## **A. BACKGROUND RULES**

### **R1 Scope and Format of Standard Legal Documents**

The Uniform System of Citation has split into two main branches, with somewhat different citation rules for each. *The Indigo Book* is a resource for legal citations in standard legal documents.

#### R1.1 Standard Legal Documents

*The Indigo Book* states the rules and provides examples for standard legal documents. We define standard legal documents as documents created for practical law-related purposes such as court filings, legal memoranda, legal analysis, and other forms of legal information that require or benefit from a technically precise and commonly understood citation format. The legal citations for standard legal documents using *The Indigo Book* adhere to a generally consistent national standard.

Many state courts and local legal communities use citation formats that vary from this common standard, more so for state and local citations than for federal citations. Table T3 provides selective information on state variations. In customizing legal citations for a local audience, consult Table T3 as well as local court rules, customs, and expertise.

#### R1.2 Academic Legal Documents

Academic legal documents include articles for publication in law reviews, generally authored by law professors and law students enrolled in J.D. programs. The Uniform System of Citation treats law review articles and standard legal documents differently, requiring different fonts and imposing additional footnote rules. Citations in standard legal documents and law review articles provide the same information about legal sources, and a short cross-reference highlighting key font differences is provided in Table T19. A full treatment of formal citation formats for law review articles is outside the scope of *The Indigo Book*.

### **R2. Typeface Standards**

#### R2.1 Italicized Components of Legal Citations

In legal citations, italicize the following components, whether placed in footnotes or textual sentences:

* Case names—in both full and short citations—and procedural phrases (such as *In re* and *Ex parte*) embedded in the case names
* Book titles
* Article titles
* Certain titles in legislative materials such as committee hearings
* Introductory signals (examples: *e.g.*, *see*, *cf.*,and *accord*)
* Explanatory phrases that introduce subsequent case history (examples: *aff’d*or *cert. denied*)
* Cross references, (examples: *infra, supra*and *id.*)
* Words and phrases that introduce related authority (e.g., *reprinted in* and *available in*)

**Example:**

The Supreme Court’s practice of allowing modifications after opinions’ initial release has at times extended beyond typographical corrections to substantive changes. Richard Lazarus, *The (Non)Finality of Supreme Court Opinions*, 128 Harv. L. Rev. 540, 544 (2014).

#### R2.2 Additional Italicized Words in Textual Sentences

In the textual sentences of standard legal documents, also *italicize* the following components and words:

* Publication titles (e.g., *The Onion*)
* Words that are italicized in the original quotation, with no need to add the parenthetical (emphasis in original); and
* All words that would be italicized in the text (e.g., foreign words that are not commonly used in English language documents).

**Example:**

As Adam Liptak reported in *The New York Times*, the Supreme Court sometimes corrects and modifies its opinions after their initial release. Adam Liptak, *Final Word on U.S. Law Isn’t: Supreme Court Keeps Editing*, N.Y. Times, May 25, 2014, at A1, <https://www.nytimes.com/2014/05/25/us/final-word-on-us-law-isnt-supreme-court-keeps-editing.html>.

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The typewriter was invented around the 1860s. The first edition of The Bluebook is from 1926. Typewriters of that era did not support italics or boldface. If you wanted to emphasize text, your sole option was to underline. Throughout The Indigo Book, you'll see us italicizing text rather than underlining, because that’s how we do it in the 21st Century. For an archaic look or where local court rules require, underlining is a good option. If you have a choice, we believe italics are easier to read and should be the preferred method.

While we’re on the subject of formatting text, we also urge writers to format their quotations using all the benefits of modern word processing. Specifically, use well-formatted “smart quotes” (shown here) that curl around the quoted material, rather than "dumb quotes" (shown here) that are the same whether opening or closing a quote.

### **R3 In-Text Citations**

#### R3.1 Three Options for In-Text Citations

For standard legal documents, in-text citations can be rendered in three ways:

1. a complete sentence that supports a claim in the immediately preceding sentence of text;
2. a clause within the sentence when the citation relates to a particular part of a sentence, immediately following the claim it supports; or
3. embedded within the sentence’s own grammatical flow.

#### R3.2 Citation Sentences

Citations in standard legal documents often follow complete text sentences.

**Examples:**

Under the due process requirement, there must be “some definite link, some minimum connection, between a state and the person, property or transaction it seeks to tax.” *Miller Bros. Co. v. Maryland,* 347 U.S. 340, 344-345 (1954).

Electronic signatures have the same legal effect as signatures signed with pen and ink. The Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001-7006.

Citations following sentences can be single citations or, when appropriate, several sequential citations separated by a semicolon (known as a “string citation”). These string citations can utilize citation signals consistent with Rule R4 to show the relationship of the citation to the textual sentence.

**Example:**

Prior to 2018, Supreme Court precedent had required a seller to have a physical presence within a state as a requirement of state taxation. *See* *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992); *Nat’l Bellas Hess, Inc. v. Dep’t of Rev. of Ill.*, 386 U.S. 753 (1967).

#### R3.3 Citation Clauses

Some citations in standard legal documents are placed as citation clauses within sentences. Use citation clauses to cite sources and authorities that relate to only a section of the sentence. A citation clause directly follows the claim it relates to. It may include a signal to indicate the relationship of the cited source to the claim.

Separate citation clauses from the text with commas. Do not add additional capital letters beyond the required capitalization of the sources being cited.

**Examples:**

Federal law attempts to address online privacy generally, 18 U.S.C. §§ 2510-2523, and children’s privacy specifically, 15 U.S.C. §§ 6501-6505.

Although detailed regulations apply to children’s privacy online, 16 C.F.R. pt. 312, significant gaps remain in both federal and state law.

#### R3.4 Citations Embedded in Sentences

Citations can be embedded into the grammatical structure of a textual sentence in a variety of ways. Because citations embedded in sentences are read as part of the sentence’s grammatical flow, the rules for abbreviating case names are different and more restrictive than for citation sentences and clauses.

**Examples:**

Since *Nelson v. Sears, Roebuck & Co.,* 312 U.S. 359, 366 (1941), the Court has eschewed the idea that a constitutional right could be grounded in “the practical opportunities for tax avoidance.

