

**LEGAL CITATION
IN
NORTH CAROLINA
AND
SOUTH CAROLINA**

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LEGAL CITATION: LOCAL RULES

Always consult the Local Rules of the Court with whom you are dealing for format information.

I. CITATION FORMAT FOR NORTH CAROLINA APPELLATE COURTS

Appendix B of the North Carolina Rules of Appellate Procedure and A Style Manual for the North Carolina Rules of Appellate Procedure (published by the North Carolina Appellate Rules Study Committee) states that the citation format to be followed is that of The Bluebook: A Uniform System of Citation published by the Harvard Law Review. See the North Carolina Appellate Court Rules at <http://www.ncbar.org/about/committees/appellate.aspx>

II. CITATION FORMAT FOR SOUTH CAROLINA APPELLATE COURTS

Rule 239 of the South Carolina Rules of Appellate Practice provides the format for citations in documents submitted to South Carolina appellate courts. Rule 239 allows short forms of citation once the authority is cited in full as set forth below. Rule 239 also recommends the use of The Bluebook and A Guide to South Carolina Legal Research and Citation published by the S.C. Bar C.L.E. Division, or other publications. Also see the Supreme Court's website for Rule 239 at www.judicial.state.sc.us.

A. Constitutions.

1. S.C. Const. art. IV, § 4.
2. N.C. Const. art. IV, § 4.

B. Statutes and Regulations.

1. Statutes that appear in a hardbound volume of the statutory code should be cited in the following form:
 - a. S.C. Code Ann. § 1-2-345 (1976).
 - b. N.C. Gen. Stat. § 32-425 (year). [official code]

- c. N.C. Gen. Stat. Ann. § 32-425 (West year). [unofficial code]
2. Where the statute appears in a replacement hardbound volume, the citation should include the date appearing on the spine of the volume or the copyright date of the volume in the following form: S.C. Code Ann. § 11-35-1210 (1986).
3. Statutes that appear in the supplement to the statutory code should be cited in the following form: N.C. Gen. Stat. Ann. § 32-425 (Supp. 1988).
4. Statutes that have not yet been codified should be cited by the year of the act or session and page number where it appears in:
 - a. 1985 S.C. Acts 277.
 - b. 1993 N.C. Sess. Laws 384.
5. Regulations that appear in the statutory code should be cited in the following manner. [volume] S.C. Code Ann. Regs. [section number] (year).

Or [volume] N.C. Reg. [page number] (month day, year).

Regulations that appear in a supplement to the statutory code should be cited in the following manner: 24A S.C. Code Ann. Regs. 61-40 (Supp. 1988). The date used in the citation shall be the latest copyright date of the volume or supplement.

C. Court Rules. Court rules should be cited as follows:

1. South Carolina Appellate Court Rules: Rule _____, SCACR.
2. South Carolina Rules of Civil Procedure: Rule _____, SCRCP.
3. South Carolina Rules of Criminal Procedure: Rule _____, SCRCrimP.
4. South Carolina Rules of Family Court: Rule _____, SCRFC.
5. South Carolina Rules of Probate Court: Rule _____, SCRPC.
6. South Carolina Administrative and Procedural Rules for Magistrate's Court: Rule _____, SCRMC.
7. South Carolina Rules of Evidence: Rule _____, SCRE.

D. Appellate Court Decisions.

1. Published opinions or orders of the Supreme Court or Court of Appeals should be cited in the following manner citing to both the official and unofficial reporters:

a. State v. Williams, 297 S.C. 404, 377 S.E.2d 309 (1989).

Hayne v. Hollingsworth, 342 N.C. 456, 338 S.E.2d 245 (1990).

Note: Don't have to put the court if it is the Supreme Court and you can tell from the official reporter which state it is.

b. Andrews v. Piedmont Air Lines, 297 S.C. 367, 377 S.E.2d 127 (Ct. App. 1989).

c. Johnson v. Smith, 398 N.C. App. 856, 398 S.E.2d 678 (2003).

Note: Do put "Ct. App." in parentheses if cite is to the Court of Appeals and you cannot tell from the official reporter. NC has an official reporter for its Court of Appeals; South Carolina does not.

2. If a published opinion does not appear in the reporter, it should be cited in the following manner:

a. Donahue v. Donahue, Op. No. 23083 (S.C. Sup. Ct. filed Sept. 25, 1989);

b. Satcher v. Berry, Op. No. 1383 (S.C. Ct. App. filed July 31, 1989).

3. Further, if the opinion has been published in the Advance Sheets published by the South Carolina Supreme Court, the opinion should be cited in the following manner:

a. State v. Victor, Op. No. 23118 (S.C. Sup. Ct. filed Dec. 11, 1989) (Shearouse Adv. Sh. No. 29 at 5).

