## **B. CASES**

Indigo Inkling

The format of traditional case citations derives from the historical print publication of bound reporters, such as West’s National Reporter System. The citation elements are based on the reporter’s volume number, title of the reporter including series number, and first page of the cited case. In June 2021, the famous reporter of federal appellate cases, the Federal Reporter, 3d published its last volume, turning over to the first volume of a new series, the Federal Reporter, 4th. Citations for federal appellate cases decided in the latter half of 2021 and beyond will be assigned citations along the lines of 123 F.4th 456. The Federal Reporter, 3d is a set of books for sale by West Publishing, and Federal Reporter, 4th no doubt will be as well. Most researchers do not lay their hands on these books, much less purchase them; still, the elements of traditional case citation derive directly from the West publication system.

Starting in the early 1990s, some states began adopting public-domain citations, also known as neutral citations, vendor-neutral citations, medium-neutral citations, and universal citations, because they do not rely on specific proprietary bound publications. A medium-neutral citation looks something like this: These states are shown in Table T3. The Indigo Book encourages the use of public domain citations. When giving a public domain citation, also include a parallel citation to the appropriate print reporter if possible. For example: *Curlee by and through Becerra v. Johnson*, 2021-NCSC-32, 856 S.E.2d 478.

### R11 Full citation

#### R11.1 Elements of a Full Citation

When providing a full citation to a case, you should generally include the following, with the court and year enclosed within a single set of parentheses:

* Italicized case name followed by an unitalicized comma
* volume number, reporter, first page of the case in the reporter
* comma, space, and pincite to an exact page
* abbreviated court name (if not precisely apparent from the name of the reporter)
* year

Case citations may also include the additional components such as a signal, subsequent history, parallel citations, and explanatory parentheticals. These additional components are sometimes required and sometimes discretionary, as determined by the case’s characteristics, the way the citation supports the text, applicable court rules, or other audience expectations.

**Examples (federal):**

*Manhattan Cmty. Access Corp. v. Halleck*, 139 S. Ct. 1921 (2019).

*Seltzer v. Green Day*, 725 F.3d 1170 (9th Cir. 2013).

*Leonard v. Pepsico, Inc.*, 88 F. Supp. 2d 116, 127 (S.D.N.Y. 1999).

**Examples (state):**

*SciGrip, Inc. v. Osae*, 838 S.E.2d 334 (N.C. 2020).

*People v. Lucero*, 747 P.2d 660 (Colo. 1987).

*Mercer Univ. v. Stofer*, 841 S.E.2d 224 (Ga. Ct. App. 2020).

##### R11.1.1 Parallel citation

A case citation may also include parallel citation to another print reporter or online location for the case, such as a medium-neutral citation. When the print reporter unambiguously indicates the identity of the court, omit the court from duplication at the end of the citation. When the medium-neutral citation unambiguously indicates the court and year, either or both elements may be omitted from further duplication at the end of the citation.

**Examples:**

*Mercer Univ. v. Stofer*, 306 Ga. 191, 830 S.E.2d 169 (2019).

*State ex rel. Pilarczyk v. Geauga Cty.*, 2019-Ohio-2880, 157 Ohio St. 3d 191, 134 N.E.3d 142.

*USA Power LLC v. PacifiCorp*, 2016 UT 20, 372 P.3d 629.

##### R11.1.2 Parentheticals

A case citation may also include one or more parentheticals after the main citation elements. Parentheticals, if any, ordered according to the following functions: (indicating the weight of authority such as en banc) (indicating the source of a quotation or cited assertion in the main assertion being supported) (indicating explanatory information), if required or permitted as shown in Rule R10.

**Examples:**

*Barking Hound Village, LLC v. Monyak*, 787 S.E.2d 191, 198 (Ga. 2016) (“the unique human-animal bond, while cherished, is beyond legal measure”).

*Toolson v. N.Y. Yankees, Inc.*, 346 U.S. 356 (1953) (per curiam) (affirming baseball’s exemption from the scope of federal antitrust laws).

##### R11.1.3 Prior or subsequent history of the case

A case citation may also include prior or subsequent history, if required by Rule R14.

**Example:**

*Leonard v. Pepsico, Inc.*, 88 F. Supp. 2d 116, 127 (S.D.N.Y. 1999), *aff’d*, 210 F.3d 88 (2d Cir. 2000) (per curiam).

#### R11.2 Case Names Italicized

In formatting a case citation, italicize everything in the case name, but don’t italicize the comma at the end of the case name.

#### R11.3 Comprehensive Case-Name Abbreviations in Citation Sentences and Clauses

Citation sentences and clauses stand apart from the traditional prose text, as shown in Rule R3. In citation sentences and clauses, use extensive word and geographical abbreviations as indicated in Table T11 and Table T12. These abbreviations must be followed in addition to the general rules for truncating case names in all contexts in Rule R11.5.

##### R11.3.1 Common word abbreviations

Abbreviate common words in case names according to Table T11.

**Correct (in a citation sentence):**

*Cont’l Paper Bag Co. v. E. Paper Bag Co.*

**Incorrect (in a citation sentence):**

*Continental Paper Bag Company v. Eastern Paper Bag Company*

##### R11.3.2 Geographical abbreviations (citation sentences and clauses)

Abbreviate geographical locations according to Table T12. Do not abbreviate a geographical place if it is one of the parties in the case.

