

Chapter 8 - Legal Citation Form

- A. Introduction to Citation Form:
- statements you make in memos, briefs, etc. must be supported by legal authority
 - citation/cite: reference to supporting legal authority
 - all legal professionals must use uniform citation rules in order to comprehend one another
 - website: <http://www.legalbluebook.com>
- B. The Bluebook - Uniform System of Citation
1. Overview of Bluebook: contains practical tips on citation questions/problems found by attys & paralegals
 2. Typeface Conventions: most examples in Bluebook are geared to law review citation form
 - a. Practitioner's Notes are gone from 18th edition. Replaced by Bluepages
 - b. also check out front & back inside covers
 - i) front is quick reference for law review articles &
 - ii) back is quick reference for ct documents & legal memoranda
 3. Organization of Bluebook : sections:
 - a. Preface-changes to 18th edition
 - b. Introduction: discusses structure of Bluebook & general principles of citation
 - c. Bluepages: new to 18th edition: how-to for basic legal citation form; numerous useful examples; contains 2 tables-one showing abbreviations for ct documents & one providing references to local citation rules [BT.2]
references to Bluepages in outline shown as **"B"
 - d. General Rules of Citation & Style: sets forth specific citation form for primary authorities & secondary authorities (Rules 1 through 21)(Refs to Rules shown as R)
 - e. Tables: 18 tables showing how cases & statutes from federal level & each state level are cited, providing abbreviations for court documents, geographical terms, months & various periodicals
 - f. Index: alphabetically arranged index at end of Bluebook - use descriptive words

Typeface conventions: almost all the examples given in white pages of the Bluebook show how to cite authorities as if you were writing a law review article

**The Bluepages show you how to adapt the examples you find in the body of the Bluebook to the format needed for court documents or memoranda.

** Refer to inside front and back covers of Bluebook: inside front is quick reference for law review footnotes; inside back cover is quick reference for court documents and legal memoranda (used by practitioners)

C. Citation Rules & Examples for Primary Authorities

1. Cases

- a. typically include: case name; volume, rptr & page case begins; court and jurisdiction & year of decision, (and in parenthetical, subsequent history of the case, if any) - Rule 10.1
i.e. see example p. 300 - official - unofficial
i.e. Smith v. Jones, 334 N.W.2d 101 (N.D. 1990).
- b. case names - see Rules 10.2, 10.2.1, & 10.2.2 & B5.1.1(ii)
 - (i) cite to last names only of parties, unless full name is parties' business designation
(see example - p. 300)
 - (ii) if multiple parties, omit all but first party for each side
(see example - ii on p. 301)
 - (iii) if several actions have been consolidated for one decision, omit all but first listed action
 - (iv) omit all indications of multiple parties i.e. no "et.al."
 - (v) omit indication of legal status i.e. executor, defendant, appellant
 - (vi) do not abbreviate United States as a party in case name but omit "of America"
 - (vii) for criminal cases decided by your state use: State v. Eagen or Commonwealth v. Nelson (not the name of the state)
But - if case wasn't decided by your states' court i.e. a United States Supreme Ct decision, cite: Kansas v. Eagen or Pennsylvania v. Nelson
 - (viii) omit second business signal such as Inc", "Co" or "Corp" if case name already contains one business signal
(see example, p. 301)
 - (ix) omit prepositional phrases of location unless they follow "City" or a similar word (see example, pp. 301-302)
 - (x) When a citation appears in text, as a grammatical component of a sentence, abbreviate only the following words in a case name and widely known acronyms (such as FBI, CIA, NLRB):

and = &
Association = Ass'n (no mark)
Brothers = Bros.
Company = Co.
Corporation = Corp.
Incorporated = Inc.
Limited = Ltd.
Number = No.

-Rule 10.2.1(c) and B5.3

If a citation appears by itself & not as a grammatical component of a sentence, abbreviate any word in the case name listed in Table T.6 of Bluebook (Rule 10.2.2 and B5.3).

