

- (3) If you refer to multiple subsections of a site, list the smallest subsection last.
- (4) Present the title and any subtitles in italics. Follow Rule 3 capitalization rules.
- (5) Insert a comma and one space after the end of the title or subtitle.

Example

U.S. Govt., *White House, First Lady, Helping America's Youth*, <http://www.whitehouse.gov/firstlady/helping-youth.html> (accessed July 28, 2005).

40.1(c) Pinpoint reference

- (1) Include any subdivision information, such as a section or paragraph number, if it is a fixed feature of the document. A fixed feature is one that does not change when printed on different machines. Do not attempt to make up a “screen number,” as the size of screens varies from computer to computer. Insert the pinpoint reference before the URL.

Example

Margie Kelley, *Harvard Law Bulletin, Teaching Lessons: Guided by Their Professors, Students Find HLS a Training Ground for Academic Careers 2*, http://www.law.harvard.edu/alumni/bulletin/2002/summer/feature_4-1.html (Summer 2002).

- (2) To help the reader locate material in a long document that does not contain paragraph or section numbers, you may add the name of a section. Insert a comma and one space after the title. Use ordinary type and include the pinpoint reference in quotation marks.

Example

Dan A. Naranjo, *Mediating in a Highly Diverse and Volatile Society*, “Cultural Adaptability,” <http://www.attorney-mediators.org/diverse.html> (2001).

- (3) Documents in .pdf format appear in the same format as the original print format. Therefore, page numbers presented in .pdf documents may be used as a pinpoint reference.

Example

Michael Geist, *Fair.com: An Examination of the Allegations of Systemic Unfairness in the ICANN UDRP 22–23*, <http://aix1.uottawa.ca/~geist/frameset.html> (Aug. 2001).

10.1(d) URL

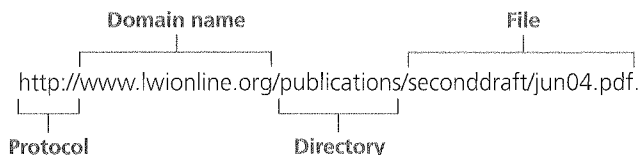
(1) Electronic address

After the title, insert the URL (Uniform Resource Locator). The URL is the electronic address for the information you are citing.

(2) Contents of URL

The URL consists of several parts. Typically include the entire URL if the address links directly to the cited material.

Parts of URL



Example

.eg. Writing Inst., *The Second Draft: Bulletin of the Legal Writing Institute*, <http://www.lwionline.org/publications/seconddraft/jun04.pdf> (June 2004).

(3) Keystroke identifiers

If the URL will not lead the reader directly to the cited material or is very long, or if this method allows the reader to locate the information more easily, include just the protocol, domain name, and directory name. Then, instead of including the names of files and subfiles, identify keystrokes that can lead the user to the particular page you are citing. Sample keystroke identifiers are “select,” “path,” and “search.” Insert a semicolon and one space between the URL and any keystroke information. Use commas to separate different keystroke information. Italicize keystroke identifiers, but not information following keystroke identifiers.

Examples using keystroke identifiers

J.S. Gen. Acctg. Off., *Military Bases: Analysis of DOD's 2005 Selection Process and Recommendations for Base Closures and Realignment*s, <http://frwebgate.access.gpo.gov/gaoreports/index.html>; *path* Legislative branch, *search* 2004 GAO Reports Only (FY04), *search* “military base closures” (July 1, 2005).

Lib. Cong., *THOMAS: To Form a More Perfect Union: The Work of the Continental Congress and the Constitutional Convention*, <http://thomas.loc.gov/>; select Historical Documents (accessed July 4, 2005).

(4) Multiple URLs

If multiple URLs exist for the cited material, include only one in the citation.

(5) Angle brackets

Do not enclose the URL in angle brackets (< >). When the Internet was very new, angle brackets were the common way of signaling the beginning and end of the URL. Now that the Internet has become common, the convention has become one of eliminating brackets, though at times researchers will still see them.

Example

Correct: , <http://www.ncsconline.org/>

Incorrect: <<http://www.ncsconline.org/>>

(6) Underlining URL

Typically do not underline the URL. If your computer automatically underlines URLs, change your default settings as described in **Part 1(D)**. However, if you are submitting the document electronically, you may want to keep the hyperlink—which is designated by the underline—working.

(7) Case sensitivity

URLs often are case sensitive; thus, cite all characters as they are presented without changing capitalization or punctuation. When using a word processing program, the safest way to transcribe a URL correctly is to copy it directly from the window of your Internet browser and paste the URL directly into your document.

(8) Breaking across a line

Because URLs can be long, they may not fit onto a single line of text. If you encounter this situation, break the URL at a logical point, preferably after a slash. If necessary, you also may break the URL *before* a period. Never insert a hyphen into a URL, because the hyphen will look like part of the address.

Examples

- Preferred breaking point:** <http://www.lwionline.org/publications/seconddraft/jun04.pdf>
- Alternative breaking point:** <http://www.lwionline.org/publications/seconddraft/jun04.pdf>
- Incorrect breaking points:** <http://www.lwionline.org/publications/seconddraft/jun04.pdf>
- <http://www.lwionline.org/publications/seconddraft/jun04.pdf>

(9) Updating URLs

URLs change frequently. Therefore, you should check all URLs cited in your paper immediately before submitting the paper. Law journals should re-check URLs before sending final proofs to the printer. In addition, to avoid the problem of not being able to locate material because the URL has changed or because the document is no longer available online, always print and retain a copy of any online source you cite in a paper (Sidebar 38.1).

40.1(e) Date

- (1) When possible, provide the exact date (month-day-year) for each World Wide Web citation. Abbreviate months according to **Appendix 3(A)**. If an exact date is not possible, include as specific a date as possible. Enclose the date in parentheses.
- (2) Use one of the following date options, which are listed in order of preference.
 - (a) **The exact date of the document being cited.** Use this option for cases, statutes, dated reports, articles, and other information that will not change once posted.

Example

FBI, *The Case of the Explosive Shoes and Other Amazing Stories from the FBI Lab*, <http://www.fbi.gov/page2/july05/shoebomb071805.htm> (July 18, 2005).

- (b) **The exact date of the document being cited, followed by the specific time of the cited posting.** Use this option for news articles that are updated over a period of time. Consult **Sidebar 38.1** about printing and retaining a copy of online material that you cite.

SIDEBAR 40.1

TYPES OF WEB SITES AND INDICIA OF RELIABILITY

All Web sites are not created equally. Thus, before you rely on or cite a particular Web site, you should consider the following quality factors:

- ★ **authority of the author or creator** (e.g., What are the author’s qualifications? What type of organization created the site?);
- ★ **currentness** (e.g., Is the site up to date? Are the links current?);
- ★ **accuracy** (e.g., Does the site contain obvious errors?);
- ★ **objectivity and fairness** (e.g., Is the site objective or biased?); and
- ★ **coverage** (e.g., Is material covered in depth?).

Example

CNN, *Reward Offered in Missing Pregnant Woman Case*, <http://www.cnn.com/2005/US/07/28/Philadelphia.missing.ap/index.html> (posted July 28, 2005, 2:15 p.m. EDT).

- (c) **The date on which the site was last updated or modified.** Use the terminology—such as “updated” or “last modified”—that site owner or manager has selected.

Example

Natl. Insts. Health, *Intramural Research, Participation in Clinical Studies*, http://www.niaaa.nih.gov/intramural/web_dicbr_hp/particip.htm (updated Aug. 2002).

- (d) **The date on which you accessed the material.** Insert the word “accessed” before the date.

Example

Workforce Innovation, *Florida’s Minimum Wage*, http://www.floridajobs.org/resources/fl_min_wage.html (accessed July 28, 2005).

40.2 Short Citation Format

40.2(a) *Id.*

If *id.* is appropriate (Rule 11.3), use *id.* as the preferred citation format. It is possible to use *id.* for the same Web site, even if part of the URL has changed.

Id. is not appropriate, the short citation will depend on the type of document you are writing.

Example

Full citation: Bully OnLine, *Bullying in School*, <http://www.bullyonline.org/schoolbully/school.htm> (accessed June 15, 2005).

**Short citation
Same URL:** *Id.*

**Short citation
Different URL:** *Id.* at <http://www.bullyonline.org/schoolbully/myths.htm>.

0.2(b) Documents without footnotes

Id. is not appropriate, include the author's last name or the owner's name, or, if the "hereinafter" format is used (Rule 11.4(d)), a partial title. Then add a comma and the word "*supra*." If needed for clarity, you may also insert a comma after the word "*supra*" and include the URL.