4. If a published order does not appear in a reporter, it should be cited
 - a. by its order number: State v. Smith, 89-OR-25 (S.C. Ct. App. dated March 1, 1989), or
 - b. by reference to the date of the order if no order number has been assigned: State v. Smith, S.C. Sup. Ct. Order, dated March 1, 1989.
5. Further, if the order has been published on the front of the South Carolina Advance Sheets, the order should be cited in the following manner:
 - a. State v. Foster, S.C. Sup. Ct. Order dated June 9, 1989 (Shearouse Adv. Sh. No. 14).
6. South Carolina Appellate Court Rule 220 provides that memorandum opinions and unpublished orders have no precedential value and should not be cited except in proceedings in which they are directly involved. Memorandum opinions may be cited in the following form: Burns v. Burns, Op. No. 89-MO-110 (S.C. Ct. App. filed July 31, 1989). Unpublished orders may be cited in a similar manner as provided for published orders under Rule 239(d)(1) and should be served on the court and all parties.
7. The South Carolina Equity Reports, beginning with 1 Desaussure Equity and ending with 14 Richardson Equity should be cited in the following manner: Taylor v. Taylor, 4 S.C. Eq. (4 Des. Eq.) 165 (1811). A table of the cross references is provided in Rule 239.
8. The South Carolina Law Reports beginning with 1 Bay and ending with 15 Richardson should be cited in the following manner: Roche v. Chaplin, 17 S.C.L. (1 Bail.) 419 (1830). A table of the cross references is provided in Rule 239.

LEGAL CITATION: THE BLUEBOOK (18th ed. 2005)

I. STATE CASES (Bluebook Rule 10)

The Bluebook explains citation style for law review footnotes in the white pages. The index is very good, so use it to look up what you need. The blue pages at the beginning of the Bluebook explain the style to be used by practitioners. Therefore, after finding the appropriate format in the white pages, you need to conform the fonts, underlining, etc. to that set forth for practitioners in the blue pages. There is also a quick reference for practitioners inside the back cover of the Bluebook. Simply use the Index and look for examples of the item you want to cite.

RESEARCH TIPS: You can go to www.findprint.westlaw.com to type in as many citations in a row (separated by a colon) and find and print (and/or keycite) all of the cases at once, as opposed to going into Westlaw and individually finding several cites. This website can save you a good bit of time. For search assistance, contact the West Reference Attorneys at (800) 937-8529. NEVER cite cases, statutes, etc. as they are cited in books or as printed off of Westlaw or LEXIS. The cites are often not in the correct Bluebook citation format.

For documents submitted to a state court, all citations to cases decided by the courts of that state (not of other states) should also include a citation to the official state reporter, if available, in addition to the citation to the unofficial or regional reporter. The state reporter citation will come first. In these parallel citations, do not put the state abbreviation in the parenthetical following the citation if the state is clear from the name of the state reporter.

If the citation is for a case that was not decided in the state court in which the document is being filed, only cite to the regional reporter, and put the state abbreviation in the parenthetical.

ALWAYS use pinpoint cites unless citing very generally to the case as a whole. You must use pinpoints for direct quotes and citing court holdings, rules, and reasoning. You do not necessarily need a pinpoint for citing to every fact in a case. When in doubt, use pinpoints!

The following are examples of citations commonly used by South Carolina practitioners. You may either underline or italicize case names, but be consistent throughout.

A. State Supreme Court¹

1. Document filed in South Carolina Supreme Court:

- a. Abbott v. Costello, Inc., 108 S.C. 66, 67, 337 S.E.2d 50, 52 (1972).
- b. Long v. City of New York, 541 N.E.2d 386, 387 (N.Y. 1989).

NOTE: If this case were cited in a document filed in a New York court, the citation would be as follows: Long v. City of New York, 73 N.Y.2d 683, 541 N.E.2d 386, 543 N.Y.S.2d 357 (1989). [Notice that there are three reporters for the New York Court of Appeals, which is the highest court in New York. California is the only other state that has two state reporters.]

2. Document filed in court other than South Carolina:

- a. Abbott v. Costello. Inc., 337 S.E.2d 50 (S.C. 1972).

B. State Court of Appeals¹

1. Document filed in South Carolina court:

- a. Millwood v. State Indus., Inc., 77 S.C. 10, 142 S.E.2d 8 (Ct. App. 1955).

NOTE: “Ct. App.” appears in the parenthetical because it is not clear from the state reporter citation that the case was decided by the Court of Appeals. For South Carolina citations, if “Ct. App.” is not found in the parenthetical, you know that the citation was for a decision by the state Supreme Court.

- b. Rayco Inc. v. Cabbage, 190 S.E.2d 279 (Ga. Ct. App. 1989).

NOTE: If this case were cited in a document filed in Georgia, the citation would be as follows:

¹ These examples are mainly from South Carolina, but would basically be the same for North Carolina.

Rayco Inc. v. Cabbage, 28 Ga. App. 56, 190 S.E.2d 179 (1989).

NOTE: Do not put “Ct. App.” in the parenthetical because the state reporter citation shows it is a decision by the court of appeals. South Carolina - unlike Georgia - does not have a separate reporter for the Court of Appeals.