(See example, p. 302)

- (xi) generally omit "the" as first word of party's name
- (xii) widely known entities (acronyms i.e. GM, FCC, NAACP are referred, to in case names, without periods)
- (xiii) "v." in case name stands for "versus" & is always lower-case
- (xiv) always underline or italicize the name of the case in a citation: B2
 - unbroken line
 - placed underneath entire case name, including periods (see p. 304 for example)
- (xv) case name is always followed by a comma which is not underlined
- (xvi) abbreviations: second = 2d
third = 3d
- (xvii) page given in a case citation is the page where opinion begins & is not preceded by a "p."

c. Parallel Cites

1. Old Rule: required parallel citations for state court cases (see p.304)
2. New Rule: parallel citations usually only required for documents submitted to that state's court; See B5.1.3 in Bluebook re: parallel citations
 - a. official cite first, then unofficial (see examples p. 305) - go through
 - b. when you cite to regional reporter, you must include state court abbreviation in parenthetical, with date decided:
Gray v. Douglas, 704 P.2d 118 (Colo. 1989).
 - c. see table T.1 in Bluebook - list of all 50 states - indicates whether state still publishes official reporter - check out

- do not indicate the dept., division, county or district in citing state ct cases unless info important: Rule 10.4(b)

*Official Public Domain Citations: if decision is available in official public domain citation (also called medium neutral citation), that citation should be provided instead of cite to official reporter, then the regional cite may be provided as well (Rule 10.3.3 and p. 88 in Bluebook)

- include case name, year of decision, name of court issuing decision and sequential number of decision; if case unpublished, put "U" after seq. number
- when referring to specific materials within the decision, pinpoint to the paragraph number containing info
i.e. see example p. 309

** if a jurisdiction has adopted its own rules as to citation form, they supersede the Bluebook rules

d. Recent Cases - because West's publishes regional reporters sometimes sooner than state publishers official reporters, you may not have official citation. Then use following format:
Hunter v. Hoffman, __Conn.__, 417 A.2d 704 (2008).

- (i) if case is only available in slip or looseleaf form give: case name; docket number; court; and exact date (Rule 10.8.1(b):

Miller v. Pritchett, No. 00-201 (N.D. Cal. Dec.9, 2007).

- (ii) See Rule 10.8.1(c): other pending or unreported cases

- (iii) Case available on Westlaw or Lexis: Rule 18.1.1 is:

McKnight v. Weber, No. 04-10426, 2004 U.S. App. LEXIS 4221, at *4 (4th Cir. Apr. 14, 2004)

Thomas v. Bowman, No. 05-6040, 2007 WL 65102, at *4 (S.D. Cal. July 17, 2007)

- (iv) Cases available on internet (Rules 18.2 & 18.2.2):

- internet can be cited when case isn't available from traditional source or

electronic database like Westlaw or Lexis

- generally an Internet cite to case should include:

- * available info about authority being cited
 - * appropriate explanatory phrase to indicate which source was accessed by writer
 - * the provider responsible for Internet Site (if this isn't apparent from "URL" address)
 - * the URL (Uniform Resource Locator)
 - * a date parenthetical
 - * any explanatory parenthetical
- introduce Internet cite with explanatory phrase of available at
- see examples at top of p. 311

Example:

United States v. Gonzales, No. 07-1023, slip op. at 10 (U.S. Jan. 10, 2008), <http://www.supremecourtus.gov/opinions/08pdf/07-1023.pdf>

e. Abbreviations in Case Citations

- see Table T.10 for state & geographical abbreviations
- see Table T.12 for month abbreviations
- see Table T.7 for court name abbreviations

f. Spacing - Rule 6.1(a)

memorize these 3 spacing rules:

(i) don't put a space between adjacent single capital letters - 2d, 3d are considered single capitals

i.e. N.W.2d

S.W.

P.2d

F.2d

U.S.

A.L.R.5th

(ii) multiple letter abbreviations are preceded & followed by a space

i.e. So. 2d

F. Supp.

L. Ed. 2d

Cal. 4th

Ill. App. Ct.