In *Nelson v. Sears, Roebuck & Co.*, the Court first eschewed the idea that a constitutional right could be grounded in “the practical opportunities for tax avoidance.” 312 U.S. 359, 366 (1941),

The Children’s Online Privacy Protection Act of 1998, 15 U.S.C. §§ 6501-6505 (“COPPA”), was the first federal law specifically protecting children under the age of 13.

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Traditionally, the citations within standard legal documents have been integrated into the main body text. These citations may be placed directly after textual sentences, in citation sentences; as citation clauses within sentences; or textually embedded within sentences. Traditionally, law review articles present their citation support via extensive footnotes in a distinctive format with three different font styles (roman, italics, and Small Caps).

Some courts and lawyers are now producing standard legal documents using footnotes rather than in-text citations. Legal scholar, speaker, and advocate Bryan A. Garner is the best-known proponent of footnotes in standard legal documents, arguing that in-text citations interfere with textual flow and disguise bad writing. Others such as Professor Alexa Chew argue that in-text citations are superior because they integrate source information into the text, a process that can be accomplished with style and grace. The Indigo Book provides citation rules that can be used for either in-text or footnoted citations in standard legal documents.

The original edition of *The Indigo Book* advised writers to use footnotes only when allowed by a court’s local rules. This remains good advice, although we note that some writers use footnotes when not expressly prohibited by a court’s local rules. Rule R3 has been modified to more fully accommodate the writer’s discretion. As with many discretionary choices, writers should select an approach based on the document’s purpose, audience, and overall context.

### **R4 Signals**

#### R4.1 Function of Signals

A signal represents the relationship between the author’s assertion and the source or sources cited following that assertion, a relationship that can run the gamut from supporting it directly to supporting the exact opposite of that assertion. To show this relationship, the signal begins the citation sentence or clause.

#### R4.2 Categories of Signals

There are four basic categories of signals:

| **Category** | **Signals** |
| --- | --- |
| Signals for Supporting Authority | [No signal] |
| *E.g.*, |
| *Accord* |
| *See* |
| *See also* |
| *Cf.* |
| Signal for Comparison | *Compare* <citation to source(s), separated with “and” if multiple> *with* <citation to source(s), separated with “and” if multiple> |
| Signals for Contradictory Authority | *Contra* |
| *But see* |
| *But cf.* |
| Signals for Background Material | *See generally* |

#### R4.3 Combinations of Signals

When more than one category of authority is used in the same citation, they should be ordered according to categories of signals. As shown in the table above, the categories follow a logical order: supporting authority is provided before comparative and contradictory authority, and general background.

In citation sentences, signals in the same category are listed within a single sentence, and each one is marked off by semicolons. Signals in separate categories, however, are listed in separate citation sentences.

**Example:**

Justice Scalia once noted that “the Constitution sometimes insulates the criminality of a few in order to protect the privacy of us all.” *Arizona v. Hicks*, 480 U.S. 321, 329 (1987). *But see* *Maryland v. King*, 569 U.S. 435, 462-463 (2013) (acknowledging the existence of “programmatic searches of either the public at large or a particular class of regulated but otherwise law-abiding citizens” such as motorist checkpoints).

In citation clauses, all signals (regardless of category) are listed within a single citation clause and separated by semicolons.

**Example:**

Justice Scalia once noted that “the Constitution sometimes insulates the criminality of a few in order to protect the privacy of us all,” *Arizona v. Hicks*, 480 U.S. 321, 329 (1987); *see also Maryland v. King*, 569 U.S. 435, 481 (2013) (Scalia, J., dissenting) (“Solving unsolved crimes is a noble objective, but it occupies a lower place in the American pantheon of noble objectives than the protection of our people from suspicionless law-enforcement searches.”); and later applied that principle to limit police use of thermal imaging technology, *see Kyllo v. United States*, 389 U.S. 27 (2001); *cf. United States v. Jones*, 565 U.S. 400 (2012) (invalidating use of a GPS tracking device for long-term surveillance).

#### R4.4 Authorities Cited Within Each Signal

For the order of authorities cited after (and thus within each signal), order them in a helpful and logical manner, and use a semicolon in between each one.

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String citations are not always desirable or appropriate, especially in standard legal documents. Judge Ruggero J. Aldisert of the Third Circuit describes string citations as “generally irritating and useless.” Alexa Chew, *Stylish Legal Citation*, 71 Ark. L. Rev. 823, 858 n. 214 (2019) (quoting Judge Aldisert in *Winning on Appeal: Better Briefs and Oral Arguments* 57 (2d ed. 2003). On the other hand, after a carefully crafted proposition drawn from several authorities, a string cite may be “the right tool for the job.” *Id.* at 859.

When a string citation is appropriate, the writer must decide how to order the authorities in the string. In relatively recent years, academic legal documents have followed an elaborate hierarchy, which essentially consists of the following: constitutions before statutes, state statutes in alphabetical order by state, federal cases before state cases, legislative materials before regulatory materials, and all other primary materials, then followed by secondary materials. See *The Indigo Book: A Manual of Legal Citation* Rule R10 (1st ed. 2016); *The Bluebook: A Uniform System of Citation* Rule 1.4 (20th ed. 2015). This hierarchy often does, in fact, provide the most logical order; it seems unwise to cite Wikipedia before the United States Constitution, for example. But this hierarchy may not always fit the situation. The Uniform System of Citation is evolving to encompass more flexibility and discretion in a few pockets here and there, such as the basic principle that authorities cited in a string within a single signal should be placed in a helpful and logical order.

#### R4.5 Capitalization of Signals

##### R4.5.1 Signals that start citation sentences

The signal is capitalized at the beginning of a citation sentence.

**Example:**

Unbelievable as it may be, the Supreme Court has weighed in on the issue of whether a tomato is a fruit or vegetable. *See Nix v. Heden*, 149 U.S. 304 (1893).

##### R4.5.2 Signals in citation clauses within textual sentences

The signal is left in lowercase at the beginning of a citation clause.

**Example:**

Even seemingly trivial issues, *see*, *e.g.*, *Nix v. Heden*, 149 U.S. 304 (1893) (addressing the question of whether tomatoes are fruits or vegetables), can sometimes merit input from the Supreme Court.

#### R4.6 Signals for Supporting Authority

##### R4.6.1 No signal

A citation does not need an added signal if—

1. The source makes the same assertion as the sentence it is supporting.

**Example:**

To impose the death penalty on an individual who is criminally insane is unconstitutional. *Ford v. Wainwright*, 477 U.S. 399, 410 (1986).

