people use a hyphen to denote a span. A hyphen is made by striking the hyphen key once. On most keyboards, the hyphen key is located two keys to the left of the backspace key.

In typeset material, such as books and law reviews, most people use an en dash to denote a span. To insert an en dash using WordPerfect, press Ctrl-W, which will display the symbol box. Select “Typographical symbols.” The en dash is symbol 4,33. To insert an en dash using Word, pull down the “Insert” menu bar. Select “Symbol,” and then “Special Characters.” Highlight the en dash and press “Insert.”

The word “to” is typically used when a hyphen or an en dash would create ambiguity or cause confusion. For example, the page numbering in some legal materials, such as treatises and looseleaf services, includes a hyphen as part of the number (example: 53-01, 53-02). Accordingly, using a hyphen or an en dash to denote the span would be confusing (53-01–53-02). In this situation, using “to” is the only way to avoid confusion. Thus, the span would appear as 53-01 to 53-02.

5.5 Passim

Although most attorneys and judges prefer to use specific pinpoint references, “passim” may be used to indicate that a particular point appears in many places; “passim” can be used as a pinpoint reference. “Passim” also can be used in the table of authorities in a brief.

Example

For a discussion of the criticism and a defense of Judge Arnold’s conclusions, see Polly J. Price, *Precedent and Judicial Power after the Founding*, 42 B.C. L. Rev. 81, passim (2001).

Table of authorities entry

Page(s)

Sutton v. United Airlines, Inc., 527 U.S. 471 (1999)..... passim

6.0

CITING SECTIONS AND PARAGRAPHS

6.1 General Rules**6.1(a)**

If a source is divided either by sections or by paragraphs, cite the relevant subdivisions. Insert one space before and after the section (§) or paragraph (¶) symbol. Consult **Sidebar 6.1** for instructions on how to physically insert section and paragraph symbols into your paper.

Examples

28 U.S.C. § 1332 (2000).

Model Code Prof. Resp. preamble ¶ 1 (ABA 1980).

6.1(b)

- (1) If the source is divided by sections or paragraphs and pages, refer to both in the citation unless citing the entire section or paragraph. Insert the section or paragraph first. Then insert the page number on which the material appears.

Examples

Robert B. Reich, *Secession of the Successful*, 141 N.Y. Times § 6, 16 (Jan. 20, 1991).

Julian Conrad Juergensmeyer & Thomas E. Roberts, *Land Use Planning and Control Law* § 10.4, 425 (West 1998).

John E. Nowak & Ronald D. Rotunda, *Constitutional Law* § 17.3, 1427, § 17.4, 1438 (7th ed., West 2004).

- (2) If a reader might be confused about which number is the paragraph or section number and which is the page number, you may insert “, at” before the page number. Confusion might occur if the paragraph or section number is similar or close to the page number.

Examples

§ 3, at 4, § 4, at 12

¶ 6.1, at 6

6.2 Spacing

Insert a space between the section symbol (§) or paragraph symbol (¶) and the following number or letter.

Examples (the symbol ▲ denotes a space)

Correct: §▲1332 **Incorrect:** §1332

Correct: ¶▲A **Incorrect:** ¶A

6.3 Unnumbered Paragraphs

6.3(a)

If a document contains indented, but unnumbered, paragraphs and is not divided by another method, cite paragraphs as if they were numbered, but enclose the paragraph symbol and paragraph number or letter in brackets to show readers that you added the information.

Example

Declaration of Independence [¶ 2] (1776).

6.3(b)

If a document contains other designated subdivisions, such as pages, do not refer to unnumbered paragraphs.

SIDEBAR 6.1

INSERTING THE SYMBOLS FOR SECTIONS AND PARAGRAPHS

Because section and paragraph symbols are used frequently in legal citation, it is important that you learn how to insert these symbols into your paper.

If using WordPerfect, press Ctrl-W, which will display the symbol box. Select “Typographical symbols.” The paragraph symbol is symbol 4,5; the section symbol is symbol 4,6. Select the desired symbol, and hit “Insert” or “Insert and Close.”