2. Document filed in court other than South Carolina:

- a. Millwood v. State Indus., Inc., 142 S.E.2d 8 (S.C. Ct. App. 1955).

C. Cases before 1868:

Before 1868, North Carolina and South Carolina courts were either courts of law or courts of equity. There were separate reporters for each. See Bluebook Table 1 for citations to these reporters in both North Carolina and South Carolina.

D. Slip Opinions:²

1. Slip opinions (not yet in advance sheets):

- a. State v. Torrence, No. 23117, slip op. (S.C. Sup. Ct. filed September 18, 1990).

NOTE: South Carolina Rule of Appellate Practice 239 requires “S.C. Sup. Ct.”

2. Slip opinions (Shearouse Advance Sheets):

- a. Brooks v. First Bank, Inc., No. 40773 (S.C. Ct. App. filed October 5, 1993) (Shearouse Adv. Sh. No. 47 at 5).

NOTE: South Carolina Rule of Appellate Practice 239 requires “Op. No.”

² This section is specific to South Carolina under South Carolina Rule of Appellate Practice 239.

II. FEDERAL CASES (Bluebook Rule 10)

A. U.S. Supreme Court:

1. Smith v. Jones, 477 U.S. 57, 58 (1986).

OR

477 U.S. 57, 58, 303 S. Ct. 90, 190 L. Ed. 2d 55, 50 U.S.L.W. 40 (1986).

NOTE: The correct citation is to the United States (U.S.) reporter only. If the document's author insists on additional citations to the other Supreme Court reporters, follow the order above.

B. U.S. Court of Appeals:

1. United States v. Merrimon, 540 F.2d 11, 11 (4th Cir. 1970).

NOTE: If cite is to first page a case starts on, repeat that page number.

C. U.S. District Court:³

1. Bailey v. Little Trucking Co., 99 F. Supp. 232, 233-35 (D.S.C. 1918).
2. Jones v. Smith, 130 F. Supp. 11, 12 (W.D.N.Y. 1963).

D. Bankruptcy Court:

1. In re Jones, 74 B.R. 111, 112 (Bankr. D.S.C. 1991).
2. First Bank, Inc. v. Jones (In re Jones), 74 B.R. 111 (Bankr. D.S.C. 1991).

Note: This is the format used for adversary proceedings where there are two parties and not just a debtor.

E. Bankruptcy Appellate Panel

³ Note, North Carolina district courts would be similar; however, there is only one district court in South Carolina, thus, the D.S.C. In North Carolina, there are three district courts – western, eastern, and middle: (1) W.D.N.C. (2) M.D.N.C. and (3) E.D.N.C.

1. Standard Fed. Bank v. Smith, 86 B.R. 47 (B.A.P. 4th Cir. 1996).

F. SC Local Rules for Federal District Court:

- a. The Federal District Court for the District of South Carolina has special citation forms for its own local civil and criminal rules.
 - i. Local Civil Rule 5.01 DSC
 - ii. Local Criminal Rule 12.4 DSC

III. SHORT FORMS FOR CASES (Bluebook Rule 10.9)

Use short forms when citing to a case that has already been fully cited in the same general discussion.

A. Federal Courts:

1. United States v. Patterson, 431 U.S. 337 (1981).

Patterson, 431 U.S. at 342. (not United States).

OR

431 U.S. at 342.

OR

Id. at 342.

B. State Courts:

1. Miller Tire Co. v. Zeke, 280 S.C. 40, 330 S.E.2d 38 (1980).

Zeke, 280 S.C. at 53, 330 S.E.2d at 49.

OR

280 S.C. at 53, 330 S.E.2d at 49.

OR

Id. at 53, 330 S.E.2d at 49. **Use Id. for cites to state reporter, but the regular short cite to the regional reporter.

NOTE: The use of “Id.” is only appropriate when citing to the directly preceding authority when the preceding cite has only one authority. The preceding authority includes citations in explanatory parentheticals, explanatory phrases, prior history, and subsequent history. However, it may be helpful to use

“Zeke, 280 S.C. at 53, 54 330 S.E.2d at 49, 50” so that reader will know to which case you are referring.

2. Use a parenthetical if citing to a dissenting or concurring opinion in the same case.

Example: Id. at 623 (Toal, J., dissenting).

IV. CASE NAMES (Bluebook Rule 10.2)

In case names, use only last names of individuals, but the full name of businesses. The state government is shortened to “State,” and the federal government is referred to as “United States.”

Example: State of South Carolina v. Raymond Patterson, Jr. is cited as State v. Patterson.

and

John B. Smith, Inc. v. Jane Doe is cited as John B. Smith, Inc. v. Doe.

V. STATUTES (Bluebook Rule 12)

A. U.S. Code:

1. 28 U.S.C. § 1290 (1988).

B. State Code:

1. S.C. Code Ann. § 15-5-501(b) (1976).
2. N.C. Gen. Stat. § 33-401 (year). [official code]
2. N.C. Gen. Stat. Ann. § 33-401 (West year). [unofficial code]
2. If the citation refers to material in the supplement only, use date of supplement: S.C. Code Ann. § 15-5-501(b) (Supp. 2004).
3. If the citation refers to material found in both the supplement & main volume of the Code:
S.C. Code Ann. § 15-5-501(b) (1976 & Supp. 2004).

