THE
SUPREME COURT’S
STYLE GUIDE
It is his own character for accuracy and integrity as the Reporter of the decisions of this Court which the Editor feels to be assailed, and, therefore, seeks to vindicate. It is a duty which he owes to the Court, to the profession, and to his own reputation, to maintain the fidelity of the Reports, which are received as authentic evidence of the proceedings and adjudications of this high tribunal. If they are not to be relied on in this respect, they are worthless.

_Ramsay v. Allegre_, 12 Wheat. 611, 640 n. 7 (1827) (note of Wheaton, Reporter).

It may be proper to remark that the court are unanimously of opinion, that no reporter has or can have any copyright in the written opinions delivered by this court; and that the judges thereof cannot confer on any reporter any such right.

THE
SUPREME COURT’S
STYLE GUIDE

Supreme Court of the United States
Office of the Reporter of Decisions

Edited and Introduction by Jack Metzler

INTERALIAS
Washington, D.C.
The Supreme Court of the United States is among the few public institutions that can still inspire some sense of mystery. It is unlike executive and legislative branches, which need popular support to stay in office, and which must therefore engage the public and its insatiable appetite for information. Within the last century, the “political branches” have made themselves more and more available with every advance in technology. Not the Court.

President Franklin Roosevelt introduced himself to Americans over the radio in his first “Fireside Chat” in 1933. Less than 15 years later, President Truman delivered the first televised presidential speech, with the first televised debate between presidential candidates (Kennedy and Nixon) broadcast in 1960. Congress too embraced mass media, beginning in earnest with televised hearings on organized crime in the 1950’s, followed soon thereafter by Senator Joseph McCarthy’s infamous hearings on the purported communist infiltration of the military. In the 1970’s, the Watergate hearings unfolded on television and the country watched as Congress grappled with articles of impeachment against President Nixon. In 1979, C-SPAN began airing live telecasts of the House of Representatives’ floor debates; C-SPAN2 followed for the Senate in 1986—just in time, it turned out, for the Iran-Contra scandal a year later. As the millennium and the impeachment trial of President Bill Clinton came to a close, you would have been excused for thinking that there was no more to be seen, no more that could be revealed about our elected representatives’ public and private lives. Then the Internet happened. Now it seems there truly is no detail about the President or the Congress that is too private to share, capture, tweet, retweet, and “like.”

The Court does not have that problem. Though it is vested with the awesome power to void laws passed by the elected branches of the government, it conducts most of its business outside of the public eye. It can invalidate state laws in one fell swoop, be they passed by the legislature, adopted by popular vote, approved by the state’s highest court, or all three. In the words of the Great Chief Justice John Marshall, “It is emphatically the province and duty of the Judicial Department to say what the law is.” *Marbury v. Madison*, 1 Cranch 137, 177 (1803). Yet the Court chooses the cases it will hear and votes on their outcomes in private conferences atten-
ded only by the Justices. The Court’s formal interactions with the public—which consist mostly of oral arguments, attorney admissions, and decision announcements—take place without television cameras or even radio, in a courtroom that seats just a few hundred, deep within the Court’s marble palace.

The Court’s public works—its opinions—are likewise prepared in secret. Drafts circulate among the Justices’ chambers, but the public almost never sees them until everyone involved has passed beyond the mortal threshold of accountability. Decisions thus come to the public as faits accomplis. They are announced ceremoniously in open court, with portions read aloud by the author of the Court’s opinion, sometimes followed by a reading from a dissenting Justice, but never with any debate or even interaction among the Justices. At the same time, the Court’s written opinions are made available in the Court’s press office. With few exceptions, the written opinions also arrive as final products, to which no further revision is anticipated or ever eventuates.

This book is concerned only with the final step of the Court’s decisionmaking—what happens after the decisions are written but before they are released—and it peels the shroud of secrecy back only slightly. But do not be mistaken: What you’re holding is special. And until now, it has been secret.

The Supreme Court Style Guide contains the manual used by the Reporter of Decisions to prepare the Court’s opinions for release to the public and for publication in the United States Reports. While it specifies in exhaustive detail how citations are to appear in Supreme Court opinions (see Chapters I–III) it is more than the Supreme Court’s Bluebook. It also sets the Court’s style in matters like spelling, compound words, capitalization, italics, and the use of quotations (Chapters IV–VII). And it takes the reader a few steps beyond the Court’s velvet curtains, describing the process for preparing the Court opinions for public release and explaining numerous “recurring problems” and how they are to be resolved (Chapters X and XII). Along the way, the manual includes a wealth of notes and explanations documenting the progression of our court system or explaining historical matters related to a legal sources. For example, in §1.2.2.5, we learn that in 1889, the Court’s Reporter commemorated its 100th anniversary by publishing previously unreported Supreme Court cases as an appendix to volume 131 of the U. S. Reports. Another section (1.3.3) details the
various name changes and reorganizations that led to the court now known as the United States Court of Appeals for the Federal Circuit. Similar notes appear throughout the manual.

But despite the valuable information it contains, the manual has been secret until now. The Court’s website suggests that it is “frequently asked” whether it has “a style manual for writing briefs,” and for advice “as to how the Supreme Court would cite to a particular document.” The answer is coy: “The Supreme Court does not have a style manual for advocates before the Court.” http://1.usa.gov/1UDsLiZ (emphasis added). Readers are then referred to E. Gressman, K. Geller, S. Shapiro, T. Bishop, & E. Hartnett, Supreme Court Practice (9th ed. 2007) for “detailed information for those practicing before the Supreme Court,” and advised “to search Supreme Court materials for citation to a similar document.” Ibid. While this is good advice, it avoids the question. The Court does have a style manual, and it tells precisely how the Court would cite almost any document one might wish to cite. It has simply chosen not to share it with the public.

The manual itself is unapologetically direct about this. It states up front that it is “not for publication.” It declares itself “intended solely for the use of the staff of the Court,” and it instructs that “copies should not be distributed except to members of that staff.” It even goes so far as to warn that copies “will be numbered” and “charged to those staff members to whom they are issued.”

But the Court and its decisions belong to the public. Its style manual not only provides invaluable information about how those decisions are prepared, it is a treasure trove for those who prepare any kind of legal document. The Supreme Court’s opinions are at the pinnacle of legal writing. They are natural exemplars for judges of other courts and for lawyers who seek to improve by emulating the very best the legal profession has to offer. No less is true of the Court’s style. With this volume, it is now possible to lift a small corner of the curtain, so those on the outside can better emulate those within.

Jack Metzler
Washington, D. C.
March 2016
Our duty is to get at the intent of the law: we are not responsible for its style.

Justice Joseph P. Bradley

*Pott v. Arthur*,

114 U. S. 735, 736 (1882).
Notes on the First Edition

1. **Size and binding:** As used by the staff of the Supreme Court, the manual is printed on letter-sized paper and collected in a three-ring binder with printed tabs for each chapter. This version differs markedly. Its size is meant to approximate volumes of the United States Reports. It is bound as a trade paperback for ease of reproduction and usability and typeset with Century Expanded BT. I have otherwise attempted to replicate the look and feel of the manual as closely as possible with regard to typography and formatting. For example, as in the original, the Roman numeral headings in the table of contents are set in all caps, bold Helvetica, followed by centered subheads in small caps in a serif font. However, the difference in the page size required some sacrifices, particularly in the reproduction of tables.

2. **Spacing:** As with the U.S. Reports, this manual contains some peculiar spacing conventions, which generally are not mentioned in the manual itself: First, the manual uses an em space between sentences; that is, a space that is the width of a capital M.\(^1\) Second, there are “thin spaces” in many places where readers may not be accustomed to seeing spaces; for example, in the middle of the abbreviations U. S., *e. g.*, *i. e.*, F. 2d, and the like. As the manual explains in §2.1.2, *infra*, Court employees need not manually insert thin spaces; the Court has a macro that helpfully does that automatically.\(^2\)

   **NOTE:** Although one might think that the word limits for briefs filed in the Supreme Court (see the Court’s Rule 33.1(g)) would counsel against practitioners adopting this particular stylistic quirk, the insertion of a thin space in the abbreviations above does not appear to increase the word count (at least in Microsoft Word).

3. **Dashes.** Section 1.1.1 explains that an “en dash” (–) (not a hyphen (−)) is generally used to indicate a page range. See also

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\(^1\) Through painstaking research, the editor has concluded that this is how the Court has done it for a very long time.

\(^2\) The editor was not so fortunate when preparing this manual for publication. To insert such a space in Microsoft Word, either type 2009 and then press Alt-X, or hold down the Alt key and type 8201 on the numeric keypad.
§ 3.5. It does not explain, however, what sort of dash to use when one wishes to cite a source that has not yet been assigned a page number in the reporter where it is to be published. Many practitioners use two underscores (__) to indicate such a blank, but the manual (and the Court) uses dashes. Through careful measurement, the editor estimates that the manual employs a dash that is the length of one “em” dash plus one “en” dash (—).

4. *Supra*: Section 1.41 explains the use of “*supra,*” one of the least user-friendly features of Supreme Court opinions for practitioners. “*Supra*” permits the author to omit any reference to the volume in which a case cited appears, so long as a full reference has appeared on the same page or the two preceding, *e.g.*: *Marbury, supra,* or *Marbury, supra,* at 177. Since one needs both the volume number and a page number to look a case up, in practice this means that the reader must scan back through the text to find the earlier reference, which often is not even the next-most-recent.

According to Judge Richard Posner of the U.S. Court of Appeals for the Seventh Circuit (writing on the Bluebook): “A system of citation form has two valid functions: to provide enough information about a reference to give the reader a general idea of its significance and whether it’s worth looking up, and to enable the reader to find the reference if he wants to look it up.” R. Posner, Reflections on Judging, at 97. The manual’s rule on *supra* fails the second of these, or at least makes it much more difficult.

5. A few interesting preferences and differences from the Bluebook. The manual is not shy about its preferences, and it clearly states that “that this Style Manual frequently deviates from Bluebook style.” The following are a few notable (at least to the editor’s eye) preferences and differences from the Bluebook:

   a. Section 0.2 states the Reporter of Decisions “strongly discourages” citing “otherwise-unpublished online materials—whether designated ‘official’ or not.” The Reporter explains that this is based on the tendency of online sites to come and go “with alarming frequency.” Should a Justice decide to override the Reporter’s preference, the manual advises to include the parenthetical “(available in the Clerk of Court’s case file),” to indicate that the source should be downloaded, printed, and placed in that file. The Reporter also describes a project to capture the Internet materials cited in the Court’s opinions from October Term 2005 to present. That project appears to be complete; ironically enough, one can

b. In § 1.1.1, Reporter takes a strong position against confining all citations to footnotes, a position surely destined to become a major source in the ongoing debate on this subject.

c. The first ninety volumes of the U.S. Reports are also known by the name of the relevant Reporter of Decisions. The Bluebook (Rule 10.3.2) requires a citation to the relevant volume of the U.S. Reports, with the named reporter citation in parentheses. E.g., Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803). The Court, however, uses only the named reporter reference: Marbury v. Madison, 1 Cranch 137 (1803).

d. In § 1.40, the manual states that “the first citation to a case generally should not be split within text or between text and a footnote.” Accordingly, the manual “strongly” discourages the following: “In State Oil Co. v. Khan, the Court overruled Albrecht. See 522 U.S. 3, 10–22 (1997).” The manual suggests that putting the reference in a footnote is equally bad.

The prohibition of “splitting” a citation between text and a footnote is understandable as an application of the § 1.1 preference against placing all citations in footnotes. But why avoid the convenience of introducing a case by name in a sentence with the citation immediately following the sentence? Under § 1.40, every such sentence must either be interrupted by a legal citation or reworded. Presumably, to make the point above, one would say, “In State Oil Co. v. Khan, 522 U.S. 3, 10–22 (1997), the Court overruled Albrecht.” This editor simply does not see how stuffing the citation in the middle of a sentence helps readability.

e. Short citation forms have one comma more than Bluebook users might expect, appearing before the “at”: Terry v. Ohio, 392 U.S., at 29. The same goes for “id., at.” Compare § 1.42, infra, with Bluebook Rule 10.9(a).

f. Section 1.53 mandates that the final punctuation in “informational” parentheticals be omitted, even if the parenthetical would otherwise be a complete sentence, whereas Bluebook Rule 1.5 states that parenthetical material that “reads as a full sentence . . . should
begin with a capital letter and include appropriate closing punctuation.³

g. The manual shows some humanity in § 7.3.5, advising that one may use brackets instead of [sic], “where it is desired to place less emphasis on the error,” and may even correct obvious typos that have no relation to the quote without using brackets.

h. Although § 4.3 contains a list of the Court’s preferred spellings, it does not take a position on whether the adverb that describes using a word as an adjective is “adjectively” or “adjectivally.” The manual uses the former in § 10.3 and the latter in § 10.9.

6. A few edits: As one might expect, the manual had few errors that needed correction. Nevertheless, for the reader’s information, the differences between this Guide and the original are:

   a. In the table of contents, the entries for §§ 1.50.5, 2.11.5, 2.22.5, 3.7.5, 3.8.5, 5.13.5, 6.4.5, 6.5.5, 6.5.6, 7.1.5, and 7.3.5 are indented to be consistent with other third-level sections in the table of contents.

   b. In § 6.5.6, the manual crisply decrees, “No italic punctuation marks, including brackets and parentheses, are used in the U.S. Reports, except for punctuation appearing within an italicized word or phrase.” I have therefore changed italic parentheses and brackets to Roman to conform to this rule. Many of these changes were to an italicized phrase like per curiam that appeared in italic parentheses. I struggled with the whether the colon in “NOTE” is “within an italicized word or phrase,” and had resolved to leave those particular italicized colons alone until I noticed that the “NOTE” in § 6.5.6 itself was followed by a non-italicized colon. To me, this seemed a deliberate signal that all the other such notes (58 of them) were meant be followed by Roman colons, though none of them were. Also in § 6.5.6, capitalization of “Italic” in “No Italic punctuation marks” is corrected.

³ This discrepancy may explain why the Office of the Solicitor General (which regularly hires former Supreme Court clerks) highlights Bluebook Rule 1.5 in its citation manual “to emphasize rules which often are not followed.” See S.G. Style Guide R. 1.5 (2d ed. 2015).
c. In § 1.40: “Example 1” (through 4) are changed to sans-serif font to be consistent with § 3.1.

d. In § 2.1.3, an example (beginning with “Initial citation;”) is modified to be consistent with how other such examples appear in the manual. Also, capitalization of “Initial Citation,” is removed to be consistent with other uses of the same form.

e. In §§ 2.7.1 and 2.11.2, proper thin spaces are added to “§ 2255” and “e. g.,” respectively.

f. In § 2.22.5, “E. g.” is added before the examples.

g. In § 7.5.7.1, the colon after “E. g.” is changed to a comma.

h. In § 8.3, the manual states that “GAO was nee General Accounting Office.” The spelling of the pretentious née is corrected; the pretentiousness remains.

i. In § 12.6.5, blanks in the citation of Melendez-Diaz v. Massachusetts, 557 U. S. 305, 357 (2009), are filled in.

7. **Additions.** Where a chapter ends on an odd-numbered page or space otherwise allowed it, I have added quotations on “style” from the Court’s opinions and photographs demonstrating the Justices’ “style” from the collection of the Library of Congress. These materials do not appear in the original version of the manual.

8. **One non-error.** Section 1.4.3 uses the abbreviation “App” without a period for citations to certain intermediate appellate decisions of Illinois, North Dakota, Oklahoma, Utah, and Wisconsin state courts. Each instance is so in the original.

Though the manual generally uses the abbreviation “App.” with a period for appellate courts, the five instances of “App” without share other features that indicate the abbreviation is intentional. **First,** the manual lists several citation forms for each of the courts in question; “App” appears only in the most-recent citation form. **Second,** each instance is preceded by the relevant state’s postal abbreviation (two letters, all caps, no periods); e.g., IL App, ND App, OK CIV APP. **Third,** and finally, there are no contrary examples; although citation forms for the courts of some other
states use postal abbreviations (Maine, Montana, and Vermont) none of those states has an intermediate appellate court.

9. Acknowledgements. For the photographs reproduced in the guide I am indebted to the Library of Congress and Harris & Ewing, Inc., which donated an extensive collection of news photographs and portraits of notable people to the Library in 1955. Thank you to the dedicated public servants in the Office of the Reporter of Decisions of the Supreme Court of the United States, who wrote this book. Thanks also to Tony Mauro for his advice and encouragement, and to my wife Shelley Finlayson for her unending support for all I do.

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It belongs to the judicial office to exercise discretion as to the style and form in which to expound the law and comment upon the facts.

Justice Joseph P. Bradley

Continental Improvement Co. v. Stead,
95 U. S. 161 (1877).
SUPREME COURT OF THE UNITED STATES

STYLE MANUAL
(with changes as of September 2013)

Prepared by the Office of the Reporter of Decisions
NOTE: This manual is the property of the Supreme Court of the United States and is not for publication. It is intended solely for the use of the staff of the Court, and copies should not be distributed except to members of that staff. Copies will be numbered and charged to those staff members to whom they are issued. A copy may be transferred to a staff member’s successor, or it may be returned to the Office of the Reporter of Decisions.
PREFACE

This edition of the Style Manual of the Supreme Court of the United States was prepared by the Office of the Reporter of Decisions for use in the preparation of opinions of the Court. Additions and corrections are issued annually in September. By setting forth in ready-reference form the multitude of style matters involved in opinion preparation, it is hoped that a high degree of uniformity or consistency in the treatment of such matters will be achieved, thus greatly facilitating the writing, editing, and publishing of the opinions.

A PDF, bookmarked version of this manual is available in “read-only” format via the “Style Manual” link line on the Reporter’s Intranet Home Page. Just click on the blue “e” Internet Explorer icon on your desktop and then on the “Reporter of Decisions” box. This electronic manual is identical to the print version in all relevant respects. The Office of the Reporter has found that having the Style Manual available electronically makes it much easier to use.

As with any manual of this kind, it is not possible to cover or anticipate every conceivable problem of style or to have complete assurance that all material in the manual has been presented as effectively and clearly as possible. Thus, suggestions for improvement, clarification, and treatment of additional matters are most welcome. Users are also requested to notify the Office of the Reporter of Decisions of any errors.
Useful references on usage are:


The U.S. Government Printing Office Style Manual (2008) is generally useful for points of style not covered in this Style Manual. As to materials that are covered herein, the user is cautioned that this Style Manual frequently deviates from GPO style. The GPO Style Manual is available online and is searchable. Entering a search term at the main page, http://www.gpoaccess.gov/stylemanual/index.html, will yield the chapters in which that term appears. Clicking on the PDF version of any chapter and entering the term in the “Find” box on the toolbar will give the location(s) of the search term in that chapter. For a copy of the GPO’s standard proofreader’s marks, see p. iv.

A Uniform System of Citation (19th ed. 2010) (hereinafter Bluebook) provides a useful reference for rules governing citations of types of materials not covered in this Style Manual. As to materials that are covered herein, the user is cautioned that this Style Manual frequently deviates from Bluebook style.
**Proofreader’s marks**

The proofreader’s marks shown below are used by Reporter’s Office staff to indicate our editorial and stylistic suggestions.

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We cannot accept the view that the substantial changes in language were only matters of style.

Justice Frank Murphy

*Board of County Comm’rs v. Seber*,

318 U. S. 705, 714 (1943).
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The phrase "continue in office," applying as it does only to the original appointees, is obviously an expression of style without legal significance.

Stanley Reed (arguing as Solicitor General)

*Humphrey’s Executor* v. *United States*,
I. CITATION RULES GENERALLY; CITATION OF CASES

A. IN GENERAL

§ 0.1. Consult and cite the “official” source.

In preparing opinions, this Court has always used and cited the “official” version of a document where one existed. Thus, when a particular version of a source has been designated “official” by its author or issuing body or by law, that version should be used in writing opinions and cited in preference to other versions, whether print or online. If the issuing body has designated both print and online versions as “official,” the print version should be preferred, unless the issuer has ensured the online version’s reliability by “authenticating” it with encryption, digital signature, or other computerized process and has expressly assigned it precedence in cases of discrepancies between it and the print version. See Assn. of Reporters of Judicial Decisions, Statement of Principles: “Official On-line Documents (May 2008), http://arjd.washlaw.edu/ARJD_Statement%20of%20Principles_May2008.pdf. If an “official” document exists only in an online version, follow the citation rules set forth in § 0.2, infra.

Parallel citations to unofficial versions of a document may be added to the official citation when authorized or required by the rules set forth in this manual.

If there is no “official” version of a document available in multiple forms, cite the version that seems to be most widely available. The version supplied by the Supreme Court Library may be presumed to satisfy the latter requirement.

§ 0.2. Citing online sources.

The Reporter of Decisions strongly discourages citation of otherwise-unpublished online materials—whether designated “official” or not—because of their corruptibility by hackers, natural disaster, technological obsolescence, and similar factors and because of their transient nature. While the Court’s opinions will be relied on as authority for decades, even centuries, many of the materials posted on Internet Web sites are deleted within days, weeks, or months after their inclusion. Entire online sites come and go with alarming frequency, and sites regularly adopt entirely new Internet addresses (URLs). See, e.g., Wilkerson, Emergence of Internet
Citations in U.S. Supreme Court Opinions, 27 J. Justice Sys. 324 (2006). Indeed, this Court has already experienced the loss of online materials cited in a bench opinion, which were deleted before the opinion was published in the U.S. Reports. See Barger, On the Internet, Nobody Knows You’re a Judge: Federal Appellate Courts’ Use of Internet Sites, 4 J. App. Prac. & Process 417, 443, and n. 79 (2002). Accordingly, if online materials have also been released in print, the print version should be used and cited instead of the Internet version. If you do not have ready access to the print version, ask the Library to obtain it for you immediately. Once the print version is in hand, check it (or ask the Reporter’s Office to pre-check it) to ensure that it accords in every respect with what the opinion says about it based on the online version.

If a document has been published in print but the print version is not yet available, is particularly obscure, or is difficult to obtain, a parallel citation to the Internet version may be included in the opinion in accordance with the rules set forth below for exclusively online documents. E.g., California Department of Corrections, Department Operations Manual § 61010.3 (2004), online at http://www.corr.ca.gov/RegulationsPolicies/PDF/DOM/00_dept_ops_manual.pdf (as visited Feb. 27, 2008, and available in Clerk of Court’s case file); Dept. of Justice, U.S. Attorney’s Manual § 6–4.210(A) (2007), online at http://www.justice.gov/usao/eousa/foia_reading_room/usam/title6/3mtax.htm (as visited Jan. 20, 2010, and available in Clerk of Court’s case file).

If chambers determines that the value or pertinence of otherwise-unpublished Internet materials outweighs the risks associated with relying on them, they should be cited using the first initial and last name of the author (if any); the title (or top-level heading) of the document; the particular publication (if any); the particular division that is of interest (i.e., page, section, or paragraph); the date on which the material was published, last revised, or visited (in parentheses); and the material’s URL—i.e., its protocol and address, access path, or directories. E.g., D. Lynch, Speedier Access: Cable and Phone Companies Compete (June 17, 1996), http://www.usatoday.com/life/cyber/bonus/cb006.htm; Gateway 2000 Launches Destination Big Screen PC Featuring 31-inch Monitor (Mar. 21, 1996), http://www.au.gw2k.com/corpinfo/press/destnew4.htm; Burk, Trademarks along the Infobahn: A First Look at the Emerging Law of Cybermarks, 1 U. Rich. J. L. & Tech. 1, ¶ 15 (Apr. 10, 1995), http://www.urich.edu/~jolt/v1i1/burk.html.
If otherwise-unpublished Internet materials are cited as authority for a statement in an opinion, care should be taken to emphasize the time at which the Web site in question was last visited. *E.g.*, R. Smith, Jones on the Internet: Confusion and Confabulation, Citation Debate Forum, http://www.citations.org (as visited Jan. 20, 2000). Such a citation should also be followed by the notation (available in Clerk of Court’s case file) in order to signal the Reporter’s Office to download and copy the online document, and to forward it to the Clerk’s Office for inclusion in the permanent case file so that it will be available officially if it has to be checked again later. In an appropriate case, these two parentheticals may be combined. *E.g.*, (all Internet materials as visited Jan. 2, 2009, and available in Clerk of Court’s case file).

**NOTE:** When an Internet parenthetical is used with sources to which other parentheticals are added, the Internet parenthetical should come last. *E.g.*, California Department of Corrections, Department Operations Manual § 61010.3 (2004) (hereinafter CDC Operations Manual) (“Female and male civil addict commitments shall be received at [California Rehabilitation Center] and processed in accordance with the Board of Parole Hearings procedures”), online at http://www.corr.ca.gov/RegulationsPolicies/PDF/DOM/00_dept_ops_manual.pdf (all Internet materials as visited Feb. 27, 2008, and available in Clerk of Court’s case file).

If cited Internet materials are essential to an opinion, chambers should consider downloading the materials and placing them in an appendix to the opinion, so that they will always be readily available to readers.

**NOTE:** The Judicial Conference of the United States has issued a series of “suggested practices” to assist federal courts in the use of Internet materials in opinions. See http://jnet.ao.dcn/Memos/2009_Archive/Dir9058.html. Among its suggestions, the Judicial Conference recommends that if a Web page is cited in a final opinion, chambers staff capture and preserve the cited material by downloading it. To this end, the Reporter’s Office and the Supreme Court Library are cooperating to capture on the Court’s Intranet printouts of the Internet materials cited in this Court’s opinions from October Term 2005 forward. See the feature entitled “URLs Cited in Supreme Court Opinions” as posted on the Library’s Intranet Home Page and linked on the Home Page of the Reporter’s Office.
B. FORM OF CASE CITATIONS

§ 1.1. General rules.

Cite cases with the names of the parties in italic type, the “v.” in Roman type, and the year of decision in parentheses. E.g., Morton v. Ruiz, 415 U.S. 199 (1974); People v. Haskell, 41 Ill. 2d 25, 241 N.E. 2d 430 (1968). The date need not be cited where it is otherwise indicated in the text of the opinion.

§ 1.1.1. “Jump cites.” A reference to a specific page in a case (“jump cite”) follows the cite to the initial page. E.g., Morton v. Ruiz, 415 U.S. 199, 208 (1974). If the reference is to multiple pages in the opinion, state the page numbers in full, separated by a comma and/or an en dash (–) (not a hyphen-). E.g., Morton v. Ruiz, 415 U.S. 199, 203, 208–213 (1974). If the jump cite duplicates the case’s start page, the jump cite should not be included. E.g., say Ivan Allen Co. v. United States, 422 U.S. 617 (1975), not Ivan Allen Co. v. United States, 422 U.S. 617, 617 (1975). However, if a quote beginning on the first page of a case continues onto succeeding pages, the case is cited, e.g., Smith v. Reeves, 178 U.S. 436, 436–437 (1900).

A reference to a footnote follows the page number on which the footnote appears. E.g., Morton v. Ruiz, 415 U.S. 199, 208, n. 10 (1974). In the author’s discretion, a range within a footnote found on more than one page may be indicated in the jump cite. E.g., BMW of North America, Inc. v. Gore, 517 U.S. 559, 577–578, n. 27 (1996).

NOTE: There is one space between the “n.” and the number. See § 7.3.5, infra, for citation of quotes within footnotes.

If only one footnote appears in an opinion, the footnote should be designated with an asterisk (*) rather than a number. If an unnumbered footnote designated with an asterisk (*), “dagger” (†), or other graphic device is the only footnote on the page being cited, the graphic device should be omitted in referring to the footnote. E.g., United States v. Playboy Entertainment Group, Inc., 529 U.S. 803, 830, n. (2000) (THOMAS, J., concurring); Maryland v. Dyson, 527 U.S. 465, 467, n. (1999) (per curiam). If the footnote is not the only footnote on the page, the asterisk, “double dagger” (‡), or other graphic device should be included in the citation.
Jump-cite references to both the text and a footnote on a specific page are separated by a comma and an “and.” E.g., Morton v. Ruiz, 415 U. S. 199, 208, and n. 10 (1974).

NOTE: Do not use an ampersand in place of the “and.”

§ 1.1.2. Confining citations to footnotes.

Certain legal writing “experts” suggest that all citations be placed in footnotes in order to make judicial opinions more readable for the general public. The Reporter feels that such advice is misguided. The public will not be inclined to read most opinions no matter what gimmicks are used to try to make them generally accessible. On the other hand, the prime audience for opinions—judges and attorneys—continues to be vitally interested in the legal authority for a court’s statements, and would be misserved by constantly having to glance from text to footnote and back again. See A. Scalia & B. Garner, Making Your Case 133–134 (2008) (The Scalia view). An excessive number of footnotes in opinions also will complicate the writing process for chambers personnel and might cause technical problems for the Publications Unit, which would frequently have to manually intervene in order to make the footnotes correlate properly on the page with their parent text.

California’s experience with the all-citations-in-footnotes style demonstrated that “it was not uncommon to have over 100 footnotes for a 20-page opinion.” E-mail from Edward W. Jessen, Reporter of Decisions, Supreme Court of California, to the “Chat Room,” Association of Reporters of Judicial Decisions (Dec. 19, 2006) (on file with the Reporter). Finally, the all-citations-in-footnotes style creates problems for adherents wishing to cite precedents not written in that style and for nonadherents wishing to quote opinions written in the text and footnote format. The foregoing assessment has been borne out by the experience of the California Court of Appeal, where six of the seven justices who adopted the all-citations-in-footnotes style several years ago have now abandoned it because of the “bobblehead doll” syndrome and quotability problems noted above. See ibid.

§ 1.2. United States Supreme Court cases.

§ 1.2.1. General rule. Cite only the official United States Reports. See § 1.15.1, infra.

§ 1.2.2. Named Reporter volumes. The first 90 volumes (i.e., through 23 Wallace) are cited only by the name of the Reporter.
E. g., Sexton v. Wheaton, 8 Wheat. 229 (1823) (not 21 U. S. 229).
Cite the Reporter volumes as follows:

<table>
<thead>
<tr>
<th>Reporter</th>
<th>Cite</th>
</tr>
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<tbody>
<tr>
<td>Dallas (4 vols.)</td>
<td>Dall.</td>
</tr>
<tr>
<td>Cranch (9 vols.)</td>
<td>Cranch</td>
</tr>
<tr>
<td>Wheaton (12 vols.)</td>
<td>Wheat.</td>
</tr>
<tr>
<td>Peters (16 vols.)</td>
<td>Pet.</td>
</tr>
<tr>
<td>Howard (24 vols.)</td>
<td>How.</td>
</tr>
<tr>
<td>Black (2 vols.)</td>
<td>Black</td>
</tr>
<tr>
<td>Wallace (23 vols.)</td>
<td>Wall.</td>
</tr>
</tbody>
</table>

**NOTE:** Dallas’ first volume contains only Pennsylvania cases. In citing such cases, the rules as to court designation set forth in §1.4.3, infra, must be observed. E. g., Stevenson v. Pemberton, 1 Dall. 3 (Pa. 1760).

Beginning with 91 U. S., the named Reporters are disregarded. E. g., do not say “1 Otto” for 91 U. S.

For the rule governing “star paging” in the early Reporter volumes, see §1.11, infra.

**§ 1.2.2.5. Cases reported in appendixes to 131 U. S. and 154 U. S.**
In 1889, Reporter J. C. Bancroft Davis commemorated the Court’s first century by publishing in an appendix to volume 131 of the U. S. Reports a number of the Court’s decisions that had previously gone unreported. Those decisions should be cited, e. g., West v. Brashear, 131 U. S. Appx. lxvi (1839). In 1893, Mr. Davis published in an appendix to volume 154 U. S. some additional unreported decisions, which he had noted in a table, but not reprinted, in the volume 131 appendix. These should be cited, e. g., United States v. Harrison, 154 U. S. Appx. 531 (1852).

**§ 1.2.3. In-chambers opinions.** In-chambers opinions were not published in the U. S. Reports until 396 U. S. For such opinions prior to 396 U. S., which were published in the Supreme Court Reporter (S. Ct.) (West Publishing (now Thomson West)) and United States Supreme Court Reports, Lawyers’ Edition (L. Ed.) (Lawyers Co-operative Publishing Co. (now Lexis/Nexis)), cite both S. Ct. and L. Ed. E. g., Railway Express Agency v. United States, 82 S. Ct. 466, 7 L. Ed. 2d 432 (1962) (Harlan, J., in chambers).

A few in-chambers opinions were published only in S. Ct. (e. g., Board of Education v. Taylor, 82 S. Ct. 10 (1961) (Brennan, J., in
chambers)), and at least one was published only in F.2d. If an in-chambers opinion was published in neither S. Ct. nor L. Ed., cite to the most authoritative source available. *E. g., United States ex rel. Knauff v. McGrath*, 96 Cong. Rec. App. 3751 (1950) (Jackson, J., in chambers). If an in-chambers opinion was never published, observe the rules set forth in § 1.5, *infra*, for unreported cases. *E. g., Dennis v. United States*, No. 336 (June 22, 1951) (Jackson, J., in chambers).

§ 1.2.4. Recent decisions. For recent decisions that have not yet been published in the preliminary prints of the U.S. Reports, inquire of the Reporter's Office whether there are page proofs for such decisions. If no page proofs are yet available, the volume number can be found in the slip opinion's running head. The citation to such a case should be, *e. g., United States v. Windsor*, 570 U.S. — (2013). Volume numbers for as yet unreported cases may also be determined by accessing the recommended citation lists discussed in § 1.15.1, *infra*. At the author's option, references to the slip opinion might be added as follows: *Shelby County v. Holder*, 570 U.S. —, — (2013) (slip op., at —). A slip-opinion reference should be added whenever a particular slip opinion is quoted. See § 7.2, *infra*. The slip-opinion parenthetical should follow any weight-of-authority parenthetical. See § 1.51(a), *infra*. *E. g., Vance v. Ball State Univ.*, 570 U.S. —, — (2013) (GINSBURG, J., dissenting) (slip op., at 5).

Any necessary jump cites will subsequently be filled in by the Reporter's Office as soon as page proofs become available. Do not cite any of the commercial publications (L. Ed. 2d, S. Ct., U.S. L.W., etc.) pending the availability of page proofs.


§ 1.2.6. Pending cases. Pending cases should be cited by name and docket number. *E. g., Edwards v. Healy*, No. 73–759, now pending before the Court. However, a pending case the outcome of which is known but which has not yet been released should never be cited for the substance of any of its holdings or for its reasoning even though it will appear later in the same volume of the U.S.
Reports. A pending case, of course, may be cited simply to point out that it involves a related question. See, e.g., *United States v. Southwestern Cable Co.*, 392 U.S. 157, 162, n. 10 (1968), where the Court cited *Fortnightly Corp. v. United Artists TV, Inc.* Since the *Fortnightly* case was decided two weeks later and appears in the same volume, a Reporter’s Note was inserted making a “post” cross-reference to it. See also *United States v. United States Dist. Court for Eastern Dist. of Mich.*, 407 U.S. 297, 329, and n. 7, 330, n. 9 (1972) (citing pending cases by name and docket number). A pending case may also be cited, of course, where a reference is made only to a document on file with the Court in the case. See, e.g., *Taylor v. Louisiana*, 419 U.S. 522, 524, n. 3 (1975) (referring to the joint appendix in a pending case). For citation of pending Supreme Court cases as part of the citation of the case history of a lower court, see § 1.8.2, infra.

§ 1.2.7. Dates for cases in 2 Dall.–107 U. S. The specific dates (month, day, and year) for decisions in Supreme Court cases were not indicated in the U.S. Reports until 108 U.S. (end of October Term, 1882, and beginning of October Term, 1883). Only the Term month and year were given in 2 Dall. through 107 U. S. (there are no U.S. Supreme Court cases in 1 Dall.). This has resulted in some confusion and inaccuracies in the year given in citations of cases from these early volumes, since one could not be sure that a case decided in the Term of a certain month and year was decided in that year. For example, *United States v. Boutwell*, 17 Wall. 604, from the October Term, 1873, was decided on January 5, 1874 (it is immediately preceded in 17 Wall. by a case decided on November 24, 1873). Completed in 1997 after years of study, the Library’s “Dates of Supreme Court Decisions” lists the specific month, day, and year of decision for all cases for which such dates were not indicated in the U.S. Reports. That compilation has been supplied to chambers in bound volumes, and its year-of-decision entries have been incorporated into the recommended citation lists discussed in § 1.15.1, infra.

§ 1.3. Lower federal courts.