S. Ct.

(iii) in abbreviations in names of legal periodicals, close up adjacent upper case letters except when one or more of the upper case letters refers to geographical location or institutional entity; then separate the upper case letter referring to the entity from other adjacent single letters with a space (Rule 6.1(a)& see also, Table T.13)

B.U. L. Rev.
Loy. L.A. L. Rev.

g. Federal Cases (Table T.1 and B5.1.3)

1. United States Supreme Court cases: Bluebook rule is to cite to official set, United States Reports, (U.S.)
 - if official reporter not available, cite to: S.Ct., L.Ed., or U.S.L.W. in that order (see pp. 313-314)
2. United States Courts of Appeals Cases
 - cited only to West's because there is no official reporter (F.,F.2d,F.3d):
Rose v. Capwell Co., 721 F.2d 806 (3d Cir. 1988).
 - 6th Circuit public domain cite is optional - see p. 315
3. United States District Court cases
 - again, cite to West reporter only (F.Supp.; F.Supp.2d):
Simon v. Parker, 760 F. Supp. 918 (E.D. Ark. 1988).
(see pp. 316-318 for district court abbreviations)

h. Subsequent History: Rule 10.7 & B5.1.5 : cite subsequent history of a case except:

- 1) don't give history on denials of cert unless decision is less than 2 yrs old or is particularly relevant
- 2) history on remand or any denial of rehearing unless particularly relevant

Ex: Bernard V. Scott, 761 F.2d 902 (8th Cir. 1986),
aff'd, 106 U.S. 921 (1988). (see p. 319)

EX: Dowell v. Wong, 629 F.2d 809 (2d Cir. 2006),
cert. denied, 510 U.S. 466 (2007).

-if subsequent history occurred in same year as lower
ct case decided, give the date only once, in last
parenthetical (see p. 319): Rule 10.5(d)
-all abbreviations for subsequent history are
underlined or italicized - see Table T.8

i. Prior History :Rule 10.7: give only if case you are
citing doesn't fully describe the issues (i.e.
memorandum opinion) and so reader must read lower ct
decision to fully understand the case.

j. Parenthetical Information : Rules 1.5,5.2 & 10.6 and
also B5.1.4 & B11

-if quoting from part of an opinion other than
majority opinion must so indicate:

EX: Wu v. Bradley, 90 U.S. 102 (1985) (White, J.,
dissenting).

-if you want to give other info, do it parenthetically
EX: (7-2 decision) (author of opinion) see
example

-if the citation you rely on quotes from another case,
present that info as:

Costello v. McCarty, 90 U.S. 102, 106 (1985) (quoting
Lyons v. Wagner, 88 U.S. 66,75 (1983)).

- parentheticals must follow certain order and must
precede any references to prior or subsequent history
- see Rule 10.6.3

k. Different Case Name on Appeal - Rule 10.7.2
-if parties names are merely reversed on appeal,
retain original order.

l. Order preference for citations-p. 320- See Rule
10.3.1

2. Statutes

a. State Statutes -(Table T.1, Rule 12, & B6)- must include name of code, chapter/title/section number and parenthetically the year of the code (appears on spine, title pg or copyright page)(See Rule 12.3.2)

(i) If arranged by subject title, you must so indicate: (Calif, Texas, Kansas, La., Md., and N.Y.):

Cal. Evid. Code § 301

(ii) other 44 states don't arrange by subject title

(iii) cite to official code, if possible, or if one doesn't exist, to unofficial code

(iv) if citing to electronic database like Lexis or Westlaw, give info relating to currency of database - Rule 18.1.2 Ex: Cal. Evid. Code § 52(West,Westlaw through 2007 Sess.)

(See Table T.1)

N.D. Cent Code § 14-01-01 (1993)

Minn. Stat. § 363.01 (1993)

Minn. Stat. Ann. § 363.01 (West 1993)

-if citing to unofficial or annotated codes, usually must include publisher and date in parenthetical

b. Federal Statutes - Rule 12 & B6

Title, name of set, section # and year of code

-official code citation form:

42 U.S.C. § 12406 (2000)

-unofficial codes citation form:

42 U.S.C.A. § 12406 (West 1996)

42 U.S.C.S. § 12406 (LexisNexis 2000)

-if statute commonly known by popular name, you may include the name as follows:

Norris-LaGuardia Act § 161, 29 U.S.C. § 221 (2000)

- omit "the" as the first word of a statute's name, i.e The Patriot Act becomes Patriot Act

Miscellaneous Rules Re: Citation of Statutes

- (1) Spacing: space between signal for § and number of section; space before parenthetical

41 U.S.C. § 352 (2000)

- (2) if statute deals with Internal Revenue Code, use following form: Rule 12.8.1 & B6.1.5

I.R.C. § 501 (2000)