C. State Administrative Register: Include volume number, page number, and full date.

1. 24-3 S.C. Reg. 4 (Mar. 24, 2000).

2. 35 N.C. Reg. 13 (Jul. 19, 2003).

D. Code of Federal Regulations:

1. 24 C.F.R. § 1700.01 (1992).

VI. CONSTITUTIONS (Bluebook Rule 11)

A. Federal: U.S. Const. art. 1, § 9, cl. 2.
U.S. Const. amend. XIV, § 2.

B. State: S.C. Const. art. 1, § 9, cl. 2.
N.C. Const. art. 1, § 9, cl. 2.

VII. RULES OF CIVIL PROCEDURE (Bluebook Rule 12.8.3)

A. Federal Rules: Fed. R. Civ. P. 56.

B. State Rules: S.C. R. Civ. P. 56.

NOTE: This differs from the format required by South Carolina Rule of Appellate Practice 239 (see above).

VIII. RULES OF CRIMINAL PROCEDURE (Bluebook Rule 12.8.3)

A. Federal Rules: Fed. R. Crim. P. 42(c).

B. State Rules: S.C. R. Crim. P. 42(c).

NOTE: This differs from the format required by South Carolina Rule of Appellate Practice 239 (see above).

IX. RULES OF EVIDENCE (Bluebook Rule 12.8.3)

Fed. R. Evid. 20.

X. ATTORNEY GENERAL'S OPINIONS (Bluebook Rules 14.2 & 14.4)

A. United States: 42 Op. Att'y Gen. 111 (1962).

B. State: 1983 Op. S.C. Att’y Gen. No. 2 113 (year).

XI. ANNOTATIONS (Bluebook Rule 16.6.5)

A. American Law Reports (ALR):

1. John H. Smith, Annotation, Proving Proximate Cause in Negligence, 76 A.L.R. 4th 90 (1987 & Supp. 1998).

NOTE: This citation shows that the citation refers to material in both the 1987 main edition and the 1998 supplement. Usually, the citation will not include the supplement.

2. Mary B. Jones, Annotation, Sovereign Immunity in Federal Cases, 98 A.L.R. Fed. 180 (1983).

B. American Jurisprudence (Am. Jur.):

75 Am. Jur. 2d Trespass § 53 (1991).

C. Corpus Juris Secundum (C.J.S.):

65 C.J.S. Negligence § 112 (1966 & Supp. 1998).

XII. LAW REVIEWS (Bluebook Rule 16)⁴

A. South Carolina:

Lester Flatts & Earl Scruggs, The Law of Country Music, 40 S.C. L. Rev. 333 (1989).

B. Other law reviews:

Philip L. Griffin, Article 9 and Default, 57 Duke L.J. 13 (1996).

⁴ See Bluebook Table 13 for a list of all journals.

XIII. BOOKS (Bluebook Rule 15)

- A. One Author: Deborah C. Padgett, Crashworthy Vehicles (1989).
- B. One Author. Page Specified: Marilyn Quayle, Life in the White House 52 (1993).
- C. Two Authors: 21 Charles A. Wright & Kenneth A. Graham, Jr., Federal Practice and Procedure § 53 (1977).
[Notice that this book is Volume 21 in a series of volumes. The volume number precedes the author's name.]
- D. More Than Two Authors: W. Page Keeton et al., Prosser and Keeton on the Law of Torts § 1 (5th ed. 1984).

If more than one volume (see above)

If more than one edition: (see above)

If editor: (Norman Poole ed. 1984).

If more than two editors, later editions: (Rachel Anderson et al. eds. 2d ed. 1990).

- E. Short Forms for Books (can also be used for law review articles and other authorities except cases, statutes or constitutions): After the first citation to the authority, place the word "hereinafter" and the special form in brackets.

26 Charles A. Wright & Arthur R. Miller, Federal Practice and Procedure § 109 (1977) [hereinafter Wright & Miller].

XIV. NEWSPAPERS (Bluebook Rule 16.5)

- A. Signed: Tamara Jones, Germany Cuts off Refugees, The State, May 27, 1993, at 1A.
- B. Unsigned: Pen Pals Have Love in Common, N.Y. Times, May 27, 1993, at 3D.

XV. ELECTRONIC RESOURCES (Bluebook Rule 18)

- A. Westlaw Cases: Clark v. Homrighous, No CIV.A.90-1380-T, 1991 WL 55402, at *3 (D. Kan. Apr. 10, 1991).

B. Westlaw Statutes: S.C. Code Ann. § 13-50-150 (West, WESTLAW through 1995 Act 26).

C. Internet:

Parallel Citation to Internet. The general rule is that if the information is available in a traditional printed source or commercial database (e.g., Westlaw), it should be cite to that source rather than to the Internet. “Available at” is a used for a parallel citation to the Internet when the source is also in traditional print but citing to the Internet will substantially improve access to the source cited.