1. The assertion is a direct quotation from the source.

**Example:**

States are prohibited from “inflicting the penalty of death upon a prisoner who is insane.” *Ford v. Wainwright*, 477 U.S. 399, 410 (1986).

1. The source is referred to in the assertion.

**Example:**

In cases like *Roper*, *Atkins*, and *Ford*, the Supreme Court has established certain classes of individuals upon which the death penalty may not be imposed. *Roper v. Simmons*, 543 U.S. 551, 575 (2005); *Atkins v. Virginia*, 536 U.S. 304, 321 (2002); *Ford v. Wainwright*, 477 U.S. 399, 410 (1986).

##### R4.6.2 *E.g.*,

Use *e.g.*, if the cited source is one of multiple sources to make the same assertion. The citation may include however many sources the author finds to be helpful. Note that the comma in the signal *e.g.*, should not be italicized.

**Examples:**

In a criminal case, the state bears the burden of proving the defendant’s guilt beyond a reasonable doubt. *E.g.*, *State v. Purrier*, 336 P.3d 574, 576 (Or. Ct. App. 2014).

Prior to the Supreme Court’s decision in *Riley v. California*, 573 U.S. 373 (2014), several circuits had generally allowed the police to conduct warrantless searches of cell phones of individuals under arrest. *E.g.*, *U.S. v. Murphy*, 552 F.3d 405, 411 (4th Cir. 2009); *U.S. v. Finley*, 477 F.3d 250, 260 (5th Cir. 2007).

*E.g.*, may also be used following any other signal, such as *See* or *Contra* in which case an italicized comma should separate the two signals.

##### R4.6.3 *Accord*

*Accord*is used when more than one source substantiates a proposition, but the text quotes just one of them. Use *accord* as the introductory signal for the non-quoted sources. Also, *accord* may be used as the introductory signal for indicating that the law of one jurisdiction is consistent with the law of another.

**Examples:**

Colorado law makes it the “duty of every corporation or person who has reasonable grounds to believe that a crime has been committed to report promptly the suspected crime to law enforcement authorities.” Colo. Rev. Stat. § 18-8-115 (2020); *accord* *Lunsford v. W. States Life Ins.*, 919 P.2d 899, 901 (Colo. App. 1996) (interpreting the reasonable-grounds standard as lower than the probable-cause standard enabling police to make a warrantless arrest).

Under Colorado law, witnesses have a limited duty to report crimes. Colo. Rev. Stat. § 18-8-115 (2020); *accord* Mass. Gen. Laws ch. 268, § 40 (2020).

##### R4.6.4 *See*

*See* is used when an authority does not directly state but clearly supports the proposition. *See*is used instead of no signal when an inferential step is required to connect the proposition to the authority cited.

**Example:**

Citizens have less training than police on detecting crime and no authority to detain other individuals; thus, citizens’ duty to report crime is based on reasonable grounds to believe a crime has been committed, rather than the more exacting probable cause standard. *See* *Lunsford v. W. States Life Ins.*, 919 P.2d 899, 901 (Colo. App. 1996) (interpreting the reasonable-grounds standard to be less than the probable-cause standard enabling police to make a warrantless arrest).

##### R4.6.5 *See also*

*See also* is used for additional sources that support an assertion. Use *see also* when authority that states or clearly supports the assertion has already been cited or discussed. The use of a parenthetical is recommended with *see also*.

**Example:**

Slayer statutes prevent killers from reaping rewards from committing homicide. *Lunsford v. W. States Life Ins.*, 908 P.2d 79, 83 (Colo. 1995) (en banc); *see also* *Bennett v. Allstate Ins. Co.*, 722 A.2d 115, 117 (N.J. Super. Ct. App. Div. 1998) (interpreting New Jersey’s slayer statute to mandate that “an intentional killer will not be permitted to benefit, directly or indirectly, from his wrongful act”).

##### R4.6.6 *Cf.*

*Cf.* indicates support by analogy to the assertion. It may also be used where the source is related but requires some interpretive work to connect to the assertion. *Cf.* may also be used within a string citation to provide another source that is analogous to the previously cited source in that string. Always use a parenthetical with *cf.* to explain the logical connection required for the argument.

**Examples:**

Attorneys have an ethical duty of competence, but under Model Rule of Professional Conduct 1.1 comment 3, that duty may be relaxed in emergency situations. *Cf. Carter v. Reese*, 2016-Ohio-4559, 70 N.E.3d 478 (holding that Good Samaritan law protects from liability anyone giving medical or nonmedical emergency aid, not only healthcare workers providing medical aid).

Slayer statutes seek to eliminate any financial incentive to commit murder by prohibiting insurance proceeds to the killer. *E.g.*, Unif. Prob. Code § 2-803; *cf.* N.Y. Exec. Law § 632-a (2020) (seizing profits from publications by certain incarcerated felons).

##### R4.6.7 *See generally*

*See generally* is used for useful background material. It is recommended that you use a parenthetical with *see generally* in order to explain the authority’s relevance to the proposition.

**Example:**

The slayer rule is a product of common law principles prohibiting killers from profiting their crimes. *See generally* Restatement (Third) of Restitution and Unjust Enrichment § 45(2) (Am. L. Inst. 2011) (“A slayer's acquisition, enlargement, or accelerated possession of an interest in property as a result of the victim's death constitutes unjust enrichment that the slayer will not be allowed to retain.”).

#### R4.7 Signal for Comparison: *Compare … with …*

*Compare … with …* is used when the relationship of multiple authorities will demonstrate or offer support for the proposition. It is highly recommended that each authority in the comparison be explained with a parenthetical in order to make the relationship and argument clear to the reader.

Each portion of the *compare* … *with* … signal may contain multiple sources. Separate these sources using commas and italicized *and* between the penultimate and ultimate citation in the list.

**Example:**

The 20th Century saw sweeping changes in the definition and scope of the Due Process Clause. *Compare* *Lochner v. New York*, 198 U.S. 45 (1905) (showing the Supreme Court’s historical interpretation of the Due Process Clause as solely protecting an individual’s right to contract), *with* *McDonald v. Chicago*, 561 U.S. 742 (2010) (incorporating the Second Amendment using the Due Process Clause), *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996) (utilizing the Due Process Clause to reduce punitive damages), *and* *Dolan v. City of Tigard*, 512 U.S. 374 (1994) (limiting the zoning and ordinance powers of local governments under the Due Process Clause).