Example

AR is the airport code for Caribou Municipal Airport in Caribou, Maine. *Airport and City Code Database for 9,000 Airports Worldwide*, <http://www.airportcitycodes.com/aa> (accessed Sept. 24, 2000) [hereinafter *Airport Code Database*]. The correct code for Caracas's international airport is CCS, while that for Bogota is BOG. *Id.* The routing slip also lists MIA as the "ABX SORT"—ABX is an abbreviation for Airborne Express. *Mejia v. City of N.Y.*, 119 F. Supp. 2d 232, 250 n. 19 (E.D.N.Y. 2000). MIA is the airport code for Miami International Airport. *Airport Code Database, supra*.

Source: Adapted from *Mejia v. City of N.Y.*, 119 F. Supp. 2d 232, 250 n. 19 (E.D.N.Y. 2000).

0.2(c) Documents with footnotes

Id. is not appropriate, use a *supra* reference as described in Rule 11.4.

Example

²⁶³Rule 10b5-2 went into effect on October 23, 2000. U.S. Secs. Exch. Commn., *Selective Disclosure and Insider Trading, Final Rule*, <http://www.sec.gov/rules/final/33-7881.htm> (accessed Feb. 4, 2002) [hereinafter *Final Rule*].

²⁶⁴*Id.*

²⁶⁵17 C.F.R. § 240.10b5-2 (2002).

²⁶⁶*Final Rule, supra* n. 263.

²⁶⁷*Id.*

40.3 Weblogs

40.3(a) Full citation format

Analogize to World Wide Web sites in **Rule 40.1** to cite a weblog (or “blog”). Include the full name (if available) of the person who posted the entry (using **Rule 22.1(a)** for author’s names), the name of the weblog in ordinary type (words in the name may be abbreviated using **Appendix 3**), the title of the weblog entry in italics, the blog URL, and the exact date the cited entry was posted (month-day-year). Abbreviate the month using **Appendix 3(A)**.

Examples

Stephen Bainbridge, ProfessorBainbridge.com, *Delaware’s Predictability Redux*, http://www.professorbainbridge.com/2003/10/delawares_predi.html (Oct. 20, 2003).

David, The Blogbook, *Law Review Articles Citing Blogs*, <http://blogbook.org/cite/index.html> (Feb. 26, 2004).

40.3(b) Short citation format

Use **Rule 40.2** for World Wide Web citations. When citing a different author on a weblog, or when citing a different entry on a weblog, use a full citation format.



FAST FORMATS

ELECTRONIC MAIL

Private e-mail

E-mail from Scott Sternberg, Assoc., Carlton Fields, to Jason Dimitris, State Atty., Dade County, Fla., *Proposed Constitutional Changes* (Oct. 1, 2005, 4:45 p.m. EDT).

E-mail to discussion group

E-mail from Sue Liemer, Dir. Leg. Writing, S. Ill. U. Sch. L., to DIRCON listserv, *Committees* (Feb. 20, 2006) (copy on file with Author).

E-mail from Jason Jones, Ministry of the Atty. Gen., Ont., to digsig@listserv.temple.edu, *Trade Regulations* (Dec. 15, 2005) (copy on file with *Houston Law Review*).

41.0**ELECTRONIC MAIL****41.1 Full Citation Format for Personal E-mail****41.1(a)**

Follow Rule 32 for unpublished letters and memoranda, but use “E-mail from” as the designation.

41.1(b)

E-mail addresses of the author or recipient are not required but may be included if there is a reason to do so. If you include an e-mail address, insert it after the person’s title and affiliation. If you must break an e-mail address, do so at a logical place, such as after a backslash (/) or **before** a period; do not insert a hyphen, as it may be read as part of the address. You may include the exact time of the e-mail after the date.

Example (hypothetical)

E-mail from Jan Levine, Assoc. Prof. & Dir. Research & Writing, Temple U. Sch. L., to Richard K. Neumann, Jr., Prof., Hofstra L. Sch., *ALWD Conference* (June 28, 2005, 3:20 p.m. EDT) (copy on file with Prof. Levine).

Partial example including e-mail address (hypothetical)

E-mail from Darby Dickerson, Dean, Stetson U. College L., darby@law.stetson.edu, to

41.2 Full Citation Format for E-mail Sent to a Discussion Group or Listserv

Follow Rule 41.1, but use the discussion group’s name or address in place of the recipient’s name, title, and affiliation.

Examples (hypothetical)

E-mail from Sue Liemer, Dir. Leg. Writing, S. Ill. U. Sch. L., to DIRCON listserv, *Committees* (Feb. 20, 2006) (copy on file with Author).

E-mail from Jason Jones, Ministry of the Atty. Gen., Ontario, to digsig@listserv.temple.edu, *Trade Regulations* (Dec. 15, 2005) (copy on file with *Houston Law Review*).

41.3 Short Citation Format for E-mail

Follow Rule 32.2 for unpublished letters and memoranda.

Example

Full citation:

E-mail from Jan Levine, Assoc. Prof. Dir. Research & Writing, Temple U. Sch. L., to Richard K. Neumann, Jr., Prof., Hofstra L. Sch., *ALWD Conference* (June 28, 2005, 3:20 p.m. EDT) (copy on file with Prof. Levine).

Short citation (document without footnotes):

E-mail from Jan Levine.

Short citation (document with footnotes):

E-mail, *supra* n. 14.

E-mail from Jan Levine, *supra* n. 14.



FAST FORMATS

CD-ROM MATERIAL

Privately published

Daniel P. Anderson, *Litigation Ethics* fol. 4 (Sept. 22, 2005) (privately published CD-ROM) (copy available from AAIC Consultants, Inc., St. Petersburg, Fla.).

Commercially published

The Delaware Law of Corporations and Business Organizations: 2004 Statutory Deskbook with CD-ROM (R. Franklin Balotti & Jesse A. Finkelstein eds., 3d ed., Aspen Publishers 2004).

42.0**CD-ROM MATERIAL****42.1 Full Citation Format****42.1(a) Source available in print and on CD-ROM**

When the material cited is available in a print format, such as cases and statutes, typically cite the print format.

42.1(b) Source not in print but contained on privately published CD-ROM

When citing material that a private user has placed on a CD-ROM, follow Rule 37 for unpublished material. After the date parenthetical, include “(privately published CD-ROM).”

Example (hypothetical)

Daniel P. Anderson, *Litigation Ethics* fol. 4 (Sept. 22, 2005) (privately published CD-ROM) (copy available from AAIC Consultants, Inc., St. Petersburg, Fla.).

42.1(c) Source not in print but contained on commercially published CD-ROM

When citing material on a commercially published CD-ROM, follow the normal rule for the source cited as closely as possible. For example, cite a book according to Rule 22.

- (1) Include the date and, if available, the version used. It is permissible to format the date as “current through” a specific date or to use similar language.
- (2) If the title does not contain the term “CD-ROM,” include “(CD-ROM)” at the end of the citation.

Examples

Jane Homeyer & Sarah Mikolajczyk, *Techniques of Crime Scene Investigation: Interactive Training CD-ROM* (CRC Press 2004).

U.S. Bd. Tax App., *Board of Tax Appeals Regulars and Memoranda* (CCH 1998) (CD-ROM).

Law and Employment Library on CD (BNA current through Dec. 31, 2004) (CD-ROM).

The Oxford English Dictionary on CD ROM (2d ed., Oxford U. Press, version 3.0, 2002).

42.2 Short Citation Format

Follow the rule for the particular type of source cited. For example, if citing a book on CD-ROM, follow Rule 22.2 for books.