(i) Cases: Am. Mining Cong. v. U.S. Army Corps of Eng’rs, No. CIV.A. 93-1754-SSH (D.D.C. Jan. 23, 1997), available at <http://www.wetlands.com/fed/tulloch1.htm>.

(ii) Articles: Randall R. Smith, The Axel-Lute Uniqueness Principle and Internet Citation Form, Personal Law Publishers (Mar. 12, 1999) available at <http://www.plp.smith-book.com>.

Nancy Jean King, The American Criminal Jury, 62 Law & Contemp. Probs. 41, 57 (1999), available at <http://www.law.duke.edu/journals/lcp/articles/lcp62dSpring1999p41.htm>.

Associated Press, Visitation Rights To Be Decided (Sept. 28, 1999), available at AOL:Home/WebCenters/Legal/NewsHome/LatestNewsStories/Washington/SupremeCourt.

(iii) Statutes: Iowa Stat. § 230.12 (1997), State of Iowa, available at <http://www.legis.state.ia.us/Indices/IACODE-1997.html>.

Direct Citation to Internet. An Internet source may be cited directly when it does not exist in traditional print format or commercial database or if it is so obscure that it is practically unavailable.

(i) Source with Printed Analog (use typeface as for printed source): Yonatan Lupu, The Wiretap Act and Web Monitoring: A Breakthrough for Privacy Rights?, 9 Va. J.L. & Tech. 3, ¶ 7 (2004), http://www.vjolt.net/vol9/issue1/v9i1_a03-Lupu.pdf.

Source with Unprinted Analog (use Roman typeface): Antonin Scalia: 10 of Hearts, <http://www.deal-with-it.org/hearts/scalia.htm> (last visited Sept. 28, 2004).

(ii) Cases: Castro v. United States, No. 02-6684, slip op. at 8 (U.S. Dec. 15, 2003), <http://www.supremecourtus.gov/opinions/03pdf/02-6683.pdf>.

(iii) Unsigned Articles or Webpages: WestlawRewards Frequently Asked Questions, <http://www.westlawrewards.com/main/faq.htm> (last visited Jan. 5, 2004).

NOTE: Generally one should cite to the entire URL address; however, if the URL is very long, unwieldy, full of nontextual characters, or if the information may only be obtained by submitted a form or query, use only the root of the URL followed by a parenthetical explanation of how to access the information.

XVI. SPACING (Bluebook Rule 6.1)

A. General Rule: In general, no spaces between adjacent single capitals:

S.E.

N.W.

A.L.R. (American Law Reports)

Numerals are counted as a single capital:

S.E.2d

F.2d

Longer abbreviations (greater than 1 letter):

S. Ct. F. Supp.

So. 2d F. Supp. 2d

Cal. App. 3d

Exceptions: Periodicals - if single letters refer to a geographical entity (S.C., N.Y.) or institutional entity (N.Y.), keep entity's capital initials together, but separate from others:

S.C. L. Rev.
S. Ill. U. L.J.

B. People's Initials:

W.C. Fields

C. Section Symbols and Paragraph Symbols:

§ 15-3-80; ¶ 9

(space between section symbol or paragraph symbol and next number or letter)

D. Dollar and Percent Symbols:

\$1.50; 50%

XVII. CAPITALIZATION (Bluebook Rule P.6)

A. U.S. Supreme Court:

Capitalize "Supreme Court" in reference to the United States Supreme Court:

The Supreme Court relied heavily on the expert's report.

B. Courts Not Named in Full: Do not capitalize "supreme court" or any other court name, even if it refers to a state's supreme court, unless you name the court in full (see "C" below).

The supreme court in Smith v. Jones, 68 R.I. 77, 79 A. 63 (1913), affirmed the lower court.

C. Any Court Named in Full: Capitalize a court's name only if it is named in full.

The Rhode Island Supreme Court affirmed the lower court. The Eighth Circuit Court of Appeals reversed.

BUT SEE

The supreme court affirmed the lower court. The federal court of appeals reversed.

D. Capitalize Any Court in a Document When Referring to the Court That Will Receive that Document:

This Court has already ruled against the Plaintiff in his Motion to Compel.

E. Capitalize Party Designations When Referring to the Parties in the Matter that is the Subject Matter of the Court Document or Memorandum:

Party designations:

Capitalize parties that are the subject of the document you are filing such as Defendant, Plaintiff, Appellant.

NOTE: It is much clearer to the reader if parties are referred to by their names (e.g., Smith), except for plaintiff and defendant, which are usually fairly clear, as opposed to vague references like “Appellant”, because it is often hard to remember who is the appellant and who is the appellee. However, there are often tactical reasons for using a generic term like “Defendant” to de-humanize that party. On the other hand, using personal names humanizes them.

Example: The Defendants respectfully request this Court to assess costs against the Plaintiff.

BUT

The plaintiff in the Brown decision did not allege that the seat belts were defective.