(Title 26 of U.S.C. deals with IRC so that is assumed in this cite form)

- (3) Pocket parts and Supplements - Rule 12.3.1 (e) & 3.1: if statute appears only in pocket part or supplements, indicate as follows:

Alaska Stat. § 8.08.085 (Supp.V 1998)
17 U.S.C. § 101 (Supp. III 2003)

- if original statute appears in hardbound volume and an amendment to it in a pocket part or supp., cite as follows:

17 U.S.C. § 102 (2000 & Supp.I 2001)

- (4) Multiple Sections- Rule 3.3(b):
- not common in statutes to drop digits so if you want reader to review sections 1764 through 1766 indicate as follows:

Tenn. Code Ann. §§ 1764-1766 (1996)

- when referring to one section use one symbol: §

- when referring to more than one section, use 2 symbols: §§ (and don't drop any digits)

- when referring to more than one section, don't use term "et. seq." because it doesn't tell reader when to stop reading.

- (5) in citation, use symbol "§" for section; otherwise use word "section"; when beginning a sentence use word rather than symbol:

EX: Section 1110 defines the term...
[Rule 6.2(c)]

- (6) publisher - Rule 12.3.1(d): check Bluebook because for some annotated (unofficial) codes, the publisher's name required

3. Rules - see Rule 12.8.3 & B6.1.3

Cite rules of evidence and procedure without any section signal or date:

EX: Fed. R. Civ. P. 56(a)
Fed. R. Evid. 210
Fed. R. Crim. P. 12

4. Constitutions - Rule 11 & B7

- a. State Constitutions: see inside back cover of Bluebook - include no date unless provision you're citing has been superseded, amended, or repealed:

Cal. Const. art. XXII

- b. United States Constitution - cite current provisions without date

U.S. Const. art. III, § 8
U.S. Const. amend. I

- and per Rule 8, remember to capitalize parts of U.S. Const. when discussed in text: First Amendment, Equal Protection Clause etc.

D. Citation Rules and Examples for Secondary Authorities

- 1. Annotations - Rule 16.6.6: give author's full name, identify as annotation, title of annotation underlined or capitalized, reference to volume and page of A.L.R. and year written:

Jack W. Shaw, Jr., Annotation, Exhibition of Obscene Motion Pictures as Nuisance, 50 A.L.R.3d 969 (1978)

- 2. Encyclopedias - Rule 15.8(a) & B8 - don't cite unless you have no primary authorities or stronger secondary authorities.

Form: 1 C.J.S. Abandonment § 14 (1984)
1 Am.Jur. 2d Abandonment § 14 (1986)

- 3. Periodicals - Rule 16 & B9: give author's full name, title of article underlined or italicized, reference to periodical (abbreviate per Table T.13 in Bluebook), page where article

begins and date of publication: Remember to convert to ordinary typeface

(a) Law review articles: Rules 16.1 & 16.6

Steven A. Peterson, Plea Bargaining in Federal Courts, 68 Loy. L. Rev. 1421 (1975).

(b) Student written:

Elizabeth A. Brandon, Comment, Philosophy of Law, 48 Ariz. L. Rev. 123 (1998).

(c) Bar association publications:

Lori B. Andrews, Surrogacy Wars, Cal. Law., Oct. 1998, at 42.

(d) Legal Newspapers:

Joan M. Cheever & Joanne Naiman, The Deadly Practice of Divorce, Nat'l L.J., Oct.12, 1999, at A1.

4. Books, Texts & Treatises - Rule 15 & B8: give volume (if any), author's full name, title of text, page/ π / \S and in parenthesis the edition and publication date:

2 J. Thomas McCarthy, Trademarks and Unfair Competition § 18.8 (4th ed. 2004).

-if book has 2 authors, give full names of both; if multiple authors, give first author's name, followed by "et al." and refer to later editions and pocket parts:

6 Daniel R. Donoghue, Maritime and Admiralty Law § 7.09 (3d ed. Supp. 1992).

5. Restatements - Rule 12.8.5 & B6.1.3: cite to title of Restatement, edition being referred to, section, and date

Restatement (Second) of Torts § 312 (1976)

Restatement (Second) of Agency § 24 cmt. a(1979)

6. Uniform Acts: Rule 12.8.4 & B6.1.3: if referring to one that's been adopted by a particular state, use standard form for that state