**Correct (in a citation sentence):**

*Church of Scientology of Cal. v. Blackman*

**Incorrect (in a citation sentence):**

*Church of Scientology of California v. Blackman*

**Correct (in a citation sentence):**

*South Dakota v. Fifteen Impounded Cats*

**Incorrect (in a citation sentence):**

*S.D. v. Fifteen Impounded Cats*

##### R11.3.3 Discretionary abbreviations

If the resulting abbreviation is not ambiguous, words of eight or more letters may be abbreviated to save substantial space in citation sentences and clauses. As a guide, remember that citation sentences and clauses stand apart from the prose text they support, and thus can prioritize efficiency over readability; but clarity and preciseness are still important factors.

#### R11.4 Limited Case-Name Abbreviations in Textual Sentences

Textual sentences—i.e. grammatical prose for the reader, as opposed to citation “sentences” and clauses interspersed between textual sentences—may include case names and full or short case citations. When including a case name within a textual sentence, case-name abbreviations are sharply limited. The purpose is to prioritize sentence readability over citation efficiency. Case names within textual sentences should abbreviate well-known acronyms and the eight words listed in the table below. While abbreviations are limited, note that the general rules for truncating case names in R11.5 still apply. Thus, many words are omitted following R11.5, but the words that are included are not abbreviated unless allowed by this rule. The guiding principles are shortening long case names while preserving readability in textual sentences.

|  |  |
| --- | --- |
| **Abbreviations of Case Names Within Textual Sentences** | |
| **Abbreviation** | **Word** |
| & | and |
| Ass’n | Association |
| Bros. | Brothers |
| Co. | Company |
| Corp. | Corporation |
| Inc. | Incorporated |
| Ltd. | Limited |
| No. | Number |

**Example:**

In *McDonnell Douglas Corp. v. Green*, the Supreme Court held that in a disparate treatment case, the plaintiff bears the initial burden of establishing a *prima facie* case of employment discrimination. 411 U.S. 792 (1973).

**Example:**

According to *Texas Department of Community Affairs v. Burdine*, once the plaintiff has established a *prima facie* case, there is a rebuttable presumption of unlawful discrimination. 450 U.S. 248, 254 (1981).

#### R11.5 General Case Name Truncation for All Contexts

Many case-name truncations are used in all contexts, including citation sentences and clauses as well as in textual sentences incorporating case names. In citation sentences and clauses, the examples below would incorporate extensive word and geographical abbreviations following Rule R11.3 and Tables T11 and T12.

##### R11.5.1 Surname

When referring to a case with an individual’s name in the case name, use the person’s full family name (i.e., their surname). Delete first name and initials, except when the full name of the person is in a language that lists the surname first, or when referring to the name of a business or where the court has abbreviated the party’s surname (as is common in cases involving minor children as parties).

**Examples:**

*Van Leeuwen v. Souto de Moura*

*James T. Kirk & Assocs. v. Luke S.*

*Smith v. Jones*

*Xu Lanting v. Wong*

*James T. Kirk & Assocs. v. Klingon Corp.*

*Luke S. v. Leia S.*

##### R11.5.2 First-named party on each side of the “v.”

Only include the surname of the first-listed party of the plaintiffs and the surname of the first-listed party of the defendants. Do not use “et al.” to indicate omitted additional parties.

##### R11.5.3 Commonly recognized abbreviations

Abbreviate commonly recognized agencies and organizations by their initials, such as the SEC and the ACLU.

**Examples:**

*Red Lion Broadcasting Co. v. FCC*, 395 U.S. 367 (1969).

*FBI v. Abramson*, 456 U.S. 615 (1982).

Indigo Inkling

Legal citation allows—and indeed requires—abbreviation of commonly recognized organizations, such as NASA for the National Aeronautical and Space Administration and FBI for Federal Bureau of Investigation. (Obscure factoid: NASA is an abbreviation because it is drawn from the first letter of each word but pronounced as a word, whereas FBI is a sub-type of abbreviation called an initialism because it is drawn from the first letter of each word with each letter articulated separately in the spoken abbreviation.) But what, exactly, meets the standard for being commonly recognized? One useful test is to look at recent, credible journalism as a gauge of what is commonly known. For example, the New York Times abbreviates Environmental Protection Agency as EPA but does not abbreviate Fish and Wildlife Services as FWS. Another test is to informally survey at a handful of recent cases. For example, PETA and the USDA are used in case names, suggesting that they *are* commonly recognized, at least for legal-citation purposes.

But don’t overdo it with the acronyms; keep in mind the scolding Judge Silberman issued in a case before the United States Court of Appeals for the District of Columbia Circuit: “The use of obscure acronyms, sometimes those made up for a particular case, is an aggravating development of the last twenty years.” *Delaware Riverkeeper Network v. FERC*, 753 F.3d 1304, 1321 (D.C. Cir. 2014) (Silberman, J., concurring). With this judge’s aggravation in mind, use only those abbreviations and acronyms that are easy to understand and make the reader’s work easier.

##### R11.5.4 Nicknames

Delete nicknames and aliases listed after a party name.

**Correct:**  *Jackson v. Leviston*  
**Incorrect:**  *Curtis James Jackson III, p/k/a 50 Cent v. Lastonia Leviston*

##### R11.5.5 Et al.

Do not add “et al.” to indicate the omission of other parties not listed. Delete “et al.” even if used in a case caption indicating multiple parties.

**Correct:** *Zurich American Insurance Co. v. Nokia, Inc.*

**Incorrect:** *Zurich American Insurance Co. et al. v. Nokia, Inc.*

##### R11.5.6 Multiple business designations

Omit terms such as “L.L.C.” and “Inc.” that indicate the party is a business when that fact is made clear because the party name includes a word such as “Co.” or “Inc.”