§ 1.3.1. Generally; published court of appeals, district court, and bankruptcy court opinions. There are no official reports for the federal courts of appeals, district courts, or bankruptcy courts. In citing those courts’ decisions as published in the Thomson West federal case reporters—Federal Reporter (F., F.2d, and F.3d),

**NOTE:** Although the circuit courts of appeals were redesignated as the United States courts of appeals in 1948, the same descriptors—*e. g.*, “CA1,” “CA2,” etc.—are used to identify both.

For federal district and bankruptcy court cases, States or other jurisdictions in which there is only one judicial district are indicated in the following form: (RI 1974); (Bkrtcy. Ct. RI 1991); (DC 1974); (Bkrtcy. Ct. DC 1991). States having more than one judicial district are indicated in the following form, depending upon whether the State’s name has one or two words: (ND Cal. 1969); (Bkrtcy. Ct. ND Cal. 1991); (ND Ohio 1971); (Bkrtcy. Ct. ND Ohio 1991); (SDNY 1974); (Bkrtcy. Ct. SDNY 1991); (WDNC 1971); (Bkrtcy. Ct. WDNC 1991).

**NOTE:** In abbreviating two-word States or Territories in citations of federal district and bankruptcy court cases, points (periods) are not used (*e. g.*, NY, PR, RI), except for V. I. (Virgin Islands) to avoid confusion with Roman numeral VI.

The jurisdiction need not be indicated parenthetically in the citation where the particular court or jurisdiction is otherwise identified in the text of the opinion, or is sufficiently indicated by the citation itself.

If a case is not reported in the West federal case reporters, use any other available citation.  *E. g.*, *Ravaschieri v. Shultz*, 75 LRRM 2272 (SDNY 1970).
§ 1.3.2. Court of Appeals decisions with not-to-be-published opinions or without opinions. Historically, most of the federal courts of appeals decided cases with opinions designated “unpublished,” “not-for-publication,” or the like. Typically, circuit rules provided that such “unpublished” opinions could not be cited in briefs or limited their precedential value. However, Federal Rule of Appellate Procedure 32.1 now provides that “[a] court may not prohibit or restrict the citation of federal judicial opinions, orders, judgments, or other written dispositions that have been: (i) designated as ‘unpublished,’ ‘not for publication,’ ‘non-precedential,’ ‘not precedent,’ or the like; and (ii) issued on or after January 1, 2007.”

Before 2001, the full texts of such “unpublished” decisions were available only in WestLaw and Lexis. In print, only their dispositions were noted in order lists published in F. 3d. Beginning in September 2001, West began publishing the Federal Appendix, cited “Fed. Appx.,” which prints, along with headnotes, synopses, and other editorial features, the full text of all available opinions designated “not for publication” by federal courts of appeals. Fed. Appx. also includes order list tables noting the disposition of those “unpublished” opinions whose full text is still not available for publication.

Unpublished dispositions noted in F. 3d or Fed. Appx. order lists should be cited in the following style: Communale v. Mier, 355 F. Supp. 439 (WD Pa. 1973), order vacating and remanding, 497 F. 2d 921 (CA3 1974); United States v. Corbitt, 368 F. Supp. 881 (ED Pa. 1973), affirmance order, 497 F. 2d 922 (CA3 1974); Smith v. Jones, 200 F. Supp. 2d 500 (WD Pa. 2001), order reversing and remanding, 15 Fed. Appx. 750 (CA3 2002). If the particular disposition is indicated in the text of this Court’s opinion, the cite should be modified to “judgt. order reported at 497 F. 2d 922 (CA3 1974); “judgt. order reported at 15 Fed. Appx. 750 (CA3 2002).”


Prior to the merger, Court of Customs and Patent Appeals cases were cited: — C. C. P. A. (Cust.) — or — C. C. P. A. (Pat.) —, — F. 2d —. (Note: Both customs and patent cases were
published in C. C. P. A. through Vol. 59 (1972), but beginning with Vol. 60 only customs cases were published in those reports.)

Court of Claims cases were cited: — Ct. Cl. —, — F. 2d —. (Note: There are some cases published only in Ct. Cl. E. g., Jones v. United States, 60 Ct. Cl. 552 (1925).) Court of Claims opinions were reported in F. Supp. through 181 F. Supp., when they were transferred to F. 2d commencing with 276 F. 2d.

Federal Circuit cases are published in F. 2d and F. 3d, and are cited: Voge v. United States, 844 F. 2d 776 (CA Fed. 1988).

The Act also created the United States Claims Court, which inherited the Court of Claims’ trial jurisdiction. Court of Claims Reports (Ct. Cl.) were discontinued after Vol. 231. Claims Court cases were thereafter reported in the U. S. Claims Court Reporter (Cl. Ct.) (West). However, Title IX of the Federal Courts Administration Act of 1992 renamed the Claims Court the United States Court of Federal Claims. Accordingly, beginning with volume 27, Ct. Cl. was renamed the Federal Claims Reporter (Fed. Cl.) (West).

§ 1.3.4. Tax Court. United States Tax Court (formerly Board of Tax Appeals) cases are cited as follows: for full opinions, L. E. Shunk Latex Products, Inc. v. Commissioner, 18 T. C. 940 (1952); for memorandum cases, Coastal Electric Corp. v. Commissioner, 34 TCM 1007 (1975), ¶ 75,231 P–H Memo TC. The predecessor Board of Tax Appeals cases are cited as follows: Crabb v. Commissioner, 47 B. T. A. 916 (1942).

NOTE: Tax Court memorandum opinions are not officially published, but appear only in the tax services published by Commerce Clearing House (cited [vol.] TCM [page] (date)) and the Research Institute of America (cited [¶ —] RIA Memo TC; formerly Prentice Hall’s Tax Court Memorandum Decisions), and both of these services should be included each time a memorandum opinion is discussed or referenced. For style of titles of T. C. and B. T. A. cases, see § 1.29, infra. For citation of looseleaf services, see also § 3.6, infra.

§ 1.3.5. Court of Appeals for the Armed Forces. As of October 5, 1994, the United States Court of Military Appeals was renamed the United States Court of Appeals for the Armed Forces.

Court of Appeals for the Armed Forces cases are cited, e. g.: United States v. Edmond, 45 M. J. 19 (C. A. Armed Forces 1996).
Prior to 1976, the Court of Military Appeals’ cases were cited: — U. S. C. M. A. ——, —— C. M. R. ——.

Beginning in 1976, the Court of Military Appeals’ cases were published only in the Military Justice Reporter, cited — M. J. — (Ct. Mil. App. (date)).

§ 1.3.6. Court of Appeals for Veterans Claims. Effective March 1, 1999, the United States Court of Veterans Appeals was renamed the United States Court of Appeals for Veterans Claims.


Court of Veterans Appeals cases were cited: Gardner v. Derwinski, 1 Vet. App. 584 (1991).

§ 1.4. State cases.


§ 1.4.2. Recent decisions. If a citation cannot be supplied or is not available at the time an opinion is being drafted, insert a blank citation. E. g., —— Mass. ——, 291 N. E. 2d 398. This will considerably reduce the number of lines that will have to be reset in the U.S. Reports. For unavailable citations from the State of New York, the Superior Court of Pennsylvania, and the Supreme Court of Puerto Rico, see §§ 1.4.5, 1.4.6, and 1.4.7, infra, respectively.

§ 1.4.3. List of case citations. The following list provides the citation formats for all 50 States, the District of Columbia, Puerto Rico, and the various Territories and possessions of the United States (* indicates National Reporter System has been designated as official; ** indicates official report is the online version).

NOTE: Some jurisdictions, either by court rule or statute, now require a so-called universal citation. Universal citation formats for such jurisdictions are provided by example, with some containing pinpoint references for further guidance.

ALABAMA

Supreme Court
1840–1885
1886–1976
1977–present*

—– Ala. —–
—– Ala. —–, —– So. 2d —–
—– So. 3d —– (Ala.)
Court of Civil Appeals
(Civ. App.)

Court of Criminal Appeals
(Crim. App.)
1977–present* — So. 3d — (Ala. Crim. App.)

ALASKA

Supreme Court
1960–present* — P. 3d — (Alaska)

Court of Appeals
1980–present* — P. 3d — (Alaska App.)

AMERICAN SAMOA
High Court of American Samoa
1900–present — Am. Samoa 3d —

ARIZONA

Supreme Court
1866–1882 — Ariz. —
1883–present — Ariz. —, — P. 3d —

Court of Appeals

ARKANSAS

Supreme Court
1837–1885 — Ark. —
1886 to 2/14/2009 — Ark. —, — S. W. 3d —
2/15/2009 to present** 2009 Ark. 12, p. 1, 273 S. W. 3d 340, 343

Court of Appeals
2/15/2009 to present** 2010 Ark. App. 743, p. 6, 279
S. W. 3d 495, 497

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CALIFORNIA

Supreme Court
1850–1882 — Cal. —
1883–present — Cal. 4th —, — P. 3d —

Courts of Appeal
1959–present — Cal. App. 4th —, — Cal. Rptr. 3d —

Superior Court
1959–present — Cal. App. 4th (Supp.) —, — Cal. Rptr. 3d —

COLORADO

Supreme Court
1864–1882 — Colo. —
1883–1980 — Colo. —, — P. 2d —
1981–present* — P. 3d — (Colo.)

Court of Appeals
1981–present* — P. 3d — (Colo. App.)

CONNECTICUT

Supreme Court
1814–1884 — Conn. —
1885–present — Conn. —, — A. 3d —

Court of Appeals

DELAWARE

Supreme Court
1832–1885 — Del. —
1886–1966 — Del. —, — A. 2d —
1967–present* — A. 3d — (Del.)

Court of Chancery
1814–1885 — Del. Ch. —
1886–1968 — Del. Ch. —, — A. 2d —
Superior Court
1951–present* — A. 3d — (Del. Super.)

DISTRICT OF COLUMBIA

Court of Appeals
1943–present* — A. 3d — (D. C.)

FLORIDA

Supreme Court
1846–1885 — Fla. —
1886–1948 — Fla. —, — So. —
1949–present* — So. 3d — (Fla.)

District Courts of Appeal
1957–present* — So. 3d — (Fla. App.)

GEORGIA

Supreme Court
1846–1886 — Ga. —
1887–present — Ga. —, — S. E. 2d —

Court of Appeals
1907–present — Ga. App. —, — S. E. 2d —

GUAM†

Supreme Court of Guam
1907–present** 1998 Guam 15 ¶ 2
† Guam cases may be found at http://www.jurispacific.com or

HAWAII

Supreme Court
1847–1958 — Haw. —
1959–present — Haw. —, — P. 3d —

Intermediate Court of Appeals
1995–present — Haw. —, — P. 3d — (App.)

IDAHO

Supreme Court
1866–1882 — Idaho —
1883–present — Idaho —, — P. 3d —
<table>
<thead>
<tr>
<th>Court of Appeals</th>
<th>1982–present</th>
<th>— Idaho ——, —— P. 3d —— (App.)</th>
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<tr>
<td>Supreme Court</td>
<td>1819–1883</td>
<td>— Ill. —</td>
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<td>1884 to June 2011</td>
<td>— Ill. 2d ——, —— N. E. 2d ——</td>
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<td>July 2011 to present**</td>
<td>2011 IL 102345, ¶ 15,</td>
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<td>—— N. E. 2d ——, ——</td>
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<td>Appellate Court</td>
<td>1877–1935</td>
<td>— Ill. App. —</td>
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<td>1936 to June 2011</td>
<td>— Ill. App. 3d ——,</td>
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<td>July 2011 to present**</td>
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<td>2011 IL App (3d), 1012344, ¶ 15,</td>
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<td>Supreme Court</td>
<td>1848–1884</td>
<td>— Ind. —</td>
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<td>1885–1981</td>
<td>— Ind. ——, —— N. E. 2d ——</td>
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<td></td>
<td>1982–present*</td>
<td>— N. E. 2d — — (Ind.)</td>
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<td>Court of Appeals</td>
<td>1890</td>
<td>— Ind. App. —</td>
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<td>1891–1979</td>
<td>— Ind. App. ——, —— N. E. 2d ——</td>
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<tr>
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<td>1980–present*</td>
<td>— N. E. 2d — (Ind. App.)</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1855–1878</td>
<td>— Iowa —</td>
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<td>1879–1968</td>
<td>— Iowa ——, —— N. W. 2d ——</td>
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<tr>
<td></td>
<td>1969–present*</td>
<td>— N. W. 2d — (Iowa)</td>
</tr>
<tr>
<td>Court of Appeals</td>
<td>1977–present*</td>
<td>— N. W. 2d — (Iowa App.)</td>
</tr>
<tr>
<td>Supreme Court</td>
<td>1862–1882</td>
<td>— Kan. —</td>
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<td></td>
<td>1883–present</td>
<td>— Kan. ——, —— P. 3d ——</td>
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<tr>
<td>Court of Appeals</td>
<td>1885–present</td>
<td>— Kan. App. 2d ——, —— P. 3d ——</td>
</tr>
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</table>

I–16
KENTUCKY

Supreme Court
1785–1885 — Ky. —
1886–1951 — Ky. —, — S. W. 3d —
1952–present* — S. W. 3d — (Ky.)

Court of Appeals
1976–1993 — S. W. 3d — (Ky. App.)
2001–present* — S. W. 3d — (Ky. App.)

LOUISIANA

Supreme Court
1809–1885 — La. —
1886–1972 — La. —, — So. 2d —
1973–1993 — So. 2d — (La.)
1994–present 2010–2828, p. 9 (La. 7/1/11),
65 So. 3d 1263, 1269

Courts of Appeal
1924–1927 — La. App. —
1928–1932 — La. App. —, — So. 2d —
1933–1993 — So. 2d — (La. App.)
1994–present 45,664 (La. App. 2 Cir. 11/24/10),
59 So. 3d 412

MAINE

Supreme Judicial Court
1820–1884 — Me. —
1885–1965 — Me. —, — A. 2d —
1966–1996* — A. 2d — (Me.)
1997–present* 2011 ME 86, ¶ 10, 24 A. 3d 72, 75

MARYLAND

Court of Appeals
1851–1884 — Md. —
1885–present — Md. —, — A. 3d —

Court of Special Appeals
MASSACHUSETTS

Supreme Judicial Court
1804–1884 — Mass. —
1885–present — Mass. —, — N. E. 2d —

Appeals Court
— N. E. 2d —

MICHIGAN

Supreme Court
1847–1878 — Mich. —
1879–present — Mich. —, — N. W. 2d —

Court of Appeals
— N. W. 2d —

MINNESOTA

Supreme Court
1851–1878 — Minn. —
1879–1977 — Minn. —, — N. W. 2d —
1978–present* — N. W. 2d — (Minn.)

Court of Appeals
1983–present* — N. W. 2d — (Minn. App.)

MISSISSIPPI

Supreme Court
1818–1885 — Miss. —
1886–1966 — Miss. —, — So. 2d —
1967–present* — So. 3d — (Miss.)

Court of Appeals
1995–present* — So. 3d — (Miss. App.)

MISSOURI

Supreme Court
1821–1885 — Mo. —
1886–1956 — Mo. —, — S. W. 3d —
1957–present* — S. W. 3d — (Mo.)

Court of Appeals
1876–1901 — Mo. App. —
1902–1954 — Mo. App. —, — S. W. 2d —
1955–present* — S. W. 3d — (Mo. App.)

MONTANA

Supreme Court
1868–1882 — Mont. —
1883–1997 — Mont. —, — P. 2d —
1998–present 2011 MT 153, ¶ 6, 361 Mont. 108,
110, 255 P. 3d 195, 196

NEBRASKA

Supreme Court
1860–1878 — Neb. —
1879–present — Neb. —, — N. W. 2d —

Court of Appeals

NEVADA

Supreme Court
1865–1882 — Nev. —
1883–present — Nev. —, — P. 3d —

NEW HAMPSHIRE

Supreme Court
1816–1884 — N. H. —
1885–present — N. H. —, — A. 3d —

NEW JERSEY

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1885–1947 — A. —
1948–present — N. J. —, — A. 3d —

Superior Court, Appellate Division
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(App. Div.)

Superior Court, Law Division
Div.)
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Superior Court, Chancellor's Division
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NEW MEXICO

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NEW YORK

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NORTH DAKOTA

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OREGON

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— Wash. App. —, — P. 3d —

— W. Va. —

— W. Va. —, — S. E. 2d —
§ 1.4.4. *Named Reporter volumes*. Some early official state reports have two sets of numbers, one designating the named Reporter volume, and the other the continuing state-named volume number. Cite only the latter. *E. g.*, *Hall v. Bell*, 47 Mass. 431 (1843), *not* 47 Mass. (6 Met.) 431 or 6 Met. 431. These named Reporter volumes should not be confused with early state case reports which were named after their editors and have no parallel state-named volumes and which continue to be cited by the editor’s name. *E. g.*, *Pierson v. Post*, 3 Cai. R. 175 (N. Y. 1805).

§ 1.4.5. *New York Slip Opinion Service*. The New York Slip Opinion Service, which is available online at http://www.courts.state.ny.us/reporter/decisions.htm, contains unedited Court of Appeals, Appellate Division, and trial court decisions awaiting publication in the official New York Reports. All decisions included in the service have been assigned a unique electronic citation, which should be used until a permanent official report citation becomes available. *E. g.*, — N. Y. 3d —, — N. E. 2d —, 2005 N. Y. Slip Op. 04836 (May 16, 2005).

§ 1.4.6. *Unavailable Pennsylvania Superior Court opinions*. Superior Court of Pennsylvania citations to opinions that have not yet been issued an Atlantic 3d citation must be in the form of a
universal citation. After Atlantic 3d has been issued, citation is only to that official citation, not to the universal citation. The first number is the year in which the case was issued; the second is the number assigned to the opinion by the court; and the third is the paragraph number inserted by the court for pinpoint citations. *E. g.*, 1999 PA Super 1, 15.

§ 1.4.7. Electronic opinions of the Supreme Court of Puerto Rico. Citation to an opinion that has not yet been published in the Official Translations of the Opinions of the Supreme Court of Puerto Rico should be to the electronic version of the English translation of that opinion as distributed by the clerk of that court. *E. g.*, 98 PRSC 148.

§ 1.4.8. Depublished California appellate decisions. Although the Reporter's Office discourages citation of California Court of Appeal decisions depublished by the State Supreme Court, such citation may be unavoidable, particularly where the depublished opinion is part of the case below. Where it is deemed necessary to cite such an opinion, cite only West's California Reporter, not the official California Appellate Reports, and append a parenthetical noting the depublication. *E. g.*, *San Remo Hotel, L. P. v. City and County of San Francisco*, 100 Cal. Rptr. 2d 1, 5 (App. 2000) (officially depublished).

§ 1.5. Unreported cases.

If a case is not reported officially or unofficially, cite it by name, docket number, court, and full date of decision. *E. g.*, *Adams v. Parham*, Civ. Action No. 16041 (ND Ga., Apr. 14, 1972); *Hollins v. Shofstall*, Civ. No. C–253652 (Super. Ct. Maricopa Cty., Ariz., July 7, 1972), p. 3. For the unreported cases of federal district courts in States or jurisdictions in which there is only one judicial district (see the third paragraph of § 1.3.1, *supra*), the court designation should be preceded by “D” in order to distinguish the district court from the state supreme court. *E. g.*, *Wingert v. Volkswagenwerk A. G.*, Civ. Action No. 3:86–2994–16 (D SC, May 19, 1987).

If the case below (trial court or appellate court) is unreported, but the opinion is reprinted in the joint appendix, the joint appendix should be cited under the rules set forth above and those appearing in § 3.25.2, *infra*. *E. g.*, *Jones v. Smith*, Civ. No. 94–153 (SD Ga., Apr. 22, 1993), App. 45, 66. Note that, under § 10.6, *infra*, the name
of the case below should be omitted if it is the same as the name (both parties) in this Court.


For citation of opinions designated “not for publication” by federal courts of appeals, see § 1.3.2, *supra*.

§ 1.6. Administrative agency cases.

Cite to the official report. *E.g.*, *Perma Vinyl Corp.*, 164 N. L. R. B. 968 (1967); *Transit Charges, Southern Territory*, 332 I. C. C. 664 (1968); *In re Rules of the New York Stock Exchange*, 10 S. E. C. 270 (1941); *Dowle v. Crittenden*, 18 F. C. C. 2d 499 (1969); *In re Federal-State Joint Bd. on Universal Serv.*, 15 FCC Rcd. 15168, 15175–15178, ¶¶ 19–24 (2002) (declaratory ruling); *Air Freight Forwarder Assn.*, 8 C. A. B. 469 (1947); *In re Amoco Oil Co.*, 4 E. A. D. 954 (EAB 1993). If the official report has not yet been paginated, cite by the case number. *E.g.*, *The Associated Press*, 199 N. L. R. B. No. 618 (1972). Parallel cites to a looseleaf service or other unofficial report may be given. *E.g.*, *Machinists, Local Lodge 504 (Arrow Development Co.)*, 185 N. L. R. B. 365, 75 LRRM 1008 (1970). If or if an official citation is not available, cite the looseleaf service or other unofficial report. The official citation will be added or substituted if it is available by the time the bound volume of the U.S. Reports is ready for publication. Prior to their publication in the official Environmental Appeals Decisions, Environmental Appeals Board cases should be cited, *e.g.: In re City of Ames, NPDES Appeal No. 94–6 (EAB, Apr. 4, 1996), 6 E. A. D. —*. For form of citation of looseleaf services, see § 3.6, *infra*. For citation of Tax Court (formerly an administrative agency) cases, see § 1.3.4, *supra*.

§ 1.6.1. Administrative releases. Releases by federal administrative agencies may be cited in various ways. *E.g.*, SEC Release

§ 1.7. Opinions of Attorney General.


§ 1.8. Citations of case history.


§ 1.8.2. Certiorari pending or granted; appeal docketed or pending or probable jurisdiction noted. When indicating that certiorari is pending in the U.S. Supreme Court, cite the docket number as follows: United States v. Ciotti, 469 F. 2d 1204 (CA3 1972), cert. pending, No. 72–6155; Escobar v. S. S. Washington Trader, 503 F. 2d 271 (CA9 1974), cert. pending sub nom. American Trading Transp. Co. v. Escobar, No. 74–1184. If certiorari has been granted, cite as follows: United States v. Rylander, 656 F. 2d 1313 (CA9 1981), cert. granted, 456 U.S. 943 (1982). When indicating that an appeal has been docketed in the U.S. Supreme
Court, cite as follows: *Foley v. Connelie*, 419 F. Supp. 889 (SDNY 1976), appeal docketed, No. 76–839. If probable jurisdiction of an appeal has been noted, cite as follows: *Alford v. North Carolina*, 405 F. 2d 340 (CA4 1968), prob. juris. noted, 394 U. S. 956 (1969). When indicating that an appeal is pending in a lower appellate court, cite as follows: *Associated Hospital Services, Inc. v. Commissioner*, 74 T. C. 213 (1980), appeal pending, No. 80–3596 (CA5).


§ 1.9. English and Commonwealth cases.

§ 1.9.1. Generally. For the most part, citations of English cases after 1864 should be confined to the semiofficial Law Reports, e. g., *Cohen v. Owen-Monin*, [1921] 2 K. B. 640, and, of the earlier cases, to the named reporters and the English Reprints, e. g., *King v. Reason*, 16 How. St. Tr. 1 (K. B. 1722); *King v. Harris*, 1 Salk. 260, 91 Eng. Rep. 229 (K. B. 1699). When an official or semiofficial report is not available, cite an unofficial report. *E. g.*, Times Law Reports (T. L. R.); All England Law Reports (All E. R.). According to Robert C. Williams, Editor, the Incorporated Council of Law Reporting for England and Wales has adopted a paragraphing system for use in crafting pinpoint citations. For any case in which numbered paragraphs have been used, a “jump cite” should use the paragraph number, rather than the page number, in which the referenced material appears.

Cite Canadian cases, where possible, to both the unofficial Dominion Law Reports (D. L. R.) or Western Weekly Reports (W. W. R.), and the official Canada Supreme Court Reports (S. C. R.). On January 1, 2000, the Supreme Court of Canada began using a neutral citation standard on its judgments in order to make them easier to reference electronically. *E. g.*, *Arsenault-Cameron v. Prince Edward Island*, 2000 SCC 1. However, in a September 2000 Notice to the Profession, that court’s Registrar requested that practitioners use the official S. C. R. citation when citing the court’s opinions, *e. g.*, *Arsenault-Cameron v. Prince Edward Island*, [2000] 1 S. C. R. 3, and confine use of the neutral citation to decisions not yet officially reported. Because the neutral citation is not mandatory in Canada, the Reporter’s Office will not recommend its inclusion in any opinion of this Court unless such inclusion is specifically requested by a Justice.
For a list of abbreviations of English and Commonwealth reports, see the Bluebook, p. 406 et seq. (19th ed. 2010).

§ 1.9.2. Court designations. Where the report series covers more than one court, indicate the court of decision in parentheses (this applies to several official or semi-official reports, and to all English named reporters, English unofficial reports, and Dominion Law Reports). E. g., Ford’s Case, Cro. Jac. 151, 79 Eng. Rep. 132 (K. B. 1607). However, where the jurisdiction is evident from context or citation, no court designation is necessary. For example, cases included in Leach’s Reports are always Crown cases, and thus are cited, e. g.: King v. Dingler, 2 Leach 561, 168 Eng. Rep. 383 (1791). Furthermore, with modern English King’s Bench (K. B.), Queen’s Bench (Q. B.), Chancery (Ch.), and Probate (P.) reports (Law Report series), indicate the court of decision only if it is the Court of Appeal. E. g., Hastings v. Perkins, [1930] P. 217 (C. A.). For the Appeals Cases (App. Cas. and A. C.) reports, indicate the court only if it is the Privy Council (P. C.).

§ 1.9.3. Dates. When citing an English report that uses a bracketed date as part of the volume designation, place the year of decision in parentheses at the end of the citation only if it differs from the volume year. E. g., Johnson v. Tigero, [1946] 1 K. B. 255 (1945).

§ 1.9.4. Year Books. Cite as follows: Pear’s Case, Y. B. 3 Hen. VII, f. 3, pl. 9. Where possible indicate the term. E. g., Y. B. Trin. 9 Edw. IV, f. 26b, pl. 36.

§ 1.10. Other foreign jurisdictions.

Citations should include: (1) The name(s) of the party (or parties) if given at the head of the opinion. If no name is given, or if only initials, use the form “Judgment of” followed by the exact date of decision; (2) The source in which the case appears. Where possible cite two reporters, generally including the official reporter when one exists. Give (a) the volume number or (in brackets) the year of publication, (b) the title, abbreviated or as suggested by the reporter, and (c) the page (preceded by the section number, if the report is so divided) on which the case begins; (3) The court, place, and date of the opinion, when not apparent from the preceding portion of the citation. Translate the name of the court if it does not appear in English, German, or a Romance language.


§ 1.11. *“Star paging.”*

Some early case reports (including the named Reporter volumes for U.S. Supreme Court cases, see § 1.2.2, *supra*) that were published in more than one edition contain “star paging” in the later editions. The stars, with accompanying breaks, indicate the original breaks, and should be used in the citation (*e.g.*, *Jackson v. Brownell*, 3 Cai. R. *222* (N.Y. 1805)), except that when citing a U.S. Supreme Court case published in a later edition of the early named Reporter volumes the original paging is presumed and no star is used (*e.g.*, 2 Dall. 409, not 2 Dall. *409*). When using star paging, no edition need be indicated.
§ 1.15.  Generally.

§ 1.15.1. U.S. Supreme Court cases. The Reporter’s Office maintains volume-by-volume lists of recommended citation forms for every case decided by signed or per curiam opinion and reported in the U.S. Reports, as well as a final list of all cases argued, but not yet decided, during the current Term. The lists may be viewed by clicking on the “Cites Directory” link line on the Reporter of Decisions’ Home Page on the Court’s internal network. These citations may be pasted into an opinion-in-process or other document by following the instructions set forth under the “U.S. Cite” link line on the Reporter’s Home Page.

The listed citations comply fully with the case-naming rules set forth in § 1.16 et seq., infra, and may be relied on as stating the Reporter’s “preferred” form of the titles or names of the cases in question. For cases published in 502 U.S. et seq., the running heads printed at the top of even-numbered pages duplicate the items on the appropriate lists and may also be relied on.

Recommended citation forms for cases argued, but not yet decided, are maintained in a list titled “OT” followed by the last two digits of the current October Term. As opinions are issued in these cases, the recommended citation forms will be moved from that Term’s undecided list to the list for the volume of the U.S. Reports in which the particular cases will appear.

NOTE: Although every effort has been made to ensure that the recommended citations are accurate and in conformity with the rules set forth in § 1.16 et seq., infra, and that similar citations in different volumes have been treated similarly with respect to arrangement of words and abbreviations, it is inevitable that discrepancies will occur in a project of this size. Readers are requested and encouraged to report errors or inconsistencies in listed citations to the Reporter’s Office.

The titles or names of cases decided by this Court without opinion, which appear in the U.S. Reports only as orders, should be crafted in accordance with the rules set forth in § 1.16 et seq. Generally, the full name of the case should be used, but if that proves too unwieldy, a clearly identifiable, shortened form that utilizes the abbreviations set forth in § 8.3, infra, is acceptable.
E. g., Rainey Brothers Construction Co., Inc. v. Memphis and Shelby County Board of Adjustment, 504 U. S. 909 (1992), may be cited as Rainey Brothers Constr. Co. v. Memphis and Shelby Cty. Bd. of Adjustment, 504 U. S. 909 (1992), under §§ 1.16 et seq. and 8.3.

§ 1.15.2. Other cases. For state cases and federal cases other than U. S. Supreme Court cases, the title or name of the case should be taken from the main heading (not the running head) of the case exactly as it appears at the beginning of the opinion in the particular report being used (preferably the official report if there is one and it is available), subject, however, to the rules set forth in § 1.16 et seq., infra.

§ 1.16. One-party or one-name titles.

“In re” is generally used for “Matter of,” “In the matter of,” and similar expressions. E. g., In re Stolar, 401 U. S. 23 (1971); In re Jordan, 7 Cal. 3d 930, 500 P. 2d 873 (1972); In re Estate of Miller, 259 Cal. App. 2d 536, 66 Cal. Rptr. 756 (1968); In re Rules of the New York Stock Exchange, 10 S. E. C. 270 (1941). Patent (but not other) cases in the Court of Customs and Patent Appeals use the “In re” style. E. g., In re Chatfield, 545 F. 2d 152 (CCPA 1976). There is an exception for administrative decisions under the immigration and nationality laws. E. g., Matter of Clancaflor, 14 I. & N. Dec. 427 (1973).

Other examples of a one-party title are: Ex parte Collett, 337 U. S. 55 (1949); The Laura, 114 U. S. 411 (1885) (see § 1.27, infra); Aerojet-General Corp., 185 N. L. R. B. 794 (1970); Transit Charges, Southern Territory, 332 I. C. C. 664 (1968).

Some cases are cited by a single descriptive title that may or may not refer to any of the parties involved. E. g., Hayburn’s Case, 2 Dall. 409 (1792); Passenger Cases, 7 How. 283 (1849); Slaughter-House Cases, 16 Wall. 36 (1873); Head Money Cases, 112 U. S. 580 (1884); Lottery Case, 188 U. S. 321 (1903); Western Pacific Railroad Case, 345 U. S. 247 (1953); New Haven Inclusion Cases, 399 U. S. 392 (1970); Regional Rail Reorganization Act Cases, 419 U. S. 102 (1974).

§ 1.17. “Ex rel.” cases.

Over the years there has been considerable inconsistency in the U. S. Reports in the citations and in the running heads of cases
brought in the name of the United States or another governmental entity for the benefit of a particular party (often called the “relator”). Such cases arise under the Miller Act, for example, or in various other contexts like habeas corpus. Sometimes the relator’s name has been used (as in Touhy v. Ragen, 340 U.S. 462 (1951), and Tehan v. Shott, 382 U.S. 406 (1966)) and sometimes not (as in Fleisher Engineering & Construction Co. v. United States, 311 U.S. 15 (1940)). Henceforth, the following rules should be observed:

(1) **U.S. Supreme Court cases.** All U.S. Supreme Court cases in this category should be cited using the “*ex rel.*” designation. *E.g.*, Tehan v. United States *ex rel.* Shott, 382 U.S. 406 (1966). Use “*ex rel.*” regardless of the term used in the caption or title of the case, the same rule being followed as in lower court cases. See infra.

(2) **Lower court cases.** Lower court cases, both federal and state (*e.g.*, United States *ex rel.* W. J. Halloran Steel Erection Co. v. Frederick Raff Co., 271 F. 2d 415 (CA1 1959)), should be cited with the “*ex rel.*” designation, regardless of their captions or running heads. *E.g.*, if “for use and benefit of” appears in the caption, “*ex rel.*” should be used in lieu thereof.

The foregoing rules do not apply to “next friend” and similar cases in which a third party has brought suit against a governmental entity in the name of a private party. *See, e.g.*, Martinez v. Bynum, 461 U.S. 321 (1983), where a sister brought suit on behalf of her minor brother against the Texas Commissioner of Education.

§ 1.18. **First word or expression.**

The first word or expression in the title or name of a case is ordinarily not abbreviated. Nor is the first word or expression after the “*v.*” *E.g.*, International Harvester Co., *not* Int’l Harvester Co. This rule, of course, does not apply to those names that are entirely abbreviated, as, for example, the names of federal agencies (NLRB, SEC, ICC, etc.).

§ 1.19. **Essential words.**

Essential words in the name of a case should not be omitted but may be abbreviated unless they are the first words. *E.g.*, *Erie R. Co. (not Erie)* v. Tompkins, 304 U.S. 64 (1938). For a list of the
abbreviations used in the U.S. Reports, see § 8.3, infra. Articles (“a,” “an,” and “the”) are almost never essential to a case name.

§ 1.20. **Use of “etc.”**

“Etc.” is not used to shorten the title or name of a case.

§ 1.21. **Abbreviations for names after “v.”**

Shorter abbreviations may be used for names after the “v.” than before the “v.”

§ 1.22. **Use of individual party’s given name.**

The given name of a person ordinarily is not used in the title of a case. An exception is made for such cases as Linda R. S. v. Richard D., 410 U.S. 614 (1973); In re William M., 3 Cal. 3d 16, 473 P.2d 737 (1970).

§ 1.23. **Native American and foreign personal names.**

Full names are ordinarily used for Native Americans, e.g., Bad Elk v. United States, 177 U.S. 529 (1900), and for ethnic Chinese, e.g., Fong Haw Tan v. Phelan, 332 U.S. 814 (1947), but not for Japanese persons (e.g., Hirota v. MacArthur, 338 U.S. 197 (1948)), or for Chinese persons having English first names (e.g., Wang v. United States, 515 U.S. 1137 (1995)).

Two last names are used in Spanish, with the father’s surname preceding that of the mother, and the two names may or may not be joined by the conjunction “y” or by a hyphen. E.g., Garcia y Gonzales, Garcia-Gonzales, Garcia Gonzales. Both last names should be used in citations. E.g., Examining Bd. of Engineers, Architects and Surveyors v. Perez Nogueiro, 426 U.S. 572 (1976). A Spanish female retains her maiden name after marriage but drops her mother’s surname; her father’s surname precedes that of her husband joined by the preposition “de.” Both of the latter surnames should be used in citations. E.g., Examining Bd. of Engineers, Architects and Surveyors v. Flores de Otero, 426 U.S. 572 (1976).

**NOTE:** The above information re Spanish names was taken from the Introduction to the Spanish Name Book, U.S. Dept. of Justice, Immigration and Naturalization Service (rev. 1973).
§ 1.24. Official position or representative capacity.

Official position or representative capacity is not used in connection with the name of a person in a citation. E.g., Gilligan (not Gilligan, Governor of Ohio) v. Morgan, 413 U.S. 1 (1973); Phelps (not Phelps, Receiver in Bankruptcy) v. United States, 421 U.S. 330 (1975).

§ 1.25. States, cities, towns, villages, counties.

The names of States (or Territories) are dropped in state cases where they follow the expressions “People of,” “State of,” or “Commonwealth of.” E.g., People v. Finkelstein, 9 N.Y.2d 342, 174 N.E. 2d 470 (1961); State v. Cairo, 74 R.I. 377, 60 A.2d 841 (1948); Commonwealth v. R. I. Sherman Mfg. Co., 189 Mass. 76, 75 N.E. 71 (1905). For Puerto Rico cases, use “Pueblo,” not “People.” But in U.S. Supreme Court and lower federal-court cases only the name of the State (or Territory) is retained. E.g., Illinois v. Allen, 397 U.S. 337 (1970); Massachusetts v. Laird, 451 F.2d 26 (CA1 1971); Guam v. Guerrero, 290 F.3d 1210 (CA9 2002).