Cal. Com. Code § 2-216 (West 1996)

-if referring to actual uniform law adopted by
Commissioners cite as: U.C.C. § 2-216 (1977)

-if referring to the set Uniform Laws Annotated, cite as:
Uniform Commercial Code § 2-216 (amended 1988), 10 U.L.A.
109 (1992)

7. Dictionaries: Rule 15.8 & B8: cite to name of dictionary, page where definition appears and in parentheses the edition and year of publication:

Black's Law Dictionary 679 (8th ed. 2004)
Ballentine's Law Dictionary 415 (3d ed. 1969)

8. Attorney General Opinions - Rule 14.4:

-cite by title of opinion, volume, title of set, first page of opinion and year:

Treasury Regulations, 47 Op. Att'y Gen. 16 (1985).

-state attorney general opinions: 64 Op. Md. Att'y Gen. 104(1995).

9. Looseleaf Services: Rule 19: cite by volume, title of service (using appropriate abbreviation-see Table T.15), publisher, §/subdiv./¶ and date:

Ex. 1 Bus. Franchise Guide (CCH) ¶ 3202 (Aug. 8, 1988).

case in looseleaf: Anderson v. CFFC Franchise Corp., 2 Bus. Franchise Guide (CCH) ¶ 8904 (S.D.N.Y. Jan. 10, 1992).

**ALWD Citation Manual: skim but skip

E. Special Citation Problems

1. Introduction: citations in law reviews appear in footnotes, but citations in memoranda, briefs etc. appear in text and need to be punctuated correctly.
2. Punctuation : See Bluepages B2
 - a. Citation Sentences: when citation fully supports preceding sentence, your citation is a separate sentence which ends with a period. (see p. 333):
 - b. Citation Clauses: if citation supports only part of a sentence, set it off by commas. (see p.333 example)
 - don't put citation form in parentheses or brackets.
 - use citation clauses, occasionally, as introductory clauses to your sentences:

i.e. According to William v. Murphy, 428 P.2d 102 (Alaska 1966), landlords must...

- caution: vary this approach; all your sentences should not start this way.

3. String Citing - Rule 1.4 & B4.5:

- a. when you cite more than one authority in support of a proposition, separate each citation by a semi-colon and follow last citation with a period (see example on p. 335).
- caution: cts do not favor string cites so use sparingly, like when you want to show several jurisdictions are in agreement.
- b. order of citations in string cites - Rule 1.4 provides that if one authority is more helpful or authoritative than the others, that should go first; otherwise following order:
 - (i) constitutions: (federal first, then states alphabetically)
 - (ii) statutes: federal first in order of U.S.C. titles, then alphabetically by state
 - (iii) cases: federal first in order of U.S.S. Ct. case, U.S. Cir. Cts of Appeal and U.S. District Ct: then state cases, alphabetically by state, from highest to lowest court.
 - (iv) Secondary authorities in this order: uniform & model acts, Restatements, books (treatises), law review articles, annotations, and electronic sources.
- if you have several cases from the same state, cite from highest to lowest ct and within each group from newer to older cases. (same with federal cases - go by dates, giving newer cases first)
(See p. 335, bottom)

4. Quotations : Rules 3.2 & 5 and Bluepages, B12

- a. Introduction: use when exact language of case or statute is important and always give exact page where quote appears

** jump-cite, pinpoint cite, or spot cite.

Example- case:

Goodman v. Gray, 429 F.2d 109, 114 (7th Cir. 1979).

Example - article:

Susan L. Hoffman, The Juvenile's Right to Counsel, 47 N.C. L.Rev. 411,446 (1985).

** if using parallel citation, must pinpoint cite for each reporter:

Tapper v. Savage, 201 Wis.2d 191,196,299 N.W.2d 47,52 (1986).

** remember: 3 parallel cites for California cases

** if quote extends over more than one page, provide inclusive page numbers, separated by a hyphen and omit repetitive digits Rule 3.2(a):

Example: Patterson v. Crowley, 88 U.S. 407, 414-16 (1989).

** if citing from individual scattered pages in a source, indicate separate pages as [Rule 3.2(a)]:

Example: Bailey v. Pridewell, 412 F.2d 109,114,121 (9th Cir. 1978).