Insert a comma before *with*. As with all citation sentences, insert a period to conclude the citation sentence. It is theoretically possible to conclude with a semicolon and continue with more signals and citations in the order listed within this rule, but probably not advisable. See our Indigo Inkling on string citations.

#### R4.8 Signals for Contradictory Authority

##### R4.8.1 *Contra*

*Contra* is used when a cited authority directly conflicts with the proposition it follows. *Contra* is the opposite signal to no signal.

**Examples:**

*The Bluebook* efficiently formulates and expresses the rules of legal citation for a variety of audiences. David Ziff, *The Worst System of Citation Except for All the Others*, 66 J. Legal Educ. 668, 669 (2017) (reviewing *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass’n et al. eds., 20th ed. 2015) (“Perhaps *The Bluebook* survives because it’s not so terrible after all. Perhaps *The Bluebook* works quite well for the task it was designed to perform.”). *Contra* Richard A. Posner, *The Bluebook Blues*, 120 Yale L.J. 950, 951 (2011) (“It is a monstrous growth, remote from the functional need for legal citation forms, that serves obscure needs of the legal culture and its student subculture.”).

*The Bluebook* is a “monstrous growth, remote from the functional need for legal citation forms.” Richard A. Posner, *The Bluebook Blues*, 120 Yale L.J. 950, 951 (2011). *Contra* David Ziff, *The Worst System of Citation Except for All the Others*, 66 J. Legal Educ. 668, 226 (2017) (reviewing *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Ass’n et al. eds., 20th ed. 2015)) (“Perhaps *The Bluebook* survives because it’s not so terrible after all. Perhaps *The Bluebook* works quite well for the task it was designed to perform.”).

##### R4.8.2 *But see*

*But see* is used for authority that, while not directly contradicting the main proposition, nonetheless clearly opposes it. *But see* is the opposite signal to *see*.

**Example:** The Supreme Court noted in *Packingham v. North Carolina*, 582 U.S. 98 (2017), that the internet functions as a public square. *But see* *Manhattan Cmty. Access Corp. v. Halleck*, 139 S. Ct. 1921 (2019) (holding that New York’s public access television channel is not a state actor bound by the First Amendment).

##### R4.8.3 *But cf.*

Prepare yourself, and use this one sparingly: *But cf.* indicates that the cited source supports an assertion that is similar to the opposite of the main assertion. It follows that *But cf.* is the opposite signal to *cf.* indicating support by analogy. Always use a parenthetical with *but cf.* to explain the logical connection required for the argument. This is the weakest signal for contrary authority.

**Example:** The bar exam is the only professional-licensure exam that bears so little relationship to the education that precedes it or the professional work that follows it. *But cf.* Michael Riscica, *Why (Smart & Talented) People Fail the Architect Exam*, Architizer, https://architizer.com/blog/practice/details/5-reasons-why-smart-and-talented-people-fail-the-architect-exam/ (last visited June 1, 2021) (“There is no correlation between success in architecture school and success with completing the exam. In fact, I truly believe that the creativity that brought you success in architecture school will be your biggest handicap with studying for the [architecture registration exam].”)

### R5 Pages, Sections, Paragraphs, and Related Subdivisions

#### R5.1 Pages

A legal citation usually refers not only to a source in general, but to specific points within that source—whether a page, a footnote on a page, a section or sub-section, or a numbered paragraph. Citations must include specific reference to the point within the source being referred to. For cases, these specific references are known as pincites.

##### R5.1.1 Single pages

Refer to the source’s page by its number or numbers. Do not use p. or pp. to indicate a page reference. Use “at” if needed for clarity.”

**Examples:**

The Supreme Court held that a state cannot copyright its official annotated code because “whatever work that judge or legislator produces in the course of his judicial or legislative duties is not copyrightable” *Georgia v. Public.Resource.org, Inc.*, 140 S. Ct. 1498, 1513 (2020).

Elizabeth Porter & Kathryn Watts, *Visual Rulemaking*, 91 N.Y.U. L. Rev. 1183, 1240 (2016).

Anjali Vats, *The Color of Creatorship: Intellectual Property, Race, and the Making of Americans* 35 (2020).

George Orwell, *1984*, at 12 (1961).

##### R5.1.2 Spans of pages

Refer to a span of pages with a hyphen (-), an en dash (–), or the word “to” if needed for clarity. Note that an en dash is the proper standard for providing a span of pages in a formal legal publication, but hyphens are commonly used in practice. Drop all digits except the last two, unless needed for clarity.

**Examples:**

Elizabeth Porter & Kathryn Watts, *Visual Rulemaking*, 91 N.Y.U. L. Rev. 1183, 1240-41 (2016).

Porter & Watts, *supra*, at 1240-41.

*Selmon v. Hasbro Bradley, Inc.*, 669 F. Supp. 1267, 1272-73 (S.D.N.Y. 1987).

*McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 799-801 (1973).

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Hyphens, en dashes, and em dashes are three separate marks with mostly separate functions in citations and sentences. These marks all comprise short, horizontal lines that—with the help of glasses and/or a magnifying glass—you will see have microscopically varying lengths.

**Hyphens** (shortest in length) are used for phrasal adjectives (e.g., “laser-sharp focus,” “larger-than-life character,” and compound words (e.g., “daughter-in-law,” “over-the-counter”). Hyphens are also a feature of many statutory citation formats, such as Ala. Code § 27-14-24 and O.C.G.A. § 33-24-41. Meticulously preserve hyphens when they are intrinsically part of a citation, such as 42 U.S.C. § 2000e-2(a)(1). Hyphens are commonly used for page ranges in standard legal documents.

**En dashes** (longer than hyphens, shorter than em dashes) can be used for ranges of values (e.g., page ranges) and contrasting or connected pairs of words (e.g., Sarbanes–Oxley Act), especially in academic legal documents.

**Em dashes** (longest in length) are used for inserting a break in a thought; isolating a concluding phrase; setting on a parenthetical explanation or amplification; and signaling a collection of ideas. Here’s one example: “When her new Volkswagen was finally delivered—nearly three months after it was ordered and following the revelation of VW's massive scheme of emissions control fraud—Alice decided she didn't want it.”