For names of cities, boroughs, towns, or villages only the bare name of the city, borough, town, or village is cited in state and lower federal-court cases. E.g., Cincinnati v. Hoffman, 31 Ohio St. 2d 163, 285 N.E. 2d 714 (1972). For U.S. Supreme Court cases cite the expressions “City of,” etc., where necessary to establish that a municipality is involved (see § 1.15.1, supra) (e.g., Palmer v. City of Euclid, 402 U.S. 544 (1971); Village of Belle Terre v. Boras, 416 U.S. 1 (1974); Train v. City of New York, 420 U.S. 35 (1975)). Otherwise, follow the rule for state and lower federal-court cases.

For counties cite the word “County” for all cases. E.g., Memorial Hospital v. Maricopa County, 415 U.S. 250 (1974); Moor v. County of Alameda, 411 U.S. 693 (1973).

§ 1.26. Companies or corporations.

§ 1.26.1. Abbreviations “Co.” and “Corp.” etc. In names of companies or corporations ending with the word “Company” or “Corporation,” use the abbreviations “Co.” and “Corp.” But for governmental or government-created corporations spell out “Corporation.” E.g., Pension Benefit Guaranty Corporation; National Railroad Passenger Corporation.

§ 1.26.2. Connective “and.” In firm, company, and corporate names which include the connective “and,” substitute the
ampersand “&.” Do not use the ampersand where the party is neither a firm nor a corporate entity.

§ 1.26.3. Use of “Inc.,” “Ltd.,” etc. In names of companies or corporations that include both the word “Company” and the word “Incorporated,” “Inc.,” “Ltd.,” “L. P.,” or “L. L. P.” the latter word “Incorporated,” “Inc.,” or “Ltd.” is omitted. The word “Company” is abbreviated “Co.” if the deletion renders it the last word of the name. However, in the names of companies or corporations which do not use the word “Company” but end with the words “Incorporated,” “Inc.,” or “Ltd.,” etc., include “Inc.” or “Ltd.,” etc. in the citation.

§ 1.26.4. Persons’ names. In names of companies or corporations which begin with the name of a person, including more than the surname, the first name or initials should generally be included. 
E. g., Howard Johnson Co. v. Hotel Employees, 417 U. S. 249 (1974);

§ 1.26.5. Railroads. The abbreviation “R. Co.” is used for both “Railroad Company” and “Railway Company,” and is also used even though the name of the railroad does not include the word “Company.” E. g., Boston & Maine R. Co. (not Boston & Maine R.).

On long railroad names only the first word is spelled out. E. g., Atchison, T. & S. F. R. Co. But for short railroad names the full name is preferred. E. g., Union Pacific R. Co.

§ 1.26.6. Steamship companies. Where the word “Steamship” appears in the name of a company, it should be abbreviated as “S. S.” for all cases. This includes U.S. Supreme Court cases regardless of whether or not the running head spells out the word. E. g., Cunard S. S. Co. v. Carey, 119 U. S. 245 (1886) (not Cunard Steamship Co. as in the running head).


§ 1.27. Steamship or vessel.

Where the title of a case consists only of the name of a steamship or vessel, or includes such a name, the case is cited as

§ 1.28. **Commissioner of Internal Revenue.**

“Commissioner” is always used for “Commissioner of Internal Revenue.”

§ 1.29. **Tax Court and Board of Tax Appeals cases.**

The following style is used for the titles or names of Tax Court and Board of Tax Appeals cases: Chartier Real Estate Co. v. Commissioner, 52 T. C. 346 (1969); Crabb v. Commissioner, 47 B. T. A. 916 (1942). This is the style used for many years by the Tax Division of the Justice Department and now used by the Tax Court itself, which formerly used the style: Chartier Real Estate Co., 52 T. C. 346 (1969).

§ 1.30. **Labor unions.**

In citing U.S. Supreme Court cases containing the name of a labor union, use only the name of the trade represented by the union on the union side of the title, and do not attempt to spell out the complete name of the union. E.g., Teamsters v. Daniel, 439 U.S. 551 (1979) (not International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America v. Daniel). There is an exception for cases like Tennessee Coal, Iron & R. Co. v. Muscoda Local No. 123, 321 U.S. 590 (1944), where the name of the trade is not identified in the caption of the case. There is also an exception for labor unions like Actors’ Equity Association, for which the complete union name should be spelled out except where appropriate abbreviations are possible. E.g., Actors’ Equity Assn.

For lower court cases, however, the complete name of the union (or a reasonably understandable abbreviation thereof) should be used.

§ 1.31. **Government agencies.**

For widely known Federal Government agencies, such as the National Labor Relations Board, Securities and Exchange Commission, Interstate Commerce Commission, etc., use the abbreviations NLRB, SEC, ICC, etc. See § 8.3, infra, for a list of such abbreviations. (Note that “LABOR BOARD” was formerly used in the running heads for cases in the U.S. Reports involving the National Labor Relations Board, whereas “NLRB” is now used. Use “NLRB” for all such titles.)

\textbf{D. Repeating Case Citations}

\section*{§ 1.40. Full citation.}

The text of an opinion and its footnotes are generally treated independently of each other for purposes of case citations. Thus, the full citation is given for the first reference to a case in text and also for the first reference to the case in a footnote unless the footnote is directly linked to the text citation. Where such linkage occurs, the full citation should be given for the next nonlinked reference to the case in a footnote.

Because the first citation to a case generally should not be split within text or between text and a footnote, the following are strongly discouraged:

\begin{itemize}
    \item \textbf{Example 1.}  “In \textit{State Oil Co. v. Khan}, the Court overruled \textit{Albrecht}.  See 522 U. S. 3, 10–22 (1997).”
    \item \textbf{Example 2.}  “The Court overruled \textit{Albrecht} in \textit{State Oil Co. v. Khan}.\textsuperscript{1} . . .
\end{itemize}

\textsuperscript{1} See 522 U. S. 3, 10–22 (1997).”

However, where the reference is to a case that is so well known that its name has become a term of art in its own right, or where the reference is to another decision that is central to the case at issue and occurs in a concurrence or dissent, an exception to the above rule may be made in the author’s discretion:

\begin{itemize}
    \item \textbf{Example 3.}  “The defendant waived his \textit{Miranda} rights and . . . .  See \textit{Miranda v. Arizona}, 384 U. S. 436 (1966).”
    \item \textbf{Example 4.}  “Today, the Court overrules \textit{Smith v. Jones},\textsuperscript{1} holding that . . .
\end{itemize}

\textsuperscript{1} See 800 U. S. 1 (2015).”
§ 1.41. Use of “supra.”

Once the full citation of a case is given, “supra” is used for repeat citations if a previous volume citation appears on the same page or on one of the two preceding pages as follows: (a) if the subsequent citation refers to the case as a whole, use “supra” in lieu of the full citation (e.g., Terry v. Ohio, supra); (b) if the subsequent citation refers to a specific page of the case, use “supra” in lieu of the volume citation (e.g., Terry v. Ohio, supra, at 29—not Terry v. Ohio, supra, 392 U.S., at 29). For cases that have parallel citations, “supra” is used to refer only to the first parallel citation. E.g., State v. Brown, supra, at 315, 307 N. E. 2d, at 357 (“supra” replaces “56 Ill. 2d”).

If more than two pages intervene between citations or the only citation within the preceding two pages is a supra citation, the full citation should be repeated if the reference is to the case as a whole. At the author’s option, however, a “short cite” may be substituted for the full citation in the second and subsequent instances. E.g., First citation: Terry v. Ohio, 392 U.S. 1 (1968). A subsequent citation: Terry, 392 U.S. 1. If more than two pages intervene between citations or the only citation within the preceding two pages is a supra citation, the volume citation should be repeated if the subsequent citation refers to specific pages of the case (e.g., Terry v. Ohio, 392 U.S., at 29; subsequent citations within two pages may then be Terry v. Ohio, supra (if the reference is to the case as a whole), or Terry v. Ohio, supra, at 30 (if the reference is to a specific opinion page)).

Some latitude is permissible in the application of this rule where a case is frequently cited or pervades a whole opinion. For instance, under such circumstances it is not necessary to keep repeating a full citation for every reference to the case, even though more than two pages intervene between citations.

“Supra” is not used as between text and footnotes, nor is it used to refer to a citation that appears in a quotation.

§ 1.42. Use of “id.” and “ibid.”

If the citation of a case is directly followed by a citation of the same case (i.e., there is no intervening reference or citation to another case or citation to another authority) on the same page or succeeding page or pages and the reference is to a specific page or
pages of the opinion, use “id., at —,” or “ibid.” if the specific page is the same as the immediately preceding one.

NOTE: For purposes of the foregoing rule, sources identified in explanatory parentheticals, explanatory phrases, and later history are considered to intervene. Thus, for example, after the cite phrase “Tuten v. United States, 460 U.S. 660, 663 (1983) (quoting Ralston v. Robinson, 454 U.S. 201, 206 (1981))” an immediately following Tuten cite should read “Tuten, supra, at 663,” or “460 U.S., at 663,” not “id., at 663” or “ibid.” “Id., at 207,” would be permissible for a Ralston cite immediately following the foregoing cite phrase, but a bare “ibid.” should be avoided in this situation absent a textual reference to Tuten or Ralston because it is unclear which case is being referenced. A partial citation of a statute or regulation—e.g., §1309—is never considered to intervene, but, for the reasons just expressed, should not be followed by an “ibid.” reference to the same section when the reference could be misunderstood as referring to another source immediately preceding the section reference. Instead, simply repeat the section number in this situation. See §2.1.2, infra. A bare reference to a Part in an opinion or side opinion—e.g., “Part II, supra”; “I join Part III of the Court’s opinion”—is not considered to intervene. For citations in quoted materials, see §1.43, infra.

For cases with parallel citations, “id.” is used to refer only to the first parallel citation. E.g.: id., at 315, 307 N. E. 2d, at 357 (“id.” replaces “56 Ill. 2d”). ”Ibid.” is used to cover both citations if they are identical but otherwise is used to replace only the first citation.

Do not use “id., at —” following a reference only to the name of the case; use the volume cite. However, the use of “ibid., n. 5” or “ibid., and n. 5” is permissible when the page number just cited remains the same.

Where “supra, at —” is used for a repeat citation in accordance with §1.41, supra, do not use “id.” or “ibid.” for a directly following citation. E.g.: Initial citation: Perry v. Sindermann, 408 U.S. 593 (1972). Repeat citation: Perry v. Sindermann, supra, at 596. Directly following citation: 408 U.S., at 602 (not id., at 602). An alternative style is to depart from the rule in §1.41, supra, and use a volume number citation where “supra” would otherwise be used under that rule. E.g., repeat citation: Argersinger v. Hamlin, 407 U.S., at 27. Directly following citation: Id., at 36.
Where “supra” is used to refer to the whole case, “id.” or “ibid.” may be used for a directly following citation. E. g., repeat citation: Perry v. Sindermann, supra. Directly following citation: Ibid. or id., at 602. “Id.” and “ibid.” are not used as between text and footnotes.

§ 1.43. Citations in quoted material.

Cases cited in quoted material are not considered citations for the purposes of the rules set forth in §§ 1.40–1.42, supra, but such rules will be applied just as if the cases had not been cited in the quoted material.

E. CASE CITATION PARENTHETICALS

§ 1.50. Generally.

Parentheticals to citations of cases are used for many purposes, and no attempt is made here to cover all uses. Rather, the coverage will be limited to a few special problems that have arisen in connection with parentheticals. As to the use of parentheticals to show whether emphasis in quoted material was added, was in the original, or was deleted, see § 6.3, infra; and to indicate that text, citations, internal quotation marks, or footnotes were omitted from quoted material, see §§ 7.5.1–7.5.9, infra.

NOTE: Only one space separates a parenthetical from the preceding material.

§ 1.50.5. Indicating weight of authority.

A parenthetical may be used to indicate the weight of authority of a cited opinion. E. g.: (majority opinion or opinion of the Court); (5–to–4 decision); (per curiam); (plurality opinion); (en banc).

NOTE: An “en banc” (or “in bank”) parenthetical need not be routinely added after citations to the cases of state supreme courts, almost all of which always sit en banc. The Reporter’s Office will suggest the addition of such parentheticals in the rare instances in which they are appropriate.

Unless there is some particular reason for doing so, a weight-of-authority parenthetical need not identify the author of a majority or plurality opinion. When it is felt to be necessary to identify such an author, the following forms are acceptable: (opinion for the Court by ROBERTS, C. J.); (majority opinion of Stevens, J.). A parenthetical naming the writing Justice and the type of opinion ordinarily should
follow the first reference to a principal or joint opinion (see § 10.4, infra), a concurrence or a dissent, or an in-chambers opinion. E. g.: (principal opinion of ROBERTS, C. J.); (joint opinion of Stewart, Powell, and Stevens, JJ.); (Blackmun, J., concurring); (ALITO, J., concurring in part and concurring in judgment); (SCALIA, J., concurring in part and dissenting in part); (KENNEDY, J., dissenting); (Souter, J., dissenting from denial of certiorari); (THOMAS, J., in chambers). Although the full opinion line should be reflected in the initial parenthetical reference to an opinion—e. g., “(ALITO, J., concurring in part, concurring in judgment in part, and dissenting in part)—subsequent parentheticals may be in an abbreviated form: e. g., “(opinion of ALITO, J.).” Ordinarily, a parenthetical may be omitted from an “id.” reference to the same opinion.

A similar form is used when citing an appendix to an opinion: (appendix to majority opinion); (appendix B to dissenting opinion of BREYER, J.).

When citing the opinion of a judge sitting on a lower court that has had one or more other judges with the same last name, include the first initial of the opinion’s author in the parenthetical. E. g.: (R. Ginsburg, J., dissenting).

When the author’s name is otherwise stated in text, it should not be repeated in a weight-of-authority parenthetical. E. g.: “According to THE CHIEF JUSTICE, ‘ . . . ’ Post, at 10 (concurring opinion).”; “JUSTICE SOTOMAYOR stated: ‘ . . . ’ Id., at 323 (opinion concurring in part, concurring in judgment in part, and dissenting in part).” Similarly, when the type of opinion is otherwise identified in text, it should not be repeated in the parenthetical. E. g.: “The dissent declares: ‘ . . . ’ (opinion of Powell, J.).” When both the name of the writing Justice and the type of opinion are otherwise identified in text, a weight-of-authority parenthetical should not be used.

Ordinarily, the names of Justices who joined a referenced opinion are not included in a weight-of-authority parenthetical. However, when there is a special reason for noting such joinders, the following form should be followed: (GINSBURG, J., joined by ROBERTS, C. J., and Stevens and BREYER, JJ., dissenting).

For placement of weight-of-authority parentheticals, see § 1.51, infra. For the use of weight-of-authority parentheticals with cross-references to other opinions within the case at issue or cross-
references to other opinions within the same U.S. Reports volume as the case at issue, see §§ 9.1.5, 9.2, infra.

§ 1.51. Placement.

(a) Parentheticals indicating weight of authority vis-à-vis other information. Where a parenthetical is used to indicate the weight of authority of a cited opinion (see § 1.50.5, supra), it should precede another parenthetical giving other information about the case. E.g., Breard v. Alexandria, 341 U.S. 622, 649–650 (1951) (Black, J., dissenting) (“Since this decision cannot be reconciled with the Jones, Murdock and Martin v. Struthers cases, it seems to me that good judicial practice calls for their forthright overruling”).

(b) Informational parentheticals vis-à-vis case history. A parenthetical giving information about a case should precede any citation of the case’s prior or later history. E.g., General Shale Products Corp. v. Struck Constr. Corp., 37 F. Supp. 598, 602–603 (WD Ky. 1941) (alternatively holding Robinson-Patman Act inapplicable to sale to municipal housing commission and suggesting that “the Act does not apply to sales to the government, state or municipalities”), aff’d, 132 F. 2d 425 (CA6 1942), cert. denied, 318 U.S. 780 (1943).

(c) Shortening parentheticals vis-à-vis other information. Where a parenthetical is used to shorten a case’s name, it should immediately follow the citation of the case and precede all other parentheticals. E.g., Turner Broadcasting System, Inc. v. FCC, 512 U.S. 622, 635 (1994) (Turner I) (“[P]reservation of local broadcasting is an important governmental interest” (citing United States v. O’Brien, 391 U.S. 367 (1968))).

(d) “[Q]uiting” and “citing” parentheticals vis-à-vis other information. “[Q]uiting” or “citing” parentheticals should precede informational parentheticals but follow weight-of-authority parentheticals. E.g., Baldwin v. Alabama, 472 U.S. 372, 399 (1985) (Stevens, J., dissenting) (quoting Gardner v. Florida, 430 U.S. 349, 358 (1977) (opinion of Stevens, J.)). However, if the informational parenthetical contains text that itself requires a “quoting” or “citing” parenthetical, the latter should be inserted within, at the end of, the informational parenthetical. E.g., Kansas v. Crane, 534 U.S. 407 (2002) (“[T]he statutory criterion . . . satisfied ‘substantive’ due process requirements” (quoting Kansas v. Hendricks, 521 U.S. 346, 356 (1997))). A “quoting” or “citing” parenthetical should be
combined with any emphatic (see § 6.3, infra) or omissional (see §§ 7.5.7 through 7.5.8, infra) parentheticals. E.g., (quoting Barefoot v. Estelle, 463 U.S. 880, 938 (1983) (Blackmun, J., dissenting); emphasis added; citations, internal quotation marks, and footnotes omitted).

For placement of an Internet parenthetical, see § 0.2, supra. For placement of a slip-opinion parenthetical, see § 1.2.4, supra.

§ 1.52. Use of “same” or “similar.”

Where an informational parenthetical is used with a cited case and that case is immediately followed by another cited case or cases for which the same or similar information is desired to be shown parenthetically, “same” or “similar” should be used rather than repeating the previous parenthetical. E.g., Citizen Publishing Co. v. United States, 394 U.S. 131, 139 (1969) (antitrust laws); Lorain Journal Co. v. United States, 342 U.S. 143, 155–156 (1951) (same). See Chappell v. Wallace, 462 U.S. 296, 298–300 (1983) (special factors related to the military counsel against implying a Bivens action); see also United States v. Stanley, 483 U.S. 669, 683–684 (1987) (similar). “[S]ame” may also be used for a weight-of-authority parenthetical if the identity of the particular author and/or the nature of the particular opinion are not apparent in the context. E.g.: “The Federal Arbitration Act does not apply to proceedings in state courts. See Allied-Bruce Terminix Cos. v. Dobson, 513 U.S. 265, 285–297 (1995) (THOMAS, J., dissenting); Doctor’s Associates, Inc. v. Casarotto, 517 U.S. 681, 689 (1996) (same).”

§ 1.53. Elimination of final punctuation mark.

Do not use a period or question mark preceding the closing parenthesis of an informational parenthetical even though it consists of a complete sentence. But if the parenthetical consists of more than one sentence, punctuation marks must be used at the end of all but the last sentence.

§ 1.54. Capitalization of first word.

(a) Nonquotations. Where an informational parenthetical consists of one complete sentence that is not a quotation, it is optional whether to capitalize the first word unless it is a proper noun or is otherwise required to be capitalized by § 5.1 et seq., infra. But where the parenthetical consists of more than one sentence, the first word of each sentence must be capitalized. Where the
parenthetical is not a complete sentence, do not capitalize the first word unless it is a proper noun or § 5.1 et seq., infra, requires it to be capitalized.

(b) Quotations. Where the parenthetical consists of the quotation of a complete sentence with no omissions at the beginning of the sentence in the quoted source, the first word, of course, is capitalized. If words are omitted from the beginning of the sentence in the quoted source but the quotation is still a complete sentence, follow the capitalization rule set forth in § 7.5.2, infra. The first word of the quotation of an incomplete sentence should not be capitalized. If it is capitalized in the quoted source, make the first letter lowercase and enclose it in brackets unless it is a proper noun or is otherwise required to be capitalized by § 5.1 et seq., infra.

(c) Partial quotation. Where the parenthetical begins with unquoted words but later contains a quotation, apply the rule set forth in subsection (a) above. Conversely, where the parenthetical begins with a quotation but later contains unquoted words, apply the rule set forth in subsection (b) above.
II. CITATION OF CONSTITUTIONS AND STATUTORY OR QUASI-STATUTORY MATERIAL

A. GENERALLY

§ 2.1. Repeating citations.

§ 2.1.1. Shortened form. After a statute is initially cited, and frequent subsequent references to the same statute are made, a shortened form is desirable for such references. E.g., “Section 8(b)(1)(A) of the National Labor Relations Act (Act), 42 U.S.C. § 158(b)(1)(A), provides . . . .” (Note that the parenthetical reference “Act” is not “the Act.”) Be careful thereafter not to refer to the statute otherwise than as the “Act” by reverting to the full title or some other shortened form like “Labor Act.”

Initials of the statute may be used as the short form (“NLRA” might be used instead of “Act” in the above example); and if this is done, do not use points to separate the letters but run the letters together.

§ 2.1.2. Section references. Where a statutory citation is immediately followed by references to other sections of the same statute or title, give only the section numbers.

E.g., Thus, the Communications Act of 1934 authorizes the Federal Communications Commission to assign frequency bands, 47 U.S.C. § 303(c); allocate licenses by location, § 303(d); regulate apparatus, § 303(e); establish service areas, § 303(h); regulate chain ownership, § 303(i); and require the keeping of detailed records, § 303(j).

NOTE: Section numbers, as printed in this manual and in the U.S. Reports, contain a “thin” space between the section symbol ($) and number. In preparing drafts to be released as bench opinions, however, writers should type section numbers without any space between the symbol and digits. The thin space will later be inserted automatically at the preliminary print stage.

§ 2.1.3. Use of “id.” and “ibid.” “Ibid.” may properly be used to refer to a statutory or quasi-statutory section if the immediately preceding section is the same as the section being cited. E.g.: Initial citation: 47 U.S.C. § 303(c). Repeat citation: Ibid., if the author intends to again cite § 303(c).
“Id., at —” should not be used to refer to statutory or quasi-statutory sections. However, “id., at —” is properly used for repeat citations to pages in the Statutes at Large (see §§ 2.6, 2.15, infra). E.g.: Initial citation: 83 Stat. 852. Repeat citation: Id., at 853. Ordinarily, the rule set forth in § 2.1.2, supra, renders the use of “id., § —” superfluous when citing statutory or quasi-statutory sections. However, “id., § —” may be used where there is some special reason for doing so, as, for example, where the author wishes to cite a particular section within a just-referenced public law. E.g.: Initial citation: Civil Rights Act of 1991, 105 Stat. 1071, as amended. Repeat citation: § 105, id., at 1074. (“Ibid.” is used if the specific page is the same as the immediately preceding one.) Similarly, “id., at —” and “ibid.” are properly used for repeat citations to pages in the Federal Register (see §§ 2.12.2, 2.13, infra), pages in the Internal Revenue Service’s Cumulative Bulletin (see § 2.12.4, infra), pages in the Code of Federal Regulations on which Presidential documents appear (see § 2.13, infra), pages in the Public Papers of the Presidents and the Weekly Compilation of Presidential Documents (see § 2.14, infra), and U.S. Treaties and Other International Agreements (U.S.T.) (see § 2.15, infra).

B. FEDERAL CITATIONS

§ 2.5. Constitution.

Citations to the United States Constitution are as follows:

U.S. Const., Art. I, § 8, cl. 3.


In verifying quotations from constitutional provisions, the Reporter’s Office uses the literal print set forth on pp. 3–20 of the Congressional Research Service’s Constitution of the United States of America (Rev. & Ann. 1982).

NOTE: The designation “U.S. Const.” is often unnecessary, as it will almost always be perfectly clear from the context that the federal document is intended.

§ 2.6. Statutes at Large.

§ 2.6.1. Generally. The United States Statutes at Large constitutes “legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution
in all . . . courts of the United States . . . .” 1 U.S.C. § 112. The United States Code, on the other hand, constitutes “prima facie the laws of the United States, general and permanent in their nature,” except that “whenever titles of such Code shall have been enacted into positive law the text thereof shall be legal evidence of the laws therein contained . . . .” 1 U.S.C. § 204(a). A list of all titles of the Code, indicating which have been so enacted, appears in the front material of each volume of the Code and its supplements. See also § 2.9, infra.

§ 2.6.2. Code titles not enacted as positive law. When citing a law appearing in a title of the Code that has not been enacted into positive law, a parallel citation is necessary to the page in the Statutes at Large where the law (if cited in toto), or the particular section of the law, begins. E.g., the National Environmental Policy Act of 1969, 83 Stat. 852, 42 U.S.C. § 4321 et seq.; § 1104 of the Federal Aviation Act of 1958, 72 Stat. 797, 49 U.S.C. App. § 1504.

NOTE: In citing the Statutes at Large, an initial page cite is unnecessary where the page of the particular section is used, and the date is not included.

When citing an Act in its entirety, in which case the citation to the Code should indicate the inclusive sections of the particular title or the first section and “et seq.,” the Stat. citation should be to the first page of the Act. If more than one law is on that page, the chapter or Public Law number should be included in the citation. E.g., Act of Aug. 5, 1950, ch. 594, 64 Stat. 415. Public Law numbers superseded chapter numbers in 1951, beginning with vol. 65 of the Statutes at Large. E.g., Urban Mass Transportation Act of 1964, Pub. L. 88–365, 78 Stat. 302, 49 U.S.C. App. § 1601 et seq.


Unless more than one law is on a page, or there is some other need for clarity, a Public Law number should not be included with the first Stat. cite. When citing a Public Law number, use the following form: Pub. L. 91–329, § 2(a), 84 Stat. 425.

§ 2.6.3. Code titles enacted as positive law. When citing a law codified in a title of the Code that has been enacted into positive law, no citation to the Statutes at Large is necessary, as noted above. E.g., 28 U.S.C. § 1257. In addition to those listed in the
volumes of the Code, Title 26 (Internal Revenue Code) is treated as if it had been enacted into positive law, so no parallel cite to the Statutes at Large is necessary. With respect to the Internal Revenue Code, it is often desirable to cite the “Internal Revenue Code of 1954” as distinguished from the 1939 Code, but the sections therein parallel those in Title 26, and no cite to vol. 68A of the Statutes at Large is necessary even in that case. E. g., §162 of the Internal Revenue Code of 1954, 26 U. S. C. §162. Citations to the Internal Revenue Code of 1986 are discussed in §10.2.2, infra.

NOTE: Certain federal statutes have come to be known by their Public Law number and should be referred to by that designation in addition to their U. S. Code citation. E. g., Pub. L. 280, dealing with state civil jurisdiction in actions to which Indians are parties and codified in 28 U. S. C. §1360, even though it is part of a title of the U. S. Code that has been enacted into positive law. See Bryan v. Itasca County, 426 U. S. 373 (1976); Washington v. Confederated Bands and Tribes of Yakima Nation, 439 U. S. 463 (1979); Arizona v. San Carlos Apache Tribe of Ariz., 463 U. S. 545 (1983); Three Affiliated Tribes of Fort Berthold Reservation v. Wold Engineering, P. C., 467 U. S. 138 (1984).

§2.6.4. Exceptions. While the rules related above are to be considered firm guidelines, some flexibility is obviously called for. If a reference is made to a law merely in passing (perhaps as an example of a larger number of laws with similar provisions), citation to the Statutes at Large may be omitted, even if the particular U. S. Code title cited has not been enacted into positive law. See, e. g., citation to 15 U. S. C. §78x(b) in Administrator, Federal Aviation Administration v. Robertson, 422 U. S. 255, 265, n. 11 (1975). Also, when a statute has been fully explained in a majority opinion, including complete citations to the Statutes at Large as well as the Code (if necessary), a concurring or dissenting opinion can, in referring to the same law, use simply the Code cite. See, e. g., Gordon v. New York Stock Exchange, Inc., 422 U. S. 659, 692–693 (1975) (Stewart, J., concurring). Finally, in the opening paragraphs of an opinion, it may be the intention to mention the laws involved, without burdening those paragraphs with the sometimes-complicated citations of the relevant Statutes at Large. In such a case, a simple Code citation is allowable. The complete citation should, however, follow as soon as possible, preferably within one or two pages. See, e. g., Train v. Natural Resources Defense Council, Inc., 421 U. S. 60, 63–64 (1975).

§ 2.7.1. Generally; current edition. Citations to the U.S. Code are by the title and section or subsection. E. g., 18 U. S. C. § 1461; 28 U. S. C. § 2255, ¶6; 45 U. S. C. § 153 First. When the citation is to an entire statute, an “et seq.” reference should be used. E. g., 42 U. S. C. § 4321 et seq. Normally when the citation is to multiple sections or subsections within a particular section, a double section symbol should be used. E. g., 49 U. S. C. §§ 1504, 1505. Note that a comma generally separates section or subsection numbers, although “and” may be used for clarity in complex section strings. E. g., 26 U. S. C. §§ 400, 401(c)(1), and (2)(A)(i). The proper spacing for U. S. C. cites will be achieved by using the Keyboard Shortcut Alt uc.

When the Code citation begins a sentence, say “Title 18 U. S. C. § 1461 provides . . . .” or “Section 1461 provides . . . .” if the full cite is unnecessary under § 2.1.1, supra.

In referring to particular subdivisions within a statutory section, follow the hierarchical scheme set forth in the drafting manuals prepared by the legislative counsel’s offices in the House and the Senate. See Koons Buick Pontiac GMC, Inc. v. Nigh, 543 U. S. 60, 61 (2004). For example, the House manual provides:

“To the maximum extent practicable, a section should be broken into—

“(A) subsections (starting with (a));

“(B) paragraphs (starting with (1));

“(C) subparagraphs (starting with (A));

“(D) clauses (starting with (i)) . . . .” House Legislative Counsel’s Manual on Drafting Style, HLC No. 104.1, p. 24 (1995); see also Senate Office of the Legislative Counsel, Legislative Drafting Manual 10 (1997). Thus, the appropriate descriptors are “§ 2255,” “subsection (c),” “paragraph (3),” “subparagraph (B),” etc.

Unless it would be inappropriate because of amendments occurring since the time in question, citations should be to the current edition of the Code (new editions are published every six years), and no indication of date or edition is generally required. The current edition of the Code is set forth in the first sentence of the Note at the top of the Table of Cases Reported in each bound
volume and preliminary print of the U. S. Reports. For October Term 2013, the 2006 edition of the Code is current.

**NOTE:** There are only two instances in which the date of the current edition of the Code should be noted in a citation to sections within that edition. First, because it is presumed that an edition identifier remains the same until it is changed in text, the first citation to materials in the current edition following a citation to materials in an earlier edition of the Code, see §2.7.6, *infra*, or to materials in a supplement to the current edition, see §2.7.2, *infra*, should end with a parenthetical noting the current edition, presently “(2006 ed.).” *E. g.*, first cite: 18 U. S. C. §1461 (1964 ed.); subsequent cite: §1463 (2006 ed.); subsequent cite: §1464(b) (2006 ed., Supp. I); subsequent cite: §1464(b) (2006 ed.). Second, because the transition from one edition of the Code to the next edition will rarely correspond exactly to the beginning of a new Supreme Court Term, materials in the later titles of the former Code edition and in the earlier titles of the new Code edition will often both be “current” at the beginning of the new Court Term. For example, as October Term 2008 began, the ‘06 edition of U. S. C. was only partially published. Thus, cases decided early in the ‘08 Term that dealt with sections in the as-yet-unpublished Code titles were either followed by a “(2000 ed.)” parenthetical or, if such references were numerous, the following footnote was placed early in the opinion: “All undated references in this case to — U. S. C. are to the 2000 edition.”

§2.7.2. Supplements. Supplements to the U. S. Code, which are published in a bound form yearly, are Cited with a parenthetical indication, at the end of the citation, of the date of the particular edition and the number of the particular supplement being used. The supplements are indicated by Roman numerals. *E. g.*, 38 U. S. C. §1772 (1988 ed., Supp. V).

If the statute cited or quoted appears in part in the current edition of the U.S. Code and in part in a supplement thereto, the form of the citation is: 42 U.S.C. § 6291 (2006 ed. and Supp. IV).

There is generally no need to add parenthetical supplement information to citations to statutes as a whole. For example, a citation to “the Voting Rights Act of 1965, 79 Stat. 437, 42 U.S.C. § 1973 et seq.,” is sufficient even though that Act may have been amended in the latest supplement of the current edition of the U.S. Code. Moreover, even though a particular Code section is germane to the case at hand and has been amended in the U.S. supplement, there is no need to add a supplement parenthetical to the citation to the section if the statutory amendment was to a portion of the section that is not at issue in the case.

§ 2.7.3. Appendixes. Titles 5, 10, 11, 18, 26, 28, 38, 46, and 50 are followed by appendixes, some of which contain statutory provisions, rules of court or procedure, or both. Citations to the appendixes of Titles 18 and 28 are used to refer to the Advisory Committee’s Notes concerning the various Federal Rules. See § 2.11.3, infra, for the form of such citations. If citing a statute in one of the appendixes, the form should be: 18 U.S.C. App. § 1201. If the appendix includes more than one Act, add a page number the first time an Act is cited as an aid to the reader. E.g., 5 U.S.C. App. § 1, p. 1381.

§ 2.7.4. Amendments. If a law cited requires a citation to the Statutes at Large, and it has been amended since originally enacted, the phrase “as amended” should appear between the citations to the statutes and the Code. E.g., § 2 of the Clayton Act, 38 Stat. 730, as amended, 15 U.S.C. § 13. Sometimes the language of an amendment, or the fact of an amendment itself, may be sufficiently noteworthy that the author of an opinion may wish to indicate it. E.g., § 2 of the Clayton Act, 38 Stat. 730, as amended, 49 Stat. 1526, 15 U.S.C. § 13.

Where an amendment consists of the addition of a new section to an existing law, the words “as added” should be used instead of “as amended.” Subsequent amendments to the new section can be indicated. E.g., § 13(d) of the Securities Exchange Act of 1934, as added by § 2 of the Williams Act, 82 Stat. 454, and as amended, 84 Stat. 1497, 15 U.S.C. § 78m(d).
§ 2.7.5. *Very recent laws or amendments.* If a law cited is so recent that it does not appear in any official supplement to the Code, or even in a supplement to one of the unofficial editions (see § 2.7.6, *infra*), cite to the Statutes at Large where it appears (the slip laws have the permanent citations in the margin when they first appear days or weeks after being approved or passed), and also give the Public Law number. *E.g.*, Pub. L. 93–502, 88 Stat. 1564. The Code citation will be supplied when available.

§ 2.7.6. *Unofficial editions.* Citations to unofficial editions of the Code (*i.e.*, U. S. C. S., U. S. C. A.) are used only for material not appearing in the official edition. Because the various supplements to the unofficial editions are more up to date than the annual supplements to the official edition, very recent enactments which have not yet been codified in the official supplements (or new edition) can, and must, be cited to one of the more recent supplements of U. S. C. A.

Note that U. S. C. A. has both annual pocket supplements (cited, *e.g.*, as Supp. 1989) and periodic noncumulative pamphlets (cited, *e.g.*, as June 1989 Supp.) which supplement the pocket supplements. Sometimes special pamphlet supplements are published.

If the official supplement is received prior to publication of the bound volume of the U. S. Reports containing such a citation, the citation will be changed to refer to the official supplement. *E.g.*, a citation in a preliminary print to 42 U. S. C. A. § 1857f-1 *et seq.* (Supp. 1988) would be changed in the bound volume to 42 U. S. C. § 1857f-1 *et seq.* (1982 ed., Supp. V).

§ 2.7.7. *Earlier editions.* If other than the current edition of the U. S. Code is cited, the edition is indicated parenthetically at the end of the citation, by year. This is also true when citing supplements to an earlier edition. *E.g.*, 50 U. S. C. App. § 925(a) (1940 ed., Supp. II).

§ 2.8. *Uncodified statutes.*

1695, note following 44 U.S.C. § 2111; National Transportation Policy, 54 Stat. 899, note preceding 49 U.S.C. § 1. If the notes following a particular codified statute are long, a further identifier, such as a page number or column header, may be used to pinpoint the material in question. E.g., Subsection 1 of the Child Pornography Prevention Act of 1996, 110 Stat. 3009–26, notes following 18 U.S.C. § 2251, p. 1215 (Congressional Findings). Subsequent pinpoint references to the foregoing could then be reflected in the following shorthand form: Congressional Findings (4), (10)(B), at 1215, 1216.