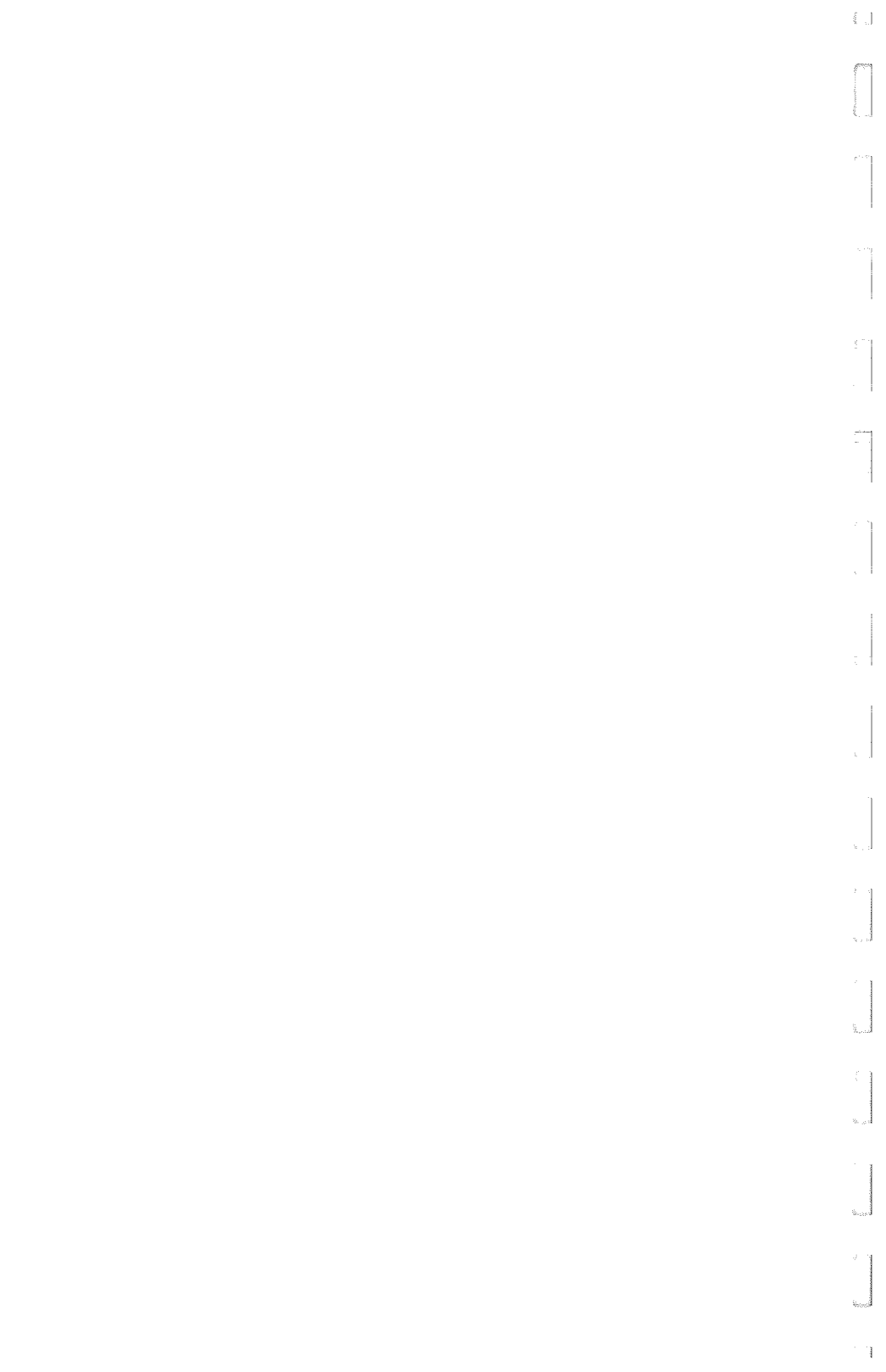
P A R T

5

INCORPORATING CITATIONS

INTO DOCUMENTS

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43.0**CITATION PLACEMENT AND USE****43.1 Placement Options**

Use the following rules to determine where to place citations within documents.

43.1(a) Citation sentences

When a source relates to the entire textual sentence, include it in a separate citation sentence. Like a textual sentence, a citation sentence begins with a capital letter and ends with a period. Consult **Appendix 6** for a sample memorandum demonstrating the form and placement of citations.

Example (the citation sentence is in green)

"[S]tudents do not shed their rights to freedom of speech or expression at the school house gate." *Tinker v. Des Moines Indep. Community Sch. Dist.*, 393 U.S. 503, 506 (1969).

43.1(b) Citation clauses

When a source relates to only part of a sentence, include it in a citation clause within the textual sentence. Place the citation clause immediately after the text it concerns, and set the clause off with commas. If the citation clause ends a sentence, use a period as the final punctuation.

Examples (the citation clauses are in green)

Although the Fourth Amendment prohibits unreasonable searches, *Elkins v. U.S.*, 364 U.S. 206, 222 (1960), each case must be decided on its own facts and circumstances, *Harris v. U.S.*, 331 U.S. 145, 150 (1947).

Courts have defined the viewpoint variously as that of "an ordinary reader of a particular race," e.g. *Ragin v. N.Y. Times Co.*, 923 F.2d 995, 1000 (2d Cir. 1991), and that of "a reasonable black person," e.g. *Harris v. Intl. Paper Co.*, 765 F. Supp. 1509, 1516 n. 12 (D. Me. 1991).

43.1(c) Embedded citations

- (1) A citation may be incorporated into a textual sentence when the authority is mentioned within that sentence. When using this option, do not repeat the citation at the end of the sentence. **Some attorneys do not like embedded citations because they make sentences more difficult to read.** You also

may include the case name within the textual sentence and then place the citation—minus the case name—in a subsequent citation sentence.

Example (the embedded citation is in green)

International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945), the Court held that if the defendant was not present in the forum, due process required that he have certain minimum contacts with that forum.

- 1) When using an embedded citation, do not use an introductory signal.
- 2) Place a comma and one space after the citation.
- 3) Do not use embedded citations in the main text of a document with footnotes or endnotes. In such documents, all citations appear in the notes (Rule 43.1(e)).

3.1(d) Textual references

You may refer to an authority in the text without using a full-form or short-form citation. A textual reference can be an appropriate way to refer to an authority when it has already been cited once in full citation format nearby or when all the information that typically would be conveyed in a citation is already included in the text.

Example (textual reference is in green)

Federal Rule of Civil Procedure 30(a)(2)(A) presumptively limits each party to ten depositions.

3.1(e) Note reference numbers

1) Definition

A note reference number is a superscript number within the main text of the document. “Superscript” text appears slightly above regular text; for example:⁷⁵ Each note number will correspond to a footnote in the paper.

Example

The Family and Medical Leave Act grants twelve work weeks of leave during any twelve-month period to any eligible employee who, because of a serious health condition, cannot perform the functions of the position she holds.¹

¹29 U.S.C. § 2612 (2000).

(2) General rules

- (a) **Inserting notes.** In general, insert a note number for each separate idea in the main text. Also insert a note number immediately after referring to a case in the text for the first time.

Example

In a widely publicized opinion, *Hall v. Clifton Precision*,⁶⁵ Judge Gawthrop gained the national spotlight by issuing strict guidelines for deposition conduct.⁶⁶

- (b) **Numbering.** Typically number the notes consecutively, beginning with the number 1.
- (c) **Relation to punctuation.** A note reference number should *follow* any punctuation mark.

Examples

Correct: In federal cases, all phases of civil deposition are subject to court control;⁶¹ the court has discretion to issue orders designed to prevent abusive tactics during depositions.⁶²

Incorrect: In federal cases, all phases of civil deposition are subject to court control⁶¹; the court has discretion to issue orders designed to prevent abusive tactics during depositions⁶².

- (d) **Placement when note concerns entire textual sentence.** If a single footnote relates to the entire sentence, place a single note reference number at the end of the sentence.

Example

A serious health condition under the Family and Medical Leave Act includes an illness, an injury, or a condition that requires continuing treatment by a health care provider.¹

¹29 U.S.C. § 2611 (2000).

- (e) **Placement when note concerns only part of the textual sentence.** If the note concerns only a portion of the sentence, place the note reference number within the sentence, next to the portion to which it relates.

Example

Although one court held that an interrogatory with multiple related subparts constituted a single interrogatory,⁴² another court held that these subparts constituted multiple interrogatories.⁴³

⁴²*Am. Chiropractic Assn. v. Trigon Healthcare, Inc.*, 2002 WL 1792062, at *2 (W.D. Va. 2002).

⁴³*Valdez v. Ford Motor Co.*, 143 F.R.D. 296, 298 (D. Nev. 1991).

SIDEBAR 43.1**USING YOUR WORD PROCESSOR TO
FORMAT FOOTNOTES**

Most word-processing programs have a footnote and endnote function. If you insert note numbers using this function, the program automatically will superscript the note numbers, place the notes on the appropriate pages, number and renumber notes if you insert or delete other notes, insert separator lines, and adjust the main text. However, without taking several additional steps, the program often will not automatically renumber cross-references to those notes (see **Rule 10** regarding cross-references). Therefore, as a note number changes, always be sure to change all cross-references to that note. As a practical matter, it may be best to draft the paper using only full citations, or short citations other than *id.*, and then substitute short forms and cross-references shortly before completing the paper.

- (f) **Multiple notes within a single textual sentence.** Although you may have more than one note within a single sentence, you may not have two consecutive note numbers without any intervening text.

Incorrect example (problem marked in green)

In federal cases, all phases of civil deposition are subject to court control;⁶¹ the court has discretion to issue orders designed to prevent abusive tactics during depositions.^{62 63}

- (g) **Note reference numbers within quoted material.** A note reference number generally should not appear within quoted material because the insertion will change the quotation. If you must add a note reference number within a quotation, place the superscript note reference number in brackets (example: ^[17]).
- (h) **Rule 49.3(d)** addresses omitting reference numbers within quoted material.