F. Titles of court documents:

Capitalize the titles of those documents that have been filed in that case, but do not capitalize generic names.

Example: Plaintiffs claim in their Motion to Compel Answers to Discovery that the Defendant’s answers are meaningless.

BUT SEE

The Defendants answered the interrogatories fully and completely.

XVIII. QUOTATIONS (Bluebook Rule 5)

- A. Block quote for 50 or more words. Count every word, including “a”, “and”, and “the”.

NOTE: You may use Westcheck to check all of the cites and quotes in a brief to make sure the cites are still good law and the quotes are not missing anything when compared with the original quotation.

B. Omissions in Quotations:

1. Never use ellipses at beginning of quotation.
2. Never use ellipses when words are altered or substituted in quote.

Example: “[P]ublic confidence in [President Bush’s] economic plan was faltering.”

Use brackets to indicate alterations, but use of brackets should be avoided if possible (e.g., the reporter stated that “public confidence in [President Bush’s] economic plan was faltering.”

3. Omission of language at the end of a quoted sentence (in other words, the end of the sentence is missing) should be indicated by an ellipsis between the last word quoted and the final punctuation of the sentence quoted.

Example: “The children played happily on the playground . . .” (shows there are missing words at the end of the sentence)

4. If language after the end of a quoted sentence is deleted and the sentence is followed by further quotation, retain the punctuation at the end of the sentence and insert an ellipsis before the remainder of the quotation.

Example: “The defendant’s testimony was rambling and disorganized. . . . [T]he judge ejected him from the courtroom.” (shows that the missing words follow the end of the sentence)

5. Do not use ellipses at the beginning or end of a quotation that will not stand alone as a sentence.

Example: The court came out against “flagrant spending in the public sector.”

6. Use ellipses to show omitted words in the middle of a phrase or clause.

Example: The judge decried “overuse of motions to compel . . . when the parties do not communicate beforehand.”

XIX. SIGNALS (Bluebook Rule 1.2)

A. Signals that indicate support:

[no signal] Use when the cited authority: (1) directly states the proposition; (2) identifies the source of a quotation; or (3) identifies an authority referred to in the text.

Accord The authority cited is in accordance with the proposition stated. It is also used when two or more cases clearly support the proposition, but the text quotes only one; the others are then introduced by “accord.” Similarly, the law of one jurisdiction may be in accord with that of another.

See The authority clearly supports the proposition. “See” is used instead of [no signal] when proposition is not directly stated by the cited authority, but obviously follows from it. There is an inferential step between the cited authority and the proposition it supports.

See also The authority offers additional support for the proposition when authorities that state or directly support the proposition have already been cited. Use of explanatory parenthetical is encouraged.

NOTE: An explanatory parenthetical should begin with a present participle (e.g., Smith v. Jones, 420 P.2d 530, 532 (Cal. 1998) (holding that a party has not waived its

right to enforce minor deviations from a restrictive covenant)).

Cf. The cited authority supports a proposition different from the proposition stated, but it is sufficiently similar to support the stated proposition. “Cf.” means “compare”. Use of explanatory parenthetical is strongly encouraged.

B. Signal that suggests comparison:

Compare Use when comparison of the cited authorities will offer support for or illustrate the proposition. Use of explanatory parenthetical is strongly recommended.

C. Signals that indicate contradiction:

Contra Cited authority directly states the contrary of the proposition. Is used where [no signal] would be used for support.

But see The authority cited clearly supports a proposition contrary to the proposition stated. Is used where “See” would be used for support.

But cf. The authority supports a proposition analogous to the contrary of the main proposition. Use of explanatory parenthetical is strongly recommended.

D. Signal that indicates background material:

See generally The cited authority presents helpful background material related to the proposition. Use of explanatory parenthetical is encouraged.

E. Use of “e.g.” with other signals:

E.g., This can be used with any signal to indicate that other authorities also state, support, or contradict the proposition, but citation to them would not be helpful or is not necessary. E.g.,” may be used in combination with other signals preceded by a comma.

See, e.g., But see, e.g.,

1. Do not underline signals if they are used as verbs of ordinary sentences:

Example: For a thorough discussion of this matter, see Smith v. Jones, 243 F. Supp. 80 (S.D. Ga. 1990).

2. Do not capitalize signals if they come within the text of a sentence:

Example: Some states have upheld mandatory retirement, see, e.g., Massachusetts Bd. of Retirement v. Burjia, 199 Mass. 33, 280 N.E.2d 28 (1979), but the majority have not, see, e.g., State v. Burns Nursing, Inc., 190 Ga. App. 756, 380 S.E.2d 279 (1989).