**Correct:** *A.H. Robins Co. v. Piccinin*

**Incorrect:** *A.H. Robins Co., Inc. v. Piccinin*

##### R11.5.7 Procedural phrases

When you see “on the relation of,” “on behalf of,” and similar expressions, replace with “*ex rel.*”

**Correct:** *State ex rel. Plain Dealer v. Ohio Department of Insurance*

**Incorrect:** *State on behalf of Plain Dealer v. Ohio Department of Insurance*

When you see “in the matter of,” “petition of,” and similar expressions, replace with “*In re*.”

**Correct:**  *In re National Football League Players’ Concussion Injury Litigation*  
**Incorrect:**  *In the Matter of National Football League Players’ Concussion Injury Litigation.*

Bankruptcy cases sometimes contain multiple case names including both a procedurally based name with “*In re*” and an adversary case name. In such cases, use the adversary case name followed parenthetically in the case name with the procedurally based name:

**Example:** *Farmers Cooperative Co. v. Ernst & Young, Inc.* (*In re* *Big Sky Farms Inc.*)

In non-bankruptcy cases, do not use “*In re*” when the case name also contains the name of an adversary; use the adversary name.

##### R11.5.8 United States as a party

Spell out “United States” when it is a named party. Omit “of America.”

**Correct:**  *United States v. Ninety Five Barrels, More or Less*  
**Incorrect:**  *U.S. v. Ninety Five Barrels, More or Less*

Note that “United States” may be abbreviated as “U.S.” when used as an adjective for an agency, in citation sentences and clauses.

##### R11.5.9 State or commonwealth as a party

Omit “People of,” “State of,” and “Commonwealth of,” unless citing a court located in that state, in which case retain only “People,” “State,” or “Commonwealth.”

**Correct:**  *International Shoe v. Washington*, 326 U.S. 310 (1945).

**Incorrect:**  *International Shoe v. State*, 326 U.S. 310 (1945).

**Incorrect:**  *International Shoe v. State* of Washington 326 U.S. 310 (1945).

**Correct:** *Commonwealth v. Miller*, 987 A.2d 638 (Pa. 2009).

**Incorrect:** *Commonwealth of Pa. v. Miller*, 987 A.2d 638 (Pa. 2009).

##### R11.5.10 Municipalities

Include phrases such as “Town of” and “City of” when such phrases are the first part of the name of a party. Omit phrases such as “Town of” and “City of” if the phrase appears in the middle or end of the name of a party.

**Correct:**  *C & A Carbone v. Town of Clarkston*  
**Incorrect:**  *C & A Carbone v. Clarkston*

**Correct:**  *Matter of Chestnut Ridge v. Town of Ramapo*  
**Incorrect:**  *Matter of Village of Chestnut Ridge v. Town of Ramapo*

##### R11.5.11 Prepositional phrases with locations

Include prepositional phrases designating national or larger geographical areas.

**Correct:** *Republic of Korea v. Ahn*

**Incorrect:** *Republic v. Anh*

**Incorrect:** *Korea v. Ahn*

Include prepositional phrases indicating location after a municipal category such as “City of” or “Town of.”

**Correct:** *Florida Beach Advertising, LLC v. City of Treasure Island*

**Incorrect:** *Florida Beach Advertising, LLC v. City*

Include prepositional phrases indicating location when the phrase is part of a business or organizational name.

**Correct:** *Chattanooga Restaurant Partnership, Inc. v. City of Chattanooga Beer Bd.*

**Incorrect:** *Chattanooga Restaurant Partnership Inc. v. City*

**Correct:** *Kolibash v. Committee on Legal Ethics of the W.Va. Bar*

**Incorrect:** *Kolibash v. Committee on Legal Ethics*

**Correct:**  *Dam Things from Denmark v. Russ Berrie & Co.*  
**Incorrect:**  *Dam Things v. Russ Berrie & Co.*

Include prepositional phrases indicating location to avoid a party name with only one word.

**Correct:**  *ACLU of N.D. v. Jones*  
**Incorrect:**  *ACLU v. Jones*

Omit other prepositional phrases indicating location. Omit geographical information after a comma in a case name.

**Correct:**  *Stevenson v. Board of Trade*  
**Incorrect:**  *Stevenson v. Board of Trade of Colorado*

**Correct:**  *California Board of Commerce v. City of Sacramento*  
**Incorrect:**  *California Board of Commerce v. City of Sacramento, California*

##### R11.5.12 “The”

Delete “the” as the first word of a party’s name. Make an exception if the party is “*The Queen*” or the “*The King*,” or when referring to the established popular name in a citation or citation clause. Also retain “the” if it is part of the name of the object of an *in rem* action.

**Correct:**  *International Society for Krishna Consciousness of California, Inc. v. City of Los Angeles*  
**Incorrect:**  *International Society for Krishna Consciousness of California, Inc. v. The City of Los Angeles*

**Correct:**  *In re the Snug Harbor*  
**Incorrect:**  *In re Snug Harbor*

**Correct:**  *The Railroad Commission Cases*

**Incorrect:** *Railroad Commission Cases*

##### R11.5.13 Commissioner of Internal Revenue

The Commissioner of Internal Revenue should be cited as “Commissioner” (abbreviated as “Comm’r” in citation sentences and clauses).