** even if paraphrasing or summarizing, rather than directly quoting, it's helpful to provide pin-point cite

** Use of "passim" - see p. 337

** if material appears on first page of source, repeat the the page number : Rule 5.1.2 & Rule 3.2(a):

Allison B. Page, Statutory Construction, 46 BYU L. Rev. 109, 109 (1998)

b. Indicating Quotations in Text

(1) Non-indented quotations - Rule 5.1(b): if quotation contains 49 or fewer words, it should appear in body of text, without indentation, and beginning and ending with quotation marks.

- if quote within a quote, use single quotation mark-
- commas and periods placed within quotation marks; other punctuation, like question marks or exclamation points, placed outside quotation marks unless part of quoted material: Rule 5.2(e)

- see example on p. 338

(2) Indented quotations (Block Quotes)-Rule 5.1(a) & B12: quotations of 50 or more words should be indented (usually 10 spaces) left and right, and single-spaced

without quotation marks. If "block quote" contains quoted material (from yet another source) indicate this by using double quotation marks inside block quote.

- use block quotes for less than 50 words sparingly

- place citation to source quoted back out to left margin on the line following the quote (See example on p. 339); if you begin a new paragraph, skip to next line (or skip 2 lines if double-spacing)

c. Alterations of Quotes - Rule 5.2

- if you alter a quote in any way, you must indicate that to reader by using brackets

(i) change letter from lower case to upper or vice versa: [B]ecause the defendant was convicted. . .

(ii) substituted words or letters or other inserted material should be bracketed

(iii) if letter has been omitted, indicate by empty brackets: see p. 339 example

(iv) if mistake in spelling, grammar etc. appears in original, indicate so by following the mistake with the word sic: see pp. 339 & 340

Example:

The defendants [sic] was convicted.

d. Adding Emphasis - Rule 5.2(d)

- if emphasis was in original quote, retain it
- if you're adding emphasis, you must indicate alteration by parenthetical explanation after citation (emphasis added). (See p. 340 for example)

e. Omitting Citations - Rule 5.2

- if quotation you're using contains numerous other quotes and citations, indicate to reader that you've omitted citations. (See p. 340 for example)

f. Use of Ellipsis (Bluebook Rule 5.3)

- if you omit a word, phrase or sentence from quoted material, indicate by using an ellipsis (three periods separated from each other by spaces); use when you omit

words in middle of quotation or at end.

- if you altered or omitted a word at beginning of a quotation, change first letter of word now beginning your quotation from lower-case letter to upper-case and enclose it in brackets.

Example: see p. 341

- g. Omissions from middle of quote: 3 periods separated by spaces (p. 341)
- h. Omissions from end of quote: 3 periods separated by spaces followed by final punctuation of quote (usually a period)- p.(341)
- i. When using quoted language as phrase or clause rather than as a full sentence, need not use ellipsis - see p. 341 bottom example
- j. Paragraph Structure: If you've used block quotation form and you are commencing paragraph with it, indent further to show your quote is the beginning of the paragraph.

- see pages 342 & 343 for information on how to skip paragraphs in quoted material

5. Citation Signals - Bluebook Rule 1.2 and B4

- signals used to show readers the manner in which an authority supports or contradicts an assertion

(a) Indicate support by:

- (1) No signal: the legal authority cited clearly states the assertion or proposition
- (2) E.g.: cited authority states the proposition; other authorities also state proposition but citation to them is not necessary
- (3) Accord: use after one citation has been given and you introduce a second citation agreeing with the first. See example p. 343
- (4) See: used when citation given supports the proposition rather than directly states it
- (5) See also: to show additional legal authority supports the proposition (with parenthetical explanation)

(b) Indicate useful comparison by:

(6) Cf. : parenthetical explanations strongly recommended

(c) Indicate contradiction by:

(7) Contra: cited authority directly states the contrary of proposition you've made

(8) But see: used when legal authority you cite supports a proposition contrary to main proposition

(9) But cf: used when legal authority you cite supports a proposition analogous to the contrary of the main proposition (use parenthetical explanation)

(d) Indicate background material by:

(10) See generally: use when legal authority you cite provides helpful background material (use parenthetical explanation)

* Signals are given before your citation; capitalize a signal beginning a sentence but not one that is part of a sentence. Underline or italicize your signal words.