##### R5.1.3 Footnotes, figures, historical notes, and tables

Cite a footnote on a page by providing the page, one space, the abbreviation “n.”, and the footnote number. Follow the same format for figures, historical notes, tables, and similar features. Refer to Table T13 for abbreviations such as “fig.” for “figure.” Do not add a space between the abbreviation and the number or letter designating the figure, footnote, historical note, or table.

**Examples:**

Elizabeth Porter & Kathryn Watts, *Visual Rulemaking*, 91 N.Y.U. L. Rev. 1183, 1239 n.270 (2016).

*Cunningham v. State*, 822 S.E.2d 281, 285 n.4 (Ga. 2018) (Hunstein, J.) (“And that’s all she wrote.”).

*U.S. v. Rentz*, 777 F.3d 1105, 1110 fig. (10th Cir. 2015) (Gorsuch, J.) (diagramming 18 U.S.C. § 924(c)).

#### R5.2 Sections, Subsections, and Related Subdivisions

##### R5.2.1 Sections

Cite a section with the section symbol (§) followed by a space and the section number.

**Examples:**

21 U.S.C. § 343.

21 C.F.R. § 164.150 (2020).

Restatement (Third) of Agency § 2.01 (Am. L. Inst. 2006).

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The symbol “§” means “section,” and “§§” is the plural form. The section symbol can be inserted as a special character. Computer-keyboard shortcuts create the § symbol with just a few key strokes: [Option-6] on an Apple keyboard or [Alt-0167] on a Windows keyboard using the numeric keypad. Setting up a customized keyboard shortcut may be a good option for Windows users who generate legal citations on a regular basis. If using a mobile device, you may be able to insert a section into text such as by tapping and holding the “&” key.

##### R5.2.2 Subsections

Specifically cite a subsection using the punctuation in the original source and the original capitalization style. Do not remove or alter parentheses or hyphens or dashes in the original source’s citation.

Examples:

42 U.S.C. § 2000ff–5(a).

42 U.S.C. § 2000ff–1(b)(2)(A).

42 U.S.C. § 2000ff(2).

Col. Rev. Stat. § 7-74-102(2)(b)(I) (2021).

21 C.F.R. § 133.3 (2021).

##### R5.2.3 Spans of sections, subsections, and scattered subsections

Use a hyphen, en dash (–), or the word “to” to indicate a span of sections or subsections. In a span or collection of scattered sections, include the last portion of a citation and omit the identical first part, unless repetition of all portions is needed for clarity. Do not use “et seq.” for a span of sources.

**Examples:**

18 U.S.C. §§ 3681-82.

The Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. §§ 2000ff to 2000ff-11.

O.C.G.A. §§ 51-30-20 to -26 (2021).

Use the source’s formal title for a collected span of sections, such as parts in the Code of Federal Regulations. Table T13 provides the abbreviation for the subdivision “Part.”

**Example:**

21 C.F.R. pt. 133 (2020).

Use a comma to indicate scattered sections within a source.

**Example:**

N.Y. Comp. Codes R. & Regs. tit. 16, §§ 895.1(f), 897.1(b) (2021).

#### R5.3 Paragraphs

Sources organized into formal paragraphs should be cited with specific reference to the paragraph referred to in the cited proposition. Do not use “at” with ¶ citations.

**Examples:**

Miller Aff. ¶ 8, Jan. 12, 2015.

*In re N.A.*, 2021-NCCOA-2, ¶ 11.

### **R6 Full and Short Citations**

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#### R6.1 Full Citations

Provide a full citation to a source the first time it is cited. Refer to the rules in *The Indigo Book* for examples of each source in full-citation form.

#### R6.2 Short Citations

Legal citation provides frequent specific citations not just to sources as a whole, but to specific pages within sources. In some standard legal documents, every textual sentence is followed by a citation to a supporting legal source. Short-citation forms allow frequent citation in a less intrusive and repetitive way, since many full citation forms are quite long.

##### R6.2.1 Short citations derived from the full citation

Short-form citations enable various sources to be used throughout a passage without repeating the entire full citation every time. Short-form citations generally identify the source and pincite, using a form that follows from the full citation form, while not repeating every detail from the full citation.

Every full citation has at least one short form that can be used later in a document after the initial full citation. Refer to the source-specific rules in the Indigo Book for short-citation form examples of each source.

##### R6.2.2 Use of *Id.*

Use the short form *Id.* (capitalized in a citation sentence after a text sentence) or *id.* (uncapitalized within a sentence as citation clause) to support a statement where it refers to the same exact source cited in the immediately preceding citation. *Id.* can be used for statutes, regulations, cases, and most other sources.

*Id.* can be used alone, to indicate the same page of the same source. It can be used with a new pincite to a page, section, or other subdivision, to indicate a different portion of the immediately preceding source. *Id.* can also refer to a preceding citation that is itself *Id.* or another short form of a citation. Use “at” to indicate a pincite to a page. Do not use “at” with *Id.* followed by a section or paragraph pincite.

*Id.* at 1512.

*Id.* § 9.

*Id.* ¶ 12.

In general, do not use *id.* if it causes confusion or does not save space. For example, *id.* cannot be used after a string citation, even to refer to the final source listed in that string. Do not use *id.* to refer to appellate-record citations such as R. at 2. It may be used for sources with longer names in litigation documents, so long as the reference remains clear.

*Id.* can be used in either in-text citations or footnotes. *Id.* is typically not used more than four times sequentially in footnotes.

##### R6.2.3 Use of *supra*

*Supra* may be used as part of a short-form citation with secondary sources such as books, periodicals, internet sources. Legislative hearings may be referred to with *supra*. Do not use *supra* with primary sources such as cases, statutes, constitutions, and most legislative materials (hearings excepted). Also do not use *supra* with Restatements, model codes, or regulations.

Apart from its use in selected legal citations, *supra* may also be used as an internal cross reference.

**Examples:**

**Full citation:**

Anjali Vats, *The Color of Creatorship: Intellectual Property, Race, and the Making of Americans* (2020).

**Short citation in a standard legal document using in-text citations:**

Vats, *supra*, at 100.

**Short citation in an academic legal document with footnotes:**

Vats, *supra* note 5, at 100.