§ 2.9. Revised Statutes.

In 1874, and again in 1878, a codification of federal laws in force was made. Known as the Revised Statutes, it is to be cited in lieu of earlier statutes, since it constitutes legal evidence of the laws incorporated in it. Those statutes now incorporated in the U.S. Code from the Revised Statutes are to be cited as follows: Rev. Stat. § 5198, 12 U.S.C. § 94; Rev. Stat. § 3466, 31 U.S.C. § 191; Rev. Stat. § 1979, 42 U.S.C. § 1983. Note that this applies only to those titles not enacted into positive law.

Citation to statutes preceding the Revised Statutes may be used, of course, for particular purposes, as in a historical discussion of a law’s evolution. See, e.g., Alyeska Pipeline Service Co. v. Wilderness Society, 421 U.S. 240, 248–256, and nn. 19–27 (1975).

§ 2.10. Bills and resolutions.

Bills and resolutions are cited by number, Congress, session of that Congress, and date. E.g., S. 2545, 85th Cong., 1st Sess. (1957); H. R. 136, 79th Cong., 1st Sess. (1945); S. Res. 244, 94th Cong., 1st Sess. (1975); H. Res. 1505, 94th Cong., 2d Sess. (1976). If citing a particular section, indicate the section after the session. Try to indicate, as well, which version of a bill is intended (i.e., as introduced, reported by committee, returned from conference, etc.). This may be done in the text immediately preceding the cite.

§ 2.11. Court Rules.

§ 2.11.1. United States Supreme Court. Citations and references to Rules of the United States Supreme Court should be in the form: “this Court’s Rule 46” or, if to a certain part of a Rule, “this Court’s Rule 46.1.”
§ 2.11.2. Federal Rules. The various Federal Rules are cited as follows:

<table>
<thead>
<tr>
<th>Full Name of Rule</th>
<th>Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Habeas Corpus Rule 2</td>
</tr>
<tr>
<td></td>
<td>§ 2255 Rule 2</td>
</tr>
</tbody>
</table>

If more than one rule or rule subdivision is cited, the citation should be: Fed. Rules Civ. Proc. 12(a) and (b); Fed. Rules Civ. Proc. 26 and 30. Subsequent textual references may be shortened to, e. g., “Rule 26(a)” or “Rules 26 and 30.” In referring to an enumerated portion of a Federal Rule, follow the hierarchical scheme set forth in Guideline 3.2A, Administrative Office of the United States Courts, B. Garner, Guidelines for Drafting and Editing Court Rules (1996):

Rule 1
   (a) [subdivision]
      (1) [paragraph]
         (A) [subparagraph]
            (i) [item]

NOTE: When textual references to Federal Rules are part of a sentence, the references should be spelled out and not abbreviated. However, references to Federal Rules in footnote text may be abbreviated.
The local rules of the lower federal courts may be cited, e. g.: Rule — (CA3 19—); Rule — (CA Fed. 19—); Rule — (CADC 19—); Rule — (SD Ohio 19—); Rule — (EDNY 19—); Rule — (D RI 19—); Rule — (Bkrtcy. Ct. RI 19—).


§ 2.11.3. Advisory Committee Notes. The Notes of the various Advisory Committees of the Judicial Conference of the United States on the various Rules of Procedure and other rules for the federal courts are cited to the appendixes of the Titles of the U. S. Code in which they appear (see § 2.7.3, supra), except that the Advisory Committee’s Notes to the 28 U. S. C. §§ 2254 and 2255 Rules are cited to 28 U. S. C. as they appear along with the Rules following §§ 2254 and 2255. E. g., Advisory Committee’s Notes on Fed. Rule Crim. Proc. 16, 18 U. S. C. App., p. 1435; Advisory Committee’s Note on Habeas Corpus Rule 10, 28 U. S. C., p. 274. The foregoing form may be adjusted as necessary to accommodate complex situations. E. g., Advisory Committee’s 1937 Note on subd. (c) of Fed. Rule Civ. Proc. 15, 28 U. S. C. App., p. 686. Parallel citations may be given to F. R. D. if desired.

§ 2.11.5. Sentencing Commission Guidelines.


An initial citation to the Guidelines should be in the following form: United States Sentencing Commission, Guidelines Manual § 3E1.1 (Nov. 1998). Subsequent citations may be abbreviated by placing “USSG” in a parenthetical following the initial cite and then using that descriptor as the short form for the Guidelines, e. g., USSG § 2D1.1. Additional abbreviations may be used for policy statements, e. g., USSG § 6A1.1, p. s.; for commentary designated as an application note, e. g., USSG § 2F1.1, comment., n. 1; for commentary designated as background, e. g., USSG § 2F1.1, comment.,
backg'd; for commentary designated as an introduction, *e. g.*, USSG ch. 3, pt. D, intro. comment.; and for an appendix to the Manual, *e. g.*, USSG App. C.

§ 2.12. *Administrative rules and regulations.*

§ 2.12.1. *Generally.* The Code of Federal Regulations (CFR) is a codification of federal administrative regulations. Cite the applicable title and section of CFR. Because the annual editions of CFR are issued in installments rather than all at once, the date of the particular volume used must always be noted. *E. g.*, SEC Rule 10b–5, 17 CFR § 240.10b–5 (1979); 45 CFR pt. 84 (1980); 45 CFR pt. 84, App. C, ¶ (a) (1985). This is particularly important when citing a noncurrent version of a regulation. *E. g.*, 32 CFR § 1625.2 (1965).

NOTE: Once a CFR provision has been fully cited, whether in text or a footnote, the date need not be included in subsequent references to the same provision unless a later or earlier version is intended or repetition of the date is necessary for clarity.

If a regulation has been amended since the appearance of the latest volume of the relevant CFR title, citation to the place in the Federal Register (see § 2.12.2, *infra*) where the amendment appears is desirable, even if not controlling (perhaps because of the time-frame involved) in the case at hand. *E. g.*, 10 CFR § 100.11(a)(3) (1974), as amended, 40 Fed. Reg. 26526 (1975).

Rules issued by federal agencies in the form of guidelines, policy statements, internal procedures, manuals, etc., which are not published in the Code of Federal Regulations, should be cited by the particular volume if relevant, the issuing agency’s name, the title of the rules, the particular division intended (*i. e.*, page, section, paragraph, etc.), and the date and edition, if relevant, in parentheses. *E. g.*, 2 EEOC Compliance Manual § 615.7 (1982); Dept. of Justice, United States Attorneys’ Manual § 9–110.350, p. 88 (rev. Mar. 9, 1984).

§ 2.12.2. *Federal Register.* The Federal Register is a daily record of rules and regulations promulgated and proposed by federal agencies. Every rule and regulation codified in CFR or proposed (giving the public an opportunity to comment) is first published in the Federal Register. It therefore may be desirable to cite the Federal Register for the issuance of a proposed agency rule or regulation (cite in this form: 44 Fed. Reg. 77029 (1979) (proposed 29 CFR § 1.6(f)), or to place amendments to regulations in historical

**NOTE:** The initial reference to materials published in the Federal Register need not include the first page of the materials; simply cite the page on which the provisions at issue are found. Immediately following references should be abbreviated to “id., at —.” See § 2.1.3, *supra.* Once particular Federal Register materials have been fully cited, whether in text or a footnote, the date need not be repeated in subsequent references to the same materials unless necessary for clarity, and such references need not be followed by “, at”; simply cite the Fed. Reg. volume number and page on which the provisions at issue are found.

**§ 2.12.3.** *Treasury Regulations.* Under the early Revenue Acts and the Internal Revenue Code of 1939, regulations promulgated by the Treasury Department were numbered, with sections or articles compartmentalizing them. They are cited as follows: Treas. Regs. 33, Art. 150 (1918); Treas. Regs. 111, § 29.23(p)–1 (1943). Note that each numbered set of regulations was published in a separate book, hence plural form “Treas. Regs.”

Regulations promulgated under the Internal Revenue Codes of 1954 and 1986 are codified in Title 26 of the Code of Federal Regulations, and should be cited as follows: *E. g.,* Treas. Reg. § 1.61–6, 26 CFR § 1.61–6 (1979).

Proposed regulations are cited to the Federal Register.


**NOTE:** Treasury Decisions issued in 1898 were published in two volumes called “Synopsis of Decisions.” These are cited: T.D. 19729, 2 Synopsis of Decisions (1898). In 1899, Treasury Decisions began to be issued in a publication called (amazingly) “Treasury Decisions.” Certain Treasury Decisions appearing in that publication do not appear in the Cumulative Bulletin even though they were issued after the inception of the Cumulative Bulletin. These may be cited, *e.g.*, as follows: T. D. 43634, 56 Treas. Dec. 342 (1929).

**NOTE:** The identification “Revenue Ruling” replaced many of the other identifications used before January 1953, such as “Office Decision” (cited O. D. 814, 4 Cum. Bull. 84 (1921)); “Income Tax Unit Ruling” (cited I. T. 3395, 1940–2 Cum. Bull. 64); “Mimeograph” (cited Mim. 6472, 1950–1 Cum. Bull.).

§ 2.13. **Executive Orders, Presidential Proclamations, and Reorganization Plans.**

Note that a number of Reorganization Plans are published in the Appendix to Title 5 of the U.S. Code and in the Statutes at Large (see, e.g., 92 Stat. 3781).

§ 2.14. **Other Presidential documents.**

Presidential documents other than Executive Orders, Proclamations, and Reorganization Plans may be cited either to Public Papers of the Presidents (cited Public Papers of the Presidents, [name of President], Vol. ——, [date of document], p. —— (date)) or to Weekly Compilation of Presidential Documents (cited Weekly Comp. of Pres. Doc.). E.g., President’s Message to Congress Transmitting Rescissions and Deferrals, 11 Weekly Comp. of Pres. Doc. 1334 (1975).

§ 2.15. **Treaties and other international agreements.**

§ 2.15.1. **Generally.** Citations to treaties, conventions, and other international agreements generally consist of three basic elements: (1) the name of the treaty or other agreement, (2) the date of signing, and (3) the source.

§ 2.15.2. **Name of treaty or other agreement.** The initial citation to a treaty or other agreement should contain its full, formal name as it appears on the first page of that treaty or agreement, including its form (e.g., Convention, Protocol, Treaty, etc.) and its subject-matter description. E.g., Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**NOTE:** A pinpoint citation to a particular provision within an agreement may be inserted between its name and date. E.g., Patent Cooperation Treaty, Art. 2(xi)(b), June 19, 1970.

§ 2.15.3. **Date of signing.** The date of signing should follow the name of the treaty or other agreement (and any pinpoint reference). For most multinational treaties, states can consent to be bound after the date on which the treaty is opened for signature. In such instances, use the date on which the treaty was opened for signature. E.g., Geneva Convention Relative to the Treatment of Prisoners of War, Art. 22, Aug. 12, 1949, 6 U. S. T. 8336, T. I. A. S. No. 3364.

**NOTE:** The effective date of a treaty, convention, or other agreement, i.e., the date the United States acceded to the agreement, may be incorporated in a parenthetical at the end of the citation if deemed relevant to the discussion. E.g., Convention
Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U. N. T. S. 113 (entered into force June 26, 1987).

§ 2.15.4. Source. Treaties and other agreements should be cited to their official sources, when available. See § 0.1; supra.

(a) United States a party. Prior to 1949, treaties to which the United States was a party were published in the Statutes at Large and cited, e. g., as Treaty of Paris, Dec. 10, 1898, 30 Stat. 1754. For a complete list of the treaties and other international agreements published in the Statutes at Large, see 64 Stat. B1107. Parallel citations for treaties and other international agreements through 1945 should be given to the State Department sources Treaty Series (T. S.) (numbered consecutively up to 994) or Executive Agreement Series (E. A. S.) (numbered consecutively up to 506). E. g., Treaty with Iraq on Commerce and Navigation, Dec. 3, 1938, 54 Stat. 1790, T. S. No. 960.

treaty or other agreement does not appear in an official source, provide a citation to International Legal Materials (I. L. M.), if therein, or to another unofficial source.

(b) United States not a party. For treaties or other agreements published by international organizations, citation should be to the official publication of that organization, e.g., United Nations Treaty Series (U. N. T. S.), Organization of American States Treaty Series (O. A. S. T. S.), European Treaty Series (Europ. T. S.). E.g., Convention for the Prevention of Marine Pollution from Land-Based Sources, June 4, 1974, 1546 U. N. T. S. 119. Otherwise, citation should be to the official source of one signatory nation, e.g., Canada Treaty Series (Can. T. S.). If not appearing in an official treaty source, provide a citation to International Legal Materials (I. L. M.), if therein, or to another unofficial source.

NOTE: In citing to specific pages in a treaty source, an initial page cite is unnecessary, and the date is not included.

§ 2.15.5. List of preferred citations. The following list includes the preferred citation forms for many commonly cited treaties and other international agreements. The citations comply with the foregoing rules.


C. STATE CITATIONS

§ 2.20. Constitutions.

If the particular provision of the state constitution cited is the current form, no date need be indicated. Previous forms, however, must be dated, either within the citation or in the text immediately preceding that citation. *E. g.*, N.Y. Const., Art. XXXIV (1777). The form of the citation should reflect the structure of the particular constitution, with such divisions as are denominated. *E. g.*, “articles,” “sections,” “clauses,” abbreviated as indicated in § 2.5, *supra*.

§ 2.21. Statutes.

§ 2.21.1. Generally. State statutes, and those of the District of Columbia, Puerto Rico, and the various Territories and possessions of the United States, should be cited as set forth in the list in § 2.21.5, *infra*. The official version (indicated in the list by the notation “[o]”) is used where there is one. Where there is no official version, preferred compilation is listed.

State statutes are abbreviated even when used in a sentence if specific sections are referred to, except where the reference begins a sentence the first word or words (usually the name of the State) of the reference should be spelled out. *E. g.*, “New Jersey Rev. Stat.
§ 2.21.2. *Date or year.* The year should be given in all statutory citations as follows:

(a) *Codifications.* For codifications in permanent bound volumes (as opposed to looseleaf form) give parenthetically in order of preference: (1) the year (if any) that appears on the spine of the volume; (2) the year (if any) that appears on the title page; or (3) the latest copyright year. For supplements give the year or years covered. If the supplement is a cumulative pamphlet, that fact should be noted and preceded by the year. *E.g.*, Haw. Rev. Stat. § 844D–123 (2008 Cum. Supp.). If the supplement is a pocket part the year should follow the “Supp.” notation. *E.g.*, Del. Code Ann., Tit. 8, § 253 (Supp. 1976). If the codification is in looseleaf form, give the date (if any) on the page on which the cited statute is printed. Otherwise, give the date of the first subdivision within which the cited statute appears.

>*NOTE:* Once a provision of a state code has been fully cited, whether in text or a footnote, the date need not be included in subsequent references to the same provision unless a later or earlier version is intended or repetition of the date is necessary for clarity.

(b) *Session or Public Laws.* Give the year in the form indicated in the list in § 2.21.5, *infra.*

§ 2.21.3. *Pennsylvania statutes.* Pennsylvania is undertaking its first official statutory codification in Pennsylvania Consolidated Statutes. This project, which was initiated in 1970, is expected to extend over a considerable period of time. The new codification changes the whole scheme and structure of the statutes as previously published in Purdon’s Pennsylvania Statutes Annotated, the unofficial compilation. Thus, special care must accordingly be taken in citing Pennsylvania statutes to avoid confusion. For those statutes which have been published in the new official codification, cite that source: x Pa. Cons. Stat. § x (Date). For those not yet codified, cite Purdon’s: Pa. Stat. Ann., Tit. x, § x (Purdon Date). These statutory cites are not to be confused with the Pennsylvania Code (Pa. Code), which is a code of administrative regulations. See § 2.23, *infra.*
§ 2.21.4. *Texas statutes.* Texas is currently undertaking a recodification of its statutes in Texas Code Annotated (cited Tex. [subject] Code Ann. § x (West Date)). For statutes which appear in the subject-matter volumes already published (indicated by the notation “*” in the list in § 2.21.5, *infra*) under the recodification, cite that source. Otherwise, cite the independent codes of the older codification as follows:

<table>
<thead>
<tr>
<th>Full Name of Statute</th>
<th>Cite</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas Tax-General Annotated</td>
<td>Tex. Tax-Gen. Ann., Art. x (Vernon Date)</td>
</tr>
</tbody>
</table>

§ 2.21.5. *List of preferred forms of statutory citations.* The following list of the statutes of all 50 States, the District of Columbia, Puerto Rico, and the various Territories and possessions of the United States indicates the form to be followed in citing such statutes. The notation “[o]” indicates the official edition, as determined periodically by the Library. This list reflects the Library’s list as updated July 2010. See the Library’s Home Page on the Court’s Intranet for subsequent updates.
<table>
<thead>
<tr>
<th>Main Body of Statutes</th>
<th>Session or Public Laws</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Full Name</strong></td>
<td><strong>Cite</strong></td>
</tr>
<tr>
<td><strong>ALABAMA</strong></td>
<td></td>
</tr>
<tr>
<td>(1975) [o]</td>
<td></td>
</tr>
<tr>
<td>Alaska Statutes</td>
<td>Alaska Stat. § x (Date)</td>
</tr>
<tr>
<td>(1962) [o]</td>
<td></td>
</tr>
<tr>
<td><strong>AMERICAN SAMOA</strong></td>
<td></td>
</tr>
<tr>
<td>American Samoa Code</td>
<td>Am. Samoa Code Ann. § x (Date)</td>
</tr>
<tr>
<td>Annotated [o]</td>
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<tr>
<td><strong>ARIZONA</strong></td>
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<td>Annotated [o]</td>
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<tr>
<td>Annotated [o]</td>
<td></td>
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<tr>
<td><strong>CALIFORNIA</strong></td>
<td></td>
</tr>
<tr>
<td>West's Annotated</td>
<td>Cal. [subject] Code Ann. § x (West Date)</td>
</tr>
<tr>
<td>California Codes</td>
<td>Business and Professions</td>
</tr>
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*CD-ROM only (both Code and Acts), available on the Court’s internal network at http://www.court.gov/Library/Find/Official_State_Codes.pdf.
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| **Minnesota**        |                        |
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| Minnesota Statutes  | Minn. Stat. § x        |
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| *Available on Internet only at http://www.moga.mo.gov/statutes/statutes.htm |

| **Montana**          |                        |
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**Subjects:**
- Abandoned Property
- Agriculture and Markets
- Alcoholic Beverage Control
- Alternative County Government
- Arts and Cultural Affairs
- Banking

**Cite:**
- Aband. Prop.
- Agric. & Mkts.
- Alt. County Govt.
- Banking

(These may be cited to McKinney’s Session Laws as follows: 19xx N. Y. Laws (McKinney))
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II–34
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*Alcoholic Beverage*

*Auxiliary Water*  
*Business and Commerce*

*Cite:*

*Agric.*  
*Alco. Bev.*

*Aux. Water*  
*Bus. & Com.*
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<td>19xx Wyo. Sess. Laws ch. x</td>
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§ 2.22.  **Ordinances.**

Local ordinances vary greatly in format, and generalization concerning the method of citation is difficult. The political subdivision should be named first, followed by the State, the style of the enactment (i.e., ordinance, city code, etc.), a pinpoint reference to the particular chapter, article, section, or paragraph, and the date. *E. g.*, Birmingham, Ala., Ordinance No. 67–2, § 3 (1967); Richmond, Va., City Code § 17–23 (1975); Chicago, Ill., Municipal Code, ch. 193–1(i) (1968). The New York City Administrative Code is somewhat of an exception, because it is set up just like a state code, with dates and section numbers, and it should be cited similarly. *E. g.*, N. Y. C. Admin. Code § T46–1.0(c) (1971). See also, *e. g.*, Los Angeles Admin. Code, Art. 13, § 13.62(a) (1979).

§ 2.22.5.  **Court rules and instructions.**

To the extent feasible, state-court rules citations should observe the forms set forth in § 2.11.2, *supra*, for the various sets of federal rules, with the addition of the date or year as set forth in § 2.21.2, *supra*.  *E. g.*, Utah Rule Civ. Proc. 69 (1989); Ariz. Rule Crim. Proc. 24.2(a) (1987); Mich. Ct. Rule 7.205 (2004). State abbreviations will be found in § 8.3, *infra*. Where it is not possible to follow the foregoing rule, citation forms and abbreviations suggested by the state-court rules themselves should be observed.


§ 2.23.  **Administrative regulations.**

Although there is some variation in format, state administrative regulations generally present no special problems in the form of

D. FOREIGN CITATIONS

§ 2.24. *Generally.*

For the proper citation forms for statutory or quasi-statutory materials from specific foreign jurisdictions not discussed *infra*, see the latest edition of the Bluebook, p. 277 *et seq.* (19th ed. 2010).

§ 2.25. *European Union and European Community materials.*


For the citation of European Union cases, see § 1.10, *supra.*
Style, not substance, is obviously the explanation.

Justice Felix Frankfurter (dissenting)

United States v. Monia,
317 U. S. 424, 446 (1943).
III. CITATIONS OF SECONDARY SOURCES

A. GENERALLY

§ 3.1. Repeating citations.

(a) “Hereinafter” shortened form. If in the text or (more commonly) in a footnote frequent citations are to be made of a certain secondary source, it is often desirable to use a shortened form for the subsequent citations. This is generally done with a parenthetical that immediately follows the citation of the source and precedes all other parentheticals. Where a specific page is cited in the subsequent reference, do not then use “at” or “p.” Simply use the shortened form followed by the page number (but see NOTE below).


NOTE: There may on occasion be situations where “at” or “p.” should be used for the sake of clarity. For example, where the shorthand “hereinafter” notation is some such word as “Order,” say “Order, at 62,” or “Order, p. 62,” rather than “Order 62,” so as not to make it appear that the “62” is the number of the Order.


The above rule will apply whether or not the first citation is in the text or in a footnote, i.e., all subsequent citations regardless of where they occur will be in the shortened form. For example, where the first citation is in a footnote and the subsequent citation is also in a footnote several pages later, do not say “2 Wigmore, supra, n. 6, at 75,” but merely say: “2 Wigmore 75.”

(b) Without “hereinafter” shortened form. It may not always be feasible to use a “hereinafter” shortened form for subsequent citations, such as is indicated in the above examples. In this case a different rule for subsequent citations applies.


Example 3. First citation: A. Castiglioni, A History of Medicine 84 (E. Krumbhaar transl. 2d ed. 1947). A subsequent citation (if within two pages): Castiglioni, supra, at 97; (if more than two pages removed): Castiglioni, History of Medicine, at 97.


For purposes of this rule, citations in the text of an opinion should be treated independently from citations of the same source in a footnote, except that if the citation first appears in a footnote, subsequent citations, whether in the text or a later footnote, may cross-reference back to the footnote containing the initial citation. E. g., Note, 72 Mich. L. Rev., supra n. 6, at 840; Ely, supra n. 6, at 729.

(c) Use of “id.” and “ibid.” If the citation of a secondary source is directly followed by a citation of the same source (i. e., there is no intervening reference or citation to a case or another authority) on the same page or succeeding page or pages and the reference is to a specific page or pages of the source, use “id., at ——,” or “ibid.” if the specific page is the same as the immediately preceding one.

E. g.: Initial citation: A. Castiglioni, A History of Medicine 84 (E. Krumbhaar transl. 2d ed. 1947). Repeat citation: Id., at 86–87. For multivolume works, use, e. g., 5 id., at ——.

If the initial citation is to a section in a secondary source or to a section and page, use “id., § ——” or “id., § ——, at ——” for a directly following citation to the same source. E. g.: Initial citation: 3 J. Wigmore, Evidence § 826, p. 349 (J. Chadbourn rev. 1970). Repeat citation: Id., § 830, at 444. If the initial citation is to a particular volume of a multivolume work, “id., § ——” or “id., at ——” may be used for an immediately following citation to a different volume in the same work. E. g.: Initial citation: 1 C. Torcia, Wharton’s Criminal Law § 33, p. 73 (14th ed. 1978). Repeat citation: 2 id., § 534, at 958.

Where “supra, at ——” is used for a repeat citation in accordance with § 3.1(b), supra, do not use “id.” or “ibid.” for a directly following citation. E. g.: Initial citation: Ely, The Irrepressible Myth of Erie, 87 Harv. L. Rev. 693 (1974). Repeat citation: Ely, supra, at 729. Directly following citation: 87 Harv. L. Rev., at 735 (not id., at 735). An alternative style is to depart from the rule in § 3.1(b), and use a volume citation where “supra” would otherwise
be used under that rule. *E. g.*, repeat citation: Ely, 87 Harv. L. Rev., at 729. Directly following citation: *Id.*, at 735.

Where “supra” is used to refer to a secondary source in its entirety, “*id.*” or “*ibid.*” may be used for a directly following citation. *E. g.*, repeat citation: Ely, *supra*. Directly following citation: *Ibid.* or *id.*, at 738.

B. BOOKS, SERVICES, PERIODICALS, ETC.

§ 3.5. *Textbooks and treatises, generally.*

While the wide variety of textbooks and treatises makes it difficult to formulate a general rule for citation style, the author’s first initial and last name are generally given, followed, after a comma, by the title as it appears on the title page (not the spine or outside cover), then the particular division intended (*i. e.*, section, page, paragraph, etc.), and finally by the date (in parentheses). *E. g.*, E. Griswold, Spendthrift Trusts 211 (2d ed. 1947). Ordinarily, the author’s name should not be repeated if it is part of the title. For example, E. Allan Farnsworth’s “Farnsworth on Contracts” should be cited: 1 E. Farnsworth, Contracts § 4.4 (2d ed. 1998). However, an exception to the latter rule is made for W. Keeton, D. Dobbs, R. Keeton, & D. Owen, Prosser and Keeton on Law of Torts 212–214 (5th ed. 1984).

When citing an entire section of a treatise, page numbers are not required, but may be used at the author’s discretion. However, when quoting a treatise passage, both the section number and page number(s) should be included. The initial cite to a treatise section’s pages should a “pp.” reference, but subsequent references should use “at.” *E. g.*, first citation: 3 J. Wigmore, Evidence § 826, p. 1015 (J. Chadbourn rev. 1970). A subsequent citation: 2 Wigmore § 75, at 58. Page ranges are generally indicated with an en dash (–) (not a hyphen (-)), although a range of complicated page numbers may be divided with “to” in order to avoid confusion. *E. g.*, § 59.05[8], pp. 59–40 to 59–46.

If a multivolume set is cited, the volume used is indicated by an Arabic numeral preceding the author’s name. *E. g.*, 1 M. Nimmer, Copyright § 5 (1996). If more than one edition of a work has been published, the particular edition cited should be noted parenthetically with the date. The edition is usually indicated simply by number, *e. g.*, W. Prosser, Law of Torts 212 (4th ed. 1971), or it may
sometimes be indicated by the name of the reviser or editor, *e. g.*, 3A J. Wigmore, Evidence § 1040 (J. Chadbourn rev. 1976); 2 Writings of James Madison 183 (G. Hunt ed. 1901); National Survey of State Laws 422 (R. Leiter ed., 4th ed. 2003); J. Story, Commentaries on the Constitution of the United States 200 (abr. ed. 1833).

Some works have been edited and reedited several times since the original version, and may be cited using the reviser(s) as author(s) and using the original author’s last name in the title. *E. g.*, E. Cleary, McCormick on Evidence § 45 (3d ed. 1984); P. Bator, D. Meltzer, P. Mishkin, & D. Shapiro, Hart and Wechsler’s The Federal Courts and the Federal System 921–926 (3d ed. 1988); 2A N. Singer, Sutherland on Statutory Construction § 47.34, p. 274 (rev. 5th ed. 1992); 9 J. Moore, B. Ward, & J. Lucas, Moore’s Federal Practice § 110.27 (2d ed. 1996); 4A J. Sackman, Nichols’ Law of Eminent Domain, ch. 14 (rev. 3d ed. 1977); 1 C. Torcia, Wharton’s Criminal Law § 33 (15th ed. 1995). However, in instances where there are more than five revisers, their names may be omitted. *E. g.*, 4 Collier on Bankruptcy, ¶ 542.06 (15th ed. 1990); Moore’s Federal Practice § 124.01[1] (3d ed. 2009).

Older treatises that have been published in numerous editions, all using the same language, often have “star paging” in the later versions. The stars, with accompanying numbers, indicate the original page breaks and should be used in the citation. *E. g.*, 4 W. Blackstone, Commentaries *27; T. Cooley, Constitutional Limitations *483–*484; 2 J. Kent, Commentaries on American Law *278–*279; 1 M. Hale, Pleas of the Crown *623–*624. Note that when using star paging, no edition need be indicated. However, when citing the facsimile of Blackstone’s first edition, the following format should be used: 4 W. Blackstone, Commentaries on the Laws of England 197–198 (1769).

Although when citing a page of a textbook or treatise “p.” is not normally used after the title of the publication, sometimes clarity or ease of reading requires its insertion. *E. g.*, U.S. Commission on Civil Rights, The Voting Rights Act: Ten Years After, p. 30 (1975); F. Zimmerman & M. Wendell, The Interstate Compact Since 1925, pp. 102–103 (1951); F. Wharton, Criminal Pleading and Practice § 913, p. 641 (9th ed. 1889); J. Walker, Fundamentals of Physics, p. vi (8th ed. 2008).

For citations of articles in anthologies, see § 3.8.5, *infra.*
§ 3.5.1. The Federalist. The Federalist requires some special mention because of somewhat unique practices to be used in citing it. When merely citing a particular pamphlet in the work, no citation to a particular edition is necessary. *E. g.*, The Federalist No. 23; or if it is desired to indicate the particular author, The Federalist No. 39 (J. Madison). If, however, material is quoted or reference is made to a particular passage within a pamphlet, the specific edition used must be indicated in the citation. *E. g.*, The Federalist No. 23, p. 140 (H. Lodge ed. 1888); The Federalist No. 31, p. 195 (J. Cooke ed. 1961) (A. Hamilton).

§ 3.5.2. American Bar Association Project. The American Bar Association Project on Standards for Criminal Justice also requires special mention. Those Standards first appeared in individual booklets as tentative drafts ( Standards concerning one subject were collected in one booklet), and were cited as follows: ABA Project on Standards for Criminal Justice, Discovery and Procedure before Trial § 5.3(e) (Tent. Draft 1969). They were subsequently available, after being approved by the ABA, in the same format, and were cited as follows: ABA Project on Standards for Criminal Justice, Discovery and Procedure before Trial § 5.3(d) (App. Draft 1970).

In 1974, those Standards that had been approved were compiled in a single volume, thus supplying an alternative citation for those Standards that had been approved by that date. *E. g.*, ABA Project on Standards for Criminal Justice Compilation, Discovery and Procedure before Trial § 5.3(d), p. 263 (1974).

In 1980, the ABA published the second edition of the Standards in a 4-volume looseleaf compendium that is periodically updated by supplements. For ease of reference, the second edition uses a numbering system that has been incorporated in the Standard numbers themselves. Each Standard is now prefixed with the number of the chapter in which it appears, *e. g.*, Standard 14–2.1, Plea Withdrawal, from chapter 14, relating to Pleas of Guilty. Thus, the proper way to cite the second edition, using the given example, is ABA Standards for Criminal Justice 14–2.1 (2d ed. 1980) ((2d ed. 1980, Supp. 1982) if material is in a supplement; (2d ed. 1980 and Supp. 1982) if material is partly in a supplement). If reference is made to a page number, use the exact form used in the publication itself: *E. g.*, *id.*, at 14–10.
In 1992, publication of the third edition of the Standards commenced. As of August 1995, four bound booklets had been issued: Sentencing; Prosecution and Defense Function; Providing Defense Services; and Fair Trial and Free Press. The second edition is still cited for those chapters which are not yet included in the third edition. When citing the latter, it is necessary to include the subject. *E.g.*, ABA Standards for Criminal Justice, Defense Function 14–1.2 (3d ed. 1993).

§ 3.6. *Looseleaf services.*

Looseleaf services are cited, generally, by publisher, volume, name, subdivision, and date.


(b) *Subdivision.* Looseleaf services should be cited by paragraph number or, if reference is to particular material within a paragraph number, by paragraph number and page number. See last example in (a), *supra*.

(c) *Date.* When citing a case reported in a looseleaf service, give the year of the case. *E.g.*, Olympic Foundry Co. v. United States, 72–1 USTC ¶ 9299 (WD Wash. 1972).

§ 3.6.1. *Abbreviations.* For abbreviations of the various looseleaf services, see § 8.1.1, *infra*.

§ 3.7. *Encyclopedias.*

Legal encyclopedias are cited, generally, by volume number, topic, and section number. A page number may also be cited if reference is made to material within a section. *E.g.*, 88 C. J. S., Trial § 192, pp. 376–379 (1955).

§ 3.7.5. *Dictionaries.*

Dictionaries are cited by volume number (if any), author (if any), title as it appears on the title page (not the spine or outside cover), page, and copyright date as it appears in the edition you are using.
(in parentheses). The name of the editor and/or the edition number (if any) precedes the date in parentheses if it is not part of the title.  


Cite the third edition of the Oxford English Dictionary, which is online only, by name, Web site, and entry number.  _E. g.,_ Oxford English Dictionary (3d ed., Dec. 2012), www.oed.com/view/Entry/349023. For inclusion of an Internet parenthetical, see § 0.2, _supra._ For words that have not yet been updated for the online third edition, cite the second edition.  _E. g.,_ 9 Oxford English Dictionary 952 (2d ed. 1989).

§ 3.8.  **Restatements.**

The various Restatements of the Law published by the American Law Institute are cited as follows: Restatement of Torts § 867 (1938); Restatement (Second) of Agency § 20 (1957); Restatement (Second) of Contracts § 303 (1979); Restatement (Second) of Torts § 652B, Comment c, p. 104 (Tent. Draft No. 13, Apr. 27, 1967); Restatement (Third) of Foreign Relations Law of the United States § 413, Comment e (1986). The date used is the date of promulgation, adoption, or last amendment, not the copyright date.

§ 3.8.5.  **Anthologies.**

In citing an article in an anthology, give the author’s last name only, the article’s title, the title of the collection as it appears on the title page, the page number, and, in parentheses, the first initial and last name of the anthology’s editor and the date.  _E. g.,_ Aaron, _The Duty of Fair Representation: An Overview_, in _The Duty of Fair Representation_ 8 (J. McKelvey ed. 1977).  See _Bowen v. Postal Service_, 459 U.S. 212, 240, n. 9 (1983); _Washington v. Harper_, 494 U.S. 210, 227, n. 10 (1990).
§ 3.9.  A. L. R. Annotations.


§ 3.11.  Newspapers and magazines.

If a newspaper or magazine is published in a form that has consecutive pagination throughout an entire volume, cite as you would a law review (see § 3.10, supra). E. g., Hunter v. Washington Post, 102 Daily Washington L. Rptr. 1561 (1964). Otherwise, use the smallest unit for which consecutive pagination exists. This can very often be done only by using dates. E. g., Knight, Correspondent Banking, Part I: Balances and Services, Fed. Reserve Bank of Kansas City Monthly Review (Nov. 1970). Some other unit may be used, however. E. g., Kauper, The Higher Law and the Rights of Man in a Revolutionary Society, a lecture in the American Enterprise Institute for Public Policy Research series on the American Revolution, Nov. 7, 1973, extracted in 18 U. of Mich. Law School Quadrangle Notes, No. 2, p. 9 (1974); Goldstein, News- men and Their Confidential Sources, New Republic, Mar. 21, 1970, pp. 13–14.

Newspapers and magazines not using consecutive pagination for an entire volume, such as daily or weekly editions, should be cited by the date of publication. E. g., N. Y. Times, Jan. 2, 1989, p. A5; col. 3; Time, Nov. 7, 1945, pp. 2–3; Newsweek, Aug. 27, 1979, p. 69. If various sections of a paper are independently paged, indicate the particular section as well as the page, unless the page number identifies such section sufficiently. E. g., N. Y. Times, Jan. 15, 1936, section 3, p. 1, col. 4; Washington Post, Jan. 5, 1976, p. A3, col. 1; L. A. Times, Jan. 21, 1993, p. J2, col. 2; L. A. Times, Orange Cty. ed., Mar. 7, 1994, p. B1, col. 2.
NOTE: If a newspaper’s city is not part of its name, insert the place of publication before the name. *E. g.*, Rochester, N. Y., Democrat and Chronicle; Pottsville, Pa., Republican and Herald.