If using Word, pull down the “Insert” menu bar. Select “Symbol” and then “Special Characters”; highlight either “Section” or “Paragraph,” and press “Insert.”

6.4 Subsections and Subparagraphs

6.4(a)

Include the smallest subdivision possible when citing a section or paragraph.

6.4(b)

To denote subsections, use the punctuation the original source uses to separate sections from subsections.

6.4(c)

If the source does not contain any separating punctuation, place the subdivisions in parentheses. Do not insert a space between the main section and the subdivision.

Examples

Fed. R. Civ. P. 26(a)(1)(D).

28 U.S.C. § 2284(b)(2) (2000).

6.5 Distinguishing Sections from Subsections

Section designations sometimes include letters as well as numbers (for example, “2000e-2”). Because these letters do not refer to subsections, do not use separating punctuation.

Example

Correct: 42 U.S.C. § 2000e-2(a) (2000).

Incorrect: 42 U.S.C. § 2000(e)(2)(a) (2000).

6.6 Citing Consecutive Sections or Paragraphs

6.6(a)

When citing consecutive sections or paragraphs, include both the first and the last sections or paragraphs of the span cited. Separate the first and last sections or paragraphs with a hyphen, an en dash, or the word “to.” Consult Sidebar 5.2 for additional information.

Examples

§§ 1–55 ¶¶ 73–107

6.6(b)

Use two consecutive section symbols (§§) or two consecutive paragraph symbols (¶¶) to denote any quantity of multiple sections or paragraphs.

Examples

§§ 1961–1965 ¶¶ 33(a)–104(c)

6.6(c)

Retain all digits or letters on either side of the span.

Example

Correct: §§ 1961–1965 **Incorrect:** §§ 1961–65

6.6(d) Et seq.

“Et seq.” means “and the following ones.” Although some attorneys use “et seq.” to denote a span of statutory sections, it is better to provide the reader with the actual span. Accordingly, the use of “et seq.” is not encouraged.

Examples

Correct: 15 U.S.C. §§ 2301–2310 (2000).

Incorrect: 15 U.S.C. § 2301 et seq. (2000).

6.7 Citing Scattered Sections or Paragraphs

6.7(a)

When citing multiple sections or paragraphs that are not consecutive, separate each section or paragraph with a comma and one space.

6.7(b)

Use two consecutive section symbols (§§) or two consecutive paragraph symbols (¶¶) to denote any number of multiple sections or paragraphs.

6.7(c)

Do not include an ampersand (&) or the word “and” before the final section or paragraph.

Examples

§§ 1961, 1963, 1965 ¶¶ 47(c), 58(m), 107(a)

6.8 Citing Consecutive Subdivisions within a Single Section or Paragraph

When citing multiple subsections or subparagraphs that fall within a single section or paragraph, follow Rule 6.6, but use only one section symbol (§) or one paragraph symbol (¶).

Examples (the symbol ▲ denotes a space)

Correct

§▲22(a)–(c)

¶▲3601(a)–(c)

¶▲3601(a)▲to▲(c)

Incorrect

¶¶▲3601(a)–(c)

¶▲3601(a)–01(c)

¶3601(a)–(c)

Problem

two paragraph symbols used

repetitious digits dropped

no space after paragraph symbol

6.9 Citing Scattered Subdivisions within a Single Section or Paragraph

When citing multiple, scattered subdivisions within a single section or paragraph, separate the subdivisions by a comma and one space. Follow Rule 6.7, but use only one section symbol (§) or one paragraph symbol (¶).

Examples

§ 1961(a), (c), (e) ¶ 47(c), (m)

6.10 Citing Multiple Subdivisions within Multiple Sections or Paragraphs

When citing multiple subdivisions within multiple sections or paragraphs, use Rules 6.6 and 6.7 as guidelines.

Examples

§§ 107(a)–110(b) (consecutive)

§§ 357(a)(1) to 423(c)(3) (consecutive)

¶¶ 33(b)(7), 33(c)(5), 34(h)(1) (scattered)

6.11 Referring to Sections and Paragraphs in Textual Material

When referring to a specific section or paragraph in textual material, you may either use the symbol (§ or ¶) or spell out the words (“section” or “paragraph”). However, do not begin a sentence with a symbol.