3. If more than one signal is used, the signals (and their authority) should appear in the order listed above.

XX. ORDER OF AUTHORITIES WITHIN EACH SIGNAL (See Bluebook 1.4 for more exhaustive list, including foreign materials)

- A. Constitutions (federal, then alphabetically by state)
- B. Statutes
 1. Federal
 - a. U.S.C., U.S.C.A., U.S.C.S. by order in title
 - b. Current statutes not in U.S.C., U.S.C.A., or U.S.C.A. (in reverse chronological order of enactment)
 - c. rules of evidence and procedure
 - d. repealed statutes (by reverse chronological order of enactment)
 2. State (alphabetically by state)
 - a. statutes in current codification by order in codification
 - b. current statutes not in codification (by reverse chronological order of enactment)
 - c. rules of evidence and procedure

- d. repealed statutes (by reverse chronological order of enactment)

C. Treaties and Other International Agreements

D. Cases (cases by same court are in reverse chronological order, and all U.S. circuit courts of appeals are treated as one court (including D.C. and Federal Circuits), and all federal district courts are treated as one court)

1. Federal

- a. Supreme Court
- b. Courts of Appeals
- c. Court of Claims and Bankruptcy Appellate Panels
- d. District Courts
- e. District Bankruptcy Courts
- f. Court of Federal Claims (previously trial division of Court of Claims) and Tax Courts
- g. administrative agencies in alphabetical order

2. State

- a. Courts (alphabetically by state then rank within each state)
- b. Agencies (alphabetically by state then rank within each state)

E. Legislative Materials (bills and resolutions, committee hearings, reports, documents, and committee prints in that order)

F. Administrative and Executive Materials

F. Records, Briefs, and Petitions (in that order and within each classification, by order of the court in which filed)

G. Secondary Materials – See Bluebook 1.4(i)

- 1. uniform codes, model codes, and restatements, in that order (in reverse chronological order by category)
- 2. books, pamphlets, and shorter works in a collection of a single author's works (alphabetically by last name of author; if none, by first word of title)

3. work in journals (not magazines or newspapers), including forthcoming works and shorter works in a collection of various authors' works (alphabetically by last name of author)
4. book reviews not written by students (alphabetically by last name of reviewer)
5. student-written law review materials including book reviews (alphabetically by last name of author; if none, by first work of title; if none, by periodical as abbreviated in citation)
6. annotations (in reverse chronological order)
7. magazine and newspaper articles (alphabetically by last name of author; if none, by first word of title)
8. working papers (alphabetically by last name of author; if none, by first word of title)
9. unpublished materials not forthcoming (alphabetically by last name of author; if none, by first word of title)
10. electronic sources, including Internet sources (alphabetically by last name of author; if none, by first word of title)

When not addressed above, for the purposes of alphabetizing within each classification, use only the name of the first author listed (if any) and then proceed to use the title.

XXI. ABBREVIATIONS IN TEXTUAL SENTENCES (Bluebook Rule 10.2.1(k))

- A. These abbreviations are for citations only. Do not abbreviate any words in a case name used in a textual sentence except “&,” “Ass’n,” “Bros.,” “Co.,” “Corp.,” “Inc.,” “Ltd.,” and “No.”

Example: In Smith v. Jones Co. v. Columbia Board of Governor’s Authority, 198 F.2d 66 (1992), the court overruled a long line of cases upholding our negligence argument. We still have a good argument on statute of limitations, as all courts rule that such an action is barred if brought more than two years after the cause of action arises. See, e.g., Arnold v. Sumter Bd. of Visitors, 33 F.2d 29 (1992).

- B. If a case is known by a common name and not the name that appears in the reporter, use only the common name or indicate the common name in parentheses.

Example: Scopes v. State (Scopes Monkey Trial), 278 S.W. 57 (Tenn. 1925).

OR

Scopes Monkey Trial, 278 S.W. 57 (Tenn. 1925).

- C. If the case is known by both the name in the reporter and a common short name that is different from the name appearing in the reporter, do not substitute the common name for the reporter name, but the common name may be indicated parenthetically in italics (do not italicize the parentheses though).

Example: United States v. Blanding (*Operation Lost Trust*), 250 F.3d 858 (4th Cir. 2001).

- D. For mandamus actions against courts when the case is known by the name of the judge against whom the writ is sought, you may indicate the judge's name parenthetically in italics.

Example: United States v. United States District Court (*Merrill*), 555 U.S. 117 (1983).

- E. If a case has multiple dispositions, you may identify the number parenthetically in italics.

Example: Brown v. Board of Education (*Brown I*), 347 U.S. 483 (1955).

You may thereafter cite to the case by its number, in italics, instead of the full case name.

Example: Brown v. Board of Education (*Brown II*), 349 U.S. 294, 297 (1955) (citing *Brown I*, 347 U.S. at 497).

- F. Never use a “§” or “¶” symbol in a textual sentence except when referring to the U.S. or state codes or a federal regulation. Instead, spell out “section” and “paragraph” in textual sentences.

- G. Abbreviate case names in citations, including the first word, but not in textual sentences.

Example: The defendant in a products liability case must show he has adequately warned of dangers. See Smith v. American Indus., Inc., 143 F.2d 30, 31 (D. W. Va. 1958).

and

The court in Smith v. American Industries, Inc., 143 F.2d 30, 31 (D.W. Va. 1958), ruled that the defendant must show he has adequately warned of dangers.