§ 3.10. **Law reviews.**

In citing an article in a law review, give the author’s last name only, the article’s title, the volume and page numbers of the particular review, and the year, *e. g.*, Schumacher, Rights of Action Under Death and Survival Statutes, 23 Mich. L. Rev. 114 (1924), unless the year is used to identify the volume, *e. g.*, Van Alstyne, A Critical Guide to Marbury v. Madison, 1969 Duke L. J. 1.

If a student comment or note is cited, the student’s name need not be given, and no title is necessary in the citation. *E. g.*, Note, 72 Colum. L. Rev. 132 (1972). The student’s name and the article’s title may be included, however, if desired. *E. g.*, Johnson, Comment, Rights and Responsibilities of the Employed Inventor, 45 Ind. L. J. 254 (1970).

The Reporter’s Office discourages citation of unpublished law review articles because of potential unfairness to the parties, verification problems, and the danger that the Court will be inundated with unpublished works. However, if it is determined that the value of a particular unpublished article outweighs the risks of citing it, the following format should be used: Cunningham, Levi, Green, & Kaplan, Plain Meaning and Hard Cases, 103 Yale L. J. (forthcoming 1994) (manuscript, at 1617, on file with Yale Law Journal). Once the manuscript is published, the Reporter’s Office will convert the foregoing to a full law review citation, as discussed supra. In order to facilitate the conversion, it is requested that chambers supply the Reporter with a copy of the unpublished manuscript, with all referred-to passages bracketed.

§ 3.10.1. **Abbreviations.** For abbreviations of the titles of law reviews, see § 8.2, *infra*. If a particular law review does not appear there, use the abbreviation appearing in the Index to Legal Periodicals.
§ 3.12. **Uniform Laws and Model Codes.**

General citations (as opposed to specific state citations) to Uniform Laws are cited as follows: Uniform Interstate Arbitration of Death Taxes Act, 8 U. L. A. 225 (1972); Uniform Criminal Extradition Act § 3, 11 U. L. A. 93 (1974).

The American Law Institute's Model Codes are cited as follows: ALI, Model Penal Code § 241.3, Comment 1, p. 151 (1980); ALI, Model Code of Pre-Arraignment Procedure § 310.1 (1975); ALI, Model Code of Evidence Rule 201 (1942).

§ 3.13. **Works of literature and the like.**

While the wide variety of books, stories, essays, articles, poems, songs, dramatic works, video games, etc., makes it difficult to formulate a general rule for citation style, ordinarily the author's first initial and last name should be given, followed, after a comma, by the title, the particular division intended (i.e., page, section, paragraph, chapter, act, scene, verse, canto, etc.), and the date, if relevant, in parentheses. The edition or version may also be indicated in the parenthetical if relevant. All principal words in the title should be capitalized, but the title should not be enclosed in quotation marks. For example, one of Shakespeare's plays would be cited: W. Shakespeare, Much Ado about Nothing, act iii, sc. 1. To cite particular lines in the foregoing example, the specific edition used should be indicated in a closing parenthetical.

When referencing or quoting a popular song in an opinion, care should be taken to cite the specific version used because lyrics often differ slightly from version to version. If possible, use the official lyrics or sound recording filed with the Copyright Office. Prior to 1972, artists could submit sheet music to that office to register a copyright. The office began accepting sound recordings in lieu of sheet music in 1978 and now most artists deposit their recordings rather than sheet music. Both sheet music and recordings are available at the Library of Congress (LOC), but the actual recordings are stored in Culpepper, Virginia, and take between 3 to 5 days to arrive at the LOC following a request. The actual recordings are not loaned out, so someone has to go to the LOC to listen to them. Sheet music may be eligible for loan, depending on age (the older the sheet music, the less likely it will be eligible for loan). Copyrighted lyrics should be cited, e.g., R. Orbison & W. Dees, Oh, Pretty Woman (1964) (copyrighted lyrics). Sound recordings
should be cited, e.g., B. Dylan, Like A Rolling Stone, on Highway 61 Revisited (Columbia Records 1965). If using another source for a song, take care to cite the version used, e.g., commercial sheet music, record jacket, liner notes, etc.

C. CONGRESSIONAL AND DEPARTMENTAL RECORDS

§ 3.15. Congressional hearings.

Citations to congressional hearings should identify the subject, by bill under consideration or the subject matter (if sufficiently specific to aid in location), subcommittee (if applicable), committee, Congress, session, page, and date. E.g., Hearings on S. 1160 et al. before the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary, 89th Cong., 1st Sess., 366 (1965); Hearings before the Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, 88th Cong., 1st Sess., pt. 14, pp. 3369, 3377 (1963).

§ 3.16. Congressional reports and documents.


Congressional documents are similarly cited. E.g., H. R. Doc. No. 329, 84th Cong., 2d Sess., 5 (1956). From the 30th through the 53d Congresses, there were also House and Senate Executive Documents, and they should be cited as follows: S. Exec. Doc. No. 106, 50th Cong., 2d Sess., 204–205 (1889). Like congressional reports, congressional documents since the 91st Congress contain the Congress number within the document number.
Very often, congressional committees publish reports for their own use, compiled by their own staffs or others, that are called “committee prints.” These are treated similarly to treatises (see § 3.5, supra), with the committee in place of an author. *E.g.*, House Committee on Government Operations, Federal Statutes on the Availability of Information, 86th Cong., 2d Sess., 213 (Comm. Print 1960). Sometimes a committee print may consist of the legislative history of certain legislation, and this legislative history may be cited as a parallel citation to the congressional report. *E.g.*, S. Rep. No. 92–414, p. 5 (1971), 2 Legislative History of the Water Pollution Control Act Amendments of 1972 (Committee Print compiled for the Senate Committee on Public Works by the Library of Congress), Ser. No. 93–1, p. 1423 (1973).

Do not cite unofficial sources (such as U.S. Code Cong. & Admin. News) for congressional reports.

§ 3.17. *Congressional debates.*

§ 3.17.1. *Annals of Congress.* The Debates and Proceedings in the Congress of the United States; with an Appendix, Containing Important State Papers and Public Documents and All the Laws of a Public Nature; with a “Copius Index,” known popularly as the Annals of Congress, was published in 1834 as an abstract of the debates from the 1st Congress through the 1st session of the 18th Congress. The dates covered are March 4, 1789, through May 27, 1824. It is cited as follows: 38 Annals of Cong. 624 (1822). The series consists of 42 volumes. The bound volumes maintained by the Supreme Court Library should be used and cited in preference to the “virtual” versions of the Annals of Congress included on the Library of Congress Web site.

§ 3.17.2. *Register of Debates.* The Annals were followed by the Register of Debates, which, like its predecessor, was merely an abstract of what transpired on the floor. This series’ 14 numbered volumes, in 29 books, covered the 18th Congress, 2d Session, through the 25th Congress, 1st Session, or the period from Dec. 6, 1824, through Oct. 16, 1837. Though contemporaneously published, the Register is merely an abstract of the proceedings it reports. Cite it as follows: 10 Cong. Deb. 3472 (1834).

§ 3.17.3. *Congressional Globe.* From the 23d Congress, 1st Session, through the 42d Congress, the Congressional Globe reported the debates on the floors of both Houses of Congress. The Globe
covered the period Dec. 2, 1833, through Mar. 3, 1873, thus overlapping the Register of Debates for almost four years (the first five volumes of the Globe). The Globe consists of 46 volumes, in 109 books, but the volume numbering varied over the life of the series, and to avoid confusion, this series should be cited using the Congress and session. *E. g.*, Cong. Globe, 36th Cong., 1st Sess., 2224 (1859); Cong. Globe, 42d Cong., 1st Sess., App. 68 (1871).

§ 3.17.4. *Congressional Record.* The Congressional Record has been published continuously since the 43d Congress, 1st Sess. (since Dec. 1, 1873). Each session of a Congress constitutes a volume number in the Record, with the number of books varying with the amount of discussion and speeches occurring in a session. The Record first appears in a daily edition, whose pagination differs, because of additions and deletions, from the pagination in the bound volumes later appearing. Thus, a complete date, and preferably additional specific indication of the particular textual matter involved, is necessary in the citation of the daily edition. *E. g.*, 120 Cong. Rec. H3956 (May 16, 1974) (remarks of Rep. Meeds). The bound edition is cited as follows: 110 Cong. Rec. 2549 (1964). Citations to the daily edition will be changed to citations to the bound edition if the bound volumes become available before that particular preliminary print of the U. S. Reports is sent to press for the bound volume.

Where the legislative history of certain legislation is published separately (see § 3.16, *supra*), it may be given as a parallel citation to the Congressional Record. *E. g.*, 105 Cong. Rec. 1731 (1959) (remarks of Sen. Dirksen), 2 NLRB, Legislative History of the Labor-Management Reporting and Disclosure Act of 1959, p. 994.

§ 3.18. Reports of Government agencies.

Reports of Government agencies fall into two categories: those regularly issued and those published on particular topics at particular times. The most common form of the former variety is annual reports. Those require merely the year and the name of the agency. *E. g.*, INS Ann. Rep. 94 (1974). Some agencies number their annual reports consecutively, and that number may be used in the citation as would a volume number. *E. g.*, 4 NLRB Ann. Rep. 93 (1939).

Government agencies often publish reports that are essentially treatises, and the citation to these should follow the form used for

NOTE: The abbreviations set forth in § 8.3, infra, should be used whenever possible in citing Government agency reports.

§ 3.19. Government reports prepared by contractors.


D. COURT DOCUMENTS

§ 3.25. United States Supreme Court cases.

The following sections set forth rules for citing documents filed in cases before the Supreme Court of the United States. Where such a document is simply being referred to in the text of an opinion, and is not actually being cited, the reference generally is not capitalized. E.g., “The complaint averred that respondent was at fault.”; “The record substantiates this averment.”

Ordinarily, a bare citation to a document filed in this Court is all that is required. However, if the author wishes to identify or otherwise explain material appearing in the cited document, a parenthetical may be used. E.g., App. to Pet. for Cert. 11 (affidavit of Patrick F. Fagan, Deputy Assistant Secretary for Family and Social Services Policy, U.S. Dept. of Health and Human Services); Tr. 98 (testimony of Dr. Richard L. Elliott); App. 98a–102a (U.S. Dept. of Transportation, Medical Regulatory Criteria, attached as exhibit to Affidavit and Testimony of John R. McMahon). The parenthetical form is particularly useful when citing numerous items in documents. When only one or two such
items are being cited in an opinion, the following form might also be used: Letter from A. Smith to B. Jones (Jan. 5, 1999), App. 32; Registration Regulations prescribed by the President under Act of Congress (approved May 18, 1917), Lodging of Respondent 32.

§ 3.25.1. **Briefs.**

(a) *In case for which opinion is being written.* Briefs on the merits in the case for which the opinion is being written are generally cited as follows: Brief for Petitioner(s) 5; Brief for Respondent(s) 5; Brief for Appellant(s) 5; Brief for Appellee(s) 5; Reply Brief 4; Supp. Brief for Respondent(s) 6. Where there is more than one party on the same side of the case and each files a separate brief, the citation should identify the party by name or other designation. *E. g.*, Brief for Appellee Penn Central Co. 12; Brief for Petitioner Smith 32; Brief for Federal Parties 28. Where two or more cases are being considered together and separate briefs are filed in each case, the citation should identify the party by docket number. *E. g.*, Brief for Petitioner in No. 73–795, p. 30; Brief for Appellant in No. 76–183, p. 3. Sometimes a combination of the above two identifications may be required. *E. g.*, Brief for Appellant California Bankers Association in No. 72–985, p. 25. Briefs on the merits for the United States are always cited: Brief for United States 16.

Briefs in opposition to a petition for writ of certiorari are cited: Brief in Opposition 3. Replies to such briefs are cited: Reply to Brief in Opposition 3.

*Amicus curiae* briefs are cited: Brief for American Bar Association as *Amicus Curiae* 7; Brief for State of Alabama et al. as *Amici Curiae* 7; Brief for Rep. John Conyers, Jr., et al. as *Amici Curiae*.

When citing an appendix to a brief, whether it is in, or part of, the brief itself, or appears in a separate booklet, cite as follows: App. to Brief for Appellant 6a.

(b) *In other cases.* Briefs filed in Supreme Court cases other than the case for which the opinion is being written are cited as follows: Brief for Petitioner in *Brady v. Maryland*, O. T. 1962, No. 490, p. 6; Brief for Appellee in *Jimenez v. Weinberger*, O. T. 1973, No. 72–6609, p. 2; or if the name of the case is not given: Brief for Petitioner, O. T. 1962, No. 490, p. 6. If more than one document is cited, the following form may be used: Brief for Appellants 17, n. 13,

§ 3.25.2. Joint appendixes. Joint appendixes which are filed separately from the briefs on the merits in the case for which the opinion is being written are generally cited: App. 46. If there is more than one volume to such an appendix, and the volumes are not consecutively paginated, the appendix should be cited 5 App. 260.

If separate joint appendixes are filed where two or more cases are being considered together, cite: App. in No. 73–1148, p. 19.

If clarity requires further identification of a document reprinted in the appendix, cite: App. 227, Complaint ¶ 5. Directly following cite: Id., at 228, ¶ 7.

Joint appendixes are to be distinguished from appendixes that are part of briefs, see § 3.25.1, *supra*, or of petitions for certiorari, see § 3.25.4, *infra*.

For citation of an opinion in the case below that is unreported but reprinted in the joint appendix, see § 1.5, *supra*.

§ 3.25.3. Transcripts and records. The transcript of oral argument in the opinion case is cited: Tr. of Oral Arg. 16. Transcripts of the proceedings below are cited: Tr. 42. The date of a particular proceeding should be appended to the transcript cite if necessary to distinguish among proceedings. E. g., Tr. 42 (Jan. 15, 1985).

Records of the proceedings below are cited: Record 61. If a multivolume record is not sequentially paginated throughout, the particular volume should also be cited: 7 Record 31. If the record is sequentially paginated from volume to volume—*e. g.*, if the last page of volume 1 is 250 and the first page of volume 2 is 251—the volume number need not be cited unless the volumes are numerous. At the author’s option, “Exhibit” may be added to a record citation and abbreviated or spelled out. E. g., Record 61 (Exh. 5); Pl. Exh. 14, Record 199, 2134.

§ 3.25.4. Petitions for certiorari; jurisdictional statements. The petition for certiorari in the case for which the opinion is being written is generally cited: Pet. for Cert. 21. Where more than one docket number is involved, the citation should be identified by that number. E. g., Pet. for Cert. in No. 73–457, p. 11. Where there is only one docket number but more than one petition, the citation should be identified by the petitioner’s name. E. g., Pet. for Cert.
of New York 9. When citing the appendix to a petition, whether it is in, or part of, the petition, or appears in a separate booklet, cite as follows: App. to Pet. for Cert. A–4. Petitions for certiorari in Supreme Court cases other than the case for which the opinion is being written are cited: Pet. for Cert. in United States v. Dotterweich, O. T. 1943, No. 5, p. 2; or if the name of the case is not given: Pet. for Cert., O. T. 1943, No. 5, p. 2.

The jurisdictional statement in the case for which the opinion is being written is generally cited: Juris. Statement 16. Where more than one jurisdictional statement is involved, the citation should be identified by the appellant's name or by docket number. E. g., Juris. Statement of Appellant Knebel 12; Juris. Statement in No. 75–1261, pp. 10–11. When citing the appendix to a jurisdictional statement, apply the same rule as applies to an appendix to a petition for certiorari. See supra. Jurisdictional statements in Supreme Court cases other than the case for which the opinion is being written are cited: Juris. Statement in Mathews v. Diaz, O. T. 1973, No. 73–1046, p. 2; or if the name of the case is not given, Juris. Statement, O. T. 1973, No. 73–1046, p. 2.

§ 3.25.5. Other documents. Documents filed in the Supreme Court other than those covered in §§ 3.25.1–3.25.4, supra, are generally cited by the designation given on the document itself. E. g., Application ¶ 11; File of Clerk of this Court in Fairmont Creamery Co. v. Minnesota, O. T. 1926, No. 725; Motion to Dismiss or Affirm 9; Report of Special Master, O. T. 1956, No. 9, Orig., p. 41. A letter from a party to the Clerk of the Court is cited, e. g.: Letter from Theodore B. Olson, Solicitor General, to William K. Suter, Clerk of Court (Oct. 20, 2003). The Journal of the Court is cited: Journal, O. T. 1941, p. 252. See Cantor v. Detroit Edison Co., 428 U. S. 579, 587, n. 16 (1976).

§ 3.25.6. Library-generated reports. If a special memorandum or report prepared by or for this Court's research librarians at the behest of a Justice is referred to in an opinion, it should be cited by title, author's name and position, recipient (if useful), and exact date. The citation should be followed by the notation: (available in Clerk of Court's case file). E. g.: Memorandum from David L. Cook, Administrative Office of the United States Courts, to Supreme Court Library (Feb. 20, 1987) (available in Clerk of Court's case file). See Richardson v. Marsh, 481 U. S. 200, 209, 218, nn. 5, 6 (1987).
As indicated above, the original report will be kept in the Clerk’s case file for posterity. Once all opinions for the case are completed, the chambers generating the report should submit it to the Reporter of Decisions for forwarding to the Clerk’s Office.

§ 3.26. Other cases.

Except for situations where the rule in § 3.25.3, supra, can be applied with respect to transcripts and records of the proceedings below in the opinion case, briefs, transcripts, records, pleadings, and other documents filed in courts other than the United States Supreme Court are generally cited by the designation given on the document itself, together with the docket number and the name of the court. E.g., a citation to a document in the court below: Brief for Appellant in No. 77–3453 (CA9), pp. 8–11; Brief for Appellee State of Arizona et al. in No. 07–15603 etc. (CA 9), p. 60; Tr. of Oral Arg. in No. 72–1064 (CA2), p. 9; App. in No. 72–1064 (CA2), p. 1105A; Record in No. 98–1590 (Ct. Vet. App.), Doc. 12, pp. 4–5. Where appropriate, the name of the case should also be given, such as where the case is other than the case below, or where it is the case below but the title of the case in the lower court is different from the title in the Supreme Court, see § 10.6, infra.

NOTE: Where a document is simply being referred to in the text of an opinion, and is not actually being cited, the reference generally is not capitalized. E.g., “The complaint averred that respondent was at fault.”; “The record substantiates this averment.”
The continuance of this style in the courts of the United States was glaringly improper, and it was thought necessary to change it by express provision.

Chief Justice John Marshall

*United States v. Simms*,
1 Cranch 252, 258 (1803).
IV. PREFERRED RULES OF SPELLING AND COMPOUNDING


Webster’s Third New International Dictionary is the general authority when questions arise as to the spelling, compounding, or syllabication of English-language words. (Black’s or Ballentine’s Law Dictionary may be consulted for the spelling of legal terms not found in Webster’s.) Ordinarily, no suggestion of a change will be made with respect to a form or usage for which there is authority in Webster’s, the Oxford English Dictionary, or the American Heritage Dictionary. However, the Reporter’s Office is generally guided by the list of preferred forms of words with variant spellings and the guide to compounding published in the latest edition of the U.S. Government Printing Office Style Manual (2008, chs. 5–7), and where this source differs with any of the dictionaries it will usually be followed.

§ 4.2. Compound words; hyphenation.

§ 4.2.1. Prefixes. Words formed with the following prefixes are usually written solid:

- ante
- anti (but anti-assignment, anti-attachment, anti-injunction)
- co (but co-conspirator, co-counsel, co-owner, co-respondent, co-worker)
- counter
- extra
- intra
- multi
- non (but non-taxpaid, non-law-enforcement)
- over
- post (but post-trial)
- pre (but pre-existing, pre-emption)
- re (but re-cross-examination)
- semi
- under
§ 4.2.2. Quasi. Use a hyphen with quasi to form an adjective but not to form a noun. *E.g.*, quasi-contractual, quasi appointment.

§ 4.2.3. Unit modifiers, generally. When two or more words have the force of a single modifier before a noun, they are often joined with a hyphen. *E.g.*, above-mentioned plan, accrual-basis taxpayer, affirmative-action program, cease-and-desist order, class-action context, collective-bargaining contract, contingent-fee arrangement, cost-plus contract, court-appointed counsel, diversity-of-citizenship jurisdiction, federal-court jurisdiction (but federal court system), federal-question jurisdiction, felony-murder offense, fetal-protection policy, first-degree murder, 5-to-4 decision, good-faith attempt, grievance-adjustment procedures, home-rule city, long-term note, lump-sum payment, mail-order sales, maximum-security prison, mixed-motives case, party-wall agreement, pendent-party jurisdiction, plea-bargaining process, purchase-money mortgage, right-to-sue letter, second-degree murder, service-connected injuries, single-payment policy, small-business loans, state-court jurisdiction (but state court system), subject-matter jurisdiction, tax-exempt organizations, third-party defendant, time-barred action, treble-damages action, well-intentioned decision. Exceptions, *e.g.*: business necessity defense, capital sentencing scheme, coal mine employment, equal opportunity provision, grand jury testimony, law enforcement process, lie detector test, peer review process, public interest question, punitive damages action, quiet title action.

A distinction should be made between phrases used adjectivally before a noun and those used adverbially or adjectivally after a noun. It is correct to say “the time-barred action” or “a well-intentioned decision.” But the hyphens are not correct when these same phrases are used as predicate modifiers (*e.g.*, “the action is time barred”; “the decision was well intentioned”). See GPO Style Manual, Rules 6.17, 6.18, 7.7 (2008); T. Bernstein, The Careful Writer 367 (1965).

Do not use a hyphen in a two-word unit modifier the first element of which is a comparative or superlative (*e.g.*, higher level decision, lower income group, lesser included offense) or an adverb ending in “ly” (*e.g.*, wholly owned subsidiary, judicially created; but see “clearly-erroneous” rule, § 4.2.4, *infra*). See GPO Style Manual, supra, Rules 6.19, 6.20; Bernstein, *supra*, at 367.
Do not use a hyphen in a unit modifier enclosed in quotation marks unless it is normally a hyphenated term (e.g., “blue sky” laws, “tie-in” sale).

§ 4.2.4. Phrases descriptive of laws, rules, doctrines, etc. In some cases, phrases descriptive of laws, rules, doctrines, theories, principles, and the like do not take hyphens. E.g., act of state doctrine, blue sky laws, capital gains rule, charitable contribution deduction, child labor law, comparative negligence doctrine, death penalty statute, double jeopardy rule, due process rule, equal protection principle, equal time requirements, filed rate doctrine, full faith and credit doctrine, parol evidence rule. Do not hyphenate a constitutional Clause even when it is used as a unit modifier. E.g.: Commerce Clause power. Exceptions to the foregoing nonhyphenation rules include, e.g.: abuse-of-discretion standard, attorney-client privilege, breach-of-contract claim, bright-line rule, case-by-case approach, case-or-controversy requirement, choice-of-law rule, civil-law rule, clearly-erroneous rule, collateral-estoppel effect, common-carrier requirement, common-enemy doctrine, common-law right, compelling-state-interest test, contemporaneous-objection rule, disparate-impact standard, disparate-treatment claim, doctor-patient privilege, employment-at-will doctrine, equal-footing doctrine, fair-cross-section requirement, harmless-error doctrine, ineffective-assistance-of-counsel claim, land-use regulation, long-arm statute, one-person, one-vote principle, plain-error standard, plain-view doctrine, probable-cause requirement, rational-basis test, reasonable-doubt standard, reasonable-use doctrine, search-and-seizure violation, separation-of-powers doctrine, state-action doctrine, state-law principle, strict-liability standard, substantial-evidence test, totality-of-the-circumstances test, work-product doctrine, wrongful-death statute.

§ 4.3. List of preferred spellings and compounds.

The following illustrative list includes the preferred spelling of frequently occurring variables and a few troublesome compounds.

abettor
abridgment
acceptor
accouterment
acknowledgment
adjuster
adviser
African-American (n. & adj.)
Afro-American (n. & adj.)
al Qaeda
alternate (v.)
alternative (n. & adj.) (see § 10.3, infra)
American-flag ships
anti-assignment
anti-injunction
antiracketeering
antitrust
arm's-length (u. m.)
attorney at law
backpay
benefited
bettor
blacklist (n. & v.)
boatowner
bylaw
bypass
canceled
cancellation
cannot
case in chief
case law
caseload
catchall (n. & adj.)
cellblock
center
chainstore
chancellor
checkpoint
co-conspirator
codefendant
collectible
combated
Commander in Chief
common sense (n.)
commonsense (adj.)
contemnor
conveyor
coordinate
correctable
cotortfeasor
councilor
counseling
counterclaim
courthouse
court-martial
courtroom
covenantor
co-worker
cross-appeal (n. & v.)
cross-cite
cross-claim
cross-complaint
cross-examination
cross-examine
cross-motion
cross-petition (n. & v.)
cross-reference
cross section (n.)
cross-section (v. & adj.)
database
decisionmaker
defense
demarcation
de minimis
discreet (prudent)
discrete (distinct)
disfranchise
distill
downpayment
dullness
e-mail
embed
empaneled
employee
close
cumber
endorse
enforceable
engraft
enroll
enrollment
entrench
entrust
equaled
equaling
esthetic
evenhanded
extol
extrahazardous
eyewitness
factfinder
farmworkers
federal-court (u. m.)
focused
followup (n. & adj.)
follow up (v.)
forbade
forego (precede)
forgo (relinquish)

(See T. Bernstein, Dos, Don’ts & Maybes of English Usage 86 (1977) (hereinafter Bernstein, Dos); H. Fowler, Modern English Usage 205, 208 (2d ed. 1965).)

forums (not fora)


franchisor
fulfill
full-time (u. m.)
fundraising
gelatin
glycerin
goodbye
graveled
guarantee (n. & v.)
guilt phase (not stage)
high water (n.)
high-water (u. m.)
imperiled
includable
incumbent
insofar
install
installation
installing
installment
instill
intern (n. & v.)
intervenor
irresistible
jobsite
judgment
judgment-proof (u. m.)
kidnaped
kidnaper
kidnaping
labeled
lacquer
landowner
Latter-day Saints
law-abiding (u. m.)
lawbook
lawmaking; lawmaker
lawsuit
lawyerlike
lay off (v.)
layoff (n. & adj.)
layperson
led (past tense of verb “to lead”)
leveled
libelant
libeled
libelee
libelous
licensor
lienable
lienholder
linchpin
line-drawing (n.)
lineup
lipservice
longstanding (adj.)
look back (v.)
lookback (n. & adj.)
low water (n.)
low-water (u. m.)
marijuana
marketplace
markup
marshaled
marshaling
meager
medieval
meter
midtrial
minuscule
modeled
mold
molt
moneys
movable
nit-picking
nonfederal
nonunion
offense
offhand
oneself
online
paneled
paraffin
parceled
parimutuel
parol (oral)
parole (release)
partisan
passersby
patdown (n. & adj.)
pat down (v.)
peddler
penalty phase (*not* stage)
penciled
percent
petit (jury or larceny)
photostat
pleaded (*not* pled)

(See Bernstein, Dos 168; W. Follett, Modern American Usage 252, 338 (1966).)

pledgor
policymaker
postconviction
post-trial
powerplant
practice (n. & v.)
precipitate (rash—used for actions—“precipitate changes”)

(See T. Bernstein, The Careful Writer 340 (1965) (hereinafter Bernstein, Writer); Fowler, Modern English Usage 470.)

precipitous (steep—used for physical characteristics—“precipitous cliff”)
preeminent
pre-empt
pre-emptive
pre-existing
pretense
pretrial
price fixing (n.)
price-fixing (u. m.)
proffered
programmed
programming
promisor
protectable
protester
proved (*not* proven) (except that “proven” is used as an attributive adjective—“proven oil field”)

(See Bernstein, Writer 355; Bernstein, Dos 181; Fowler, *supra*, at 490; Follett, *supra*, at 338.)

quarreled
ratable
ratemaking
reconnoiter
recordkeeping
referable
reinforce
recession
reviser
right-of-way
rulemaking
salable
schoolchildren (but public school children)
school day
schoolteacher (but high school teacher)
second-guess (v.)
self-defense
self-incrimination
setoff (n.)
set off (v.)
settler (homesteader)
settlor (party to instrument)
Seventh-day Adventists
shake down (v.)
shakedown (n. & adj.)
shipowner
short-lived (u. m.)
sick-leave (u. m.)
signaled
signaling
sizable
skillful
smolder
specter
state-court (u. m.)
state-law (u. m.)
statewide
station house
straitjacket
subpoena
supersede (not supercede)

(See Bernstein, Dos 212.)
surreply
tape-record (v.)
tape-recorded (u. m.)
tape recorder (n.)
tape recording (n.)
taxpayer
theater
totaled
tractor-trailer
trademark
trade name
trammeled
transferable
transferor
traveled
traveler
truckdriver
twofold
usable
vender (peddler)
vendor (seller)
venire member
venire person
Vietnam
Web site (generally)
Website (www.supremecourt.gov)
whiskey
whistleblower
willful
wiretap
workday
work force
workload
workplace
wrongdoer
X ray (n.)
X-ray (v. or adj.)
It is important that the style and character of this party litigant, as well as the source and manner of its existence, be borne in mind, as both are deemed material in considering the question of the jurisdiction of this court, and of the Circuit Court.

Justice Peter Daniel (dissenting)

Rundle v. Delaware & Raritan Canal Co.,
14 How. 96 (1853).
V. CAPITALIZATION.

§ 5.1. Act, amendment.


However, “amendment” standing alone is not capitalized, even when it refers to a particular statutory amendment.

§ 5.2. Government, governmental.

“Government” is capitalized in “Federal Government” or “National Government,” and also when it is used alone to refer to the Federal Government or to the United States as a party to a judicial proceeding, or when used as an adjective referring to the Federal Government (e.g., Government agency, Government employee, Government contract). “Government” is also capitalized when, in conjunction with the name of a foreign country, it is used to refer to the national government of that country (e.g., British Government), but is not capitalized for this purpose when standing alone. Nor is “government” capitalized when used generically to refer to government or in “state government,” or when referring to a specific state government, except when used in the phrase “Federal and State Governments.” Do not capitalize “governmental” even when referring to the Federal Government.

§ 5.3. Federal.

“Federal” ordinarily is not capitalized (e.g., federal question, federal agents, federal jurisdiction), but is capitalized when the word or words it modifies are capitalized (e.g., Federal Consti-
tution, Federal Government, Federal District Court (when referring to a specific court, see § 5.7, infra), Federal Sentencing Guidelines, except in situations such as the following: federal Act; federal Board (when referring, e.g., to the National Labor Relations Board); federal Welfare and Pension Plans Disclosure Act (“Federal” is not part of official name of Act) (but cf. Federal Food, Drug, and Cosmetic Act, where “Federal” is part of official name).

§ 5.4. Congress, congressional, legislature, legislative, Senate, House of Representatives, etc.

“Congress” is capitalized when referring to the United States Congress, but “congressional” is not capitalized. “Legislature,” “National Legislature,” or “Legislative Branch” is capitalized when used to refer to Congress or to the Legislative Branch of the Federal Government. However, “branch,” standing alone, is not capitalized. “Legislature” is also capitalized when referring to a specific state legislature and used together with the name of the State (e.g., New York Legislature; Legislature of the Commonwealth of Massachusetts), but is not capitalized in “state legislature” even though the reference is to a specific legislature. Official names of state legislatures, such as “General Assembly” or “House of Delegates,” are capitalized. “Chamber” is capitalized when referring to the United States Senate or United States House of Representatives. “Senate” and “House of Representatives” or “House” are capitalized when referring to either the federal or state bodies. “Member” is capitalized when referring to a Member of Congress, but not when referring to a member of a committee. “Committee” and “Subcommittee” are capitalized when referring to a particular congressional committee. “Senator” and “Representative” are capitalized when referring to a Member of Congress, even when they are not accompanied by the Member’s name. See § 5.13, infra, for capitalization of congressional Reports.

§ 5.5. President, Presidential, Executive, Commander in Chief, administration, agency.

“President,” “Presidency,” and “Presidential” are capitalized when referring to the President of the United States. “Executive Branch,” used as a noun or adjectival phrase, is capitalized when referring to the Federal Government. The noun “Executive” is capitalized when used alone to refer to the President, but not when it refers to the chief executive of a State or a foreign government. Neither “executive,” when used as an adjective, nor “branch,”
standing alone, is capitalized. “Commander in Chief,” whether used as a noun or an adjective, is capitalized when referring to the President. When referring to a particular Presidential administration, “administration” is not capitalized. E.g., “Carter administration.” “Agency,” standing alone, is not capitalized unless it is part of the name of the federal body being referenced.


“Constitution” is capitalized when referring to the United States Constitution or to a specific state constitution. But “constitutional” is not capitalized.

“Framers” is capitalized when referring to the Framers of the Federal Constitution or the Bill of Rights. However; neither “framing” nor “drafters” is capitalized.

“Founding” is capitalized in “Founding Fathers,” but not when it is used alone or as an adjective modifying “era,” “generation,” etc. “Founders” is capitalized when referring to the Nation’s Founders.

Specific clauses of the Constitution are capitalized whether the full name is given (e.g., Due Process Clause, Ex Post Facto Clause, Takings Clause, Cruel and Unusual Punishments Clause) or reference is made only to “the Clause.” But do not capitalize “due process,” “equal protection,” etc., when not combined with “Clause.”

“Amendment” is always capitalized when referring to a specific amendment to the Federal Constitution. Only the initial “T” in, e.g., “Twenty-first Amendment” is capitalized. “Amendment” is not capitalized when referring to an amendment to a state constitution.

§ 5.7. Courts, circuits, districts, panels, judges, justices, judiciary, judicial, court officials, Court Terms.

“Court” is capitalized only when naming a specific court (e.g., United States Court of Appeals (or Court of Appeals) for the Fifth Circuit, United States District Court (or District Court) for the District of Rhode Island, United States Tax Court (or Tax Court), United States Bankruptcy Court for the District of Rhode Island (or Bankruptcy Court), Georgia Supreme Court, San Mateo County Court); when used otherwise than by itself to refer to such a court (e.g., Court of Appeals, District Court, State Supreme Court, County Court); when referring to specific courts, even though they
are not specifically identified (e.g., “Some Courts of Appeals have held . . . ”); or when used by itself to refer to the United States Supreme Court. When “court of appeals” or “district court” are used generically (e.g., “Jurisdiction is conferred upon courts of appeals . . . ”), they are not capitalized. Similarly, “Circuit” is capitalized when referring to a specific judicial circuit (e.g., “The weight of Circuit authority is . . . ”; “We granted certiorari to resolve the conflict among the Circuits on the question . . . ” (say, however, “intercircuit conflict”)), but not when used generically. So, too, “Circuit Judge,” “District Judge,” and “Bankruptcy Judge” are capitalized when referring to a specific judge but not when used generically. “Judge” and “Justice” are capitalized when used together with the judge’s or justice’s name, but not when used alone even though referring to a specific judge or justice, except that “Justice” is always capitalized when referring to a Justice of the United States Supreme Court whether by name or not. (For capitalization with respect to current members of this Court, see § 10.7, infra.)

“Member” and “Brother,” “Brethren,” or “Sister” are also capitalized when referring to Justices of the United States Supreme Court. “Building” is capitalized in “Supreme Court Building,” but not when it stands alone.

When used alone to refer to a Circuit or Bankruptcy Court group, “panel” is lowercased.

“Judiciary” or “Judicial Branch” is capitalized when used to refer to the Judicial Branch of the Federal Government. However, “branch,” standing alone, is not capitalized.

With respect to court officials other than justices or judges—such as Magistrate Judge, Magistrate, Special Master, Clerk of the Court, Referee—capitalize the title when referring to a specific official (even when not used together with his name) but otherwise do not capitalize.

NOTE: Federal magistrate judges are always referred to as such, never as simply “magistrate[s]” (or “the Magistrate”).

“Administrative Law Judge” is capitalized only when referring to a specific judge.
“Term” is always capitalized when referring to United States Supreme Court sessions (e.g., “During the October 1990 Term, . . .”); “Just two Terms ago, this Court . . .”).

For capitalization of the names or descriptions of documents filed in court when they are referred to or cited in a Supreme Court opinion, see § 3.25 et seq.

§ 5.8. Nation, Union, Republic, country, national.