Indigo Inkling

In academic legal documents using footnotes, a “preceding five” norm has developed wherein one may continue to use a short form citation as long as the full citation appears in one of the previous five footnotes.

There has been some variation in the application of this rule; for example, some practitioners will continue to use the short form throughout an entire article or brief unless they need to use “*id.*” repeatedly, in which event they follow the “preceding five” rule to avoid potential ambiguity. However, none of these conventions are absolute. Short-citation forms should be used in a clear, consistent, and helpful manner.

### **R7 Abbreviations**

#### R7.1 Abbreviations Generally

Legal sources are often long and unwieldy. The tables at the back of *The Indigo Book* provide various resources for finding appropriate and required abbreviations.

* Table T1, Table T2, and Table T3 provide information and abbreviations relevant to federal and state primary-source citations.
* Table T4 provides abbreviation for looseleaf services compiling cases and other legal sources in frequently updated topical collections.
* Table T5 provides legislative abbreviations.
* Tables T6, T7, and T8 provide abbreviations for international, treaty, and arbitration sources.
* Table T9 and Table T10 provide abbreviations for specific types of U.S. courts and the titles of judges and officials.
* Table T11 is of particular interest to many law students and others grappling with cases and periodical citations. It provides common-word abbreviations used in case names and for institutional authors and periodical titles. Table T12 provides geographical abbreviations.
* Table T13 provides abbreviations for document subdivisions, and Table T14 provides abbreviations for explanatory phrases.
* Table T15 provides abbreviations for specific institutional names in periodical titles, and thus these abbreviations take precedence over any conflicting common-word abbreviations for institutional names from Table T12. For example, the American Bar Association is ABA, not Amer. Bar. Ass’n, when used as an institutional author.
* Table T16 provides abbreviations for publishing terms such as editor and translator. Table T17 provides abbreviations for the months of the year, needed in some periodical citations and in slip-opinion citations and other cases found online rather than in reporters (thus requiring exact dates).
* Table T18 is new to the Second Edition of *The Indigo Book* and provides abbreviations for litigation documents such as citing an affidavit or petition for certiorari.
* Table T19 is also new and shows selective examples of how the Uniform System of Citation produces citations in standard and academic formats—in other words, a guide to converting the practical citations in *The Indigo Book* into a citation for an academic legal document (a law review). This Table is certainly not comprehensive but provides a quick view into the font differences within the two branches of the Uniform System of Citation.
* Finally, Table T20 provides selective citations to additional online citation guides.

#### R7.2 Ordinal Abbreviations in Citations

Ordinal abbreviations are used for the court/year parenthetical in a case citation, the numerical designation of a Congress, a publication’s addition number, and other contexts. *See* Rule R11 generally and Table T1 for the United States Courts of Appeals (i.e. the various federal circuit courts). In citations and in textual references, ordinal abbreviations do not use superscripts. In citations, abbreviations for “second” and “third” use ordinal style references 2d and 3d, respectively. Extrapolate to larger ordinal numbers ending in second or third, such as “twenty third” becoming “23d” in a citation.

**Examples:**

1st Dist.

2d Cir.

2d ed.

3d Dist.

4th Cir.

**Incorrect:**

2nd, 2nd, 3rd, 3rd

4th Cir.

5th Dist.

Ordinals are also used in federal case citations:

F. Supp. 2d

F.3d

F.4th

Do not abbreviate the ordinal in a citation to the Restatement either in textual sentences or citations:

Restatement (Second) of Torts (Am. L. Inst. 1977)

#### R7.3 Textual References

Citations incorporated into textual sentences—as opposed to citation sentences, clauses, and footnotes—use different abbreviation rules to preserve readability. *See* Rule R3 (general guidance on citation sentences and textual sentences incorporating citations) and Rule R11.4 (abbreviation rules for case names in textual sentences).

When not providing a precise citation at all, but referring to a court in a textual sentence, spell out the court’s name consistent with common practice. *See* Rule R27 on capitalizing “Court” in court documents and legal memoranda.)

**Example:**

The Second Circuit has decided many fair-use cases.

The Florida Supreme Court overruled the Fourth District Court of Appeal’s previous holding on judges’ use of Facebook.

### **R8 Quotations**

#### **R8.1 General Principles for Quotations**

##### R8.1.1 Quotation marks

Quotations of 49 words or less should be designated with double quotation marks that open and close the quotation. Do not use quotation marks around block quotations (see Rule R9 for block quotations.)

**Examples:**

The Court of Appeals affirmed the dismissal of a consumer-deception claim against a legal publisher: “Under the circumstances, plaintiffs, or any reasonable consumer, could not have been materially misled to believe that defendant guaranteed Part III of the Tanbook was complete and accurate at any given time.”

The court ruled that “a consumer acting reasonably under the circumstances here would not have believed that defendant represented that the section at issue, containing rent control statutes and regulations, was current and accurate for its one-year shelf life.”

##### R8.1.2 Punctuation with quotations

Punctuation that is part of the quoted text should appear inside the quotation marks. When the quotation is embedded into the sentence using a comma or a period added by the writer at the end of the quotation, that comma or period also appears inside the quotation marks (even though it is not part of the actual quoted text from the source). Punctuation added to a quotation anywhere other than at the end of the quoted material is an alteration that should be indicated with brackets.

**Examples:**

Legal professionals are “merely a subclass of consumers.”

Given that legal professionals are “merely a subclass of consumers,” New York’s consumer deception law does apply to them.

##### R8.1.3 Citation placement

Insert a citation sentence for the quoted material after the end of the sentence. Insert the citation as a clause if needed for clarity about which portion of the sentence is attributable to the source. Citations can be full citations or short citations, as appropriate to the surrounding context.

**Examples:**

“[A]nnotations published by legislators alongside the statutory text fall within the work legislators perform in their capacity as legislators.” *Georgia v. Public.Resource.org*, 140 S. Ct. 1498, 1509 (2020).

The Supreme Court overruled prior precedent about online retailing in light of “the day-to-day functions of marketing and distribution in the modern economy,” *Wayfair v. South Dakota*, 138 S. Ct. 2080, 2094 (2018), but has not applied similar reasoning to jettison other precedent.

#### **R8.2 Alterations of Quotations**

##### R8.2.1 Omission of letters

Place an empty bracket at the end of a common root word to indicate the change.