**Correct:**  *Plainfield-Union Water Co. v. Commissioner*  
**Incorrect:**  *Plainfield-Union Water Co. v. Commissioner of Internal Revenue*

**Incorrect:** *Plainfield-Union Water Co. v. CIR*

**Incorrect:** *Plainfield-Union Water Co. v. IRS*

##### R11.5.14 Unions

Generally, follow the case name as reported. Widely known acronyms are allowed. But generally, omit additional information after the first full union designation.

**Correct:** *Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers*

**Incorrect:** *Union Pacific Railroad Co. v. Brotherhood of Locomotive Engineers and Trainmen, General Committee of Adjustment, Central Region*

##### R11.5.15 Multiple dispositions

For cases with multiple dispositions, include an italicized identifier if useful. In subsequent references to or citations of that case, the identifier can replace the full case name.

**Examples:**

*Liriano v. Hobart Corp.*(*Liriano II*), 92 N.Y.2d 232 (1998).

*Liriano v. Hobart Corp.*(*Liriano III*), 170 F.3d 264, 266 (2d Cir. 1999) (citing *Liriano II*, 92 N.Y.2d at 236–37).

##### R11.5.16 Mandamus

If a mandamus action is known by the name of the judge against whom the writ is sought, that name can be indicated in an italicized parenthetical.

**Example:**

*Jones v. U.S. District Court (Smith)*, 89 U.S. 233 (2011).

##### R11.5.17 Cases known by a distinct name

If a case is known both by the reported name and a distinct short form name, always include the reported name in a full citation. The short name may be included in italics in a parenthetical.

**Example:**

*Industrial Union Department, AFL-CIO v. American Petroleum Institute (The Benzene Case)*

Indigo Inkling

There are multiple ways to incorporate a case citation in the text of an article, brief, or other written work. In the example below, the case name is stated in the text and the rest of the citation is included as a separate sentence.

In *McDonnell Douglas Corp. v. Green*, the Supreme Court held that in a disparate treatment case, the plaintiff bears the initial burden of establishing a prima facie case of employment discrimination. 411 U.S. 792 (1973).

Alternatively, one can include the entire citation in-text as follows:

In *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), the Supreme Court held that in a disparate treatment case, the plaintiff bears the initial burden of establishing a prima facie case of employment discrimination.

There is no strict rule here, so choose whichever method will be clearer to the reader.

#### R11.6 Volume Number, Reporter, First Page

The citation should include the volume number of the reporter, the abbreviated name of the reporter, and the first page of the case in that reporter.

**Example:**

*Terrible v. Terrible*, 534 P.2d 919 (Nev. 1975).

##### R11.6.1 Overview of volumes, reporters, and pages

This table provides an overview of federal and state citations, with the citation given at left and the full corresponding volume, reporter, and page number at right. Imagine books on the shelf with the name of the reporter and volume number shown on the book’s spine. Open that volume to the page given, to find the beginning of the case.

| **Citation** | **Reporter** |
| --- | --- |
| *Demosthenes v. Baal*, 495 U.S. 731 (1990). | Vol. 495, p. 731 of United States Reports |
| *United States v. $124,570 U.S. Currency*, 873 F.2d 1240 (9th Cir. 1989). | Vol. 873, p. 1240 of Federal Reporter, Second Series |
| *Gucci America, Inc. v. Guess?, Inc.*, 831 F. Supp. 2d 723 (S.D.N.Y. 2011). | Vol. 831, p. 723 of Federal Supplement, Second Series |
| *Hamburger v. Fry*, 338 P.2d 1088 (Okla. 1958). | Vol. 338, p. 1088 of Pacific Reporter, Second Series |
| *Camp v. Superman*, 119 Vt. 62 (1955). | Vol. 119, p. 62 of Vermont Reports |

##### R11.6.2 Reporter and series

Federal and state jurisdictions are listed in Table T1 (federal cases) and Table T3 (state cases), including the reporters where their cases are published. Here is a key overview of the reporters containing federal and state cases.

|  |
| --- |
| United States Supreme Court cases are printed in the official United States Reports, cited as <vol.> U.S. <page>. The publication of the United States Reports is significantly delayed from opinions’ decision date. When there is no U.S. citation available, use the Supreme Court Reports (abbreviated S. Ct.). |
| Cases decided by the United States Circuit Courts are printed in the Federal Reporter, Fourth Series (F.4th) starting with cases in July 2021, then F.3d, F.2d, and F. for older cases. |
| Federal district court cases are printed in the Federal Supplement, Second Series (F. Supp. 2d), and F. Supp. for older cases. |
| Federal cases not selected for publication may be available in the Federal Appendix or other unofficial reporters. |
| For state cases, choose the reporter listed in Table T3 for state cases whenever available. The standard national citation practice is to cite to the West National Reporter System although many states have a state-specific official reporter or official public-domain citation system (not reliant on a private publisher’s system). Local customs and court rules vary from the standard national citation practice, as represented in Table T3. |

Indigo Inkling

For citations to state cases, the case reporter prioritized by Rule R11.3 and Table T3 may not always be available to researchers using open-access legal information. For example, an internet site providing free access to cases may provide citation information for the official state reporter in that state, rather than the West National Reporter prioritized in the table.

If you are attempting to conduct case research using free open-access sources, do your best to adhere to utilize the preferred reporter in Table T3. It may be necessary to use a reliable second choice, such as the official state reporter or the state’s official medium-neutral citation format. Try to find cases as published in a reporter with a stable citation, rather than the original slip copy published by the court the day it decided the case.