“Nation,” “Union,” and “Republic,” but not “country,” are capitalized when referring to the United States. “National” is capitalized when referring to the “National Government” or the “National Legislature.” See §§ 5.2, 5.4, supra.

§ 5.9. State, east coast, west coast.

“State,” meaning one of the United States, is capitalized when used as a noun, even in a generic sense, but is not capitalized when used as an adjective except when the word or words it modifies are capitalized (e.g., State Supreme Court; State or Federal Governments; State Constitution). Capitalize “Territory” when referring to a United States Territory, even when that term is used alone. E.g., Northwest Territory; the Territory. Also capitalize: Eastern (Northern, Midwestern, Southern, Western) States. But do not capitalize east coast (U.S.), west coast (U.S.), or a descriptive term used to denote mere direction or position (e.g., southern California). Also do not capitalize “state” when it is used in a generic sense to refer to the prosecution in a criminal case, when it is used to refer to a foreign state, or when it is used in the phrase “church and state.”

§ 5.10. Cities, boroughs, towns, villages, counties.

“City” is not capitalized even when referring to a specific city (e.g., city of Chicago) unless it is an integral part of the city’s name (e.g., Kansas City, New York City (but city of New York)). “Borough,” “town,” and “village” are not capitalized even when referring to a specific borough, town, or village. And “county” is capitalized only when used as part of the full name of a county (e.g., Fairfax County, County of Los Angeles).

§ 5.11. Parties to case.

“Petitioner,” “appellant,” “respondent,” and “appellee” are not capitalized. But when, instead of using such terms, it is desired to use a descriptive term to refer to a party, such a descriptive term
may or may not be capitalized at the option of the author of the opinion. Whether capitalized or not, such a shorthand referrent should normally be noted in parentheses following the initial reference to the party. *E.g.*, “Petitioner International Brotherhood of Plumbers, Pipefitters, and Electrical Workers (hereinafter Union) filed this action against respondent Johnson Bros. Construction & Bridge Building Co. (hereinafter employer), alleging that . . . .” The shorthand form used in a concurring or dissenting opinion should comport with that used in the majority opinion.

§ 5.12. **Supreme Court Rules, Federal Rules, Bankruptcy Rules, local court Rules, Sentencing Guidelines, administrative Rules.**

When referring to the Federal Rules in general or to a specific Supreme Court Rule, Federal Rule of Civil, Criminal, or Appellate Procedure, Federal Rule of Evidence, Bankruptcy Rule, Magistrates Rule, local court Rule, or state-court Rule, as “the Rule,” capitalize “Rule.” Similarly, when referring to a specific administrative agency Rule, such as SEC Rule 10b–5, as “the Rule,” capitalize “Rule.” When referring to the United States Sentencing Commission’s Guidelines (see § 2.11.5, *supra*), capitalize “Guidelines,” the “Guideline” when referring to a specific section, “Sentencing Guidelines,” the “Guidelines Manual,” the “Guidelines range,” and the “Manual.” However, neither “rule” nor “guideline” is capitalized when used generically.

§ 5.13. **Congressional Reports.**

When referring to a specific congressional (Senate or House) Report as “the Report,” capitalize “Report,” or as “the Committee Report,” capitalize “Committee” and “Report.”

§ 5.13.5. **Indian, Native American, tribe, reservation.**

“Indian” and “Native American” are always capitalized. “Tribe” is capitalized when referring to a specific tribe, whether the full name is given (*e.g.*, the Crow Tribe) or reference is made only to “the Tribe.” “Reservation” is capitalized when used together with a tribal name (*e.g.*, the Crow Reservation), but not when used alone even though referring to a specific reservation.

§ 5.14. **Guide to capitalization.**

For guides to the capitalization of words other than those covered in §§ 5.1–5.13.5, *supra*, consult the latest edition of the

JUSTICE WILLIAM R. DAY
Upon looking into that instrument, we are satisfied that although not professional in its style and form, it contains sufficient words to support the deed; and there was no error in the decision of the court as to this point.

Justice Henry Baldwin

_Hawkins v. Barney’s Lessee_,
5 Pet. 457, 468 (1831).
VI. ITALICS

§ 6.1. Citations of cases.

See § 1.1, supra.

§ 6.2. References to cases.

References to cases that are not formal citations are italicized. *E. g.*, Bradley case or *Bradley* (referring to *Bradley v. United States*, 410 U.S. 605 (1973)).

§ 6.3. Emphasis.

When it is desired to emphasize a word, italicize it. If the emphasis is added in material quoted in text, this should be indicated by inserting parenthetically, after the citation of the source quoted, the notation “(emphasis added).” At the option of the author of the opinion, the same notation may be inserted in slightly different form, “(Emphasis added.),” immediately following the quoted material. If the emphasis is added in a quotation within a parenthetical, “(emphasis added)” should be inserted within, but at the end of, the main parenthetical. *E. g.*, “512 U.S., at 652 (‘Congress sought . . . to ensure that broadcast television remains available as a source of video programming for those without cable’ (emphasis added)).” If the emphasis was in the original source, the parenthetical notation “(emphasis in original)” may or may not be made at the option of the author of the opinion. But if emphasis in the original source is deleted, there should be a parenthetical notation “(emphasis deleted).” Even if emphasis is added at several points in a quoted passage, the parenthetical should state “emphasis added,” not “emphases added.” If emphasis is added to a quoted passage that already contains emphasis, the parenthetical should state “some emphasis added.” Similarly, if emphasis is deleted from part of the quoted passage but retained in others, the parenthetical should state “some emphasis deleted.”

§ 6.4. List of words italicized.

The following words of foreign (mostly Latin) derivation are italicized:

ab initio
ad hominem
ad infinitum
ad testificandum
actus reus
a fortiori
amicus curiae
a multo fortiori
ante
a priori
argendo
autrefois acquit
autrefois convict
a vinculo matrimonii
carte blanche
cestui que trust
coram nobis
corpus delicti
cum onere
déjà vu
de jure
def minimis
de novo
duces tecum (but cf. subpoena)
e. g.
ejusdem generis
en bloc
eo nomine
et seq.
ex cathedra
ex hypothesi
ex parte
ex post facto
expressio unius est exclusio alterius
ex proprio vigore
ex rel.
fait accompli
ferae naturae
filius nullius
forum non conveniens
funtus officio
hoasca
ibid.
ibidem
id.
idem
i. e.
imprimatur
in camera
in extenso
in forma pauperis
infra
in haec verba
in invitum
in limine
in loco parentis
in pari delicto
in pari materia
in pari passu
in personam
in propria persona
in rem
in statu quo (but cf. status quo)
inter alia
in terrorem
inter se
inter vivos
in toto
ipse dixit
ipso facto
jus tertii
loc. cit.
mea culpa
mens rea
mobilia sequuntur personam
modus operandi
mutatis mutandis
ne exeat
ne plus ultra
nolle prosequi
nolo contendere
noscitur a sociis
nunc pro tunc
obiter dicta
op. cit.
parens patriae
pari passu
per curiam
per se
pièce de résistance
post
post hoc
pro bono
pro forma
pro hac vice
pro se
pro tanto
pro tempore
qua
quantum meruit
quasi in rem (but cf. quasi-judicial)
quid pro quo
qui tam
quoad
raison d’être
ratio decidendi
res ipsa loquitur
res nova
respondeat superior
seriatim
sic
simpliciter
sine die
sine qua non
stare decisis
sua sponte
sub judice
sub nom.
sub rosa
sub silentio
sui generis
supra
tour de force
vel non
$\text{§ 6.4.5. \hspace{1em} \textit{Names of vessels.}}$

Names of vessels are italicized. \textit{E. g.}, the steamer \textit{Harrisburg}. But when the abbreviation of the type of vessel is included in the name, such abbreviation is not italicized. \textit{E. g.}, S. S. \textit{Pacific Breeze}.

$\text{§ 6.5. \hspace{1em} \textit{List of words not italicized.}}$

The following words, though of foreign (mostly Latin) derivation, are not italicized except for emphasis:

- ad hoc
- ad litem (used with guardian)
- ad valorem
- alter ego
- bona fide(s)
- cause célèbre
- caveat
- certiorari
- cf.
- contra
- dicta (but cf. \textit{obiter dicta})
- dictum
- en banc (or in banc)
- en masse
- esprit de corps
- et al.
- etc.
- ex officio
- habeas corpus
- laissez-faire
- mandamus
- non sequitur
- per capita
- per diem
- petit (petit jury)
- peyote
- post mortem
- prima facie
- pro rata
- quasi (\textit{e. g.}, quasi-judicial; but cf. \textit{quasi in rem})
res
res judicata
scienter
status quo (but cf. *in statu quo; status quo ante*)
subpoena (but cf. *duces tecum*)
ultra vires
verbatim
vice versa
vis-à-vis
viz.

§ 6.5.5. *Words in quotations.*

Words within a quotation are, for the most part, printed *exactly as they appear* in the quoted source. Thus, words printed Roman in a quotation that would normally be italicized under § 6.4 or § 6.4.5 are left Roman and not italicized when quoted in an opinion. Conversely, when italicized in a quotation, words listed in § 6.5 are *not* changed to Roman.

§ 6.5.6. *Punctuation.*

No italic punctuation marks, including brackets and parentheses, are used in the U.S. Reports, except for punctuation appearing within an italicized word or phrase.

*NOTE:* Italicized commas (in, *e.g.*, case citations) and quotation marks need not be changed to Roman, since there is no discernible difference between Italic and Roman commas and quotation marks in the final printing format for the Court’s opinions.
VII. QUOTATIONS


Quotations ordinarily should correspond exactly with the source from which they are taken, in wording, spelling, punctuation, capitalization, italicization, and boldfacing. For special problems regarding quotations of federal statutes, see § 10.2.1, infra.

§ 7.1.5. Block quotes.

Although the Supreme Court has no formal rule for determining when a long quote should be set in block quote format, chambers have customarily applied the 50-word rule set forth in Bluebook Rule 5.1 (19th ed. 2010). Block quotes should be constructed using the Keyboard Shortcuts set forth in Opinions 2003.

Quotation marks open and close a block quote. If the block quote consists of more than one paragraph, each paragraph is opened with quotation marks, but closing quotation marks are used only at the end of the entire block quote. The citation setting forth the source of the quoted matter follows immediately after the closing quotation marks on the last line of the block quote. It is not placed in the left margin of the first flush line following the block quote.

A block quote is not indented as a block within footnotes. A paragraph-length quotation in a footnote is first-line indented if it is indented in its source material, but the body of the quoted paragraph is set flush left. A paragraph quoted in a footnote is preceded by a line of space only if it is not first-line indented. Compare, e.g., 489 U. S. 81, n. 22, lines 3–4, with id., lines 7–8.

NOTE: In quoting statutory material, only one paragraph indent is used for each indented paragraph. No additional leading is used unless the following paragraph has no indentation at all. See, e.g., United States v. Eurodif S. A., 555 U. S. 305, 311 (2009).

§ 7.2. Citations of source.

Whenever a quotation is included in an opinion, it should be preceded or followed by a citation to the quoted source, including the page or pages on which the quoted material appears. If the quotation is from another court opinion, the citation should give both the initial page of the case and the page or pages where the quoted material appears, but for subsequent quotations from the
same opinion the initial page of the case need not be given. If the quoted language is a word or phrase that is used repeatedly in the source, “passim” may be used in place of specific page numbers.

For citation of this Court’s unpublished slip opinions, see § 1.2.4, supra.

§ 7.3. Punctuation.

Quotation marks close after a period or comma but before a colon or semicolon. However, a footnote “call” number follows a semicolon in text. When a quoted question ends a sentence, the question mark precedes the closing quotation marks. E. g., He was asked, “At what time did the accident occur?” But when a question ends with a quoted statement, the question mark follows the closing quotation marks. E. g., Did he reply, “I don’t remember”? Single quotation marks are used for inner quotations. E. g., He was asked “when the ‘accident’ occurred.” A second inner quotation takes double quotation marks. E. g., “He was asked ‘when the “accident” occurred.’” When internal quotation marks are used, a “quoting” citation may or may not be included at the option of the author of the opinion. The proper spacing within quotation marks is demonstrated by using Keyboard Shortcuts Alt q1 through Alt q6.

For block quote punctuation and style, see § 7.1.5.

§ 7.3.5. Quotations within footnotes.

When a quotation occurs on the second or a subsequent page of a multipage footnote, cite only the page or pages on which the quotation actually appears. E. g., Breuer v. Jim’s Concrete of Brevard, Inc., 538 U. S. 691, 700, n. 3 (2003) (“The Secretary has no responsibility for applying the removal statute and no particular authority to interpret it”); Pharmaceutical Research and Mfrs. of America v. Walsh, 538 U. S. 644, 677–678, n. 1 (2003) (THOMAS, J., concurring in judgment) (“The restrictions enable States to make value, rather than cost or care, judgments as to whether a drug should be covered”).

The block quote style is not applied in footnotes. See § 7.1.5, supra.

§ 7.4. Errors in source.

An error in the source quoted may be indicated in the quotation by a “sic” in brackets. E. g., Source: Argued November 31, decided
December 20; Quote: “Argued November 31 [sic], decided December 20.” A missing word in the source may be supplied in brackets in the quote. An obvious misspelling or other typographical error in the source may be corrected in the quote without brackets when it has no relation to the purpose of the quotation. E.g., Source: The statute was held valid for indefiniteness; Quote: “The statute was held void for indefiniteness.” Brackets may also be generally used in lieu of “sic” where it is desired to place less emphasis on the error.

§ 7.5. Omissions and alterations.

§ 7.5.1. Generally. Omissions in quotations are indicated by the use of three dots (points or leaders) (ellipsis) at the spot where the omitted matter would otherwise appear. But dots are not used where the omission is filled in or explained by matter in brackets. E.g., change “all imported commercial materials sold or purchased” to “all imported [products] sold or purchased,” not to “all imported . . . [products] sold or purchased.”

When it is desired to change a word in the quoted source from singular to plural or vice versa, or to make similar changes, the change should be indicated as follows: Quoted source: “attaches”; change: “attach[e]” (not “attach[ ]”). Quoted source: “Amendments”; change: “Amendmen[t]” (not “Amendment[]”). Quoted source: “invites”; change: “invite[e]” (not “invite[]”).

§ 7.5.2. Beginning of sentence. Where words at the beginning of a sentence in the quoted source are omitted and the quotation is meant to stand by itself as a full sentence or follows a colon, capitalize and place in brackets the first letter (unless, of course, it was already capitalized in the quoted source), and do not otherwise indicate any omission. E.g., “[M]any civil as well as criminal proceedings at common law were without a jury.” Kohl v. United States, 91 U. S. 367, 376 (1876); Justice Stewart stated for the Court: “[T]he question whether a person has acted voluntarily is quite distinct from the question whether he has waived a trial right.” Schneckloth v. Bustamante, 412 U. S. 218, 238, n. 25 (1973). Where words at the beginning of a sentence in the quoted source are omitted but the quotation is incorporated into the sentence of an opinion, no omission need be indicated. E.g.: We have held that “the core purpose of the counsel guarantee was to assure ‘Assistance’ at trial, when the accused was confronted with both the intricacies of the law and the advocacy of the public prosecutor.”
United States v. Ash, 413 U.S. 300, 309 (1973). See also § 7.5.9, infra.

§ 7.5.3. Middle of sentence. An omission of words in the middle of a quoted sentence is indicated by three dots. *E. g.*, Source: “The child was scratched and bitten by the cat.” Indicated omission: “The child was scratched . . . by the cat.”

§ 7.5.4. Last part of sentence. When the last part of a sentence in the quoted source is omitted, use three dots followed by a period. *E. g.*, Source: “He visited London and Paris in the autumn.” Indicated omission: “He visited London and Paris . . . .” However, where the quotation is a parenthetical one following the citation of the source, do not include the period. See § 1.53, supra.

§ 7.5.5. Following completed sentence. When the matter omitted from the quoted source follows a completed sentence in the source and subsequent material is included, use a period followed by three dots. *E. g.*, “Any judgment debtor, upon rendition of judgment against him, is entitled, as a matter of right, to have it satisfied of record upon payment . . . . All authorities agree that there may be but one satisfaction.” However, when the quotation ends with a complete sentence that does not finish the paragraph in the quoted source, a three-dot ellipsis need not follow the final period unless the writer feels the reader will somehow be misled without the ellipsis.

§ 7.5.6. Paragraphs. The omission of a paragraph from the quoted source in a quotation may be indicated by a separate line of five dots. See, *e. g.*, *Miller-El v. Cockrell*, 537 U.S. 322, 333 (2003). Such a paragraph ellipsis may be constructed by using the Keyboard Shortcut Alt pe. Or, at the author’s option, the omission may be indicated by inserting “(paragraph break omitted)” immediately after the citation of the quoted source. See, *e. g.*, *McConnell v. Federal Election Comm’n*, 540 U.S. 93, 199, n. 83 (2003).

§ 7.5.7. Citations. When citations are omitted from material quoted in text, this may be indicated by the bracket notation “[citations omitted]” or by three dots at the point in the quotation where the citations would otherwise appear, or it may be indicated by the parenthetical notation “(citations omitted)” at the end of the citation of the quoted source.
NOTE: A “citations omitted” notation is required only when a cite or cites are being deleted from within the body of the quoted text. Such a notation is not required when the cite follows the quoted material in the source. Because omitted citations always occur within the quotation, the addition of “internal” at the beginning of the notation is superfluous.

Where the quotation lies within a parenthetical and the latter alternative is chosen, “(citations omitted)” should be inserted within, but at the end of, the main parenthetical. E. g., “504 U. S., at 248 (‘[E]xclusions from income must be narrowly construed. That is, an accession to wealth is not to be held excluded . . . unless . . . the Internal Revenue Code clearly so entails’ (citations omitted)).” If citations, internal quotation marks, and/or footnotes have been omitted from a quote, the parenthetical elements should be combined. E. g.: “(citations, internal quotation marks, and footnotes omitted).”

NOTE: If the quoted source in citing a Supreme Court case includes parallel cites to S. Ct. and L. Ed., these parallel cites may be deleted and three dots inserted in their steads. See, e. g., Holloway v. Arkansas, 435 U. S. 475, 494, n. 3 (1978) (Powell, J., dissenting). However, if the parallel cites are numerous, it is also permissible simply to omit them from text and add “(some citations omitted)” at the end of the citation of the quoted source.

§ 7.5.7.1. Internal quotation marks. When internal quotation marks are omitted from a quoted source, this should be indicated by the parenthetical notation “(internal quotation marks omitted)” at the end of the citation of the quoted source. Where the quotation lies within a parenthetical, “(internal quotation marks omitted)” should be inserted within, but at the end of, the main parenthetical. If citations, internal quotation marks, and/or footnotes have been omitted from a quote, the parenthetical elements should be combined. E. g., “(citations, internal quotation marks, and footnotes omitted).” When the internal quotation marks parenthetical is used, a “quoting” citation need not be included.

§ 7.5.8. Footnotes. When footnotes are omitted from a quoted source, this should be indicated by the parenthetical notation “(footnotes omitted)” at the end of the citation of the quoted source. Where the quotation lies within a parenthetical, “(footnotes omitted)” should be inserted within, but at the end of, the main parenthetical. If citations, internal quotation marks, and/or footnotes
have been omitted from a quote, the parenthetical elements should be combined. *E. g.*, “(citations, internal quotation marks, and footnotes omitted).”

**NOTE:** A “footnotes omitted” notation is required only when a footnote “call” number is being deleted from within the body of the quoted text. Such a notation is not required when the footnote number follows the quoted material in the source.

§ 7.5.9. *Quotations introduced by “that.”* When a quotation begins at some point other than the beginning of a sentence from the quoted source and is introduced by “that,” the first word of the quotation is not capitalized and no dots are used. See § 7.5.2, *supra*. If the quotation consists of more than one sentence, or begins with part of a sentence and is followed by another sentence, try to avoid introducing the quotation with “that,” and use a colon instead, since what follows the first sentence or partial sentence quoted usually does not relate back to the “that.” When the first part of the quotation is a partial sentence, bracketed language may be inserted at the beginning to make it a complete sentence. *E. g.*, Judge Mansfield stated: “[Chris-Craft] must show that it suffered some resulting loss. This it has failed to do.” *Chris-Craft Industries, Inc. v. Piper Aircraft Corp.*, 480 F. 2d 341, 401 (CA2 1973).

§ 7.6. **Checking quotations.**

§ 7.6.1. *Generally.* All quotations should be checked against the source cited. If more than one source is cited, or if no specific source is cited, then the rules set forth in §§ 7.6.2–7.6.4, *infra*, should be followed.

§ 7.6.2. **From court opinions.**

(1) *U. S. Supreme Court.* Quotations from opinions of the U.S. Supreme Court should be checked against the text of the opinions as published in the official U.S. Reports. If there has been a reprint, the quotation should be checked against the original edition. Where the quotation is from an in-chambers opinion not published in the U.S. Reports (see § 1.2.3, *supra*) but in some other publication (usually S. Ct. and L. Ed.), check the source cited; or if more than one source is cited, check only one of the sources.

(2) *Other courts.* Quotations from opinions of courts other than the U.S. Supreme Court should be checked against the texts as reported in the official reports, if any, of those opinions. If such
opinions are not reported officially or if the official report has not yet been published at the time the quotation is checked, the quotations should be checked against the most widely used unofficial reports, such as the West National Reporter System (note that the National Reporter System has been designated as official in a number of States, see § 1.4.3, supra). Only when an opinion has not yet been reported in the official reports or the National Reporter System should a quotation be checked against specialized or selected reports, such as looseleaf services.

(3) Use of record in U. S. Supreme Court. Quotations from an opinion should not be checked against the printed record filed in the U. S. Supreme Court, if the opinion has been published in any reliable report generally available in law libraries—unless there is some exceptional reason the quotation should be checked against such record (e. g., where it is a quotation from an opinion filed in connection with a judgment under review in the U. S. Supreme Court and there is some reason to believe that the published report of the opinion is inaccurate, unreliable, or not generally available). In such instances, it should be indicated that the quotation is taken from the record and not from any widely published source. Of course, if the opinion of the U. S. Supreme Court shows that the quotation is from the opinion below in the same case as printed in the record filed in the U. S. Supreme Court, then that is the source against which the quotation should be checked.

§ 7.6.3. From federal statutes.

(1) If only one citation is given for a quotation from a federal statute, the quotation should be checked against that source. But if wide variations indicate that the quotation was taken from another source, that source should be checked and, if the quotation conforms to it, then it will be suggested that a citation to it be substituted or added. (This is especially important if the citation is to U. S. C. and the quotation conforms to the Statutes at Large but not to U. S. C., or vice versa.)

(2) If more than one source is cited for a quotation from a federal statute and one of the sources is the Statutes at Large, the quotation should be checked against that source, except that (a) if the quoted provision is part of a title of the U. S. Code which has been enacted into positive law (see § 2.6, supra), then the quotation should be checked against the official edition of that title in the U. S. Code; or (b) if the quoted provision has been amended so many
times as to make it extremely inconvenient to quote from the Statutes at Large, the quotation may be checked against the U.S. Code.

§ 7.6.4. *From other sources.* If there are wide variations between the quotation in the opinion and the apparent source, try to find the real source and suggest that a citation thereto be substituted (at least where it is published and generally available).

JUSTICE MAHLON PITNEY
## VIII. ABBREVIATIONS

### § 8.1. Case reports.

#### § 8.1.1. American cases.

The following is a list of abbreviations from the more commonly used official and unofficial reports of American cases, both federal and state and including reports of several of the major federal administrative agencies. (For abbreviations of less commonly used, most early, unofficial federal and state reports, see Table of Abbreviations in C. J. S. published in each volume.) (See also Am. Jur. 2d Desk Book, Item No. 132.)

<table>
<thead>
<tr>
<th>Abbreviation</th>
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<td>Ala. App.</td>
<td>Alabama Appellate Court Reports</td>
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<td>American Law Reports, Fourth Series</td>
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<td>A. M. C.</td>
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<td>App. D. C.</td>
<td>Appeals Cases, District of Columbia (vols. 1–74)</td>
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<td>U. S. App. D. C.</td>
<td>Appeals Cases, District of Columbia (vols. 75 et seq.)</td>
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<td>A. 2d</td>
<td>Atlantic Reporter, Second Series</td>
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<td>A. 3d</td>
<td>Atlantic Reporter, Third Series</td>
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<tr>
<td>B. R.</td>
<td>Bankruptcy Reporter (West)</td>
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<td>BRBS</td>
<td>Benefits Review Board Service (Longshore and Harbor Workers’ Compensation Act)</td>
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<td>Black</td>
<td>Black [U. S.]</td>
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<td>Lab. Arb.</td>
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<td>BNA Labor Arbitration Reports</td>
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<td>LRR</td>
<td>BNA Labor Relations Reference Manual</td>
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<td>OSHC</td>
<td>BNA Labor Relations Reporter</td>
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<tr>
<td>B. T. A.</td>
<td>BNA Occupational Safety and Health Cases</td>
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California Reporter, Third Series ..................................... Cal. Rptr. 3d
California Reports ............................................................. Cal.
California Reports, Second Series .................................. Cal. 2d
California Reports, Third Series ...................................... Cal. 3d
California Reports, Fourth Series ................................... Cal. 4th
CCH Automobile Cases (bound) ........................................ CCH Auto. Cas.
CCH Automobile Cases, Second Series (bound) .................... CCH Auto. Cas. 2d
CCH Aviation Cases (bound) ............................................. CCH Av. Cas.
CCH Aviation Law Reporter (looseleaf) ............................. CCH Av. L. Rep.
CCH Bankruptcy Law Reporter (looseleaf) ........................ CCH — Bkrlptcy L. Rep. ¶ —
CCH Board of Contract Appeals Decisions (bound) .............. 20—— — x BCA ¶ —
CCH Conditional Sale—Chattel Mortgage
CCH Contract Cases Federal (bound) ................................. — CCF ¶ —
CCH Employment Practices Decisions ............................. — EPD ¶ —
CCH Employment Practices Guide ................................ CCH Employ-
ment Practices ¶ —
CCH Employment Safety and Health Guide
(looseleaf) ........................................................................ CCH —
ESHG ¶ —
CCH Equal Employment Opportunity
Commission Decisions .................................................... CCH EEOC
Decisions (year) ¶ —
CCH Federal Banking Law Reporter (looseleaf) ............. CCH Fed.
Banking L. Rep.
CCH Federal Carriers Cases (bound) ................................ — Federal
Carriers Cases ¶ —
CCH Federal Carriers Reporter (looseleaf) ...................... CCH F. Carr.
Rep.
CCH Federal Energy Regulatory Commission
CCH Federal Securities Law Reporter (looseleaf) ...................................................... CCH Fire & Casualty Cas.
CCH Fire and Casualty Cases (bound) ......................................................... CCH F. D. Cosm. L. Rep.
CCH Food-Drug-Cosmetic Law Reporter (looseleaf) ......................................................
CCH Labor Arbitration Awards (looseleaf & bound) .............................................. CCH Lab. Arb. Awards
CCH Labor Cases (bound) .............................................................................. — CCH LC ¶ —
CCH Life, Health and Accident Cases (bound) ................................................. CCH Life Cas.
CCH Life, Health and Accident Cases, Second Series (bound) .................................... CCH Life Cas. 2d
CCH National Labor Relations Board Decisions (bound) ........................................... CCH NLRB ¶
CCH Negligence Cases (bound) ................................................................. CCH Negl. Cas.
CCH Negligence Cases, Second Series (bound) ............................................ CCH Negl. Cas. 2d
CCH Occupational Safety and Health Decisions (looseleaf and bound) ............................... 20— CCH OSHD ¶
CCH State Tax Cases (bound).......................................... CCH State Tax Cas.
CCH Tax Court Memorandum Decisions (bound)......................... — TCM
CCH Tax Court Reporter (looseleaf)................................ CCH Tax Ct. Rep.
CCH Trade Cases (bound)............................................. 20— Trade Cases ¶ —
CCH Trade Regulation Reporter (looseleaf)........................ CCH Trade Reg. Rep.
CCH United States Tax Cases (bound)............................ CCH Util. L. Rep.
CCH Utilities Law Reporter (looseleaf)............................ C. A. B.
Civil Aeronautics Board Reports .................................. Colo. App.
Colorado Court of Appeals Reports ................................ Colo.
Colorado Reports ....................................................... (See CCH, supra.)
Commerce Clearing House Publications ................................
Comptroller General Decisions ...................................... Comp. Gen.
Connecticut Circuit Court Reports .................................. Conn. Cir.
Connecticut Reports .................................................. Conn.
Court-Martial Reports [U. S.] ........................................ C. M. R.
Court of Claims Reports ............................................. Ct. Cl.
Court of Customs and Patent Appeals Reports (vols. 1–16, 60 et seq.) ........................................... C. C. P. A. (Cust.) or C. C. P. A. (Pat.)
Court of Customs Appeals Reports ................................ Dall.
Cranch [U. S.] ............................................................. Cranch
Customs Court Reports .............................................. Del.
Dallas [U. S.] ............................................................. D. P. R.
Decisiones de Puerto Rico ............................................. Del.
Decisions of Comptroller General .................................. Del. Ch.
Delaware Chancery Reports .......................................... Del.
Delaware Reports ....................................................... Del.
Department of Agriculture Decisions .............................................. Agri. Dec.
Environmental Administrative Decisions ......................................... E. A. D.
Federal Cases .................................................................................. F. Cas.
Federal Communications Commission Reports .................................. F. C. C.
Federal Communications Commission Reports, Second Series ......... F. C. C. 2d
Federal Communications Commission Record ................................. FCC Red.
Federal Energy Regulatory Commission Reporter ........................... FERC ¶
Federal Labor Relations Authority Reports ...................................... F. L. R. A.
Federal Power Commission Reports .............................................. F. P. C.
Federal Rules Decisions .................................................................. F. R. D.
Federal Rules Service, Third Series ................................................ Fed. Rules Serv. 3d
Federal Supplement, Second Series .............................................. F. Supp. 2d
Federal Trade Commission Reports ................................................ F. T. C.
Florida Reports .................................................................................. Fla.
Florida Supplement .......................................................................... Fla. Supp.
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Georgia Reports ................................................................................ Ga.
Hawaii Reports .................................................................................. Haw.
Howard [N. Y.] .................................................................................. Hun
Idaho Reports ..................................................................................... Idaho
Illinois Appellate Court Reports ....................................................... Ill. App.
Illinois Appellate Court Reports, Second Series ............................... Ill. App. 2d
Illinois Appellate Court Reports, Third Series ................................. Ill. App. 3d
Illinois Reports .................................................................................... Ill.
Illinois Reports, Second Series ......................................................... Ill. 2d
Indiana Appellate Court Reports ..................................................... Ind. App.
Indiana Reports .................................................................................. Ind.
Indian Claims Commission Reports ................................................. Ind. Cl. Comm’n
Interior Board of Land Appeals Decisions ...................... I. B. L. A.
Interior Department Decisions ..................... I. D.
Interstate Commerce Commission Reports ................. I. C. C.
Iowa Reports ......................................... Iowa
Kansas Court of Appeals Reports, Second Series .... Kan. App. 2d
Kansas Reports .......................................... Kan.
Kentucky Reports ....................................... Ky.
Land Decisions, Dept. of Interior ....................... L. D.
Lawyers' Edition, Supreme Court Reports ............. L. Ed.
Lawyers' Edition, Supreme Court Reports,
   Second Series ......................................... L. Ed. 2d
Lawyers Reports Annotated ................................ L. R. A.
Lawyers Reports Annotated, New Series ................. L. R. A. (n.s.)
Louisiana Reports ...................................... La.
Maine Reports ............................................ Me.
Maryland Appellate Reports .............................. Md. App.
Maryland Reports ......................................... Md.
Massachusetts Appeals Court Reports ................. Mass. App.
Massachusetts Reports ................................... Mass.
Merit Systems Protection Board Reporter (West) ...... MSPR
Merit Systems Protection Board Reports
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Military Justice Reporter .............................. M. J.
Minnesota Reports ....................................... Minn.
Mississippi Reports ..................................... Miss.
Missouri Appeal Reports ................................ Mo. App.
Missouri Reports ....................................... Mo.
Montana Reports .......................................... Mont.
Motor Carrier Cases ..................................... M. C. C.
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Nebraska Court of Appeals Reports .............. Neb. App.
Nebraska Reports ......................................... Neb.
Negligence and Compensation Cases Annotated ......... Negl. & Comp.
   New Series ........................................... Negl. & Comp.
   (n.s.)
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   Third Series .......................................... Negl. & Comp.
Nevada Reports ............................................ Nev.
New Hampshire Reports .................................. N. H.
New Jersey Equity Reports ................................ N. J. Eq.
New Jersey Law Reports .................................. N. J. L.
New Jersey Miscellaneous Reports ..................... N. J. Misc.
New Jersey Reports ...................................... N. J.
New Jersey Superior Court Reports ................... N. J. Super.
New Mexico Reports ..................................... N. M.
New York Miscellaneous Reports ....................... Misc.
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New York Reports, Third Series ....................... N. Y. 3d
New York Supplement ................................... N. Y. S.
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New York Supreme Court, Appellate Division
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   Reports, Second Series ............................. App. Div. 2d
North Carolina Court of Appeals Reports ............ N. C. App.
North Carolina Reports ................................ N. C.
North Dakota Reports .................................. N. D.
Northeastern Reporter .................................. N. E.
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Northwestern Reporter ................................ N. W.
Northwestern Reporter, Second Series ............... N. W. 2d
Nuclear Regulatory Commission Reports ............. N. R. C.
Ohio Appellate Reports ................................ Ohio App.
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Ohio Appellate Reports, Third Series ............... Ohio App. 3d
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Ohio Law Abstract ..................................... Ohio L. Abs.
Ohio Opinions, Second Series ......................... Ohio Op. 2d
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Ohio State Reports, Third Series .................... Ohio St. 3d
Oklahoma Criminal Reports ............................ Okla. Cr.
Oklahoma Reports ...................................... Okla.
Oregon Court of Appeals Reports ..................... Ore. App.
Oregon Reports ........................................ Ore.
Pacific Reporter ......................................................... P.
Pacific Reporter, Second Series ................................ P. 2d
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Pennsylvania Commonwealth Court Reports ....................... Pa. Commw.
Pennsylvania District and County Reporter ....................... Pa. D. & C.
Pennsylvania District and County Reporter, Second Series ...... Pa. D. & C. 2d
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Pennsylvania District and County Reporter, Fourth Series ........ Pa. D. & C. 4th
Pennsylvania State Reports ........................................... Pa.
Pike & Fisher Railroad Regulation Reports ......................... R. R.
Prentice-Hall American Federal Tax Reports ....................... — AFTR —
Prentice-Hall American Federal Tax Reports, Second Series ..... — AFTR 2d


Prentice-Hall Equal Opportunity in Housing Cases ................. P–H [vol. no.] EOHC ¶ —

Prentice-Hall Inheritance and Transfer Tax Service (state; looseleaf) .................. P–H Inh. & Trans. Tax Serv.


Prentice-Hall Tax Court Memorandum Decisions .................. [¶ ——] P–H Memo TC

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§ 8.2. **Law reviews and other periodicals, encyclopedias, etc.**

The following is a list of abbreviations for the more commonly cited law reviews and other periodicals, encyclopedias, etc.:

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<td>A. B. A. J.</td>
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<td>Am. J. Int’l L.</td>
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<td>Am. J. Legal Hist.</td>
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<td>Arbitration Journal, New Series</td>
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<td>Arkansas Law Review</td>
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<td>Bankers’ Magazine</td>
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<td>Boston Bar Journal</td>
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<td>Boston College Industrial and Commercial Law</td>
<td>B. C. Ind. &amp;</td>
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<td>Boston College Law Review</td>
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<td>Brigham Young University Law Review</td>
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<td>Brooklyn Law Review</td>
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<td>Cambridge Law Journal</td>
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<td>Case and Comment</td>
<td>Case &amp; Com.</td>
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<td>Case Western Reserve Law Review (formerly</td>
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<td>Chicago-Kent Law Review</td>
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<td>Transnat'l L.</td>
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<td>Columbia Law Review</td>
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<td>Cornell L. Rev.</td>
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<td>Cornell Law Quarterly)</td>
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Corporation Journal ................................................. Corp. J.
Corpus Juris ....................................................... C. J.
Corpus Juris Secundum ........................................... C. J. S.
Criminal Law Review (Manhattan) .............................. Crim. L. Rev.
Current Medicine for Attorneys ................................. Current Med.
Cyclopedia of Law and Procedure ............................... Cyclopedia of
Law and Procedure
Decennial Digest ....................................................... Dec. Dig.
Department of State Bulletin ..................................... Dept. State Bull.
DePaul Law Review .............................................. DePaul L. Rev.
Detroit Lawyer ...................................................... Detroit L.
Duke Law Journal ................................................... Duke L. J
Duquesne Law Review ............................................ Duquesne L. Rev.