H. Never abbreviate “United States.”

Example: Bell v. United States, 169 U.S. 30 (1945).

CASE NAME ABBREVIATIONS (Bluebook T.6)

Administrat[ive, ion]	Admin.
Administrat[or, rix]	Adm’[r, x]
Advertising	Adver.
Agricultur[e, al]	Agric.
America[n]	Am.
Associate	Assoc.
Association	Ass’n
Atlantic	Atl.
Authority	Auth.
Automobile	Auto.
Avenue	Ave.
Bankruptcy	Bankr.
Board	Bd.
Broadcasting	Broad.
Brotherhood	Bhd.
Brothers	Bros.
Building	Bldg.
Business	Bus.
Casualty	Cas.
Center	Ctr.
Central	Cent.
Chemical	Chem.
Coalition	Coal.
Commission	Comm’n
Commissioner	Comm’r
Committee	Comm.
Communication	Commc’n
Company	Co.

Consolidated	Consol.
Construction	Constr.
Cooperative	Coop.
Corporation	Corp.
Department	Dep't
Development	Dev.
Distribut[or, ing]	Distrib.
District	Dist.
Division	Div.
East[ern]	E.
Econom[ic, ical, y]	Econ.
Education[al]	Educ.
Electric[al, ity]	Elec.
Electronic	Elec.
Engineer	Eng'r
Engineering	Eng'g
Enterprise	Enter.
Environment	Env't
Environmental	Envtl.
Equality	Equal.
Equipment	Equip.
Exchange	Exch.
Execut[or, rix]	Ex'[r,x]
Federal	Fed.
Federation	Fed'n
Finance[e, ial, ing]	Fin.
Foundation	Found.
General	Gen.
Government	Gov't
Guaranty	Guar.
Hospital	Hosp.
Housing	Hous.
Incorporated	Inc.
Indemnity	Indem.
Independent	Indep.
Industr[y, ies, ial]	Indus.
Information	Info.
Institut[e, ion]	Inst.
Insurance	Ins.
International	Int'l

Investment	Inv.
Laborator[y, ies]	Lab.
Liability	Liab.
Limited	Ltd.
Litigation	Litig.
Machine[ry]	Mach.
Manufacturer	Mfr.
Manufacturing	Mfg.
Market	Mkt.
Marketing	Mktg.
Medic[al, ine]	Med.
Memorial	Mem'l
Metropolitan	Metro.
Municipal	Mun.
Mutual	Mut.
National	Nat'l
North[ern]	N.
Northeast[ern]	Ne.
Northwest[ern]	Nw.
Number	No.
Organiz[ation, ing]	Org.
Pacific	Pac.
Pharmaceutic[s, al]	Pharm.
Product[ion]	Prod.
Professional	Prof'l
Public	Pub.
Publishing	Publ'g
Railroad	R.R.
Railway	Ry.
Refining	Ref.
Regional	Reg'l
Reproduct[ion, ive]	Reprod.
Road	Rd.
Savings	Sav.
School[s]	Sch.
Securit[y, ies]	Sec.
Service	Serv.
Social	Soc.
Society	Soc'y
South[ern]	S.

Southeast[ern]	Se.
Southwest[ern]	Sw.
Steamship[s]	S.S.
Street	St.
Subcommittee	Subcomm.
Surety	Sur.
System[s]	Sys.
Technology	Tech.
Telecommunications	Telecomm.
Tele[phone, graph]	Tel.
Temporary	Temp.
Township	Twp.
Transcontinental	Transcon.
Transport[ation]	Transp.
Uniform	Unif.
University	Univ.
Utility	Util.
West[ern]	W.

XXII. COMMON EXPLANATORY PHRASES (Bluebook 10.7.1(c) and T.9)

NOTE: For cases that have been overruled, superseded, or abrogated, you *must* append an explanatory phrase to the citation and include the citation that overruled, superseded, or abrogated the decision. “Overruled by” is appropriate for cases by the same that explicitly repudiate an earlier decision. “Abrogated by” is appropriate when a case is effectively, but not explicitly, overruled by a later case in the same court. “Superseded by statute” is when a case has been superseded by a statute, and you may also cite a later case that recognizes the supersession if the case is decided by the same court or an appellate court with jurisdiction over the superseded case.

aff’d, (affirmed) (ex: Smith v. Jones, 88 S.C. 11, 81 S.E.2d 8 (Ct. App. 1908), aff’d, 792 S.C. 36, 88 S.E.2d 30 (1909)).

aff’d on other grounds, (affirmed on other grounds)

aff’d on reh’g, (affirmed on rehearing)

appeal denied,

argued,

cert. denied, (certiorari denied)

cert. dismissed,

cert. granted,

enforcing
mandamus denied,
modified,
overruled by
reh'g granted, (rehearing granted)
reh'g denied,
rev'd, (reversed)
rev'd on other grounds,
rev'g (reversing)
superseded by statute,
vacated,
withdrawn,

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