

PART



INTRODUCTORY MATERIAL

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A

PURPOSE AND USE OF CITATIONS

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

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

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

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

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

B

HOW TO USE THIS BOOK

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

This book focuses primarily on sources of United States law and provides limited guidance regarding international and foreign sources, except for treaties binding on the United States. If you need to cite a legal source from a foreign country, consult the *Guide to Foreign and International Legal Citations* (2d ed., Aspen Publishers 2009), prepared by New York University School of Law's *Journal of International Law and Politics*.

The citation system in this *Manual* is for legal documents. Citations in nonlegal documents—and in documents prepared for courses outside law schools, pre-law programs, and paralegal programs—typically are controlled by other citation systems.

Overall Organization

This book is organized into seven parts:

Part 1 contains introductory material, including information on local citation formats and on how your word processor may affect citations you write.

Part 2, “Citation Basics,” addresses key concepts you will use when citing most types of legal sources. You should read Part 2 before attempting to cite any particular source.

Part 3 provides citation formats for print (as opposed to electronic) versions of various primary and secondary sources. Use these rules to determine how to cite a specific source, such as a case or legal periodical.

Part 4 addresses electronic materials, including sources available on LexisNexis, Westlaw, and the Internet.

Part 5, “Incorporating Citations into Documents,” explains how to insert citations into various documents, such as memoranda or law review articles. It also addresses other important concepts you need to know when writing documents that contain legal citations, such as when and how to use introductory signals and how to use explanatory parentheticals.

Part 6 discusses how to quote material and how to properly reflect alterations to and omissions from quoted material.

Part 7 consists of various appendices, including one on court-specific formats and another that lists commonly used abbreviations. In addition, a full-text

sample of a legal memorandum demonstrates how to insert citations into that type of document.

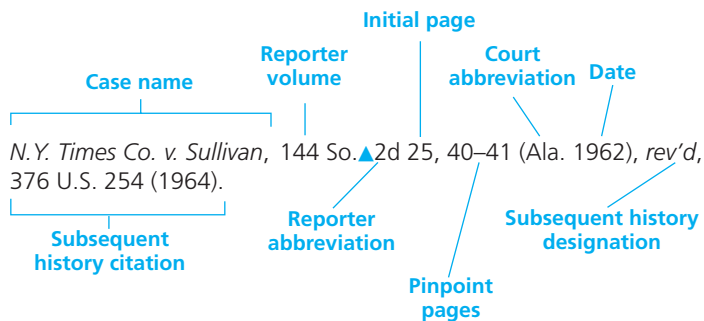
Organization within Each Part of This Book

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

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

N.Y. Times Co. v. Sullivan, ●Reporter volume●Reporter abbreviation●Initial page●, Pinpoint page●(Court abbreviation●Date),●Subsequent history designation,●Subsequent history citation.

Example



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

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

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

In addition, as a new feature in this edition, photographs have been added at the beginning of some rules to assist users in crafting citations. The photographs reflect portions of the source from which elements of the citation are drawn, with notations tied to elements of the citation format.

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

Finding Tools

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

Caveats

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

Footnotes versus Endnotes

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

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

Citing Sources Not Covered in This Book

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

Sources for Additional Information

For additional guidance on matters of style, punctuation, capitalization, and special citation formats, consult the most recent editions of the *United States Government Printing Office Style Manual*, *The Chicago Manual of Style*, N.Y.U. School of Law, Journal of International Law & Politics, *Guide to Foreign and International Legal Citations* (2d ed., Aspen Publishers 2009), or the most recent edition of Bryan A. Garner, *The Redbook: A Manual on Legal Style* (Thomson/West).

Citing This Book

Cite this book as ALWD & Darby Dickerson, *ALWD Citation Manual* (4th ed., Aspen Publishers 2010).

Web Site for *Manual*

Popular materials from the *Manual*, such as the appendices, and other related materials are posted at <http://www.alwdmanual.com>. Changes and updates to the *Manual* also will be posted on this site. In addition, this site includes a special section called “Essentials for Law Reviews” that students on, or trying out for, law review are welcome to use. Materials on the Web site are available for browsing and downloading at no charge.

C

LOCAL CITATION RULES

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

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

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

D

HOW YOUR WORD PROCESSOR MAY AFFECT CITATIONS

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

Margin Justification

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

Examples

Full justification

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

Left-only justification

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

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

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

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

Default Settings and Quick Correct Features

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

Periods and automatic spacing

The default settings in some word-processing programs automatically place one or two spaces after each period, regardless of whether the period ends the sentence. Such formatting does not conform to the citation rules in this book. Accordingly, reformat your word processor so that it does not automatically insert spaces after each period.