**Example:**

“The court dismissed the claim[].”

##### R8.2.2 Mistakes in the original quotation

To acknowledge a significant mistake in the original quotation, keep the problematic word or phrase and follow it with [sic] to indicate this to the reader.

**Example:**

“The Copyright Office are [sic] a department of the Library of Congress.”

##### R8.2.3 Substitution of letters or words

Any substitutions into quoted material should be bracketed. This includes words which might add clarity and context, and changes to the capitalization of letters.

**Example:**

“[T]he [Copyright] Office is a department of the Library of Congress.”

##### R8.2.4 Use of parenthetical clauses to indicate changes to quotation

Use the following phrases attached to a legal citation following a quotation, to indicate changes made to that quotation:

* (emphasis added)
* (alteration in original)
* (citation omitted)
* (emphasis omitted)
* (internal quotation marks omitted)
* (footnote omitted)

##### R8.2.5 Parentheticals to indicate quotations within quotations

When using a quotation within a quotation, you can either (1) attribute it to the original source with a parenthetical, or (2) acknowledge it by signaling that its citation has been omitted.

**Examples:**

Just as the Supreme Court has held that an official statement of the case, syllabus, or headnote prepared by judges “fall within the ‘work they perform in their capacity as judges,’ so too annotations published by legislators alongside the statutory text fall within the work legislators perform in their capacity as legislators.” *Georgia v. Public.Resource.org*, 140 S. Ct. 1498, 1509 (2020) (quoting *Banks v. Manchester*, 128 U.S. 244, 253 (1888)).

“Although the annotations are not enacted into law through bicameralism and presentment, the Commission's preparation of the annotations is under Georgia law an act of ‘legislative authority,’ and the annotations provide commentary and resources that the legislature has deemed relevant to understanding its laws.” *Id.* (citation omitted).

##### R8.2.6 Unnecessary parentheticals

The following should *not* be indicated in a parenthetical:

* (emphasis in original)

No parenthetical is needed for a quotation that was copied verbatim, including italics or underlined emphasis, from the original source.

* (citation omitted) or (footnote omitted)

No parenthetical is needed for a citation or footnote call number that follows the end of a sentence in the quoted text. Citations omitted from within a quoted sentence should, however, be indicated parenthetically.

Indigo Inkling

Dealing with quoted material can be minutely technical, as with parentheticals such as (citation omitted, internal quotation marks removed, and second emphasis omitted). To simplify and streamline citations and replace the granular detail of such parentheticals, attorney Jack Metzler has proposed and promoted a shorter parenthetical to handle such situations: (cleaned up). The parenthetical (cleaned up) after a quotation and citation indicates essentially that the writer has adjusted the citation’s mechanics to the situation for clarity and convenience and will not list and elaborate on each mechanical modification.

The (cleaned up) parenthetical has not become part of the Uniform System of Citation—yet. It has, however, been used in thousands of federal and state judicial opinions. *See* Jack Metzler, *Cleaning Up Citations*, 18 J. App. Prac. & Process 142 (2017). A Supreme Court opinion by Justice Thomas used it for the first time there, in 2021. *Brownback v. King*, 141 S. Ct. 740, 748 (2021). Justice Thomas used the following language:

Under that doctrine as it existed in 1946, a judgment is “on the merits” if the underlying decision “actually passes directly on the substance of a particular claim before the court.” Id., at 501–502 (cleaned up).

The cited case is *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 U.S. 497 (2001), and at the page cited, the original quote at pages 501-502 reads as follows:

The original connotation of an “on the merits” adjudication is one that actually “pass[es] directly on the substance of [a particular] claim” before the court. Restatement § 19, Comment a, at 161.

Thus, Justice Thomas’s use of (cleaned up) indicated that the quoted material contained additional unnecessary mechanics. In the original material from *Semtek*, those mechanics included various segmented quotations, bracketed alterations, and a citation to the Restatement (Second) of Judgments (1980).

The (cleaned up) approach is not without its critics, though, who argue that transparently meticulous care with quotations enhances the writer’s credibility and does not unduly distract readers. Writers will need to make individual decisions whether to consider (cleaned up), depending on their role and their audience. *See, e.g.*, Shams Hirji, *A Brief History and Status of (Cleaned Up) in the Sixth Circuit*, Sixth Circuit Appellate Blog (December 19, 2022), <https://www.sixthcircuitappellateblog.com/uncategorized/a-brief-history-and-status-of-cleaned-up-in-the-sixth-circuit/> But broadly, the (cleaned up) parenthetical provides yet more evidence that legal citation evolves not only through the periodic publication of citation rules, but also through practice and dialogue within the legal community.

#### **R8.3 Omissions in Quotations**

##### R8.3.1 Ellipses generally

An omission is indicated by an ellipsis where the words are omitted: . . .

The ellipsis in legal writing is represented by three periods and four spaces.

Insert a space after the last letter of the preceding phrase, a space between each period, and a space before the first letter of the following phrase. Rules R8.3.2-R8.3.7 contain rules and examples for incorporating ellipses in various situations.

##### R8.3.2 Omission from the beginning of a quoted sentence

When omitting the beginning of a quoted sentence, do not use an ellipsis. Instead, capitalize the first letter and place it in brackets. If the first letter of the quoted material is already capitalized, no change is needed, but—as with all quotes—ensure that the quotation is accurate in context.

**Example:**

“[T]he actual knowledge provision turns on whether the provider actually or *subjectively* knew of specific infringement, while the red flag provision turns on whether the provider was subjectively aware of facts that would have made the specific infringement *objectively* obvious to a reasonable person.”

##### R8.3.3 Omission in the middle of a sentence

When omitting the middle of a quoted sentence, insert an ellipsis to indicate the omission.

**Example:**

“The difference between actual and red flag knowledge is . . . between a subjective and an objective standard.”

##### R8.3.4 Omission Within a quotation as a phrase or clause

If there is an omission within the quotation, mark the omission with an ellipsis.

**Example:**

*Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 571 (2005) (noting that “[t]he distinguished jurists who drafted the Subcommittee Working Paper . . . agree that this provision, on its face, overrules *Zahn*.”).

##### R8.3.5 Omission at the end of a sentence

When omitting the end of a quoted sentence, insert an ellipsis between the last letter quoted and the punctuation mark of the original quote.