43.2 Frequency of Citation**43.2(a)**

Place a citation immediately after each sentence, or part of a sentence, that contains a statement of legal principle, a reference to or description of a legal authority, an idea, a thought, or an expression borrowed from another source.

43.2(b)

Within a single paragraph of the document you are writing, if you refer to material from the **same** page, section, or other subdivision of the same source, you may place one citation at the end of the material. Do not use this convention if the page, section, or other subdivision of the cited material changes.

Example

A recent Illinois case explains whether a covenant not to compete is ancillary to an otherwise valid agreement. *Smith v. Burkitt*, 795 N.E.2d 385 (Ill. App. 1st Dist. 2003). In September 1999, Billy and Brenda Smith entered into a contract with Fred and Dorothy Burkitt to purchase the Burkitts' business. The contract included a noncompetition agreement. In November 2001, the Smiths sued the Burkitts for conducting business in violation of the noncompetition agreement. *Id.* at 387.

43.3 Number of Sources to Cite

The number of authorities you cite for a particular proposition will depend on the type of document you are writing, the audience for whom you are writing, the number of authorities relative to the topic, and how well established or contested the stated proposition is.

43.3(a) Type of document and audience

- (1) A citation sentence or citation clause that contains multiple authorities for a single proposition is called a "string citation." You will typically have more string citations in a law review article than in a legal memorandum or brief.
- (2) Judges and practitioners who read court documents and legal memoranda typically want to see only those authorities that provide the best and strongest support for the stated proposition. Because they are busy and have limited time to read documents, most do not like to see string citations throughout the paper.
- (3) Scholars and others who read law review articles and similar papers expect to see many more citations in connection with stated propositions because the citations provide the depth of reference necessary to understand and master the selected topic.

43.3(b) Number of relevant authorities

The more authorities that are relevant to a proposition, the more from which you have to choose, and the greater the likelihood that you will want to cite more than one to support or contradict the proposition. In such a case, the

“*e.g.*” introductory signal, which can be used alone or combined with another signal, should prove helpful. Consult Rule 44 for additional information on that signal.

43.3(c) Whether the proposition is established or contested

If a particular proposition is established, it may be sufficient to cite to fewer authorities than if a proposition is contested.

43.4 Guidelines for Determining Which Authorities to Cite in a Legal Memorandum or Court Document

Below are some guidelines to help you determine which and how many authorities to cite to show readers that you have conducted thorough research, while not boring them with too many citations.

43.4(a)

Begin by predicting the amount of citation and explanation interested, but busy, readers would want to see.

43.4(b)

Put yourself in the readers’ position. Ask which authorities would be most likely to affect your decision in the matter—whether favorably or unfavorably for your client. Alternatively, ask how angry you would be if you made a decision without knowing about a particular authority. Cite and discuss those authorities. Discard other peripheral sources unless you need them to fill gaps in your argument or analysis.

43.4(c)

If you have several cases you want to cite and discuss, but have limited space, use the following guidelines to decide which cases to include in the paper. These guidelines assume that the cases are all from the jurisdiction whose law controls the outcome of the matter.

- (1) Select the case that not only addresses the same legal issue but also is most factually on point.
- (2) If the cases are equally good, typically select the case from the highest court.
- (3) If the cases are from the same court, select either the most recent case or the landmark case—the case to which all other cases tend to refer.

44.1 Purpose of Signals

An introductory signal is a word or term used to inform readers about the type and degree of support or contradiction the cited authority provides for the accompanying text.

44.2 Use of Signals

44.2(a)

Do not use a signal if:

- (1) The cited authority directly supports the stated proposition.

Example

The Family and Medical Leave Act grants twelve work weeks of leave during any twelve-month period to any eligible employee who, because of a serious health condition, cannot perform the functions of the position she holds. 29 U.S.C. § 2612 (2000).

- (2) The cited authority identifies the source of a quotation.

Example

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, show that there is no genuine issue of material fact.” Fed. R. Civ. P. 56(c).

- (3) The cited authority merely identifies the authority referred to in the text.

Example

In 2004, the United States decided *Tennessee v. Lane*.²¹

²¹541 U.S. 509 (2004).

44.2(b)

If the authority is cited for a reason or purpose not listed in Rule 44.2(a), use the appropriate signal listed in Rule 44.3.

44.2(c)

A signal may be used before a full citation or a short citation.

Examples

See *Clark v. U.S.*, 289 U.S. 1, 15 (1933).

See *Clark*, 289 U.S. at 15.

See *id.* at 14.

44.3 Categories of Signals

Signals that indicate support

See Use when the cited authority (a) supports the stated proposition implicitly or (b) contains dicta that support the proposition.

Accord Use to show that two or more authorities state or support the proposition but the text quotes or refers to only one; the others are then preceded by “accord.” Also use to show that the law of one jurisdiction is in accord with that of another jurisdiction.

See also Use to cite additional material that support the proposition. Support under this signal is not as strong or direct as when no signal or “see” is used. “See also” may be used when the cited authority supports the point made, but is in some respect distinguishable from previously cited cases.

Cf. Use when the cited authority supports the stated proposition only by analogy.

Signal that draws a comparison

Compare . . . with Use to compare authorities or groups of authorities that reach different results concerning the stated proposition.

Signals that indicate contradiction

Contra Use when the cited authority directly contradicts the stated proposition.

But see Use when the cited authority (a) contradicts the stated proposition implicitly or (b) contains dicta that contradict the stated proposition.

But cf. Use when the cited authority contradicts the stated proposition by analogy.

Signal that indicates background material

See generally Use when the cited authority is presented as helpful background information related to the stated proposition. This signal may be used with primary and secondary authorities.

Signal that indicates an example:

E.g. Use to reflect that the cited authority is representative of, or merely an example of, many authorities that stand for the same proposition but are not cited. Use alone when the authorities directly support the stated proposition. In other situations, combine with the appropriate signal. Thus:

See *e.g.*

Compare *e.g.* . . . with *e.g.*

See generally *e.g.*

44.4 Signals and Explanatory Parentheticals

When you use a signal, it often helps the reader to include an explanatory parenthetical after the cited source to describe the force or meaning of the authority. For additional information on explanatory parentheticals, consult Rule 46.

44.5 Capitalizing Signals

Capitalize the first letter of an introductory signal that begins a citation sentence. Do not capitalize the first letter of an introductory signal that appears within a citation clause or that appears within a citation sentence but does not begin the sentence. Consult Rule 43.1 for additional information on citation sentences and citation clauses.

Examples

Capitalize the first letter of the signal when it begins a citation sentence.

Freedom to advocate unpopular beliefs in a school setting must be balanced against society's interest in teaching students the boundaries of acceptable behavior. See *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 260 (1988) (indicating that a school need not tolerate student speech that is inconsistent with its "basic educational mission").

Do not capitalize the first letter of the signal when it appears within a citation clause.

Freedom to advocate unpopular beliefs in a school setting must be balanced against society's interest in teaching students the boundaries of acceptable behavior. *Bethel Sch. Dist. v. Fraser*, 478 U.S. 675, 681 (1986); see *Hazelwood Sch. Dist. v. Kuhlmeier*, 484 U.S. 260, 260 (1988) (indicating that a school need not tolerate student speech that is inconsistent with its "basic educational mission").

44.6 Placement and Typeface of Signals

44.6(a)

Separate the introductory signal from the rest of the citation with one space. Do not include any punctuation between the signal and the rest of the citation.

44.6(b)

Italicize or underline each introductory signal (Rule 1). However, a signal used merely as a verb should not be italicized or underlined.

Example (the signal used as a verb appears in green)

For an article chock-full of examples of unprofessionalism in documents filed with courts, see Judith D. Fischer, *Bareheaded and Barefaced Counsel: Courts React to Unprofessionalism*, 31 Suffolk U. L. Rev. 1 (1997).

44.7 Repeating Signals

When more than one authority provides the same type and degree of support for the textual proposition, do not repeat the signal before each authority. The signal “carries through” until a different signal is used.

Example

Readers will understand that this case takes the *see* signal.

The crime-fraud exception to the attorney-client privilege “acts to ensure that the ‘seal of secrecy’ does not extend to communications ‘made for the purpose of getting advice for the commission of a fraud’ or crime.” *U.S. v. Zolin*, 491 U.S. 554, 563 (1989) (quoting *O’Rourke v. Darbishire*, [1920] A.C. 581, 604 (P.C.)); see *Clark v. U.S.*, 289 U.S. 1, 15 (1933) (explaining that “[t]he privilege takes flight if the relation is abused”); *In re Grand Jury Matter 91-01386*, 969 F.2d 995, 997 (11th Cir. 1992) (instructing that the attorney-client privilege is, as a matter of law, construed narrowly so as not to exceed means necessary to support the policy it promotes); see generally Edna Selan Epstein, *The Attorney-Client Privilege and the Work-Product Doctrine* 251 (3d ed., ABA 1997) (commenting that “[s]ociety . . . has no interest in facilitating the commission of contemplated but not yet committed crimes, torts, or frauds”).