Emory Law Journal .................................................. Emory L. J.
Family Law Quarterly .............................................. Family L. Q.
Federal Bar News & Journal (formerly Federal
Bar Journal) .................................................. Fed. B. N. & J.

Food Drug Cosmetic Law Journal ............................. Food Drug
Cosm. L. J.
Georgetown Law Journal ......................................... Geo. L. J.

Hastings Constitutional Law Quarterly ........................ Hastings Const. L. Q.
Hastings Law Journal .............................................. Hastings L. J.
Hofstra Law Review .............................................. Hofstra L. Rev.
Howard Law Journal ............................................. How. L. J.
Illinois Bar Journal ........................................... Ill. Bar J.
Indiana Law Journal .......................................... Ind. L. J.
Indiana Law Review (formerly Indiana Legal Forum) . Ind. L. Rev.
Indiana Legal Forum (through 1972) ...................... Ind. Leg. Forum
Ind. & Lab. Rel. Rev.
International Affairs ......................................... Iowa L. Rev.
International Juridical Association Bulletin ..............
ICC Practitioners’ Journal .....................................
Iowa Law Review ................................................
(vols. 1–12) ..................................................... J. Pract. &
Journal of Accountancy ....................................... J. Accountancy
Assn.
C. L. U.
Journal of American Medical Association ................. JAMA
Process
Journal of Comparative Legislation and
International Law, Third Series ........................... J. Comp. Leg.
& Int’l L. (3d ser.)
Journal of Criminal Law ...................................... J. Crim. L.
Journal of Criminal Law and Criminology ................. J. Crim. L. & C.
Journal of Criminal Law, Criminology and Police
Science (to 1972) ............................................... J. Crim. L., C.
& P. S.
Econ.
Journal of Law & Economics ................................ J. Law & Econ.
Sociol.
Journal of Legal Studies .................................................. J. Legal Studies
JAG Journal .............................................................................. JAG J.
Judicature .............................................................................. Judicature
Justice System Journal .......................................................... J. Justice Sys.
Kansas Bar Association Journal .............................................. K. B. A. J.
Kansas State Law Journal ....................................................... Kan. St. L. J.
Kentucky Law Journal ........................................................... Ky. L. J.
Labor Law Journal ................................................................. Lab. L. J.
Law Library Journal .............................................................. L. Lib. J.
Law Quarterly Review ............................................................. L. Q. Rev.
Lawyer and Banker ............................................................... Law. & Bank.
Lincoln Law Review ............................................................... Lincoln L. Rev.
Loyola (Los Angeles) Law Review ................................................ Loyola (LA) L. Rev.
Loyola University of Chicago Law Journal ................................................................. Loyola U. Chi. L. J.
Maine State Bar Association Reports ................................................................. Maine Bar
Marquette Law Review .................................................................. Marq. L. Rev.
Maryland Law Review ................................................................... Md. L. Rev.
Medical Trial Technique Quarterly
Mercer Beasley Law Review
Miami Law Quarterly (1947–1957)
Michigan Law Review
Milwaukee Bar Association Gavel
Minnesota Law Review
Mississippi Law Journal
Missouri Law Review
Modern Law Review
Montana Law Review
NACCA Law Journal (1948–1964)
National Income Tax Magazine
NLRB Advice Memorandum Reporter
National Municipal Review
Nebraska Law Bulletin
New Hampshire Bar Journal
New Jersey Law Review
New Jersey Lawyer (formerly New Jersey Law Review)
New York Law Journal
New York Law School Law Review
New York University Institute on Federal Taxation
New York University Law Quarterly Review
New York University Law Review
North Carolina Law Review
Northwestern University Law Review
Notre Dame Law Review
Notre Dame Lawyer
Ohio State Law Journal

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Oklahoma Law Review ......................................................... Okla. L. Rev.
Pacific Law Journal ........................................................... Pac. L. J.
Patent and Trade Mark Review ............................................. Pat. & T. M. Rev.

Pennsylvania Bar Association Quarterly .................................. Pa. B. A. Q.
Political Science Quarterly .................................................. Pol. Sci. Q.
Portia Law Journal ............................................................ Portia L. J.
Practical Lawyer ............................................................... Prac. Law.

Public Utilities Fortnightly .................................................. P. U. Fort.
Quarterly Journal of Economics ............................................. Q. J. Econ.
Record of the Association of the Bar of the City of New York ......... Record of N. Y. C. B. A.

Res Gestae ................................................................. Res Gestae

Rutgers Law Review .......................................................... Rutgers L. Rev.

St. Louis University Law Journal ......................................... St. Louis U. L. J.

Seton Hall Law Review ...................................................... Seton Hall L. Rev.

Shingle ................................................................. Shingle
South Carolina Law Review .................................................. S. C. L. Rev.
Southern Law Quarterly ...................................................... So. L. Q.
South Texas Law Journal ..................................................... S. Tex. L. J.
Southwestern Law Journal .................................................. Sw. L. J.
Southwestern University Law Review .................................... Sw. L. Rev.
State Government ............................................................ State Government

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<td>Supreme Court Review</td>
<td>S. Ct. Rev.</td>
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<td>Supreme Court Historical Society</td>
<td>S. Ct. Hist. Soc. Yearbook</td>
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<td>Yearbook</td>
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<td>Tax Law Review</td>
<td>Tax Notes,</td>
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<td></td>
<td>[month], [day], 20__, p. ——</td>
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<td>Tax Notes</td>
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<td>Temple Law Quarterly</td>
<td>Temp. L. Q.</td>
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<td>Texas Law Review</td>
<td>Texas L. Rev.</td>
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<td>Trade Mark Bulletin</td>
<td>T. M. Bull.</td>
</tr>
<tr>
<td>Trade Mark Bulletin, New Series</td>
<td>T. M. Bull. (n.s.)</td>
</tr>
<tr>
<td>Trade Regulation Review</td>
<td>Trade Reg. Rev.</td>
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<tr>
<td>Trusts and Estates</td>
<td>Trusts &amp; Estates</td>
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<tr>
<td>University of California, Davis</td>
<td>Tulane L. Rev.</td>
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<tr>
<td>California, Los Angeles, Law</td>
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<tr>
<td>Review (formerly U. C. L. A. Intra</td>
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<tr>
<td>L. Rev.)</td>
<td>UCLA L. Rev.</td>
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<tr>
<td>(formerly Rocky Mountain Law Review)</td>
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<td>University of Detroit Law Journal</td>
<td>U. Det. L. J.</td>
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<tr>
<td>University of Detroit Mercy Law</td>
<td>U. Det. Mercy</td>
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<td>Review</td>
<td>L. Rev.</td>
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<td>(1931–1966)</td>
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<td>University of Detroit, Urban Law</td>
<td>Urban L. J.</td>
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<td>Journal</td>
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<td>University of Georgia Law Review</td>
<td>Ga. L. Rev.</td>
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<td>University of Illinois Law Review</td>
<td>U. Ill. L. Rev.</td>
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<td>(formerly U. Ill. L. Forum)</td>
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§ 8.3.  Frequently encountered words.

The following is a comprehensive, though of course not exhaustive, list of abbreviations for frequently encountered words (for words not listed, consult Webster’s Third New International Dictionary or the list of abbreviations in the latest edition of the U.S. Government Printing Office Style Manual (2008, ch. 9)): 
<table>
<thead>
<tr>
<th>Term</th>
<th>Abbreviation</th>
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<tbody>
<tr>
<td>abridged; abridgment</td>
<td>abr.</td>
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<td>accident</td>
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<td>administration</td>
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<td>administrator</td>
<td>adm’r</td>
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<td>administratrix</td>
<td>adm’x</td>
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<tr>
<td>advertising</td>
<td>adv.</td>
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<td>affirmed</td>
<td>aff’d</td>
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<td>affirming</td>
<td>aff’g</td>
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<td>agency</td>
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<td>Alabama</td>
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<td>Amendment</td>
<td>Amdt.</td>
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<td>America; American</td>
<td>Am.</td>
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<td>American Federation of Labor</td>
<td>AFL</td>
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<td>annotated</td>
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<td>annotation</td>
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<td>anonymous</td>
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<td>appeal; appeals</td>
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<td>appellate</td>
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<td>appendix</td>
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<td>article</td>
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<td>atty. gen.</td>
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Chief Judge ........................................................................ C. J.
Chief Justice ...................................................................... C. J.
Circuit ................................................................................. Cir.
Circuit Court ...................................................................... C. C.
civil .................................................................................. civ.
Civil Aeronautics Administration ........................................ CAA
Civil Aeronautics Board ....................................................... CAB
Civil Appeals ....................................................................... Civ. App.
Claims Court ....................................................................... Cl. Ct.
clause ............................................................................... cl.
Code of Federal Regulations .............................................. CFR
Colorado ............................................................................ Colo.
column .............................................................................. col.
commerce .......................................................................... comm.
commission ...................................................................... comm’n
commissioner .................................................................. comm’r
committee .......................................................................... comm.
company ............................................................................ co.
compiled ............................................................................. comp.
Congress ............................................................................ Cong.
Congressional Debates ....................................................... Cong. Deb.
Congressional Globe .......................................................... Cong. Globe
Congressional Record ......................................................... Cong. Rec.
Congressman ...................................................................... Cong.
Congress of Industrial Organizations .................................... CIO
Connecticut ......................................................................... Conn.
consolidated ......................................................................... consol.
Constitution ......................................................................... Const.
construction ........................................................................ constr.
corporation ........................................................................... corp.
county ................................................................................. cty.
court .................................................................................. ct.
Court of Appeals (federal) ................................................... Ct. App.
Court of Appeals (state) ...................................................... Ct. App.
Court of Appeals for the Armed Forces ............................... C. A. Armed Forces
Court of Claims ..................................................................... Ct. Cl.
Court of Customs and Patent Appeals ................................. CCPA
Court of International Trade .............................................. CIT
Court of Military Appeals ................................................... Ct. Mil. App.
Court of Sessions ................................................................ Ct. Sess.
criminal .............................................................................. crim.
Judges ........................................................................ JJ
judgment ................................................................. judgt.
judicial ........................................................................... jud.
Judicial Panel on Multidistrict Litigation ....................... JPML
July ............................................................................. July
June .............................................................................. June
Justice ....................................................................... J. P.
Justice of the Peace .................................................. J. P.
Justices ........................................................................ JJ
Kansas ........................................................................ Kan.
Kentucky ....................................................................... Ky.
laboratory ..................................................................... lab.

Labor Management Relations Act, 1947 ......................... LMRA
Labor-Management Reporting and Disclosure Act .......... LMRDA
Legislative History ..................................................... Leg. Hist.
limited .......................................................................... ltd.
Louisiana ........................................................................ La.
machinery; machinists ................................................... mach.
Magistrates Rules ......................................................... Magis. Rules
Maine ........................................................................... Me.
Manual for Courts-Martial ............................................ MCM
manufacturer ................................................................ mfr.
manufacturing ............................................................. mfg.
manuscript ..................................................................... ms.
manuscripts ................................................................... mss.
March ............................................................................ Mar.
Maryland ........................................................................ Md.
Massachusetts ................................................................ Mass.
May ............................................................................... May
memorial ........................................................................ mem.
Michigan ........................................................................... Mich.
military .......................................................................... min.
mining ............................................................................. min.
Minnesota ......................................................................... Minn.
miscellaneous ................................................................... misc.
Mississippi ......................................................................... Miss.
Missouri ......................................................................... Mo.
Montana .......................................................................... Mont.
Municipal Court ........................................................... Munic. Ct.
mutual ............................................................................. mut.
national .......................................................................... nat.
National Labor Relations Act ........................................ NLRA
National Labor Relations Board .................................... NLRB
navigation ....................................................................... nav.
Nebraska ......................................................................... Neb.
Nevada ............................................................................. Nev.

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<td>Second; Second Series</td>
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<td>Securities and Exchange Commission</td>
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<td>Steamship (as part of company name)</td>
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<td>Temporary Emergency Court of Appeals</td>
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<td>Tennessee Valley Authority</td>
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<td>township</td>
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<td>T. D.</td>
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IX. CROSS-REFERENCES IN U. S. REPORTS

§ 9.1. To matter within same opinion.

"Supra" is used for a cross-reference to a previous passage or discussion within the same opinion, and as thus used is always followed by “, at ——” (not by “, p. ——”).

The same rule applies to a cross-reference to a subsequent passage or discussion within the same opinion, when “infra, at ——” is used.

If the cross-reference happens to be on the same page, use “supra [infra] this page.” If part is on the same page and part is on the previous page, use “supra, at —— and this page.” If part is on the same page and part extends to next page, use “infra this page and ——.”

Cross-references to numbered footnotes in the same opinion are made as follows: See n. 2, supra. See n. 17, infra. However, if the footnote being referenced is unnumbered but designated with an asterisk (*), the asterisk should be omitted, and the cross-reference made as follows: Supra, at ——, n. Infra, at ——, n. Cross-references to enumerated Parts of the same opinion are made as follows: See Part II–A–2, infra. Cross-references to an appendix to the same opinion are made as follows: See Appendix, infra; see Appendix A, infra. Cross-references to particular material within such an appendix should read: See Appendix B, infra, at 5.

§ 9.1.5. To another opinion within same case.

“Ante” and “post” are used for cross-references to other opinions within the same case. “Ante, at ——” cross-references a specific passage or page range in a preceding opinion; “ante, p. ——” cross-refers to such an opinion as a whole, whether it is the principal or a side opinion. The same rule applies to a cross-reference to a subsequent opinion in the same case, where “post, at ——” or “post, p. ——” is used. The “slip op.” parenthetical discussed in § 1.2.4, supra, need not be used following cross-references to other opinions in the case at issue. E. g., rather than “ante, at —— (slip op., at 6),” simply say: “ante, at 6.” “Ibid.” may be used to refer to the same “ante” or “post” reference, but do not use “id., at ——” to refer to a different “ante” or “post” reference. Rather, use “ante, at ——, or “post, at ——.” Do not use “supra” or “infra” references to refer to another opinion within the same case.
Cross-references to footnotes in another opinion in the same case are made as follows: *Ante* (or See *ante*), at —, n. 6; *Post* (or See *post*), at —, n. 16. If an unnumbered footnote designated with an asterisk (*) or “dagger” (†) is the only footnote on the page being cited, the asterisk or dagger should be omitted in referring to the footnote. *E. g.*, *Ante*, at —, n.

A parenthetical identifying the author or type of opinion normally does not follow a cross-reference to the majority, plurality, or principal opinion in the case at issue. However, such a parenthetical should be used where it is deemed necessary to reader comprehension. *E. g.*, *Ante*, at — (opinion of the Court); *Ante*, at — (majority opinion); *Ante*, at — (plurality opinion); *Ante*, at — (principal opinion of ROBERTS, C. J.).

**Caution:** Particularly in important or controversial cases, the press has sometimes interpreted a dissent’s referring to the principal opinion exclusively as “the majority” as a sign of disrespect for the Court. Such an inference seems to be prevented if the first reference to the principal opinion is to “the Court,” even if all such subsequent references are to “the majority.”

A parenthetical naming the writing Justice and fully identifying the type of opinion ordinarily should follow the first reference to a concurrence or a dissent in the case at issue. *E. g.*, *Post*, at — (KAGAN, J., concurring in part, concurring in judgment in part, and dissenting in part). Such a parenthetical need not be used for subsequent cross-references unless it is deemed necessary for reader comprehension. Ordinarily, no such necessity exists where the author or nature of the opinion being cross-referenced is identified or indicated in text. *E. g.*, “According to JUSTICE KAGAN, ‘. . . ’ *Post*, at —”; “According to the dissent, ‘. . . ’ *Post*, at —.” Where reader comprehension seems to require an identifying parenthetical following a second or any subsequent cross-reference to another opinion in the same case, the parenthetical may be in an abbreviated form: *E. g.*, *Post*, at — (opinion of KAGAN, J.).

**NOTE:** The order of opinions within a case is discussed in § 12.7, infra.

§ 9.2.  *To another case within same volume.*

Cross-references to opinions in other cases that will appear within the same U.S. Reports volume are subject to many of the same rules and considerations as cross-references within the case at
issue. See § 9.1.5, supra. Thus, “ante” is used for a cross-reference to a preceding opinion within the same volume, “ante, at —” being used where the cross-reference is to a specific passage, and “ante, p. —” being used where the cross-reference is to the opinion as a whole, whether the principal or a side opinion. The same rule applies to a cross-reference to a subsequent opinion of the same date or to a passage within an opinion of the same date, where “post, at —” or “post, p. —” is used.

**Caution:** A pending case the outcome of which is known but which has not yet been released should never be cross-referenced for the substance of any of its holdings or for its reasoning even though it will appear later in the same volume of the U.S. Reports. See § 1.2.6, supra.

The “slip op.” parenthetical discussed in § 1.2.4, supra, need not be used following cross-references to other opinions in the same volume. *E. g.*, rather than “ante, at — (slip op., at 6),” simply say: “ante, at 6.” Do not use “supra” or “infra” references to refer to another opinion within the same volume. “Ibid.” may be used to refer to the same “ante” or “post” reference, but do not use “id., at —” to refer to a different “ante” or “post” reference. Rather, use “ante, at —” or “post, at —.”

Cross-references to footnotes in another opinion in the same volume are made as follows: *Ante* (or See *ante*), at —, n. 6; *Post* (or See *post*), at —, n. 16. If an unnumbered footnote designated with an asterisk (*) or “dagger” (†) is the only footnote on the page being cited, the asterisk or dagger should be omitted in referring to the footnote. *E. g.*, United States v. Smith, *ante*, at —, n.

A parenthetical identifying the author or type of opinion normally does not follow a cross-reference to the majority, plurality, or principal opinion in another case in the same volume. However, such a parenthetical should be used where it is deemed necessary to reader comprehension. *E. g.: Smith v. Jones, ante*, at — (opinion of the Court). A parenthetical naming the writing Justice and fully identifying the type of opinion ordinarily should follow the first reference to a concurrence or a dissent in another case in the same volume. *E. g.: Jones v. Smith, ante*, at — (ALITO, J., concurring in part, concurring in judgment in part, and dissenting in part). Although the full opinion line should be reflected in such an initial parenthetical, subsequent parentheticals, if deemed necessary for reader comprehension, may be in an abbreviated form no matter
where they appear in the cross-referencing opinion: *E. g.*, *Jones v. Smith*, ante, at — (opinion of ALITO, J.). Ordinarily, reader comprehension will not require an identificatory parenthetical where the author or nature of the opinion being cross-referenced is identified or indicated in text. *E. g.*: “According to JUSTICE ALITO, ‘. . . ’ *Post*, at —”; “According to the dissent, ‘. . . ’ *Post*, at —.”

**NOTE:** The order of opinions within particular cases is discussed in § 12.7, *infra*, and the order of cases and other materials within particular volumes of the U. S. Reports is discussed in § 12.8, *infra.*

§ 9.3. **Orders.**

Where a signed opinion issued in an argued case, a *per curiam* opinion, a side opinion to a *per curiam* opinion, or a decree cross-refers to an order issued on the same or a preceding date and appearing in the same volume of the U. S. Reports, “*post*, p. —” is used.

Where the text of an order or an opinion attached to an order cross-refers to a preceding order of the same date, “*supra*, p. —” is used. Where a cross-reference is made to a subsequent order of the same date, “*infra*, p. —” is used. “*Ante*, p. —” is used for a cross-reference to an order of an earlier date in the same volume.

Where an in-chambers opinion cross-refers to an order issued on the same or a preceding date and appearing in the same volume of the U. S. Reports, “*ante*, p. —” is used.

Cross-references should not be made to orders that will be issued on a subsequent date.
X. RECURRING PROBLEMS

§ 10.1. Generally.

There are a number of recurring problems that do not seem to fit neatly into any of the various categories previously covered in this manual, but merit special mention. An attempt, therefore, is made in this portion of the manual to cover what has been determined the more common of these recurring problems.

§ 10.2. Problems re federal statutes.

§ 10.2.1. Quotations from Statutes at Large or U.S. Code. Quotations may be made in the same opinion from either the Statutes at Large or the United States Code. Where a title of the Code has not been enacted into positive law, it is preferable to quote from the Stats. as the official source rather than from the Code. See § 2.6, supra. If there have been several piecemeal amendments to the statute, however, it is frequently not feasible to quote from the Stats. (a prime example of this is the Social Security Act); in that case, quote from the Code. In any event, it should be made clear whether you are quoting from the Stats. or the Code. This is particularly necessary where (as is often the case with footnote citations) the citation of the Stats. is followed by the parallel citation of the Code section.

The following are examples of how to identify the source of the quotation:


(3) Section 8(e) of the National Labor Relations Act, 73 Stat. 543, provides: “It shall be an unfair labor practice . . . .” 29 U.S.C. § 158(e).


In the absence of the recommended phrasing clearly identifying the source of the quotation, it will be assumed that the Stats. source
was intended for sections from titles of the Code that have not been enacted into positive law, and the Reporter's Office will use that source in checking the accuracy of the quotation.

§ 10.2.2. References to certain federal statutes. References to certain federal statutes have been made difficult for various reasons, but chiefly because of the frequency and extent of statutory amendments and revisions. The statutes that present the most problems in this respect are discussed below.

(a) National Labor Relations Act.

The National Labor Relations Act (NLRA) (also known as the Wagner Act) was enacted in 1935. 49 Stat. 449. This Act has been extensively amended, especially in 1947 by Title I of the Labor Management Relations Act (LMRA) (also known as the Taft-Hartley Act), and in 1959 by the Labor-Management Reporting and Disclosure Act (LMRDA) (also known as the Landrum-Griffin Act).

Title 29 U.S.C. § 141(a) provides that Chapter 7 of Title 29, encompassing 29 U.S.C. §§ 141–144, 151–169, 171–183, and 185–188, “may be cited as the ‘Labor Management Relations Act, 1947.’” Title 29 U.S.C. § 167 provides that Subchapter II of Chapter 7, encompassing only 29 U.S.C. §§ 151–169, “may be cited as the ‘National Labor Relations Act.’” Thus, when citing 29 U.S.C. §§ 151–169, one has the option of referring to those sections as the National Labor Relations Act or as part of the Labor Management Relations Act, 1947. E.g., “Under the unfair labor practice provisions of the National Labor Relations Act [Labor Management Relations Act, 1947], 29 U.S.C. § 158, it is required . . . .” However, labor lawyers and other labor law experts, when referring to the NLRA, commonly refer to the original section numbers of the Act as designated by Congress. E.g., § 8 of the NLRA, rather than 29 U.S.C. § 158. It is not proper to refer to § 158 of the NLRA, but rather to § 8 of the NLRA as codified at 29 U.S.C. § 158; nor is it proper to refer to § 8 of the LMRA, but rather to § 101 of the LMRDA amending § 8 of the NLRA. But when referring to § 8 of the NLRA, a cite should be given to 29 U.S.C. § 158 at the appropriate place or places in the opinion. See § 2.6, supra.

By way of further clarification of the problem, in citing § 1 of the LMRA, for example, one is referring to the short title and declaration of policy of that Act and not to § 1 of the NLRA which is amended by § 101 of the LMRDA and is set off in quotation marks at the
bottom of 61 Stat. 136 and extends halfway through 61 Stat. 137. If one wishes to cite the amended § 1 of the NLRA, it can be done thus: “§ 1 of the NLRA, 49 Stat. 449, as amended by § 101 of the LMRA, 61 Stat. 136,” or “§ 1 of the NLRA, as amended, 29 U. S. C. § 151.” So, too, with § 10(l) of the NLRA, which is still within the part set off in quotation marks in 61 Stat. 149–150. There is no § 10(l) of the LMRA. The provision has to be cited in some such form as “§ 10(l) of the NLRA, as added by § 101 of the LMRA, 61 Stat. 149” or “§ 10(l) of the NLRA, as amended, 29 U. S. C. § 160(1).” Congress itself has recognized that as the correct citation form. When it enacted the LMRDA, which in part amended § 10(l), it referred to that change as follows: “Section § 10(l) of the National Labor Relations Act, as amended . . . .” 73 Stat. 544, § 704(d). See also § 706 of the LMRDA. Note that Congress did not refer to § 10(l) as being part of the LMRA.

(b) Federal Power Act.

The Federal Water Power Act was enacted in 1920. 41 Stat. 1063, ch. 285. In 1935, this Act was designated as Part I of the Federal Power Act by §§ 212 and 213 of the Public Utility Act of 1935, 49 Stat. 847, 863, which added Parts II and III to the redesignated Act. Some examples of citations to the Federal Power Act follow:


(c) Clayton Act vis-à-vis Robinson-Patman Act.

(d) Administrative Procedure Act.

Although the Administrative Procedure Act, which was originally enacted in 1946, was repealed as such in 1966 as part of the general revision of Title 5 of the U.S. Code and its provisions were incorporated into 5 U.S.C. §§ 551–559, 701–706, and although Title 5 was enacted into positive law at the same time, it still is accepted practice to refer to the APA by name and to its original section numbers. E.g., § 10(a) of the Administrative Procedure Act, 5 U.S.C. § 702. It is preferable, however, to avoid referring to the original section numbers, since to do so in effect violates the rule set forth in § 2.6, supra, that when citing a law codified in a Title of the U.S. Code that has been enacted into positive law, no citation to the Statutes at Large is necessary. This may be done, e.g., as follows: “The Administrative Procedure Act, 5 U.S.C. §§ 702, 704, subjected the Secretary’s decision to judicial review . . .”; “The pertinent provision of the Administrative Procedure Act, 5 U.S.C. § 702, provides . . . .”

(e) Freedom of Information Act.

What is popularly known as the Freedom of Information Act, 5 U.S.C. § 552, was enacted in 1966 as part of the general revision and enactment into positive law of Title 5 of the U.S. Code. Since the whole Act is contained in 5 U.S.C. § 552, it is incorrect to refer to the Act in such terms as “§ 552 of the Freedom of Information Act.” An appropriate reference would be, e.g., “Exemption 5 of the Freedom of Information Act, 5 U.S.C. § 552(b)(5), exempts from disclosure . . . .”

(f) Military Selective Service Act.

The Act of June 24, 1948, Title I, 62 Stat. 604, was originally known as the “Universal Military Training and Service Act” (see 50 U.S.C. App. § 451(a) (1964 ed.)). Subsequently this was changed to “Military Selective Service Act of 1967” (see 50 U.S.C. App. § 451(a) (1970 ed.)), and eventually to its current designation “Military Selective Service Act” (see 50 U.S.C. App. § 451(a)).

(g) National Bank Act.


(h) **Voting Rights Act of 1965.**

When referring to the Voting Rights Act of 1965 as a whole, refer to it as 42 U.S.C. § 1973 et seq., not 42 U.S.C. § 1971 et seq. Section 1971 is derived from Rev. Stat. § 2004 (an 1870 statute), and § 1972 is derived from Rev. Stat. § 2003 (an 1865 statute), and these are not part of the Act, although § 1971 was amended by the Act.

(i) **Internal Revenue Code of 1986.**

Section 2(a) of the Tax Reform Act of 1986, Pub. L. 99–514, 100 Stat. 2095, note preceding Title 26 U.S.C., redesignated the Internal Revenue Code of 1954 as the “Internal Revenue Code of 1986.” Thus, if the Code provision in question has been added or amended by the Tax Reform Act, and the new or amended provision was in effect for the tax year at issue, citations should be to the “Internal Revenue Code of 1986” rather than the 1954 Code.

(j) **Armed Career Criminal Act.**

Title 18 U.S.C. § 924(e) is properly referred to either by its short title (§ 104(a)(4) of the Firearm Owners’ Protection Act, Pub. L. 99–308), or by its popular name (Armed Career Criminal Act). It should not be referred to as the Armed Career Criminal Act of 1984, which was chapter XVIII of Pub. L. 98–473, but was repealed by § 104(b) of Pub. L. 99–308.

### § 10.2.3. Popular names of statutes.

Many federal statutes are referred to by so-called “popular” names. These popular names can be divided into two categories: “official” and “unofficial.” The “official” popular name is the one designated in the U.S. Code itself, usually by a section captioned “Short title” (e.g., 15 U.S.C. § 77a, which provides that Subchapter I of Chapter 2A of Title 15 of the U.S. Code may be cited as the “Securities Act of 1933”), or in the Public Law enacting the statute (e.g., Pub. L. 91–596, § 1, 84 Stat. 1590, which provides that “this Act [29 U.S.C. § 651 et seq., and certain other provisions of the U.S. Code] may be cited as the ‘Occupational Safety and Health Act of 1970’”). The “unofficial” name is commonly derived from the congressional sponsors of the
statute, *e.g.*, Taft-Hartley Act, Landrum-Griffin Act, Norris-LaGuardia Act, or from the subject matter covered, *e.g.*, Judicial Code, Anti-Injunction Act, Freedom of Information Act, Federal Service Labor-Management Relations Statute. The “official” popular name may be the only name by which the statute is known or a statute may be referred to by both an “official” and “unofficial” popular name. *E.g.*, Chapter 7 of Title 29 of the U. S. Code may be referred to either as the “Labor Management Relations Act, 1947,” its “official” name as designated by 29 U. S. C. § 141(a), or as the “Taft-Hartley Act,” its “unofficial” name. A statute may have two “official” names. *E.g.*, § 518 of the Federal Water Pollution Control Act, as added in 1972 and amended in 1977, provides that the “Act may be cited as the Federal Water Pollution Control Act (commonly referred to as the Clean Water Act).” Some statutes have no “official” name but only an “unofficial” one. *E.g.*, Norris-LaGuardia Act, as referring to 29 U. S. C. § 101 et seq. (in a note following 29 U. S. C. § 101, it is stated that the Act “is popularly known as the Norris-LaGuardia Act”); “Federal Judicial Code” or “Judicial Code,” as referring to Title 28 of the U. S. Code.

Other than the statute itself for those statutes which have “official” popular names, there are several other sources for checking popular names, both “official” and “unofficial.” These are: (1) Index of Acts Cited by Popular Names, U. S. Code; (2) Shepard’s Acts and Cases by Popular Names, Federal and State; (3) Popular name table for Acts of Congress, U. S. C. A. (“U to Z” Index vol. and supplement thereto); (4) Table of Acts by Popular Names, U. S. C. S., Lawyers’ Edition (Tables vol. and supplement thereto); and (5) Table of Federal Statutes by Popular Names, U. S. Supreme Court Reports, Lawyers’ Edition (Index to Annotations vol. and supplement thereto). Although there may be some variations among these sources in the popular names given for the same statute, all of these sources are acceptable for checking the names. But note that where there is an “official” popular name designated by the statute itself, the form given there should be used, as the other sources may give a different form. *E.g.*, under 21 U. S. C. § 301, Chapter 9 of Title 21 of the U. S. Code may be cited as the “Federal Food, Drug, and Cosmetic Act,” whereas Shepard’s lists the same name but without a comma after “Drug.” Under 46 U. S. C. § 842, Chapter 23 of Title 46 of the U. S. Code may be cited as the “Shipping Act, 1916,” whereas the table in U. S. Supreme
Confusion may arise where the same popular name is used to refer to more than one statute. *E.g.*, “Anti-Injunction Act” has sometimes been used to refer to at least three different federal statutes: (1) § 7421(a) of the Internal Revenue Code of 1954, 26 U.S.C. § 7421(a), which bars suits to enjoin the collection or assessment of federal taxes (not to be confused with 28 U.S.C. § 1341, which is referred to as the Tax Injunction Act, see *Tully v. Griffin, Inc.*, 429 U.S. 68 (1976)); (2) 28 U.S.C. § 2283, which prohibits a federal court from enjoining state-court proceedings except as expressly authorized by Congress; and (3) 29 U.S.C. § 101 et seq., the Norris-LaGuardia Act, which bans federal-court injunctions in labor disputes. “Anti-Injunction Act” may be used, at least for convenience, when referring to both 26 U.S.C. § 7421(a) (see, *e.g.*, *Laing v. United States*, 423 U.S. 161 (1976); *Commissioner v. Shapiro*, 424 U.S. 614 (1976)), and to 28 U.S.C. § 2283 (see, *e.g.*, *Venda Co. v. Lektro-Vend Corp.*, 433 U.S. 623 (1977); but see *id.*, at 647, n. 6), although the latter perhaps should be referred to generally as the “federal anti-injunction statute” or the “anti-injunction statute” (see, *e.g.*, *Mitchum v. Foster*, 407 U.S. 225 (1972); *Atlantic Coast Line R. Co. v. Locomotive Engineers*, 398 U.S. 281 (1970)). The Norris-LaGuardia Act should be referred to preferably as such, although, of course, reference can be made to the “anti-injunction provisions of the Norris-LaGuardia Act” (see, *e.g.*, *Boys Markets, Inc. v. Retail Clerks*, 398 U.S. 235 (1970)).


Citations to the “Internal Revenue Code of 1986” are discussed in § 10.2.2, *supra*. 
§ 10.3. Words often misused.

“Comprise.” The whole comprises the parts, but the parts do not comprise the whole, nor is the whole comprised of its parts. *E. g.*, Correct: The Union comprises 50 States. Incorrect: Fifty States comprise the Union. Use “compose” or “constitute” in the latter situation. Also incorrect: The Union is comprised of 50 States. See W. Strunk & E. White, The Elements of Style 43 (3d ed. 1979); B. Garner, A Dictionary of Modern Legal Usage 187 (2d ed. 1995) (hereinafter Garner); T. Bernstein, The Careful Writer 113 (1965) (hereinafter Bernstein, Writer); T. Bernstein, Dos, Don’ts & Maybes of English Usage 49 (1977) (hereinafter Bernstein, Dos); H. Fowler, Modern English Usage 102, 275 (2d ed. 1965); W. Follett, Modern American Usage 102 (1966).

“Parameter.” “Parameter” is an obscure mathematical term. It does not mean “boundary” or “perimeter,” and its use should be avoided. See Bernstein, Dos 164. But see Oxford American Dictionary 484 (1980) (giving an “informal” definition of “parameter” as meaning “limit,” but noting that careful writers avoid this use); Webster’s Ninth New Collegiate Dictionary 854 (1983) (listing “limit” or “boundary” as one meaning of “parameter”; no such meaning is listed in Webster’s Third New International Dictionary, Unabridged (1961), but in “12,000 Words,” A Supplement to Webster’s Third (1986), such meaning is listed).

“Hopefully.” This much overused and misused word should not be used as a “dangling” adverb to mean “it is to be hoped that . . .” or “we hope that . . . .” *E. g.*, “Hopefully, inflation will disappear.” See Strunk & White, *supra*, at 48; Bernstein, Writer 216; Follett, *supra*, at 169. But see T. Bernstein, Miss Thistlebottom’s Hobgoblins 50 (1971) (giving in to use in sense of “it is hoped”); Bernstein, Dos 105 (withdrawing objection to such use); Webster’s Ninth New Collegiate Dictionary 581 (1983) (noting that such use is “well established”); “12,000 Words,” A Supplement to Webster’s Third (1986) (defining “hopefully” as “it is hoped”).

“Damages action.” Say: “He brought a damages [not damage] action.” This usage follows from the fact that one would say: “He brought an action for damages [not damage].” Hence, the noun when used adjectively should be “damages,” not “damage.”

“A historical . . . .” “A historical approach” is the correct form, not “an historical approach.” See Bernstein, Dos 16;

"Saving clause." Say "saving [not savings] clause."

"Aged" v. "age." Say "a man aged 65"; "those persons aged 65"; "she is aged 65." But say "reaching age 65"; "retirement at age 65"; "prior to age 65"; "age-65 retirement provision"; "majority at age 18 for females."

"If" when referring to State or entities such as corporations. Use the impersonal pronoun "it," not "she," when referring to a State. Similarly, use "it," not "he," when referring to an employer, contractor, carrier, shipper, etc., where a corporate, partnership, or associational entity is involved.


"Attorney's fees." Use the singular possessive case "attorney's" (not "attorneys'") in the term "attorney's fees," even though in the particular case more than one attorney may be involved.