##### R11.6.3 Parallel citation in state court documents

When submitting documents to state courts, follow the local rules for citations, selectively indicated in Table T3. State courts’ local rules often require a parallel citation: i.e., a citation to both the official state reporter, followed by the unofficial regional and/or state-specific reporter. Each reporter will have different page numbers, so provide a pincite for each. Also, when the official reporter title makes the state or court name apparent, don’t include it again in parentheses.

**Example (without pincites):**

*Harden v. Playboy Enterprises, Inc.*, 261 Ill. App. 3d 443, 633 N.E.2d 764 (1993).

**Example (with pincites):**

*Harden v. Playboy Enterprises, Inc.*, 261 Ill. App. 3d 443, 444, 633 N.E.2d 764, 765 (1993).

#### R11.7 Pincites

Each case citation, whether full or short, should include a pincite to direct the reader to the specific page being cited.

In a full citation to a case, include a pincite after the first page where the case is found in the reporter. If the pincite is the first page of the opinion, be sure to still include it by just repeating the number. Pincites are required in both full and short citations when those citations support a reference to a specific page of the case. *See* Rule R15 on short citations for cases and Rule R6 on full and short citations generally.

Pincites can be used to identify the page source for content of an explanatory parenthetical. Pincites can also be used to identify the page source for content in the textual sentence supported by the citations sentence or clause that follows.

**Examples:**

*Mattel, Inc. v. MCA Records, Inc.*, 296 F.3d 894, 908 (9th Cir. 2002) (“The parties are advised to chill.”).

Judicial attempts at humor are not new. As the Georgia Court of Appeals quipped in the mid-1970s, “The D.A. was ready. His case was red-hot. Defendant was present, His witness was not.” *Brown v. State*, 216 S.E.2d 356, 356 (Ga. Ct. App. 1975) (reversing conviction).

Judicial humor is not new, *e.g.*, *Brown v. State*, 216 S.E.2d 356, 356 (Ga. Ct. App. 1975); and neither is academic critique of it as generally “a dreadful thing,” William Prosser, *The Judicial Humorist* vii (1952).

##### R11.7.1 Multiple pages

Use a comma or commas to indicate a pincite to multiple non-sequential pages.

**Example:**

*Gordon v. Secretary of State of New Jersey*, 460 F. Supp. 1026, 1026, 1028 (D.N.J. 1978) (dismissing a complaint charging that plaintiff, by reason of his illegal incarceration in jail, had been deprived of the office of the President of the United States).

##### R11.7.2 Span of pages

Use a hyphen or en dash to indicate a pincite to a span of pages.

**Example:**

*Helton v. State*, 311 So. 2d 381, 382-84 (Fla. Dist. Ct. App. 1975) (reciting the prosecutor’s closing arguments in a parody of “*’Twas the Night Before Christmas*”).

##### R11.7.3 Paragraph numbers in medium-neutral cases

Use a paragraph symbol and the paragraph number to pincite to a case published in medium-neutral format. To refer to a span of paragraphs in the case, use two paragraphs symbols and numbers indicating the cited span, separated by a hyphen or en dash.

**Examples:**

*Couch v. Durrani*, 2021-Ohio-726, ¶ 9 (Ct. App. 2021).

*Couch v. Durrani*, 2021-Ohio-726, ¶ ¶ 9-15 (Ct. App. 2021).

*Couch*, 2021-Ohio-726, ¶ 15.

*Id.* ¶ 18.

##### R11.7.4 Citing a footnote

To cite a footnote, provide a page number followed immediately with a footnote number, using “n.” to show footnote number. There is no space between “n.” and the footnote number.

**Example:**

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

### R12 Court and Year

#### R12.1 Overview of Court and Year

Citations should include both the deciding court and the year of decision in parentheses. Use Table T1 for federal cases and Table T3 for state cases. If these tables do not provide the needed abbreviation information, construct an abbreviation using Table T9 and Table T12 for court and geographical abbreviations.

**Examples:**

*Learning Curve Toys, Inc. v. PlayWood Toys, Inc.*, 342 F.3d 714 (7th Cir. 2003).

*Mattel, Inc. v. MGA Ent. Inc.*, 782 F. Supp. 2d 911 (C.D. Cal. 2011).

*Barking Hound Village, LLC v. Monyak*, 787 S.E.2d 191 (Ga. 2016).

*Alexander v. Gen. Acc. Fire & Life Assurance Corp.*, 98 So. 2d 730 (La. Ct. App. 1957).

#### R12.2 Court Abbreviations

See Table T1 for how to abbreviate the names of all U.S. federal courts. See Table T3 for how to abbreviate the names of U.S. state courts. The chart here shows common examples.