44.8 Order of Signals and Punctuation between Different Signals

44.8(a)

When more than one signal is used in a citation sentence or clause, the signals should appear in the order they are listed in Rule 44.3. Remember that “no signal” cases come first.

44.8(b)

When “*e.g.*” is combined with another signal, such as *see*, the combined signal should appear where the non-*e.g.* signal would normally fall. When “*e.g.*” is used alone, it should appear where the “no signal” sources would appear.

44.8(c)

Separate different signals and their accompanying citations with a semicolon and one space.

Examples

Id.; *see also* *Cox v. Shell Oil*, 1995 WL 775363, at **6–8 (Tenn. Ch. 1995).

Most service providers will provide user identity information only if a subpoena is issued. *E.g.* AOL Online, *Privacy Policy*, http://www.aol.com/info/p_privacy.adp (accessed July 28, 2005) (“AOL.com may share such information in response to legal process, such as a court order or subpoena, or in special cases such as a physical threat to you or others.”); *see generally* Conn, *supra* n. 39, at 164 (“Internet bullying is hard to trace. Internet service providers are not routinely required to identify users of their services.”).

See e.g. *Smith v. Phillips*, 455 U.S. 209, 221 (1982); *Ex parte Sanchez*, 918 S.W.2d 526, 527 (Tex. Crim. App. 1996); *but cf.* *Stone v. Powell*, 428 U.S. 465 (1976) (Fourth Amendment claims not cognizable on federal habeas corpus review).

45.0

ORDER OF CITED AUTHORITIES

45.1 Applicability

Use Rule 45 to determine how to cite multiple authorities that fall within the same signal. For example, use this rule when you are citing three cases that all implicitly support the textual proposition and all require the “see” signal (Rule 44.3). Start the ordering process over each time you change signals.

Example (document with footnotes)

Even if the high-ranking official has personal knowledge, courts will examine whether the party seeking the deposition can obtain the same information through another form of discovery, such as interrogatories.²¹⁵

Start a new ordering arrangement when you change signals.

²¹⁵*E.g. Stone City Music v. Thunderbird, Inc.*, 116 F.R.D. 473, 474 (N.D. Miss. 1987); *Buryan v. Max Factor & Co.*, 41 F.R.D. 330, 332 (S.D.N.Y. 1967); *Mulvey v. Chrysler Corp.*, 106 F.R.D. 364 (D.R.I. 1985); *but see Scotch Whiskey Assn. v. Majestic Distilling Co.*, 1988 U.S. Dist. LEXIS 16531 at *15 (D. Md. Nov. 30, 1988) (denying request that interrogatories be served before top official was deposed); *Matarazzi v. H.J. Williams Co.*, 1988 U.S. Dist. LEXIS 8706 at *2 (E.D. Pa. Aug. 10, 1988) (denying request for protective order that discovering party had to submit interrogatories before deposing the defendant’s CEO).

45.2 Punctuation between Citations

Separate authorities with a semicolon and one space.

45.3 General Ordering Rules

Use these general rules and the specific rules in Rule 45.4 to determine the order in which authorities should be cited.

45.3(a) Primary versus secondary authorities

Cite primary authority (such as statutes and cases) before secondary authority (such as treatises and legal periodicals).

45.3(b) Authored materials

- (1) Order authored material alphabetically by the authors' last names. Integrate student authors with other authors.
- (2) When citing multiple pieces by one author, order the material in reverse chronological order.
- (3) When citing a document written by more than one author, order by the last name of the first-listed author.
- (4) When citing material with an organization as author, alphabetize by the first letter of the first word of the organization's name.
- (5) If no author's name is available, order alphabetically by the title, but disregard (but do not omit) the initial "The" in the title for purposes of this rule.

45.3(c) Short-form citations

Place a short-form citation in the same place the full citation for that authority would fall.

45.3(d) Subsequent and prior histories

Ignore subsequent and prior histories when ordering cases. Histories merely "tag along" with the cite for the lower-level case (for subsequent history) or higher-level case (for prior history).

Examples (subsequent history is marked in green)

Dravo Corp. v. Liberty Mut. Ins. Co., 164 F.R.D. 70, 75 (D. Neb. 1995); *Ethicon Endo-Surgery v. U.S. Surgical Corp.*, 160 F.R.D. 98, 99 (S.D. Ohio 1995); *Frazier v. S.E. Pa. Transp. Auth.*, 161 F.R.D. 309, 316 (E.D. Pa. 1995), *aff'd*, 91 F.3d 123 (3d Cir. 1996).

U.S. v. Thomas, 377 F.3d 232, 245 (2d Cir. 2004); *Riddle v. Cockrell*, 288 F.3d 713, 721 (5th Cir. 2002), cert. denied, 537 U.S. 953 (2002); *Gantt v. Roe*, 389 F.3d 908, 916 (9th Cir. 2004).

45.3(e) State materials

Order state materials of the same type in alphabetical order by state. Thus, a statute from Michigan should be cited before a statute from Montana. A case from Alaska should be cited before a case from California.

45.3(f) Federal courts

- (1) For purposes of this rule, treat each United States Court of Appeals as a *separate* court and treat each United States District Court as a *separate* court.

- 2) For United States Courts of Appeals, order the courts by ordinal (**Rule 4.3**), with “First” coming before “Second,” and so on. Place the D.C. Circuit and the Federal Circuit at the end.
- 3) For United States District Courts, order courts first in alphabetical order by state and then in alphabetical order by district. Thus, a case decided by the United States District Court for the Northern District of Alabama would come before a case decided by the United States District Court for the Southern District of Alabama, which in turn would come before a case decided by the United States District Court for the District of Delaware.

45.3(g) Cases from the same jurisdiction

For cases from the same jurisdiction, cite higher courts before lower courts. Thus, a case from the United States Supreme Court would be cited before a case from the United States Court of Appeals for the Seventh Circuit. A Seventh Circuit case would be cited before a case from the United States District Court for the Northern District of Illinois. Similarly, a case from the Alabama Supreme Court would be cited before a case from the Alabama Court of Appeals. Analogize to **Rule 45.3(f)(2)** when ordering state intermediate appellate courts divided by district or division (e.g., Florida’s First District Court of Appeal precedes Florida’s Fourth District Court of Appeal).

45.3(h) Cases from the same court

For authorities from the same court, place the material in reverse chronological order. Thus, a 2006 case from the United States Supreme Court would be cited before a 2004 case from the United States Supreme Court. Similarly, a 2004 case from the Kentucky Court of Appeals would be cited before a 1999 case from the Kentucky Court of Appeals. A case decided on October 2, 2006 comes before a case decided on October 1, 2006. If cases from the same court were decided on the same date, put the case with the highest initial page number first.

45.3(i) Forthcoming works

Place forthcoming works where they would fall if published. For example, place a forthcoming book in the same place it would be cited had it already been published.

45.3(j) Material available on the Internet

If material is available in both hard copy and on the Internet, use the specific sequencing rule for the hard-copy source. If the material is available only on the Internet, use **Rule 45.4(c)**.

45.4 Specific Order of Authorities

Below are nonexhaustive lists of various primary and secondary sources. Cite sources in the order listed. Sources at the top of the list should be cited before

sources lower on the list. If the particular source you are looking for is not listed, select the closest source on the list and interpolate your source's position.