In Microsoft Word 2007 for PCs and Microsoft Word 2008 for Macs, you can check this setting by clicking the “Office Button,” which is the circle with multiple colors in the top left-hand corner of the screen. Next, select “Word Options,” which appears in the lower right-hand corner of the pop-up box. When the “Word Options” box appears, select “Proofing” from the left-hand menu. Next, click the “Settings” button, which appears under the section called “When correcting spelling and grammar in Word.” Once there, you can opt to change “Spaces required between sentences” to “don’t check.” If you set the count at 1 or 2, you will see correction flags when you type, but the program will not alter the spacing automatically. In addition, you might turn off “Punctuation - stylistic suggestions” and any other features that draw consistent “errors” when you type legal citations.

To disable this function in WordPerfect, select “Tools” from the menu bar; then select “Quick Correct,” followed by “Format-As-You-Go.” Next, select “None” in the “End of sentence correction” section.

Example of problem: N. E. 2d

Corrected citation: N.E.2d

Automatic ordinal superscript

As explained in **Rule 4.3**, ordinals are numbers that denote a series. “First,” “second,” and “third” are ordinals. In legal citation, ordinal contractions, such as 1st, 4th, and 5th, are used quite frequently. Some word-processing programs automatically place the letter portion of the ordinal contraction in superscript, above other text. While this is not a serious problem and superscripted ordinals are not prohibited by this citation manual, superscripted ordinals will look incorrect to many readers. Word-processing programs do not recognize “legal ordinals” such as 2d and 3d, and thus do not superscript the letter portion. Therefore, if you do not disable the automatic superscript function, ordinal contractions will appear inconsistently—for example, 2d and 6th—and may distract some readers.

To disable this function in Microsoft Word 2007 for PCs and Microsoft Word 2008 for Macs, select the Home tab and then turn off the function for an individual citation by clicking the “x²” button. Alternatively, select the “Office Button,” which is the circle with multiple colors in the top left-hand corner of the screen. Next, select “Word Options,” which appears in the lower right-

hand corner of the pop-up box. When the “Word Options” box appears, select “Proofing” from the left-hand menu. Next, click the “AutoCorrect Options” button, which appears near the top of the screen. Then select the “AutoFormat” tab. Finally, under the heading titled “Replace,” uncheck the function called “Ordinals (1st) with superscript.”

In WordPerfect, select “Tools” from the menu bar; then select “Quick Correct,” followed by “Format-As-You-Go.” Then, turn off “Quick Ordinals.”

Example of problem: (5th Cir. 2003)

Preferred citation: (5th Cir. 2003)

Automatic replacement of words and symbols

Some word-processing programs will automatically change one word, term, or symbol into another. In legal citation, the most problematic changes are those converting (c) to © and (r) to ®. Again, you can avoid this problem by disabling specific default settings.

To disable specific default settings in Microsoft Word 2007 for PCs and Microsoft Word 2008 for Macs, select the “Office Button,” which is the circle with multiple colors in the top left-hand corner of the screen. Next, select “Word Options,” which appears in the lower right-hand corner of the pop-up box. When the “Word Options” box appears, select “Proofing” from the left-hand menu. Next, click the “AutoCorrect Options” button, which appears near the top of the screen. Then select the “AutoCorrect” tab.

In WordPerfect, select “Tools” from the menu bar; then select “Quick Correct.”

Example of problem: Rule 26©

Correct citation: Rule 26(c)

Automatic hyperlinks

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

To disable the automatic hyperlink function in Microsoft Word 2007 for PCs and Microsoft Word 2008 for Macs, select the “Office Button,” which is the circle with multiple colors in the top left-hand corner of the screen. Next,

select “Word Options,” which appears in the lower right-hand corner of the pop-up box. When the “Word Options” box appears, select “Proofing” from the left-hand menu. Next, click the “AutoCorrect Options” button, which appears near the top of the screen. Then select the “AutoFormat” tab. Finally, under the heading titled “Replace,” uncheck the function called “Internet and network paths with hyperlink.”

In WordPerfect, select “Tools” from the menu bar; then select “Settings.” Next, select “Environment.” Under the “General” tab, turn off “Activate Hyperlink.”

Example of issue:

<http://www.whitehouse.gov>

Preferred citation when reader cannot access URL directly from document:

<http://www.whitehouse.gov>