Examples (all correct)

The police officers sought immunity under § 1983.

The police officers sought immunity under section 1983.

Section 1983 might provide a possible defense for police officers charged with conducting an illegal search.

7.0

CITING FOOTNOTES AND ENDNOTES

7.1 General Rules

When citing a footnote or an endnote, include the page on which the note begins (even if the note spans multiple pages) and provide the note number. Abbreviate one note as “n.” and multiple notes as “nn.” Insert one space between this abbreviation and the note number or numbers. When citing multiple notes, use Rules 6.6 through 6.10 as guides.

Examples

Single footnote

Suzanna Sherry, *Hard Cases Make Good Judges*, 3 Nw. U. L. Rev. 3, 7 n. 12 (2004).
Charles W. Wolfram, *Modern Legal Ethics* § 9.4.5, 541 n. 10 (student ed., West 1986).

Multiple, consecutive notes on a single page

Suzanna Sherry, *Hard Cases Make Good Judges*, 3 Nw. U. L. Rev. 3, 7 nn. 12–16 (2004).
Charles W. Wolfram, *Modern Legal Ethics* § 9.4.5, 541 nn. 10 to 13 (student ed., West 1986).

Scattered notes on a single page

Suzanna Sherry, *Hard Cases Make Good Judges*, 3 Nw. U. L. Rev. 3, 7 nn. 12, 15 (2004).
Charles W. Wolfram, *Modern Legal Ethics* § 9.4.5, 541 nn. 10, 13 (student ed., West 1986).

Multiple, consecutive notes on different pages

Suzanna Sherry, *Hard Cases Make Good Judges*, 3 Nw. U. L. Rev. 3, 7 n. 16 to 9 n. 31 (2004).
Charles W. Wolfram, *Modern Legal Ethics* § 9.4.5, 541 n. 10 to 542 n. 13 (student ed., West 1986).

Scattered notes on different pages

Suzanna Sherry, *Hard Cases Make Good Judges*, 3 Nw. U. L. Rev. 3, 7 n. 12, 8 n. 20 (2004).
Charles W. Wolfram, *Modern Legal Ethics* § 9.4.5, 541 n. 10, 542 n. 14 (student ed., West 1986).

7.2 Preventing Confusion

You may sometimes need to deviate from the general rules to ensure that the reader is not confused about which numbers refer to pages and which refer to

endnotes or footnotes. For example, confusion may result if you use the general rules to cite footnotes 60 and 62 on page 50 of an article, and material on page 70 of that same article. The citation under the general rules would appear as follows: 50 nn. 60, 62, 70. In this citation, the reader likely would think “70” referred to a footnote.

One way to resolve this dilemma is to use two separate citations. For example, to cite consecutive notes 2 through 5 on page 16 of the Berman article, and to cite material on page 18 of the same article, follow the example below.

Example

Harold J. Berman, *The Historical Foundations of Law*, 54 Emory L.J. 13, 16 nn. 2–5 (2005); *id.* at 18.

7.3 Footnotes and Endnotes in Short Citations

Short citation formats are discussed generally in Rule 11 and are discussed specifically within the rules that address particular sources. One point of confusion is how to cite footnotes or endnotes when the *id.* short citation is used. Below are two methods, both of which are correct. Under the first alternative, footnote 6 includes the repeated pinpoint page, while footnote 6 in the second alternative does not. The second alternative is technically more accurate under Rule 11.3(b)(1), but many writers prefer the first alternative. Once you select an alternative, use it consistently throughout the paper you are writing.

First Alternative

⁵Harold J. Berman, *The Historical Foundations of Law*, 54 Emory L.J. 13, 16 nn. 2–5 (2005).

⁶*Id.* at 16 n. 4.

⁷*Id.* at 18 n. 7.

Second Alternative

⁵Harold J. Berman, *The Historical Foundations of Law*, 54 Emory L.J. 13, 16 nn. 2–5 (2005).

⁶*Id.* at n. 4.

⁷*Id.* at 18 n. 7.