45.4(a) Primary and related sources

- (1) **Constitutions** (within each category, cite constitutions from the same jurisdiction in reverse chronological order; cite constitutions in force before repealed versions):
 - Federal Constitution;
 - State constitutions (alphabetically by state);
 - Foreign constitutions (alphabetically by country);
 - Foundational documents of the United Nations, the League of Nations, and the European Union, in that order.
- (2) **Statutes** (within each category, cite statutes in force before older versions):
 - Federal statutes (sequentially by title number, then sequentially by section number);
 - State statutes (alphabetically by state; within each state, sequentially by title number, then sequentially by section number);
 - Foreign statutes (alphabetically by country; within each country, sequentially by title number, then sequentially by section number).
- (3) **Rules of evidence and procedure** (within each category, cite rules in force before older versions):
 - Federal rules (alphabetically by code name; within a code, sequentially by rule number);
 - State rules (alphabetically by state name; within a state, alphabetically by code name; within a code, sequentially by rule number);
 - Foreign rules (alphabetically by country name; within a country, alphabetically by code name; within a code, sequentially by rule number);
 - International rules (alphabetically by organization name; within an organization, alphabetically by code name; within a code, sequentially by rule number).
- (4) **Treaties and international agreements** (reverse chronological order). See **Rule 45.4(a)(1)** regarding foundational documents of the United Nations, the League of Nations, and the European Union.
- (5) **Cases** (including agency decisions):
 - Federal (also see **Rule 45.3(f)–(h)**):
 - United States Supreme Court;
 - United States Courts of Appeals (in the following order: First Circuit cases, Second Circuit cases, Third Circuit cases, Fourth Circuit cases, Fifth Circuit cases, Sixth Circuit cases, Seventh Circuit cases, Eighth

- Circuit cases, Ninth Circuit cases, Tenth Circuit cases, Eleventh Circuit cases, D.C. Circuit cases, and Federal Circuit cases);
- Emergency Court of Appeals;
- Temporary Emergency Court of Appeals;
- Court of Claims;
- Court of Customs and Patent Appeals;
- Bankruptcy Appellate Panels (use the order above for United States Courts of Appeals);
- United States District Courts (order courts first in alphabetical order by state, then alphabetical order by district; for examples, consult **Rule 45(f)(3)**);
- Judicial Panel on Multidistrict Litigation;
- Court of International Trade (formerly Customs Court);
- District Bankruptcy Courts (order courts first in alphabetical order by state, then alphabetical order by district);
- Railroad Reorganization Court;
- Court of Federal Claims (formerly the trial division for the Court of Claims);
- Court of Appeals for the Armed Forces (formerly the Court of Military Appeals);
- Tax Court (formerly the Board of Tax Appeals);
- administrative agencies (alphabetically by agency, then reverse chronological order);
- State:
 - Courts (consult **Rule 45.3(e), (g), and (h)**);
 - Agencies (alphabetically by state; within a state, alphabetically by agency name; within an agency, reverse chronological order);
- Foreign:
 - Courts (alphabetically by jurisdiction; within a jurisdiction, highest ranking to lowest ranking; within a court, reverse chronological order);
 - Agencies (alphabetically by jurisdiction; within a jurisdiction, alphabetically by agency name; within an agency, reverse chronological order);
- International:
 - International Court of Justice;
 - Permanent Court of International Justice;
 - Other international tribunals and arbitral panels (alphabetically by name).
- Any other cases, followed by any other agency decisions.

- (6) **Case-related material** (such as briefs, records, and pleadings). Use the order of courts listed above. For materials from the same case, cite the documents in reverse chronological order.
- (7) **Administrative and executive material** (within each category, cite in reverse chronological order; cite material in force before repealed material):
- Federal administrative and executive material:
 - Executive orders and presidential proclamations;
 - Treasury regulations
 - Code of Federal Regulations titles (sequentially by title, then sequentially by chapter, part, or section number);
 - Federal Register (reverse chronological order);
 - Other material (alphabetically by source; reverse chronological order within the same source);
 - State administrative and executive material (alphabetically by state);
 - Foreign administrative and executive material (alphabetically by country);
 - Other administrative and executive material.
- (8) **Materials from intergovernmental organizations:**
- Resolutions, decisions, and regulations from the United Nations and League of Nations (General Assembly, then Security Council, then other organs in alphabetical order; within an organ, reverse chronological order);
 - Resolutions, decisions, and regulations from other organizations (in alphabetical order by name; within an organization, reverse chronological order).

45.4(b) Legislative material

Within each category, cite in reverse chronological order.

- (1) **Federal legislative material:**
- Bills and resolutions;
 - Committee hearings (alphabetically by committee or subcommittee name, and then in reverse chronological order);
 - Reports, documents, and committee prints;
 - Floor debates;
 - Any other material.
- (2) **State legislative material** (alphabetically by state):
- Bills and resolutions;
 - Committee hearings (alphabetically by committee or subcommittee name, and then in reverse chronological order);

- Reports, documents, and committee prints;
- Floor debates;
- Any other material.

(3) Other legislative material.

45.4(c) Secondary sources

- (1) Restatements, model codes, and uniform laws (in alphabetical order by category);
- (2) Books and treatises (in alphabetical order by author's last name (follow Rule 45.3(b)));
- (3) Material in law reviews, law journals, or other periodicals (such as newspapers) (in alphabetical order by author's last name (follow Rule 45.3(b)));
- (4) A.L.R. annotations (in alphabetical order by author's last name (follow Rule 45.3(b)));
- (5) Legal encyclopedias (alphabetically by encyclopedia name; then alphabetically by topic or title name);
- (6) Legal dictionaries (alphabetically by dictionary name);
- (7) Working papers (in alphabetical order by author's last name (follow Rule 45.3(b)));
- (8) Unpublished material (in alphabetical order by author's last name (follow Rule 45.3(b)));
- (9) Electronic sources, including Internet sources (in alphabetical order by author's last name (follow Rule 45.3(b)); for Internet sources, consult Rule 45.3(j)); and
- (10) Any other secondary source (use general ordering rules).

45.4(d) Internal cross-references

Consult Rule 10 for information on internal cross-references.

- (1) *Supra* references (lower numbers before higher numbers);
- (2) *Infra* references (lower numbers before higher numbers).

46.0

EXPLANATORY PARENTHETICALS AND RELATED AUTHORITY**46.1 Using Explanatory Parentheticals**

An explanatory parenthetical is a device that can help readers understand the significance of a cited authority.

Example

Very few cases actually proceed to trial. Harry T. Edwards, *Alternative Dispute Resolution: Panacea or Anathema?* 99 Harv. L. Rev. 668, 670 (1986) (reporting that about ninety percent of state and federal cases settle or are dismissed before trial); Marc Galanter & Mia Cahill, "Most Cases Settle": *Judicial Promotion and Regulation of Settlements*, 46 Stan. L. Rev. 1339, 1340 (1994) (noting that approximately two-thirds of federal cases settle before trial).

SIDEBAR 46.1**USING EXPLANATORY PARENTHETICALS EFFECTIVELY**

Parentheticals that explain the relevance or significance of the cited authority are used frequently in law review articles and other research papers; they are used less frequently in legal memoranda and court documents. Parentheticals can be valuable because they permit writers to compress information into a small space. However, writers should be wary of overusing parentheticals to explain the substance of cited authorities. As Professor Richard K. Neumann states,

If the material is complicated and important to the issue, explain it in the text. Use an explanatory parenthetical only for information that is simple and not an important part of your discussion or argument. And resist the temptation to use explanatory parentheticals to avoid the hard work of explaining complicated and important authority.

Richard K. Neumann, Jr., *Legal Reasoning and Legal Writing: Structure, Strategy, and Style* § 20.4, 266 (5th ed., Aspen Publishers 2005).

Using a set of substantive parentheticals after a synthesis can be a useful way to show authority without delving into the facts and holdings of too many cases. Below is a fictional example showing how parentheticals can be used with rule synthesis.

Example

A qualifying expense under the Illinois Family Expense Act includes both household goods and services. *E.g. Carter v. Romano*, 662 N.E.2d 883, 884 (Ill. 2000) (doctor and hospital bills); *Armani v. Gucci*, 893 N.E.2d 99, 101 (Ill. App. 1st Dist. 2005) (clothing); *Crocker v. Hines*, 645 N.E.2d 583, 587 (Ill. App. 1st Dist. 1998) (food); *Broyhill v. Lane*, 559 N.E.2d 32, 33 (Ill. App. 1st Dist. 1992) (furniture).

46.2 Placement of Explanatory Parentheticals

46.2(a)

Place the explanatory parenthetical immediately after the source to which it relates.

Examples

Parenthetical relates to F. Supp. case

Bensusan Rest. Corp. v. King, 937 F. Supp. 295 (S.D.N.Y. 1996) (refusing to exercise personal jurisdiction when the defendant limited its advertising to a local audience), *aff'd*, 126 F.3d 25 (2d Cir. 1997).

Parenthetical relates to F.2d case

Parker v. Bd. of Educ., 237 F. Supp. 222, 228–229 (D. Md. 1965), *aff'd*, 348 F.2d 464 (4th Cir. 1965) (agreeing that a teacher violated school regulations by assigning his class to read *Brave New World*).

46.2(b)

Place a parenthetical that must be included as part of a citation before an explanatory parenthetical.

Example

Fed. R. Civ. P. 30(1) (emphasis added) (also indicating that “[a] party may instruct a deponent not to answer . . . when necessary to preserve a privilege”).

46.2(c)

Follow the examples below if an explanatory parenthetical itself requires a parenthetical.

Examples

Byron C. Keeling, *A Prescription for Healing the Crisis in Professionalism: Shifting the Burden of Enforcing Professional Standards of Conduct*, 25 Tex. Tech L. Rev. 31, 38 (1993) (warning that “[u]ntil the profession takes active steps to eliminate [discovery] abuses, the public will continue to hold the legal profession in the same moral contempt that it reserves for used car salesmen” (footnote omitted)).