* Signals most often used in academic legal writing, such as law review articles and not much in court documents or legal memoranda

**Parenthetical Explanations: Bluebook requires they begin with a present participle (verb plus "ing" ending) i.e arguing/holding/stating

6. Short Form Citations - once you have cited an authority in full, you may use a short form of the citation for subsequent references.

a. Cases - Bluebook Rule 10.9 and B5.2(pp. 11-13-Bluebook) :

Full Citation:

Singer v. Byrant, 219 N.E.2d 409, 411 (Ind. 1987).

** approved short forms:

Singer, 219 N.E.2d at 411.

219 N.E.2d at 411.

Id. at 411. (use only if full citation immediately precedes short form)

** if your fully cited case has parallel citations, use following citation method:

Full Citation:

Lowell v. Allen, 204 Ga. 102, 104, 68 S.E.2d 19, 21 (1976).

Short form:

Lowell, 204 Ga. at 104, 68 S.E.2d at 21.

204 Ga. at 104, 68 S.E.2d at 21.

Id. at 104, 68 S.E.2d at 21. (again, use only if full citation immediately precedes short form)

** once you've presented full citation, may, thereafter refer to the case by one of the parties' names. (see p. 346 example) Rule 10.9(a)(i)

- b. Statutes - Bluebook Rule 12.9 and B6.2(b): once you've given full citation to a statute, may later use any short form that clearly identifies statute

i.e.

First reference: Ohio Rev. Code Ann. § 1761.01 (West 1988).

Later reference: Ohio Rev. Code Ann. § 1761.01

Also OK : § 1761.01

- c. Constitutions : B7 on p. 17 of Bluebook and Rule 11

- do not use any short form other than id. for Constitutions

- d. Books, Periodical Materials : See B8.2 and B9.2 for books and periodicals

- use id. or supra to refer to these materials after you've given full citation.

7. Use of id., supra, infra, and hereinafter:

- a. Id. - Bluebook Rule 4.1

1. Introduction: Id. is abbreviation for Latin word *ibidem* meaning "in the same place"; it signals reader that your material originated from the same source indicated immediately before

Id. - refers the reader to the immediately preceding citation; can use for cases, statutes, treatises, periodicals etc.

- Capitalize if it stands alone or begins a sentence but don't if your id. is part of a sentence or clause.
- underscore the word, including the period in the abbreviation
- see example on p. 347

2. Id. Plus - use id. alone if you want to direct your reader to the exact source and page/section/paragraph as preceding citation. However, if you want to direct the reader to the same source but to a different page/section/paragraph within the source use id. plus the change.

Example:

"A landlord is required to provide written notice to a tenant before instituting an action to evict the tenant." Jasper v. Schich, 92 P.2d 106, 109 (Wash. 1984). "This notice must be hand-delivered to a tenant at least three days before the action is commenced." Id. at 114.

(Same source, different page) See also B 5.2(ii)-p.12 in Bluepages

- See other examples on p. 348

Note: When you're directing reader to a different page, use "id. at ___"; when directing reader to different section or paragraph, use "id. § ___ or id. ¶ ___

3. Parallel Citations - for cases decided in your state and cited in court documents submitted to court in your state, you must include parallel citations if they exist.

Example:

First cite: Garde v. Whetsell, 209 Ariz. 106, 108, 309 P.2d 309, 311 (1986).

Id. reference: Id. at 110, 309 P.2d at 313.

4. Use of id. in footnotes-see p. 349

- b. Supra - Bluebook Rule 4.2, B8.2, B9.2

1. Introduction: supra means "above" and informs reader to look at preceding pages or sections (usually an Index entry)

i.e. Tenant, see Landlord, supra

- you can't use supra when referring to primary authorities (cases, constitutions, statutes)

- supra doesn't stand alone like id. - it must appear with other identification (usually last name of author, or if no author, use title of work)

Example - p. 350

First cite:
Carolyn L. Gray, Tariff Restrictions, 40 Mo. L. Rev. 161,
164 (1982).

Intervening cite:
Powell v. Silvers, 661 F.2d 918 (10th Cir. 1986).

Supra cite: Gray, supra.