| **Court** | **Guidance on Reporter Selection and Court Abbreviation** | **Example** |
| --- | --- | --- |
| United States Supreme Court | Use U.S. if the opinion is published in the United States Reports.  If not, use S. Ct.  Refer to Table T1 for additional options if U.S. and S. Ct. do not apply. | *Two Pesos, Inc. v. Taco Cabana, Inc.*, 505 U.S. 763 (1992).  *Google LLC v. Oracle Am., Inc.*, 141 S. Ct. 1183 (2021). |
| United States Courts of Appeals | Either F., F.2d, F.3d, or F.4th depending on the decision. | *Batman v. Commissioner*, 189 F.2d 107 (5th Cir. 1951).  *Nance v. United States*, 299 F.2d 122, 124 (D.C. Cir. 1962) (“How do you know it was me, when I had a handkerchief over my face?”). |
| United States District Courts | Either F. Supp. or F. Supp. 2d depending on the decision. | *Frigaliment Importing Co. v. B.N.S. Int’l Sales Corp.*, 190 F. Supp. 116, 117 (S.D.N.Y. 1960).  *Cartier v. Aaron Faber Inc.*, 512 F. Supp. 2d 165 (S.D.N.Y. 2007). |
| State High Courts | Cite to the regional reporter for the region in which the court sits, if the opinion appears there. If not, cite to the state’s official reporter, as listed in Table T3. The state’s preferred official reporter may be a public domain (i.e., medium neutral) citation.  *See* Table T3. | *Terrible v. Terrible*, 534 P.2d 919 (Nev. 1975).  *State v. One 1970 2-Door Sedan Rambler*, 136 N.W. 59 (Neb. 1974). |
| Other State Courts | Cite to the regional reporter for the region in which the court sits, if the opinion appears there. If not, cite to the state’s official reporter in Table T3. The state’s preferred official reporter may be a medium-neutral citation. *See* Table T3. Use Tables T9 and T12 to construct an abbreviation if not contained in Tables T1 and T3. | *Brown v. Swindell*, 198 So. 2d 432, 434 (La. Ct. App. 1967).  *State v. Stroud*, 30 Wash. App. 392 (1981).  *State v. Russell*, 2020-Ohio-5108 (Ohio Ct. App. 2020). |

##### R12.3 Intermediate appellate departments or divisions

##### R12.3.1 General rule of omission

In general, do not indicate the departments or divisions of intermediate appellate courts.

**Correct Example:**

*Hamel v. Emp. Sec. Dep't*, 966 P.2d 1282 (Wash. Ct. App. 1998).

**Incorrect Example:**

*Hamel v. Emp. Sec. Dep't*, 966 P.2d 1282 (Wash. Ct. App., Div. 2 1998).

##### R12.3.2 Exceptions for including intermediate appellate department or division

Where intermediate appellate departments or divisions are relevant to the point being made in the text, or where local the court rules require citations to include this information. See Table T3 for more information on state jurisdictions such as Florida and Texas where this information is required and where the format for such citations varies in local practice. For standard legal documents seeking a uniform national approach, add the department or division information to be clear and, if possible, consistent with the general uniform standard for citations to intermediate appellate courts.

**Correct Example:**

Before the Florida Supreme Court addressed the question in 2018, Florida District Courts of Appeals were split on whether judges must disqualify themselves from deciding a case when they are social-media connections with one or more attorneys in that case. *Compare* *L. Offs. of Herssein & Herssein, P.A. v. USAA*, 229 So. 3d 408 (Fla. 3d Dist. Ct. App. 2017), *approved by* 271 So. 3d 889 (Fla. 2018), *with* *Domville v. State*, 103 So. 3d 184 (Fla. 4th Dist. Ct. App. 2012), *disapproved by* *L. Offs. of Herssein & Herssein, P.A. v. USAA*, 271 So. 3d 889 (Fla. 2018).

Indigo Inkling

Court abbreviations in case citations convey crucial information. For example, a case citing “N.Y.” refers to the highest court in the state of New York—the New York Court of Appeals. But “N.Y. Sup. Ct.” is the proper abbreviation for the New York Supreme Court—which some will be surprised to know is the name of the trial-level court in the state of New York, not the state high court. Generally see Table T12 for the correct abbreviation for each state; and specifically see Table T3 and official state-court websites to confirm the name and level of each court. Finally, refer to Table T9 for general court abbreviations.

#### R12.3 Duplicative Court and Year Information

##### R12.3.1 Court indicated by reporter

If the identity of the court is clearly and unambiguously indicated by the reporter’s name, do not include the court in the parenthetical information with the year. When writing to a court and governed by local rules requiring parallel citations, the court’s identity may be indicated by required parallel citation information.

**Examples:**

*Kewanee Oil Corp. v. Bicron Co.*, 416 U.S. 470 (1974).

*Wexler v. Greenberg*, 399 Pa. 569, 160 A.2d 430 (1960).

##### R12.3.2 Year indicated in medium-neutral citation

When using a medium-neutral citation format (alone or in a parallel citation), if the year of the decision is clearly and unambiguously indicated by the citation format, do not duplicate the year in the parenthetical information.

**Examples:**

*Water & Energy Sys. Tech., Inc. v. Keil*,1999 UT 16, 979 P.2d 829.

*Failor v. Megadyne Med. Prods., Inc.*, 2009 UT App. 179, 213 P.3d 899.

#### R12.4 Special Note on Pending and Unreported or Unpublished Cases

Some opinions are so new and pending that they have not yet been assigned to reporters. These early opinions are referred to as “slip opinions,” presumably because they are (or historically, were) rendered on slips of paper rather than in printed bound volumes.

Some opinions are designated “not for publication” by the issuing court, and will never be assigned an official reporter citation. Pending and unreported cases generally can be found in one of the following three source below.

##### R12.4.1 Pending cases inLEXIS and Westlaw or other commercial database

Citations to these electronic databases are similar to regular citations, using the database code from LEXIS or Westlaw as a substitute for the (non-existent) reporter citation. Pending-case citations have two additional components: (a) add the docket number before the database code, and (b) include the full calendar date of the decision in the following parenthetical, not just the year. Pincites are indicated with “at” and a \* attached to the page number.

Citations to these electronic databases should be formatted as follows: <Case Name>, <case docket number>, <database identifier and electronic report number>, at \*<star page number> <(court, full date)>.

**Example:**

*Yates v. United States*, No. 13–7451, 2015 U.S. LEXIS 1503, at \*40 (Feb. 25, 2015).