Inker, *supra* n. 350, at 27 (explaining that “[d]omestic relations litigants may be particularly vulnerable because a spouse or former spouse can reveal confidential information that will embarrass or otherwise harm the other spouse” (emphasis added)).

46.3 Formatting Explanatory Parentheticals

Below are several ways to format an explanatory parenthetical. Insert one space before the opening parenthesis of the explanatory parenthetical. If the parenthetical does not contain a complete sentence, do not place final punctuation, such as a period, inside the parenthetical.

Examples

In re Kerr, 548 P.2d 297, 302 (Wash. 1976) (en banc) (finding that an attorney who knowingly participates in subornation of perjury should be disbarred).

Lloyd v. Cessna Aircraft Co., 430 F. Supp. 25, 26 (E.D. Tenn. 1976) (two days’ notice unreasonable).

Clark v. U.S., 289 U.S. 1, 15 (1933) (“The privilege takes flight if the relation is abused.”).

46.4 Related Authority and Commentary

It sometimes is helpful to cite one authority that in some way relates to another cited authority or provides commentary about the cited authority. In this situation, include the related authority in a parenthetical. Ways to introduce related authority include “reprinted in,” “quoted in,” “quoting,” “cited in,” “citing,” “construed in,” “construing,” “reviewed by,” “reviewing,” “questioned in,” “questioning,” and “cited with approval in.” This list is non-exhaustive; you may use other descriptive words and phrases.

Examples

Report of the White House Task Force on Antitrust Policy (1968) (reprinted in 1 J. Reprints for Antitrust L. & Econ. 631, 637–638 (1969)).

Martinez v. Dretke, 404 F.3d 878, 884 (5th Cir. 2005) (citing 28 U.S.C. § 2254(d)(1)).

Kan. Stat. Ann. § 21-3502(1)(d) (1969) (quoted in *State v. Chaney*, 5 P.3d 492, 495 (Kan. 2000)).

P A R T

6

QUOTATIONS

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47.0**QUOTATIONS****47.1 Using Quotations**

Use quotations sparingly and carefully. Use them for statutory language, for other language that must be presented precisely, and for particularly famous, unique, or vivid language. Overquoting may bore readers or may lead them to believe the writer did not understand the material well enough to paraphrase it.

47.2 Accuracy

It is important to present quotations accurately. When presenting a direct quotation, reproduce the wording exactly. Moreover, unless following Rules 48 and 49 concerning alterations and omissions, do not change spelling, typeface, capitalization, citations, or punctuation within the quoted material.

47.3 Relation to Text

Quotations may be incorporated into the paper in two ways. First, short quotations may be run into the text and designated with double quotation marks (“ ”). Consult Rule 47.4 for short quotations. Second, longer quotations, or quotations of verse or poetry, may be set off with a block indent. Consult Rule 47.5 for longer quotations.

47.4 Short Quotations**47.4(a) General rule**

If a quotation is fewer than fifty words or runs fewer than four lines of typed text and is not an epigraph or a quotation of verse or poetry, enclose the quotation in double quotation marks (“ ”), but do not otherwise set the quotation off from the text.

47.4(b) Citation after quotation: Documents without footnotes and material within footnotes

- (1) Generally place the citation after the sentence that contains the quoted material.

Examples

The controlling statute provides that “the trier of facts may find such intention upon consideration of the words, conduct, demeanor, motive, and all other circumstances

connected with the act for which the accused is prosecuted.” Ga. Code Ann. § 16-2-6 (2004).

Single source quoted within a footnote

³¹Ga. Code Ann. § 16-2-6 (2004). The controlling statute provides that “the trier of facts may find such intention upon consideration of the words, conduct, demeanor, motive, and all other circumstances connected with the act for which the accused is prosecuted.” *Id.*

- (2) If the sentence contains material from more than one source or from different parts of a single source, use citation clauses as explained in **Rule 43.1(b)**.

Example

From 1973 to 1974, the federal judiciary went from requiring merely “a significant correlation to race,” *U.S. v. U.S. Steel Corp.*, 371 F. Supp. 1045, 1054 (N.D. Ala. 1973), to “a significant correlation to race and sex,” *Wells v. Frontier Airlines*, 381 F. Supp. 818, 821 (N.D. Tex. 1974).

- (3) If the source can be identified from material within the sentence, a duplicative citation is not needed.

Example

Under Federal Rule of Civil Procedure 32(d)(3)(B), which concerns depositions, objections must be raised during the deposition—or else be waived—if they concern errors or irregularities “in the manner of taking the deposition,” the form of the questions or answers, “the oath or affirmation,” or the parties’ conduct.

47.4(c) Note reference number after citation: Documents with footnotes

Within the main text, place the note reference number (**Rule 43.1(e)**) immediately after the closing quotation mark. You need not include multiple footnote reference numbers in a single sentence if each quoted phrase in the sentence comes from the same source and pinpoint reference.

Example

The Court concluded that the attorney’s deposition conduct was abusive because he “improperly directed the witness not to answer certain questions,”¹³⁴ raised improper

objections that suggested answers to the deposition, and was “extraordinarily rude, uncivil, and vulgar.”¹³⁵

¹³⁴*Paramount Commun., Inc. v. QVC Network, Inc.*, 637 A.2d 34, 53 (Del. 1994).

¹³⁵*Id.* at 56.

47.4(d) Punctuation

- (1) Place periods and commas inside quotation marks, regardless of whether they are part of the original quotation. An exception to this rule concerns titles of law journal articles that end with a quotation mark (Rule 23.1(b)(4)).

Examples

Period

The trial court gave the following instruction on involuntary intoxication: “[I]f because of the influence of alcohol . . . one’s mind becomes so impaired as to render him incapable of forming an intent to do the act charged, . . . he would not be criminally responsible for that act.” *Blankenship v. Ga.*, 277 S.E.2d 505, 508 (Ga. 1981).

Comma

The controlling statute defines specific intent as “a state of mind which is thought culpable,” such as premeditation for first-degree murder. Ga. Code Ann. § 16-2-1 (1996).

- (2) Place all other punctuation, such as semicolons and question marks, outside the quotation marks unless they are part of the original quotation.

Examples

Semicolon (not part of the quoted material)

The Court held that “an adult child may seek retroactive support up until age [twenty-three]”; “noncustodial parents . . . should not be able to shirk their responsibility as parents simply because the child may not have contacted or found the parent during the child’s younger years.” *Carnes v. Kemp*, 821 N.E.2d 180, 184 (Ohio 2004).

Question mark (part of the quoted material)

As Judge Posner asked, “What difference does it make whether one thinks that judges found the current doctrines of constitutional law in the Constitution or put them there?” Richard A. Posner, *Overcoming Law* 7 (Harv. U. Press 1995).

- (3) Apply these same rules to quotations within quotations, which are discussed in Rule 47.7.

Example

Because the judge was anxious to end the day's proceedings, he was not going to stop the proceedings, no matter how many times counsel asked, 'Judge, might we take a short break?'

7.5 Longer Quotations**7.5(a) General rule**

If a quotation contains at least fifty words or exceeds four lines of typed text, if the material quoted is a verse or poem, present the quotation as a block type that is single-spaced and indented by one tab on both the right and the left. Do not use quotation marks at the beginning or end of the block quotation. Separate the block quotation from the text below and above with a blank line.

Example

The Constitution provides

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

U.S. Const. amend. VI. Many defendants invoke this amendment to obtain counsel.

7.5(b) Quotations within parentheticals

Do not block indent a quotation contained within a parenthetical. For additional information on parentheticals, consult Rule 46.

Example

⁷⁶Fla. Stat. § 776.08 (2002) (defining forcible felony as "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual").

7.5(c) Citations after quotations: Documents without footnotes and material within footnotes

Do not place the citation within the block quotation. Instead, place the citation in the left margin on the next line of text. If you do not want to start a new

paragraph after the citation, simply continue the text on the same line as the citation.

Example

⁸*Id.* As one commentator observed,

[T]he law is inherently double-edged: any rule imposed to limit zealous advocacy . . . may be used by an adversary as an offensive weapon. . . . The rules of discovery, for example, initiated to enable one side to find out crucial facts from the other, are used nowadays to delay trial or impose added expense on the other side

David Luban, *The Adversary System Excuse*, in *The Good Lawyer* 83, 88 (David Luban ed., Rowman & Allanheld 1983).

47.5(d) Placement of note reference number after citation: Documents with footnotes

Place the note reference number at the end of the block quotation.