8.0**SUPPLEMENTS****8.1 Citing Material Found Only in a Supplement**

If the cited material appears only in a supplement, such as a pocket part, provide just the date of the supplement. “Cited material” means that part of the source to which you want to refer readers. Before the date, inform readers that you are citing a supplement by using the abbreviation “Supp.” Insert one space between the abbreviation “Supp.” and the date. If the supplement is revised or has another designation, such as a number, include that information as well.

Examples

18 U.S.C. § 1965 (Supp. 2004).

42 U.S.C. § 3796hh (Supp. I 2001).

Geoffrey C. Hazard, Jr. & W. William Hodes, *The Law of Lawyering* vol. 2, § 31.2 (3d ed., Aspen Publishers Supp. 2004).

18 Pa. Consol. Stat. Ann. § 3122.1 (West Rev. Supp. 1998).

8.2 Citing Material Found Only in the Main Volume

Even for sources with supplements, provide only the date of the main volume if the cited material appears only there. Typically use the date on the copyright page of the main volume; when citing U.S.C., use the date on the spine.

Examples

18 U.S.C. § 1965 (2000).

Geoffrey C. Hazard, Jr. & W. William Hodes, *The Law of Lawyering* vol. 2, § 31.2 (3d ed., Aspen Publishers 2001).

8.3 Citing Material in Both the Main Volume and a Supplement

If the cited material appears in both the main volume and a supplement, provide both dates. Give the date of the main volume followed by the date of the supplement. Separate the two dates with an ampersand (&), and place one space on either side of the ampersand. Use the abbreviation “Supp.” before the date of the supplement.

Examples

18 U.S.C. § 1965 (2000 & Supp. 2004).

Geoffrey C. Hazard, Jr. & W. William Hodes, *The Law of Lawyering* vol. 2, § 31.2 (3d ed., Aspen Publishers 2001 & Supp. 2004).

8.4 Citing Material in Multiple Supplements

If material appears in multiple supplements, cite the supplements in chronological order.

Examples

Citing multiple supplements, different years: 17 U.S.C. § 512 (Supps. IV 1999 & V 2000).

Citing multiple supplements, same year: 17 U.S.C. § 512(d)(1)–(3) (Supps. IV & V 1994).

Citing main volume and multiple supplements: 29 U.S.C. §§ 201–219 (1988 & Supps. I 1989, II 1990, III 1991, IV 1992, V 1993).

Citing only supplements to second edition: Peter W. Low & John C. Jeffries, Jr., *Civil Rights Actions: Section 1983 and Related Statutes* (2d ed., Found. Press Supps. 1994 & 1996).

Citing second edition main volume and supplements: Phillip E. Areeda & Herbert Hovenkamp, *Antitrust Law* (2d ed., Aspen Publishers 2002 & Supps. 2002, 2003).

9.1 Citing Graphical Material

When citing graphical material, such as tables, charts, figures, graphs, and illustrations, include the following material:

- (1) The page number on which the graphical material begins, followed by one space;
- (2) The abbreviation from Appendix 3(C) for the particular type of graphical material cited, followed by one space; and
- (3) The number, letter, or other designation for the graphical material, if any. Analogize to Rules 6.6 through 6.10 when citing multiple graphics.

Examples

Gary L. Blasi, *What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory*, 45 J. Leg. Educ. 313, 370 fig. 4 (1995).

Bryan A. Garner, *The Winning Brief* 413 chart (2d ed., Oxford U. Press 2004).

Other examples

Type of graphic	Citation
Table in a law review article	1950, 1954 tbl.
Illustration in a book	52 illus. 1
Multiple charts in a book (consecutive)	743 charts 3–5

9.2 Citing Appendices

9.2(a) Citing an entire appendix

- (1) When citing an entire appendix, place the abbreviation “app.” after the largest subdivision to which the appendix is attached. For example, if an appendix is attached to a law review article, provide the initial page of the law review article and then designate the appendix. If the appendix is attached to a particular section of a book, provide the section number, and then refer to the appendix.
- (2) Insert a comma and one space before “app.”
- (3) If the appendix has a designation, such as a number or letter, place that designation after the abbreviation “app.”; insert one space between “app.” and the number.