**Example:**

“The difference between actual and red flag knowledge is thus not between specific and generalized knowledge . . . .”

When omitting material at the end of one sentence and the beginning of the next sentence, use one ellipsis to mark the omission but include the final punctuation mark of the first sentence as well as bracket and capitalize the first letter of the following sentence.

**Example:**

“The difference between actual and red flag knowledge is thus not between specific and generalized knowledge . . . . [T]he red flag provision turns on whether the provider was subjectively aware of facts that would have made the specific infringement objectively obvious to a reasonable person.”

##### R8.3.6 Omission of a footnote or citation

When omitting a footnote or citation from quoted material, do not insert an ellipsis. Do insert a parenthetical indicating the omission immediately after the citation to the quoted source. *See* Rule R8.2.6.

##### R8.3.7 Omission of full sentences following the quoted material

When omitting material following a final punctuation mark, do not use an ellipsis.

**Example:**

“The difference between actual and red flag knowledge is thus not between specific and generalized knowledge, but instead between a subjective and an objective standard.”

Indigo Inkling

The ellipsis is traditionally made with four spaces and three periods . . . but computers have keyboard shortcuts to produce an ellipsis that constitutes one single character. For example, option-semicolon on an Apple keyboard produces … as its ellipsis shortcut. While the ellipsis shortcut character is not officially sanctioned in any citation manual, some practitioners use it freely in court filings.

Non-substantive tweaks to citations to meet a word count appear to be a modest but burgeoning trend. The 21st edition of *The Bluebook* breaks with tradition in allowing writers to omit previously required spaces in a citation such as 123 F. Supp. 2d 456, turning it into 123 F.Supp.2d 456. This unspaced citation may look incorrect to many legal readers. But if a legal writer is making choices to meet a difficult word count, we submit that the ellipsis shortcut key may be a worthwhile tradeoff as well.

### **R9 Block Quotations**

#### **R9.1 Basic Form of a Block Quotation**

Set off quotations consisting of 50+ words into a block quotation, followed by the citation if not apparent from the introduction to the block quotation:

**Example:**

Georgia minimizes the OCGA annotations as non-binding and non-authoritative, but that description undersells their practical significance. Imagine a Georgia citizen interested in learning his legal rights and duties. If he reads the economy-class version of the Georgia Code available online, he will see laws requiring political candidates to pay hefty qualification fees (with no indigency exception), criminalizing broad categories of consensual sexual conduct, and exempting certain key evidence in criminal trials from standard evidentiary limitations—with no hint that important aspects of those laws have been held unconstitutional by the Georgia Supreme Court. See OCGA §§ 21-2-131, 16-6-2, 16-6-18, 16-15-9 (available at www.legis.ga.gov). Meanwhile, first-class readers with access to the annotations will be assured that these laws are, in crucial respects, unenforceable relics that the legislature has not bothered to narrow or repeal. See §§ 21-2-131, 16-6-2, 16-6-18, 16-15-9 (available at https://store.lexisnexis.com/products/official-code-of-georgia-annotated-skuSKU6647 for $412.00).

*Georgia v. Public.Resource.org*, 140 S. Ct. 1498, 1512 (2020).

#### **R9.2 Formatting of Block Quotations**

* Block quotations are single spaced.
* Include a single line space after the block quotation, and resume the spacing convention in the surrounding document text.
* Indent both left and right.
* Block quotations should be formatted with “full justification.” The right and left margins of the block quotation are fully justified, meaning aligned on the left margin and on the right margin. The aligned left and right margins give the block quotation its appearance as a rectangular “block” of text on the page.
* Do not use quotation marks surrounding the block quotation. The block format itself indicates that the material is a quotation, and quotation marks around a block would be redundant. (Exception: Use quotation marks if the entire block quotation is itself a quotation within the source being quoted, and indicate the internal quotation and source parenthetically after the block.)
* In general, internal quotation marks should appear as in the original.
* The citation following a block quotation should start at the line’s left margin, without any indentation. This citation can be a full citation or a short citation, as the circumstances dictate. It should include a pincite to the page or pages where the quoted material is found.

### **R10 Explanatory Parentheticals**

Sometimes, it is helpful to include extra information to explain the relevance of certain citations. Explanatory parentheticals may consist of phrases typically started with a present participle such as (holding . . . ), direct quotations from the source, or short statements. Parentheticals also provide information about the weight of the authority cited, particularly with cases.

#### R10.1 Capitalization in Parentheticals

##### R10.1.1 Paraphrases and other original parentheticals

If not quoting the authority, do not begin an explanatory parenthetical with capital letter.

**Example:**

*Dr. Seuss Enters., L.P. v. Penguin Books USA, Inc.*, 109 F.3d 1394 (9th Cir. 1997) (holding that publisher’s asserted parody of O.J. Simpson murder trial was substantially similar to copyrighted work).

##### R10.1.2 Quotations in parentheticals

If quoting the authority, only begin parenthetical with capital letter and end with a period when the parenthetical quoted is or reads as a complete sentence.

**Example:**

*See* *Ty, Inc. v. Publ’ns Int’l Ltd.*, 292 F.3d 512, 520 (7th Cir. 2002) (“[T]he shortage that creates the secondary market stampedes children into nagging their parents to buy them the latest Beanie Babies, lest they be humiliated by not possessing the Beanie Babies that their peers possess.”).

#### R10.2 Format and Order of Parentheticals Showing the Weight of Authority

Some citations need to provide other types of parentheticals about the source itself, and these source-related parentheticals are given before explanatory parentheticals.

Examples of source-related parentheticals include information about a judicial opinion’s weight of authority as (per curiam) or (en banc), information about the source as a quote such as information being omitted or emphasis added, information about a source being quoted within the source, and bracketed definitions of the source as a short-form citation, such as [hereinafter “Color of Creatorship”].

The source-related parentheticals are followed by the explanatory parenthetical, if any; and last, the prior or subsequent history (*see* Rule R14) as shown in this order of parenthetical types:

(date) [hereinafter <short name>] (en banc) (<Lastname, J.>, concurring) (plurality opinion) (per curiam) (alteration in original) (emphasis added) (footnote omitted) (citations omitted) (quoting <another source>) (internal quotation marks omitted) (citing <another source>), http://www.domainname.com (explanatory parenthetical), prior or subsequent history.