Example:

As one commentator observed,

[T]he law is inherently double-edged: any rule imposed to limit zealous advocacy . . . may be used by an adversary as an offensive weapon. . . . The rules of discovery, for example, initiated to enable one side to find out crucial facts from the other, are used nowadays to delay trial or impose added expense on the other side¹³

¹³David Luban, *The Adversary System Excuse*, in *The Good Lawyer* 83, 88 (David Luban ed., Rowman & Allanheld 1983).

47.5(e) Paragraphing within block quotes

- (1) Retain the paragraphing from the original source.
- (2) If a quotation comes from the beginning of a paragraph, indent a second tab on the left side to reflect the beginning of the paragraph. See the example in Rule 47.5(a).
- (3) If the quotation comes from the middle of a paragraph, indent one tab on both the right and the left sides for the block indent, but do not indent further. See the example in Rule 47.5(c).
- (4) If a quotation spans multiple paragraphs, reflect the beginning of each new paragraph with a second tab on the left side.

47.6 Epigraphs

47.6(a) Definition

An epigraph is a quotation set at the beginning of a work or chapter.

47.6(b) Format

- (1) Format the epigraph as a block quote under Rule 47.5(a).
- (2) Do not place an epigraph in quotation marks, regardless of length.
- (3) An epigraph may be presented either in ordinary type or in italics.
- (4) For documents with footnotes, place the note reference number after the epigraph, and include the complete citation in the corresponding footnote.

Example

*It is better to risk saving a guilty man than to condemn an innocent one.*¹

¹Voltaire, *Zadig* 6 (Viking Press 1978) (1747).

- (5) For documents without footnotes, place the completed citation underneath the quotation, flush right. Skip one line between the epigraph and the citation. Single-space the citation if it does not fit on a single line. It is permissible to place an em dash in front of the citation.

Example

It is better to risk saving a guilty man than to condemn an innocent one.

—Voltaire, *Zadig* 6 (Viking Press 1978) (1747).

47.7 Quotations within Quotations

47.7(a) Quotations within short quotations

Designate a quotation within a short quotation with single quotation marks. Follow punctuation conventions in Rule 47.4(d).

Example

The court remarked that under Third Circuit law, a trademark infringement claim arose " 'where the passing off occurs.' " *Zippo Mfg., Inc. v. Zippo Dot Com, Inc.*, 952 F. Supp. 1119, 1127 (W.D. Pa. 1997) (quoting *Cottman Transmission Sys., Inc. v. Martino*, 36 F.3d 291, 294 (3d Cir. 1976)).

47.7(b) Quotations within block quotations

Enclose quoted material within a block quotation in double quotation marks. Enclose quotations within these quotations in single quotation marks. Follow punctuation conventions in Rule 47.4(d).

Example

Unless a proper limitation upon custodial interrogation is achieved—such as these decisions will advance—there can be no assurance that practices of this nature will be eradicated in the foreseeable future. The conclusion of the Wick-ersham Commission Report, made over 30 years ago, is still pertinent: “To the contention that the third degree is necessary to get the facts, the reporters aptly reply in the language of the present Lord Chancellor of England (Lord Sankey): ‘It is not admissible to do a great right by doing a little wrong. . . . It is not sufficient to do justice by obtaining a proper result by irregular or improper means.’ ”

Miranda v. Ariz., 384 U.S. 436, 447–448 (1966) (quoting 4 Natl. Comm. L. Observance & Enforcement, *Report on Lawlessness in Law Enforcement* 5 (1931)).

47.7(c) Citations for internal quotations

- (1) If the source of the internal quotation is cited within the quotation, retain the citation within the quotation, and do not repeat it within the citation for the main quotation.

Example

Although the Court rejected the position cited in *Hildwin*, it characterized the nature of capital sentencing by quoting *Poland v. Arizona*, 476 U.S. 147, 156 (1986). In that case, the Court described statutory specifications or aggravating circumstances in capital sentences as “standards to guide the . . . choice between the alternative verdicts of death and life imprisonment.” *Id.* The Court thus characterized the finding of aggravating facts as a choice between a greater and lesser penalty, not a process of raising the ceiling of the sentencing range available.

Jones v. U.S., 526 U.S. 227, 251 (1999).

- (2) If the source of the internal quotation is not cited within the quoted material, include the citation for the internal quotation in a parenthetical that follows the citation for the main quotation.

Example

The Court then reversed, stating: “In this case, . . . petitioner’s right to counsel, a ‘specific federal right,’ is being denied anew.” *Burgett v. Tex.*, 389 U.S. 109, 116 (1967) (quoting *Spencer v. Tex.*, 385 U.S. 554, 565 (1966)).

48.0

ALTERING QUOTED MATERIAL

48.1 Altering the Case of a Letter

Within a quotation, when changing a letter from uppercase to lowercase, or vice versa, enclose the altered letter in brackets.

*Examples***Original**

"The court held"

"In the latter event, the court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems appropriate"

Alteration

Moreover, "[t]he court held"

"[T]he court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems appropriate"

48.2 Adding, Changing, or Deleting One or More Letters

When adding, changing, or deleting one or more letters from a quoted word, enclose the added, changed, or deleted material in brackets. Alternatively, replace the entire word, as permitted in **Rule 48.4**. Indicate the omission of one or more letters with empty brackets.

*Examples***Original**

state

held

the employee was

the courts indicated

Alteration

state[d], stat[ing], state[s] **or** [stated], [stating], [states]

h[o]ld **or** [hold]

the employee[s] were] **or** the [employees were]

the court[] indicated **or** the [court] indicated

48.3 Adding a Footnote within a Block Quotation

As explained in **Rule 47.5(d)**, insert a note reference number *at the end* of a block quotation. Although unusual, it is on occasion necessary or desirable to add a note reference number *within* a block quotation. When this situation occurs, enclose the superscripted note reference number in brackets.

Example

We recognize, as does *Clayton*, that absent a constitutional basis for a challenge,^[3] the . . . standing rule, applied to cases of this type,^[4] creates a rare situation [where] there is a wrong without a remedy. That is because even though

the citizen taxpayer, who is also a voter, may “throw the rascals out” at the next election, even if such action exacts a measure of retribution it will not restore the looted treasury nor undo the illegally increased tax obligation.⁵

48.4 Substituting or Adding Words

When substituting or adding words to a quotation (often called “interpolation”), enclose those words in brackets. You may add material to clarify an ambiguity, to provide a missing word, or to provide necessary explanations or translations.

Examples

Original

“The court ruled for Mr. Jamison.”

“He found it there.”

Alteration

“The court ruled for [the defendant].”

“He found it there [by the door].”

48.5 Altering Typeface

48.5(a)

When altering the typeface of quoted material, such as by adding or deleting italics, describe the alteration in a parenthetical that follows the citation.

Examples

Original

We think a “permanent physical occupation” has occurred, for purposes of this rule, where individuals are given a permanent and continuous right to pass to and fro, so that the real property may continuously be traversed, even though no particular individual is permitted to station himself permanently upon the premises.

Nollan v. Cal. Coastal Commn., 483 U.S. 825, 832 (1987).

Alteration

We think a “permanent physical occupation” has occurred, for purposes of this rule, where individuals are given a *permanent and continuous right to pass to and fro*, so that the real property may continuously be traversed, even though no particular individual is permitted to station himself permanently upon the premises.

Nollan v. Cal. Coastal Commn., 483 U.S. 825, 832 (1987) (emphasis added).

48.5(b)

When quoted material contains several instances of emphasis, some of which were included in the original and some of which were added, in a parenthetical at the end of the citation, describe which alterations you made.

Example

In *Shaw v. Reno*,¹³³ Justice O'Connor, writing for the majority, described the relationship between race and redistricting:

[R]edistricting differs from other kinds of state decisionmaking in that the legislature always is aware of race when it draws district lines, just as it is *aware* of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead *inevitably* to impermissible race discrimination.¹³⁴

¹³³509 U.S. 630 (1993).

¹³⁴*Id.* at 646 (first emphasis in original, second emphasis added).

48.6 Mistakes within Original Quoted Material

Original material that you desire to quote may contain mistakes, such as spelling, typographical, or grammatical errors. You may retain the mistake, correct the mistake, or indicate that the mistake appeared in the original quoted material. If you wish to correct the mistake, enclose the altered material in brackets as described in **Rule 48.2**. If you wish to retain the mistake but indicate that the mistake appeared in the original (and is thus not attributable to you), use the term “[sic].” Do not clutter quotations from obviously archaic or nonstandard writing with [sic] or alterations.

Examples

Alternative 1: Correcting the mistake

Original

“The court dismissed there motion.”

“The court hold that”

Alteration

“The court dismissed [their] motion.”

“The court h[e]ld that” or “The court[s] hold that”

Alternative 2: Using [sic]

Original

“The court dismissed there motion.”

“The court hold that”

Alteration

“The court dismissed there [sic] motion.”

“The court hold [sic] that”