- (4) As noted in **Appendix 3**, the abbreviation for multiple appendices is “apps.” For multiple appendices, analogize to **Rules 6.6** through **6.10** concerning sections and paragraphs.

Examples

M.H. Sam Jacobson, *Providing Academic Support without an Academic Support Environment*, 3 Leg. Writing 241, app. B (1997).

20 C.F.R. subpt. P, app. 1 (2005).

Other examples

Multiple consecutive appendices: apps. 1–3

Multiple scattered appendices: apps. 1, 5, 8

9.2(b) Citing material within an appendix

When citing specific material within an appendix, place a comma and one space after the appendix designation; then insert the pinpoint reference.

Examples

M.H. Sam Jacobson, *Providing Academic Support without an Academic Support Environment*, 3 Leg. Writing 241, app. B, 261–263 (1997).

20 C.F.R. subpt. P, app. 1, § 9.04(A) (2005).

9.3 Citing Other Subdivisions

When citing a subdivision not specifically described in **Rules 5** through **9.2**, use the most similar subdivision as an analogy. Also consult **Appendix 3(C)** for the proper abbreviation.

Examples

Chapter: Philip C. Kissam, *The Discipline of Law Schools* ch. 3 (Carolina Academic Press 2003).

Comment: Model R. Prof. Conduct 7.3 cmt. 5 (ABA 2004).

Historical note: Fla. Stat. Ann. § 316.237 hist. n. (West 1999).

9.4 Preventing Confusion

You may sometimes need to deviate from the general rules to ensure that the reader is not confused about which numbers refer to pages, sections, and paragraphs, and which refer to graphical material. In such instances, analogize to the solutions presented in **Rules 6.1(b)(2)** and **7.2**.

10.0**INTERNAL CROSS-REFERENCES****10.1 Definition**

Internal cross-references refer readers to other parts of the document you are writing. They do not refer readers to outside sources, such as cases or statutes. Internal cross-references are found most commonly in documents written with footnotes or endnotes.

10.2 Material That May Be Cross-Referenced**10.2(a)**

You may cross-reference text, footnotes, appendices, or any other internal material that might help readers or help you avoid repeating the point.

10.2(b)

You may **not** use an **internal** cross-reference to cite outside sources, such as cases and statutes, that you have used in your paper. Instead, use an appropriate short citation. Short citations are addressed in **Rule 11.2**.

Incorrect example (cross-referencing a case)

¹⁷*Johnson Mfg. Co.*, *supra* n. 3.

10.3 *Supra* and *Infra***10.3(a) *Supra***

To refer to material that appears earlier in your paper, use *supra*, which means “above.”

Example

⁶²*Supra* n. 5.

10.3(b) *Infra*

To refer to material that will appear later in the paper, use *infra*, which means “below.”

Example

⁶³*Infra* n. 112.

10.3(c) Typeface

Italicize or underline *supra* and *infra*.

10.4 Format for Internal Cross-References

10.4(a) Be specific

Provide the most specific reference possible, which often means using a footnote number for readers to find the exact text to which you are referring.

10.4(b) Where reference appears

When the cross-reference appears in a citation, use the abbreviation for the subdivision, such as “n.” for note. When the cross-reference appears in a textual sentence, spell out the words.

10.4(c) Explanatory parenthetical

If the accompanying text or citation does not adequately identify the subject of the reference, add an explanatory parenthetical to the cross-reference. Consult Rule 46 for additional information on explanatory parentheticals.

Examples

Cross-references to material in one or more footnotes or endnotes

¹⁷*Supra* n. 5 (providing the text of Federal Rule of Civil Procedure 37(b)).

³⁴*Supra* nn. 20–31 (discussing the history of the Supreme Court’s decisions on attorney advertising).

⁷²For a discussion of the attorney-client privilege in the corporate context, consult *infra* notes 91–95. [“Notes” is not abbreviated here because it appears in a textual sentence, not a citation.]

Cross-references to material in text

⁴⁷*Infra* pt. A(1) (discussing proper deposition objections).

⁵⁸For additional information on Federal Rule of Evidence 403, review the text accompanying *supra* note 53.