"Alternative" v. "alternate." Use the word "alternative," not "alternate," in such expressions as "alternative remedies," where the meaning is offering a choice of two or more things. See Strunk & White, supra, at 40; Bernstein, Writer 36; Fowler, supra, at 20; Follett, supra, at 59.

"Forbid" v. "prohibit." "Forbid" takes the preposition "to"; "prohibit" takes the preposition "from." See Bernstein, Writer 192, 348; Bernstein, Dos 84.

"Data." The use of "data" in the singular is a solecism. Bernstein, Writer 130. It is a plural noun. If a singular meaning is intended, use "one of the data."

"Question of whether"; "Question as to whether"; "Issue of whether." These common prolixities should usually be avoided in favor of "question whether" or "issue whether." See Bernstein, Writer 377, 470; Fowler, supra, at 496; Garner 727. Garner recommends the same approach for "decision whether" and "determination whether." Id., at 271, 930.
“Ensure” v. “insure” or “assure.” “Ensure” should be used to indicate the process of making certain that things occur or that events take place. “Insure” should be limited to financial contexts involving indemnification; it should refer to what insurance companies do. “Assure” is used when a person is making a promise to, or convincing, other people. See id., at 85.

§ 10.4. References to “plurality,” “principal,” “lead,” and “controlling” opinions in U.S. Supreme Court cases.

A plurality opinion is an opinion announcing the judgment of the Court in a case in which a majority of the Court agrees in the result but there is no majority agreeing with the rationale by which that result is reached and in which there are more Members of the Court agreeing with the rationale in the opinion announcing the judgment than with any other rationale (dissenters are not counted in determining whether there is a plurality). E.g., there was a plurality opinion in United States v. MacCollom, 426 U.S. 317 (1976), where then-Justice Rehnquist announced the judgment of the Court in an opinion in which The Chief Justice, and Justices Stewart and Powell joined, and Justice Blackmun filed an opinion concurring in the judgment.

The joint opinions of Justices Stewart, Powell, and Stevens, announcing the judgments in the death penalty cases Gregg v. Georgia, 428 U.S. 153 (1976); Proffitt v. Florida, 428 U.S. 242 (1976); and Jurek v. Texas, 428 U.S. 262 (1976), have sometimes been erroneously cited as plurality opinions. Those joint opinions are in fact not plurality opinions, because there were three other Justices who, while concurring in the judgments, agreed on a rationale different from that of the opinions announcing the judgments. The joint opinions of Justices Stewart, Powell, and Stevens announcing the judgments in the other death penalty cases decided at the same time, Woodson v. North Carolina, 428 U.S. 280 (1976), and Roberts v. Louisiana, 428 U.S. 325 (1976), are, however, plurality opinions, because only two other Justices, each of whom filed separate statements concurring in the judgments, would have followed a rationale different from the joint opinions in reaching the results. The joint opinions in Gregg, Proffitt, and Jurek should be referred to as joint opinions. See Estelle v. Gamble, 429 U.S. 97, 102, lines 7–8 (1976).

Under the foregoing rules, only Part IV (pp. 869–879) of the joint opinion of Justices O'Connor, Kennedy, and Souter in
Planned Parenthood of Southeastern Pa. v. Casey, 505 U.S. 833 (1992), may be cited as the plurality opinion. Parts I, II, III, V–A, V–C, and VI of that opinion (pp. 844–869, 879–880, 887–898, and 901) should be cited as the opinion of the Court. Because four other Justices concurred in the judgment on different rationales as to the matters considered in Parts V–B, V–D, and V–E (pp. 881–887, 899–901), those parts should be referred to as the joint opinion.

Do not use the terms “prevailing opinion” or “pivotal opinion,” although the term “principal opinion” may be acceptable (see Wainwright v. Spenkelink, 442 U.S. 901, 902, penult. line (1979) (Rehnquist, J., dissenting); Hopper v. Evans, 456 U.S. 605, 611, line 8 (1982)). The term “lead opinion” has been used to refer to an opinion announcing the judgment, no part of which has achieved even plurality status. See Crawford v. Marion County Election Bd., 553 U.S. 181 (2008). The term “principal opinion” has been used to refer to an opinion, part of which is a majority opinion and part of which is a plurality opinion, see Parker v. Randolph, 442 U.S. 62, 77, 78, 80 (1979) (Blackmun, J., concurring in part and concurring in judgment), and to an opinion, part of which is a majority opinion and part of which is a nonplurality opinion, see Idaho v. Coeur d'Alene Tribe of Idaho, 521 U.S. 261, 288-297 (1997) (O'Connor, J., concurring in part and concurring in judgment).

An extreme example of a case where the opinion announcing the judgment of the Court is not a plurality opinion is Oregon v. Mitchell, 400 U.S. 112 (1970), where Justice Black announced the judgments in an opinion “expressing his own views of the cases.” See also Bellotti v. Baird, 443 U.S. 622 (1979), for another example of a case where there was no plurality opinion (the opinion announcing the judgment is joined by three Justices, but the opinion concurring in the judgment is also joined by three Justices).

NOTE: Concurring in the judgment and concurring in the result mean the same thing. But do not say “JUSTICE X, concurring” where the Justice does not vote with the majority. Also, consistency should be maintained: Do not say “JUSTICE X, concurring in the judgment” where the opinion concludes: “For the foregoing reasons I concur in the result.”

The designation “controlling opinion” has sometimes been applied to the opinion that contains the narrower holding in a case in which there is no majority opinion. See, e.g., Panetti v. Quarterman, 551 U.S. 930, 949 (2007). The Court has explained:

§ 10.5. Concluding paragraphs of “reversing [vacating] and remanding” U. S. Supreme Court opinions; “So ordered” and “Reversed” or “Affirmed” notations.

Where an opinion of the Court reverses or vacates the lower court judgment and remands for further proceedings consistent with the Court’s opinion, the proper phrasing in the concluding paragraph of the opinion is for federal cases: “The judgment of the Court of Appeals is reversed [vacated], and the case is remanded for further proceedings consistent [in conformity] with this opinion”; for state cases: “The judgment of the State Supreme Court is reversed [vacated], and the case is remanded for further proceedings not inconsistent with this opinion.” (Emphasis added.)

NOTE: In virtually every Term, the question arises whether the Court should vacate, as opposed to reverse, particular lower court judgments. The rule of thumb applied by the Office of the Clerk of the Court is easy to state, but may be difficult to apply in particular instances: This Court should reverse if it deems the judgment below to be absolutely wrong, but vacate if the judgment is less than absolutely wrong. Questions in difficult cases should be directed to the Chief Deputy Clerk.

Where the principal opinion fails to garner a complete majority, but the lower court judgment is being reversed or vacated and remanded, the concluding paragraph should read: “The judgment of the [Court of Appeals or State Supreme Court] is reversed [vacated], and the case is remanded for further proceedings.” See Texas v. Brown, 460 U.S. 730, 744 (1983); Massachusetts v. Oakes, 491 U.S. 576, 585 (1989). Frequently, drafts of opinions neglect to include at the very end of the opinion following the concluding paragraph the required italicized notations, as appropriate: “It is so ordered”; or “So ordered”; “Affirmed”; “Reversed.” An “It is so
ordered” or “So ordered” notation should always follow a concluding paragraph reversing or vacating and remanding. Where a case is affirmed or reversed outright, either of the following forms is acceptable: (1) Concluding paragraph: “The judgment of the Court of Appeals, accordingly, is affirmed [reversed],” followed by the italicized notation: “It is so ordered” or “So ordered.” (2) Concluding paragraph: “The judgment of the Court of Appeals is” followed by the italicized notation “Affirmed [Reversed]” at the end of the next line.

§ 10.6.  Citations of case below in U. S. Supreme Court opinion.

In citing the case below (trial court or appellate court) in a U. S. Supreme Court opinion, give the name of the case if it differs from the name (either one party or both parties) in the Supreme Court, but not if it is the same as the name (both parties) in the Supreme Court whether the parties are in the same order or reverse order. Cases that are entitled State v. Smith or People v. Smith in the report below but become New York v. Smith or Smith v. New York are considered to have the same name for purposes of this rule.

NOTE: The foregoing rule applies to both the “main caption” case and any “together with” case or cases in the present litigation. However, it does not apply to earlier proceedings in the same litigation that were terminated by a definitive order of this Court. For example, in Turner Broadcasting System, Inc. v. FCC, 512 U. S. 622 (1994) (Turner I), this Court vacated and remanded, on grounds of insufficiency of the record, the decision of a three-judge panel of the District Court for the District of Columbia that the Federal Communications Commission’s “must-carry” regulations were consistent with the First Amendment, Turner Broadcasting System, Inc. v. FCC, 819 F. Supp. 32 (1993). On remand, the latter court again upheld the regulations on the basis of 18 months’ additional factfinding, Turner Broadcasting v. FCC, 910 F. Supp. 734 (1995), and this Court affirmed, Turner Broadcasting System, Inc. v. FCC, 520 U. S. 180 (1997) (Turner II). Only the District Court’s opinion in 910 F. Supp. is considered the case below for Turner II under the rule stated in this section; the 819 F. Supp. 32 case was terminated by this Court’s vacatur, and thus can be considered the case below only for Turner I.

In instances in which the name of the case below (either trial or appellate court) is required by the foregoing rule, that name should be used for the first citation of the lower court decision. The
opinion’s text and its footnotes are generally treated independently of each other for purposes of case-below citations. Thus, the full citation, including case name, is given for the first reference to the case below in text and also for the first reference to it in a footnote unless the footnote is directly linked to the text citation. Where such linkage occurs, the full citation should be given for the next nonlinked reference to the case in a footnote. Once the full citation has been given in text, the case name need not be repeated in subsequent text. Similarly, once the case below has been fully cited in a footnote, the case name need not be used in later footnotes.

In instances in which it may not be clear that it is the case below that is being cited—e. g., where the citation occurs in an extensive string cite along with other case names—the notation “(case below)” may be appended to the citation at the author’s discretion.

For citation of an opinion in the case below that is unreported but reprinted in the joint appendix, see § 1.5, supra.

§ 10.7. References to former or present Members of U. S. Supreme Court.

The names of incumbent Members of the Court are printed in initial capital and small capital letters, e. g., JUSTICE GINSBURG, and the names of former Members in initial capital and lowercase letters, e. g., Justice White. Textual references to the present Chief Justice should be to: THE CHIEF JUSTICE. A parenthetical reference following the citation of a case of a lower court, naming an incumbent Member of this Court as the author of an opinion of that court, is printed in initial capital and lowercase letters. A parenthetical reference following the citation of an opinion of this Court authored by Chief Justice Rehnquist while he was still an Associate Justice need refer only to “Rehnquist, J.,” although it is perfectly permissible to note in text, e. g.: “The opinion was written by then-Justice Rehnquist . . . .”

§ 10.8. Use of “this case” vs. “these cases” or “this litigation.”

Reference in the opinion being written for the U. S. Supreme Court to “this case” is appropriate only where a single case is before the Court. If more than one docket number is involved, or a single docket number with multiple cases under this Court’s Rule 12.4 or 18.2, “these cases” or “this litigation” is the terminology that
generally should be used. However, if there was only one action or suit below, it is proper to refer to “this action” or “this suit.” See, e.g., Delaware Tribal Business Comm. v. Weeks, 430 U.S. 73 (1977).

§ 10.9. Use of “Government,” “United States,” “U.S.,” or “Solicitor General” to refer to United States.

“Government” generally may be used to refer to a federal official or agency that is a formal party to a case if that party is represented in this Court by the Solicitor General of the United States. This rule does not apply in the rare instance in which both parties to the case are federal officials or agencies, even if the Solicitor General represents one of them.

“United States” should be used to refer to a party to a case only when the United States is a formal party, and should not be used to refer to a party when the formal party is a Government official or agency. E.g., if the formal party is the Commissioner of Internal Revenue, do not refer to him as the United States, but by his title or party designation (petitioner, respondent, appellant, appellee). If a group of federal officials or agencies are the petitioners, appellants, etc., some such reference as “the federal parties” may be used.

NOTE: If the United States is a formal party to a case, refer to it as the United States or the Government and not as petitioner, respondent, appellant, or appellee.

In the formal context of the U.S. Reports, “U.S.” should not be used as a noun substitute for “United States” or “Government” when referring to the Federal Government. However, “U.S.” may be used adjectivally, particularly where frequent references are required. E.g., “U.S. citizen,” “U.S. territory,” “U.S. forces,” etc.

“The Solicitor General” generally may be used in place of “United States” or “Government” when referring to the Federal Government as the arguing party and citing the transcript of oral argument or the certiorari petition or a brief filed by the Department of Justice on behalf of the Government or a federal party. “The Acting Solicitor General” should be used in this context where the Solicitor General has recused himself from the particular case.

Where both State and Federal Governments are involved in a case, be sure to clearly distinguish which one you are referencing in
each particular instance. See §§ 5.2, 5.3, 5.9, supra, for capitalization rules that will help you to do so.

§ 10.10. References to United States Courts of Appeals.

In 1948, it was provided that each circuit court of appeals should, after September 1 of that year, be known as a United States court of appeals. 62 Stat. 985. See C. Wright, Law of Federal Courts § 3 (3d ed. 1976). Thus, specific references to such courts after September 1, 1948, should be to the “Court of Appeals for the Second Circuit” or “Second Circuit” (not the “Second Circuit Court of Appeals”) or the “Court of Appeals” (not the “Circuit Court of Appeals”), and generic references should be to the “United States courts of appeals” or “courts of appeals,” not the “circuit courts of appeals.”

§ 10.11. Use of numerals.

(a) Numbers expressed in figures. A figure is used for a single cardinal or ordinal number of 10 or more except where the number is the first word of a sentence (see also (d) below).

(b) Numbers in series. Figures are used for related numbers in the same sentence, when any one of the figures is 10 or more. E. g., petroleum came from 16 fields, of which 8 were discovered in 1956. But petroleum came from nine fields, of which eight were discovered in 1956. Likeness of items, not mere proximity, is what governs whether a series exists. E. g., in the phrase, “$13 for three months,” 13 and three do not constitute a series because dollars and months are not the same type of items.

(c) Measurement and Time.

(1) Clock time. 4:30 p.m.; 2 o’clock or 2 p.m. (not 2 o’clock p.m.; 2 p.m. in the afternoon; 2:00 p.m.).


(3) Decimals. 0.25 inch; 1.25 inches; .30 caliber (meaning 0.30 inch, bore of small arms).

(4) Percentage. Use either 3 percent or 3%, 12 percent or 12%, but be consistent.

(5) Proportion. 1 to 4. (But 5-to-4 vote.)
(6) Unit modifier. 5-day week; 8-hour day; 10-foot pole; 10-year sentence; 6-year-old boy; 18th-century causes of action. (But residents ages 18 to 21; three-judge court; four-pronged analysis; eight-step process, etc.)

(d) Numbers spelled out. Numerals are spelled out at the beginning of a sentence, and, except as indicated in (b) and (c) above, a number less than 10 is spelled out within a sentence. Related numbers appearing at the beginning of a sentence, separated by no more than three words, are treated alike. E.g., fifty or sixty miles away is Mount McKinley.

(e) Fractions. Fractions standing alone, or if followed by “of a” or “of an,” are generally spelled out. E.g., three-fourths of an inch; not \( \frac{3}{4} \) inch or \( \frac{3}{4} \) of an inch. But \( \frac{1}{2} \) to 1\( \frac{3}{4} \) pages; \( \frac{1}{2} \)-inch pipe; 2\( \frac{1}{2} \) times.
He said he did not like the way they were doing business, he did not like the style.]

Justice John Marshall Harlan I

_{Stuart v. Hayden, 169 U.S. 1, 13 (1898).}
XI. INTRODUCTORY SIGNALS

§ 11.1. *When not used.*

No introductory signal is used for the citation of authorities (cases, statutes, or secondary sources) that (1) directly support the text statement or proposition (except where “*e.g.*” is used, see § 11.2(j), *infra*), or (2) identify the source of a quotation.

§ 11.2. *Commonly used signals.*

The following introductory signals are used for the indicated purposes:

(a) Accord (not italicized; followed by a comma)—The cited authority, although it may be distinguishable, substantially supports the text proposition.

(b) See (not italicized)—The cited authority is basic source material supporting, although not stating, the text proposition.

(c) See also (not italicized)—The cited authority is additional source material supporting the text proposition.

(d) Cf. (not italicized and not spelled out as in § 11.2(e), *infra*)—The cited authority supports a proposition different from, but analogous to, the text proposition.

(e) Compare . . . with (not italicized)—Comparison of the cited authorities supports or illustrates the text proposition. For examples of where this has been done, see *Wainwright v. Sykes*, 433 U.S. 72, 103, n. 4, 117 (1977); *Pulliam v. Allen*, 466 U.S. 522, 528, n. 6 (1984); *Welsh v. Wisconsin*, 466 U.S. 740, 752 (1984). NOTE: “Cf.,” rather than “compare,” is used to contrast the cited authority with the immediately preceding material. As a signal, “compare” is not used without “with.” “[W]ith” is preceded by a comma when comparing judicial decisions or constitutional clauses, which require commas to close citation phrases, but it is not preceded by a comma when comparing statutory sections.

(f) Contra (not italicized; followed by a comma)—The cited authority states the contrary to the text proposition.

(g) But see (not italicized)—The cited authority directly contradicts the text proposition (often used where “see” is used for support of the text proposition).
(h) But cf. (not italicized)—The cited authority supports a proposition analogous to the contrary of the text proposition.

(i) See generally (not italicized and not followed by a comma)—The cited authority constitutes background material related to the text proposition.

(j) *E. g.* (italicized and followed by a comma)—The cited authority states the text proposition. *E. g.* may also be used in combination with other introductory signals, in which case it is preceded by a comma (See, *e. g.*; Cf., *e. g.*, etc.).

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CHIEF JUSTICE CHARLES EVANS HUGHES
AND DAUGHTER KATHERINE HUGHES
§ 12.1. Generally; release scheduling and deadlines.

Once all votes are in and all opinions in a case are nearing completion, the Justices, in Conference, will schedule the case for release. Familiarity with the Supreme Court Calendar may help you anticipate when your case will be handed down. During October through April, the Justices conference on the Friday before, and on both Fridays during, each 2-week oral argument session. Normally, cases will be scheduled for announcement from the bench and release before the oral arguments on Tuesday and/or Wednesday of each of the argument weeks, and during the nonargument session on the Monday following the 2-week argument session. During May and June, the Conference normally meets each Thursday to schedule cases for release on the following Monday. The Justices may, at any time, vary the foregoing opinion-release regimen in order to accommodate the exigencies of the particular moment. Moreover, they will frequently schedule cases that are not yet completely finished, but, they anticipate, can be made ready for release before the deadline for sending opinions to the Publications Unit for final printing. Generally, you must submit your final draft and give the “OK to print” to the Publications Unit by 2 p.m. on Friday for Monday and Tuesday hand-downs and by 2 p.m. on Monday for Wednesday releases.

The following sections constitute a nonexhaustive collection of materials and information that may be of use in finalizing an opinion for release.

§ 12.1.3. Incorporating precheck changes.

As soon as you receive word that your opinion will be released the following week, attach your latest draft to an e-mail to the Reporter’s Office for final prechecking if it contains citations or other materials not previously prechecked. If any prior precheck contained an “unverified source” notation, take that source (or a photocopy of the pertinent materials), along with any newly cited sources, to the Reporter’s Office as soon as you have e-mailed the opinion for final precheck. If the opinion cites Internet materials, see § 0.2, supra, revisit the Web site(s) in question (or instruct the Reporter’s Office to do so) to ascertain that the materials still exist in the form(s) cited, and change the parenthetical “as visited” date for the materials. If any prior precheck contained an “unverified
original source” notation respecting Internet materials, take the original print source, along with any other required sources, to the Reporter’s Office for final prechecking. As soon as possible, review and submit any final precheck changes to the Publications Unit for incorporation into the opinion.

§ 12.1.4. 

Checking the opinion’s outline.

It happens occasionally that, as an opinion changes from draft to draft, headings or subheads are deleted so that the original outline scheme is no longer correct. Checking the scheme is therefore among the last-minute tasks that chambers should perform or ask the Reporter’s Office to perform. The usual sequence for centered outline headings and subheads in Supreme Court opinions is: I, A, 1, a, (1), i. In addition to checking for the correct numerical sequence—e. g., if the opinion contains divisions “I” and “III,” there must be a division “II” between them—the checker should ascertain that there are at least two divisions at every descending level represented—e. g., there should not be a division “II” unless there was a division “I”—and that the next higher level exists when a subhead is used—e. g., there should not be a subhead “A” unless it is preceded by a Roman numeral division. Finally, a period should not accompany an outline heading or subhead except in the rare instance in which a division title follows immediately. E. g.: “A. In General.”

§ 12.1.5.  

Changing the running heads.

A case’s superior running head setting forth the case name is created by the Publications Unit from the Reporter of Decisions’ recommended citation form. See § 1.15.1, supra. The inferior running head designating the type of opinion is created automatically from information input by chambers when filling in the Opinions 2003 box. Both types of running heads, along with the caption, are automatically inserted into the opinion when it is converted from the draft to the circulation stage. Occasionally, running head information must be changed after the opinion is converted to account for a change in the name or identity of a party or a change in the nature of the opinion. All running head changes should be submitted by chambers to the Publications Unit.

The following list sets forth the proper inferior running heads for the various types or portions of opinions.

1. Majority opinion: Opinion of the Court;
2. Partial no-majority opinion: Opinion of the Court (for majority parts); Opinion of —, J. (or C. J.) (for nonmajority parts);

3. Full concurrence: —, J., concurring;

4. Opinion concurring in part: —, J., concurring in part;

5. Opinion concurring in part and concurring in judgment (or result): Opinion of —, J.;

6. Opinion concurring in judgment (or result): —, J., concurring in judgment (or result);


11. Dissenting opinion: —, J., dissenting;

12. Per curiam opinion: Per Curiam;

13. In-chambers opinion: Opinion in Chambers;

14. Appendix to opinion: Appendix to opinion of the Court or Appendix to opinion of —, J. If there are multiple appendixes, the running head should read, e. g., “Appendix — [A, B, C, etc.] to opinion of . . . .”

§ 12.2. Changing the opinion line in no-majority opinions.

The “opinion line” (i. e., “JUSTICE — delivered the opinion of the Court”; “CHIEF JUSTICE ROBERTS delivered the opinion of the Court”) for a “no-majority” or “partial no-majority” plurality or principal opinion should be changed to reflect the Justices’ votes.


For partial no-majority cases, the usual form is: “JUSTICE — announced the judgment of the Court and delivered the opinion of
the Court with respect to Parts ——, ——, and ——, an opinion with respect to Part ——, in which THE CHIEF JUSTICE, JUSTICE ——, and JUSTICE —— join, and an opinion with respect to Part ——, in which JUSTICE —— joins.” See, e.g., Richmond v. J. A. Croson Co., 488 U.S. 469, 476 (1989). The foregoing form may be adapted for use in the rare “split-majority” case, in which portions of two or more opinions are for the Court with respect to different points. See, e.g., Republic National Bank of Miami v. United States, 506 U.S. 80, 81 (“JUSTICE BLACKMUN announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II, and IV, and an opinion with respect to Part III”); id., at 93 (“CHIEF JUSTICE REHNQUIST delivered the opinion of the Court in part, concurred in part, and concurred in the judgment”).

NOTE: In a split-majority case, the joinders in each of the partial majority opinions should be reflected in a footnote to the opinion line, rather than in the opinion line itself. See § 12.3, infra.

For opinions which are “no majority” with respect to only one or two Parts and the point of disagreement is relatively minor, the following form is suggested: “JUSTICE —— delivered the opinion of the Court, except as to Part ——.” See, e.g., Pembaur v. Cincinnati, 475 U.S. 469, 471 (1986).

§ 12.3. Reflecting joinders and nonjoinders.

Since the syllabus is not the work of the Court, but only of the Reporter of Decisions, see United States v. Detroit Timber & Lumber Co., 200 U.S. 321, 337 (1906), it is inadequate per se to establish joinders in an opinion. Although full joinders in a majority opinion need not be spelled out, this is not because they are set forth in the syllabus’ lineup, but because of a longstanding presumption that Justices whose positions are not otherwise explained have joined the majority in full. Partial joinders in a majority opinion should be set forth in that opinion or in another opinion in the same case, and full or partial joinders in a concurring or dissenting opinion should be stated in the opinion itself.

If a partial joinder in a majority opinion is set forth in a concurrence, it need not also be reflected in the majority opinion. See, e.g., Sanabria v. United States, 437 U.S. 54, 56 (1978); id., at 78 (Stevens, J., concurring) (“Although I join the text of the Court’s opinion, I cannot agree with the dictum in footnote 23”).
Where a Justice concurs in part without an opinion, the partial joinder may be reflected by an asterisked footnote to the majority opinion. See id., at 56. E.g.: Opinion line: “JUSTICE — delivered the opinion of the Court.” Footnote: “*JUSTICE — joins Parts ——, ——, and —— of this opinion.” Variations on this language will be found, e.g., in Segura v. United States, 468 U.S. 796, 797 (1984) (“JUSTICE WHITE, JUSTICE POWELL, and JUSTICE REHNQUIST join all but Part IV of this opinion”); Bennett v. Kentucky Dept. of Ed., 470 U.S. 656, 658 (1985) (“JUSTICE WHITE and JUSTICE BLACKMUN join only Parts I, II, IV, and VI of this opinion”); Cantor v. Detroit Edison Co., 428 U.S. 579, 581 (1976) (“Parts II and IV of this opinion are joined only by . . . JUSTICE BRENNAN, . . . JUSTICE WHITE, . . . and JUSTICE MARSHALL”).

Another way to establish partial joinders or nonjoinders in a majority or principal opinion is to reflect them at the point of disagreement. See, e.g., United States v. Crews, 445 U.S. 463, 474 (1980) (“This Part is joined only by . . . JUSTICE STEWART and . . . JUSTICE STEVENS”) (footnote to Part II–D of Justice Brennan’s otherwise majority opinion); Vitek v. Jones, 445 U.S. 480, 496 (1980) (same).

Because of the presumption that Justices whose positions are not otherwise explained have joined the majority, special care must be taken in a rare “split-majority” case, in which portions of two or more opinions are for the Court with respect to different points. See, e.g., Republic National Bank of Miami v. United States, 506 U.S. 80. In such cases, all joinders (both full and partial) in each of the majority opinions should be set forth in full in a footnote to the opinion line, even if those joinders are otherwise explained in side opinions. E.g., id., at 81: Opinion line: “JUSTICE BLACKMUN announced the judgment of the Court and delivered the opinion of the Court with respect to Parts I, II, and IV, and an opinion with respect to Part III.” Footnote: “*JUSTICE STEVENS and JUSTICE O’CONNOR join JUSTICE BLACKMUN’s opinion in its entirety.” Id., at 93: Opinion line: “CHIEF JUSTICE REHNQUIST delivered the opinion of the Court in part, concurred in part, and concurred in the judgment.” Footnote: “*JUSTICE WHITE, JUSTICE SCALIA, JUSTICE KENNEDY, and JUSTICE SOUTER join THE CHIEF JUSTICE’s opinion in its entirety. JUSTICE THOMAS joins this opinion only insofar as it disposes of the Appropriations Clause issue.”

XII–5
Where a Justice concurs in the judgment or dissents without an opinion, this fact should be reflected in a paragraph immediately following the majority or principal opinion. See, e.g., *Gardner v. Florida*, 430 U.S. 349, 362 (1977) (“THE CHIEF JUSTICE concurs in the judgment”).

Full and partial joinders in a concurring or dissenting opinion should normally be reflected in the opinion line. See, e.g., *Branti v. Finkel*, 445 U.S. 507, 521 (1980) (“JUSTICE POWELL, with whom . . . JUSTICE REHNQUIST joins, and with whom . . . JUSTICE STEWART joins as to Part I, dissenting”).

§ 12.4. Reflecting nonparticipating Justices.

Nonparticipation by a Justice or Justices should be reflected in a paragraph immediately following the majority or principal opinion. *E.g.*: “JUSTICE — and JUSTICE — took no part in the consideration or decision of this case”; “JUSTICE — took no part in the decision of this case.” See, e.g., *Board of Governors, FRS v. Investment Company Institute*, 450 U.S. 46, 78 (1981). (“[D]ecision,” standing alone, is used when the Justice in question recused after certiorari was granted.) In the recusal context, The Chief Justice should be referenced by title, not by name: “THE CHIEF JUSTICE took no part in the consideration or decision of this case.” See, e.g., *Hamdan v. Rumsfeld*, 548 U.S. 557, 635 (2006).

§ 12.5. Changing cross-references when the majority shifts.

In instances in which the majority shifts during deliberations, such that an opinion previously denominated as a concurrence or dissent becomes the majority and vice versa, care should be taken to adjust the “ante” and “post” references, see § 9.1.5, supra, in all opinions for the case. Such adjustments will rarely be noted on precheck, since the final vote is usually not known until shortly before the case is announced.

§ 12.5.5. Changing references to other opinions when the majority shifts.

In instances in which the majority shifts during deliberations, care should be taken to adjust references to other opinions in the case to reflect the new status quo. Thus, for example, if an opinion previously denominated as a dissent becomes the majority, references to it in other opinions should be changed to allude to “the Court” or “the majority.” References to the former should
probably be more numerous than references to the latter. In some instances in which a dissent has referred exclusively to “the majority” when referencing the opinion of the Court, the press has commented on the usage as showing disrespect.

References to a majority opinion that has been redesignated as a dissent should be changed to “the dissent,” “JUSTICE Doe’s dissent” (if there is more than one dissent in the case), or simply “JUSTICE ROE.”

If a writing previously designated as “the opinion of the Court” becomes a no-majority or partial-no-majority opinion, care should be taken to change references to it in other opinions to “the plurality,” “the principal opinion,” or simply “JUSTICE Doe’s opinion” or “JUSTICE ROE.” See § 10.4, supra.

The foregoing types of adjustments will rarely be noted on precheck, since the final vote is usually not known until shortly before the case is announced.

§ 12.6. Opinion graphics and appendixes.

When opinions will include maps, charts, graphs, pencil drawings, advertisements, photographs, or appendixes that will be larger than the standard U.S. Reports text block, additional time may be required for specialized composition, camera work, or printing. The Reporter’s Office and the Publications Unit should be notified as soon as such copy and/or artwork is available for processing in order to avoid unnecessary delays in the publication of bench and slip opinions.

The production of oversized fold-out color maps—see, e.g., Shaw v. Reno, 509 U.S. 630, 658 (1993)—presents particular problems. Chambers desiring to include such maps in opinions are requested to submit source materials to the Publications Officer, Room 216, x-3394, at least six weeks before the opinion’s likely announcement date.

NOTE: Experience has shown that allowing less time may adversely affect the ability of the printer to provide, and the opportunity for chambers to receive, exactly the map desired.

Once map source materials have been received, the following procedures will be followed:
(1) The Publications Officer will consult with the law clerk to determine the map’s general layout, chambers’ preferred colors, and any titles, legends, or other typesetting that may be required.

(2) Within the next day or so, the Publications Officer will prepare a layout for inspection by chambers.

(3) After chambers has reviewed the layout and approved any necessary changes, a Government Printing Office (GPO) requisition will be prepared.

(4) The Publications Officer will hand-carry the layout and requisition to the GPO and present the job to specialists who routinely handle map print orders.

(5) The map specialists will use the layout and any other materials provided to produce camera-ready copy.

(6) Negatives will be made from the camera-ready copy and used to generate color proofs.

(7) The proofs will be presented to the law clerk for chambers’ approval.

(8) After any additional changes are made and final approval has been given, the contract printer selected by GPO to do the job will be notified that the job is ready to print.

(9) On the day the job is ready to run, the Publications Officer will visit the printer’s premises to conduct a final “press sheet inspection.”

(10) The full press run will yield enough maps for use in the hand-down “bench opinions,” in the slip opinions, and in the preliminary prints and bound volumes of the U. S. Reports.

(11) After the maps are printed, the printer will fold them if required, package them in manageable quantities, and deliver them to the Court.

(12) After the “OK to print” the opinion has been given, the Publications Unit will hand-staple the maps into the bench opinion; this is a time-consuming task, particularly if the case is an important one requiring additional copies for Congress, the press, and the public.
§ 12.6.5. Appendix format.

Over the years, the format of appendixes to opinions in the U.S. Reports has varied significantly from Term to Term and even from case to case within particular Terms. In order to standardize and simplify format matters, the Reporter suggests that “APPENDIX” be used as the centered title for a single appendix (majority or otherwise) and “APPENDIXES” for the title preceding multiple appendixes, each of which would be preceded by a centered, sequential letter, “A,” “B,” “C,” etc. The inferior running heads would be as noted in § 12.1.5, supra: “Appendix to opinion of the Court” or “Appendix to opinion of ——, J.” for a single appendix; and “Appendix —— [A, B, C, etc.] to opinion of . . .” for multiple appendixes. See, e.g., Melendez-Diaz v. Massachusetts, 557 U.S. 305, 357 (2009) (KENNEDY, J., dissenting).

If an appendix consists of quoted text, the punctuation rules set forth in § 7.3, supra, should be observed. Ordinarily, each appendix in a series of appendixes consisting of text should begin on the same page immediately after its predecessor’s end.

§ 12.7. Order of opinions within cases.

The Reporter’s Office and the Publications Unit are responsible for placing the individual opinions within a case in their proper order. The following information is provided to assist chambers in drafting cross-references to other opinions within the same case. See § 9.1.5, supra.

Two general principles govern opinion placement. First, particular types of opinions are placed in the following order:

1. Majority or principal (see § 10.4, supra) opinion;
2. A brief third-person dissent (“—, J., dissents for the reasons stated in her opinion in —.”) or separate statement that does not identify itself as either concurring or dissenting;
3. Full concurrences;
4. Opinions concurring in part and concurring in the judgment (or result);
5. Opinions concurring in part;
6. Opinions concurring in the judgment (or result);
7. Opinions concurring in part and dissenting in part;

8. Opinions dissenting in part;


10. Opinions concurring in the judgment in part and dissenting in part. See id., at 232, 255.

11. Dissenting opinions.

Under the second general principle governing opinion placement, the seniority of the particular Justices controls when there are two or more opinions of the same type. For example, when The Chief Justice and the next most senior Justice have both written dissents, The Chief Justice’s opinion will precede the other writing.

NOTE: Only seniority determines the order of opinions of the same type. No attempt is made to arrange two or more opinions designated “concurring in part” based on the number or importance of the portions of the majority or principal opinion each has joined.

§ 12.8. Order of cases and other materials within volumes.

The Reporter’s Office and the Publications Unit are responsible for arranging the individual cases within a volume of the U. S. Reports. The following information is provided to assist chambers in drafting cross-references to other cases within the same volume. See § 9.2, supra.

Ordinarily, writings are arranged chronologically, by day, in the following order:

1. Signed opinions in argued cases:
   a. by seniority of the writing Justices;
   b. by docket number, lowest first, where two or more opinions authored by the same Justice are issued on the same date;

   NOTE: Individual Justices may choose to vary the order of their opinions for any given day. For example, where the more important of two related opinions has a higher docket number, the author may decide to have it printed first. Obviously, that decision should be communicated to the other chambers and to the Offices of the
Clerk of the Court and the Reporter of Decisions as soon as possible.

c. where opinions authored by the same Justice are issued on the same date in an original case and a docketed case, the original case is placed first;

2. Per curiam opinions in argued cases by docket number;
3. Per curiam opinions in unargued cases by docket number;
4. Decrees;
5. Orders;
6. In-chambers opinions.
It’s not just style.

Justice Ruth Bader Ginsburg

*Green Tree Financial Corp.-Ala. v. Randolph*,
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Jack Metzler is an attorney in Washington D.C. specializing in appellate and Supreme Court practice. As an oral advocate in the Supreme Court, he has achieved the same win-loss record as the Great Chief Justice John Marshall and President Abraham Lincoln: 0-1. See *Pearson v. Callahan*, 555 U.S. 223 (2009); *Williamson v. Barrett*, 13 How. 101 (1852); *Ware v. Hylton*, 3 Dall. 199 (1796). His other accomplishments include, *inter alia*, surfing in three oceans, having a solo show of his paintings in a D.C. gallery, and winning $150 one year when he bought a lottery ticket on his birthday. He once memorized the Periodic Table of the Elements for fun. He is confident that—like Marshall and Lincoln after their Supreme Court arguments—the best is yet to come. Follow him on Twitter @SCOTUSPlaces.