**Example:**

*State v. Green*, No. 2012AP1475–CR, 2013 WL 5811261, at \*7 (Wis. Ct. App. Oct. 30, 2013).

##### R12.4.2 Opinions only available online, but not in a commercial database

Some cases, particularly ones that are immediately pending, may initially be accessed only through a court’s website. If so, include the exact docket number or numbers, as well as the URL.

**Example:**

*Macy’s Inc. v. Martha Stewart Living Omnimedia, Inc.*, No. 1728, slip op. at 1 (N.Y. App. Div. Feb. 26, 2015), <http://www.nycourts.gov/reporter/3dseries/2015/2015_01728.htm>.

Indigo Inkling

The Law Librarians for Indigenous Inclusive Citation Practices advocates for *The Bluebook*—and uniform citation practices generally—to include information on citing Indigenous sources of law. As they note on their website at [www.lawlibrariansforindigenousinclusivecitationpractices.org](http://www.lawlibrariansforindigenousinclusivecitationpractices.org), “[t]he 574 tribal governments in this country produce thousands of statutes, regulations, and case law each year that collectively bind millions of Americans.”

For standard legal documents, we would advise generally following the rules shown in *The Indigo Book*, in concert with applicable tribal court rules. Tribal code citations may follow the same basic format shown in Rules R16-R17, for example:

15. N.N.C. § 614(A) (as amended by Navajo Nation Council Resolution No. CO-48-14, Nov. 7, 2014).

A case decided by a tribal judicial authority may be able to be cited consistently with Rule R11 by name, reporter, and volume—if it is printed in one of the tribal law reporters. Or it may be cited using the format for slip opinions and cases found exclusively online (R12.4.2).

*Navajo Nation v. Hunter*, 7 Nav. R. 194, 195 (Nav. Sup. Ct. 1996).

*Corp. of the Pres. of the Church of Jesus Christ of Latter-Day Saints v. Window Rock Dist. Ct.*, No. SC-CV-42-18, 2018 WL 7149968 (Nav. Sup. Ct. Dec. 28, 2018).

*In re Lotus Justice*, No. SC-2022-01, slip op. (Cherokee Sup. Ct. Feb. 14, 2022), <https://www.cherokeecourts.org/Portals/cherokeecourts/Documents/Supreme%20Court/Order%20and%20Opinions/SC-22-01%202-Notice%202-14-22.pdf?ver=2022-02-14-142814-147>

Abbreviations for tribal sources can be found at reference sites for Indigenous and Tribal Law such as the National Indian Law Library including its Tribal Law Gateway and Research Guides, <http://www.narf.org/nill/triballaw/index.html>. A table of tribal nations is available at the Bureau of Indian Affairs’ Tribal Leaders Directory for federally recognized tribes, <https://www.bia.gov/service/tribal-leaders-directory>. Many U.S. and Canadian law schools also have helpful research guides posted on their law library websites. For academic legal documents, follow the citation conventions set forth at the relevant publication.

### R13 Weight of Authority and Explanatory Parenthetical

#### R13.1 Parenthetical for Weight of Authority

To highlight information regarding the weight of the cited authority (such as for concurring and dissenting opinions), insert an additional parenthetical after the date parenthetical. Remember to separate the parentheticals with a space.

**Examples:**

*United States v. Leggett*, 23 F.3d 409 (6th Cir. 1994) (unpublished table decision).

*Ward v. Rock Against Racism*, 491 U.S. 781 (1989) (Marshall, J., dissenting).

*Harris v. State*, 887 S.W.2d 514 (Ark. 1994) (per curiam).

*Dep’t of Revenue v. James B. Beam Distilling Co.*, 377 U.S. 341, 349 (1964) (7–2 decision) (Black, J., dissenting).

#### R13.2 Optional Explanatory Parenthetical

To provide a supporting partial quotation or to explain the proposition for which the case stands, insert an explanatory parenthetical. See Rule R10 on the order of explanatory parentheticals with other parenthetical material and subsequent history.

**Examples:**

*Stambovsky v. Ackley*, 572 N.Y.S.2d 672, 674 (App. Div. 1991) (“[A]s a matter of law, the house is haunted.”).

*People v. Foranyic*, 74 Cal. Rptr. 2d 804, 807 (Ct. App. 1998) (holding that police have probable cause to detain someone they see riding a bike at 3 a.m., carrying an axe).

*Dep’t of Revenue v. James B. Beam Distilling Co.*, 377 U.S. 341, 349 (1964) (7–2 decision) (Black, J., dissenting) (disagreeing with Justice Goldberg as to the relative merits of bourbon and scotch).

Indigo Inkling

The United States Supreme Court is famous for hearing oral arguments and issuing judicial opinions, but it has recently increased the practice of making decisions through the so-called “shadow docket.” E.g., Stephen I. Vladeck, *The Solicitor General and the Shadow Docket*, 133 Harv. L. Rev. 123 (2019); William Baude, *Foreword: The Supreme Court’s Shadow Docket*, 9 N.Y.U. J.L. & Liberty 1 (2015). These rulings are issued without full briefing and argument and, in many cases, without identifying a particular justice as the author.

To cite Supreme Court dispositions on its shadow docket, follow Indigo Book Rules R11-R12 on cases citations to the extent possible. For example, provide a citation to Supreme Court Reports until the official United States Reports citation with pagination becomes available.

A parenthetical may be used to indicate the type of ruling, following the title or other information provided with the ruling:

*Tandon v. Newsom*, 141 S. Ct. 1294 (2021) (per curiam). 