To indicate variation: Gray, supra, at 166.
(Rule 4.2 & B8.2)

**see comprehensive example on p. 350

2. Internal Cross-References - Bluebook Rule 3.5: may use if you cited a work early in paper and then cite it much later

Example: Gray, supra p. 3, at 168. (Shows reader that your materials first cited Gray at p. 3 but also refers reader to p. 168 of Gray's work)

- c. Infra : means "below" or "beneath" - used to direct a reader to material that will appear later in your project; therefore, not used much in legal writing because legal writing requires writer to give the full Bluebook citation to a source the first time it's mentioned in a project

- typically, you'd use infra to direct the reader to a later section in your document
i.e. See Section XI, infra.

- d. Use of "Hereinafter" - Bluebook Rule 4.2(b)

- if source has extremely long name or title, you may identify in full the first time you cite it and tell reader that thereafter you'll be using shorter name or form.
 - See example pp. 351-352
 - most often used for government sources

8. Capitalization in Court Documents and Other Legal Memoranda

Bluebook Rule 8 & B 10.6 -require that in headings and titles of documents submitted to courts, you should capitalize the initial word, the word following a colon, if any, and all other words except articles (a, an, the), conjunctions (or, but, and) and prepositions of four or fewer letters (up, or, to)

* Also, capitalize the following:

- * Act-when you're referring to a specific act of a legislature
- * Circuit-when you use the word with a circuit number, as in "the Eighth Circuit"
- * Court-when you name any court in full, as in "the California Supreme Court"
 - whenever you refer to the United States Supreme Court
 - in a court document when referring to the court that is receiving the document, as in "this Court is respectfully urged to grant Plaintiff's motion"
- * Party designations-when referring to the parties in a matter that is the subject of the Court document, as in "Defendant's argument to this Court misstates the law"
- * Judge, Justice-when referring to a specific judges or justice, as in "Justice Smith" or any references to any of the justices of the U.S. Supreme Court, as in, "the Justices were unanimous in their decision"
- * State-when it is part of the full title of the state, such as "State of Florida"; when the wording it modifies is capitalized, as in "the State Attorney General"; or when referring to a state as a litigant, such as "the State argues for conviction"

9. Electronic Sources, Databases, or the Internet

Rule 18-info on citing to electronic sources and databases; however, Bluebook discourages citing to such a source unless materials aren't available in other form

Rule 18.1.1: Cases on electronic database:

Ex: Int'l Snowmobile Mfrs. Ass'n v. Norton, No. 00-CV-229-B, 2004 WL 2337372, at *3 (D. Wyo. Oct. 14, 2004)

Short Form of Cases-See Rule 18.7, pp. 160 & 161 in Bluebook:

Ex: Int'l Snowmobile, 2004 WL 2337372, at *4.

Rule 18.1.2: Statutes on electronic databases:

Ex: 42 U.S.C.A. § 3604 (West, Westlaw current through P.L. 110-96 approved 10-16-07).

Ex: Minn. Stat. Ann. § 524.04, subdiv. 5 (West, Westlaw current through 2006 Reg. Sess.)

EX: N.D. Cent. Code § 14-09-07 (Westlaw current through 2007 Reg. Sess.)

** Books, Journals, Magazines: Rule 18.1.4 & 18.2.3

--see example p. 354

Rule 18.7: short form for various resources

**Remember, local rules may trump Bluebook-see federal web-sites and state judicial web-sites in Table T.1

** Table BT.2 identifies court rules relating to citation form

** See p. 358 for information on citing to court documents: B10

--abbreviate titles of court documents unless it would be confusing to reader; use BT.1 for acceptable abbreviations

--Bluebook requires citations to court documents to be in parentheses

--give dates and use pinpoint citation when citing court documents

--see deposition example on p. 358

** Rather than simply cite-checking, your supervisor may ask that you confirm the author's conclusions, which will require you to read and analyze the authorities used in the project. Make sure you ask the supervisor which type of review he or she wants you to do.

--See Tips for Effective Cite-Checking on pp. 359-361

Review and keep as a handy reference pp. 361-364 which outlines basic citation information. This should also be contained in your Citations-at-a-Glance.

** Writing Strategies - p. 367

1. avoid "string citing" - too many citations disrupt the flow of your narrative
2. avoid footnotes in writing projects
3. overuse of quotations is disruptive; use only when you cannot state or summarize the legal principle as well as the court.