*Maryland v. King*, 133 S. Ct. 1 (2012) (Roberts, C.J., in chambers).

Use the above parentheticals only if the disposition explictly indicates it is per curiam or issued by a particular justice in chambers. Other rulings are not labeled as per curiam or signed in chambers. The traditional rule for citing such decisions was to add the parenthetical “(mem.)” after the citation:

*United States v. Higgs*, 141 S. Ct. 645 (2021) (mem.).

The decisions falling into this category are not typically labeled “memorandum” by the Court itself; rather, this label comes from traditional citation practice to indicate what would otherwise look the same as a full opinion. Thus, we submit that other more descriptive parentheticals may be used in addition to or instead of (mem.) to indicate the posture of the decision:

*United States v. Higgs*, 141 S. Ct. 645 (2021) (emergency vacatur of stay and reversal, designating Indiana as state for inmate’s execution under 18 U.S.C. § 3596).

*Whole Woman’s Health v. Jackson*, 141 S. Ct. 2494 (2021) (mem.) (unsigned, on application for injunctive relief).

Shadow-docket decisions by the majority of the Court can be, and recently often are, accompanied by signed concurring or dissenting opinions. Dissents and other statements attached to the decision may be indicated in a similar fashion to concurrences and dissents from fully argued opinions on the merits. When one justice concurs or dissents in an opinion attached to a shadow docket decision and one or more justices join that opinion, indicate only the authoring justice. Indicate a pincite to concurring or dissenting opinions. The parenthetical (mem.) or other appropriate notation may optionally be included as well, to indicate that the concurrence or dissent is referring to an action that does not itself constitute a full formal opinion.

*Ala. Ass’n of Realtors v. Dep’t of Health & Hum. Servs.*, 141 S. Ct. 2485, 2485 (2021) (mem.) (Roberts, C.J., concurring).

*United States v. Higgs*, 141 S. Ct. 645, 647 (2021) (Sotomayor, J., dissenting from vote).

### R14 History of the Case

#### R14.1 Subsequent History

When citing a case, include the subsequent history of the case, subject to several exceptions. Refer to Table T14 for how to abbreviate explanatory phrases when introducing case history. Italicize the explanatory phrase.

Indigo Inkling

The United States is a common law system, where court decisions play an important role in defining what the law is. To figure out the difference between good law and bad law, we have to look at the case’s subsequent history to make sure it was not vacated or reversed on the point being relied upon in a cited assertion. These types of important subsequent history are required by the Uniform System of Citation. On the other hand, some subsequent history is generally unimportant and should be omitted from the citation. Examples include the denial of a motion for reconsideration, or the denial of a petition for certiorari in a case decided more than two years ago. See Table T3 for some state-specific variations, and of course follow local practice and local court rules on subsequent history.

Note that subsequent history is the history of that particular case in litigation. If a different case (unrelated parties but a similar legal issue) later overrules an older case’s holding, that case is no longer good law for that point—but subsequent history is not involved in the citation. This is but one example of how legal citation overlaps with legal analysis itself. If a writer is citing a case that was later overruled, the writer should not simply polish the citation’s mandatory subsequent history, but rather re-consider why to cite that “bad law” in the first place.

#### R14.2 Required Explanatory Phrases

Include subsequent history when necessary to protect credibility or clarify the weight of authority for the statement the citation supports. This includes most subsequent history except denials of rehearings or discretionary appeals. This also includes history on remand (which, by its nature, advances the litigation but does not change the law issued from a higher court on appeal), unless relevant to the point being made.

##### R14.2.1 Direct subsequent history of the litigation

Always incorporate the following explanatory phrases when applicable, italicized, and followed by a comma and the citation information for the subsequent history. Include other subsequent history commensurate with this list, to indicate the weight of authority and whether the primary case being cited is good law for all or any points.

|  |  |
| --- | --- |
| **Required Subsequent History** | |
| *aff’d* | Case was affirmed by a higher court in the same litigation. |
| *cert. granted* | Case is subject to a pending petition for certiorari that the higher court has granted. |
| *rev’d* | Case has been reversed. Note this subsequent history can be combined with *rev’d en banc* where applicable. |
| *rev’d on other grounds* | Case has been reversed on a different ground other than the one for which it is being cited. |
| *cert. denied*  (only when citing a case decided less than two years ago, to show finality or for a specific point) | Case was potentially subject to a petition for certiorari, which was in fact filed but denied (thus showing this case’s finality). |
| *vacated*  *vacated as moot* | Case was vacated and is no longer good law. Use *vacated as moot* where the court so indicates. |

**Examples:**

*In re Verizon Internet Servs., Inc.*, 257 F. Supp. 2d 244 (D.D.C. 2003), *rev’d on other grounds*, *Recording Indus. Ass’n of Am., Inc. v. Verizon Internet Servs., Inc.*, 351 F.3d 1229 (D.C. Cir. 2003).

—Note: This subsequent history is always required because the primary case being cited has been reversed on at least one basis.

*B.L. v. Mahanoy Area Sch. Dist.*, 964 F.3d 170 (3d Cir. 2020), *cert. granted*, No. 20-255 (Jan. 8, 2021).

—Note: This would be an appropriate citation while the Supreme Court’s decision and opinion remained pending. After the opinion, it is unlikely that this citation would be needed since the Supreme Court opinion itself is the final authority.

The district court’s decision withstood all layers of federal-appellate review. *Energy & Env't Legal Inst. v. Epel*, 43 F. Supp. 3d 1171 (D. Colo. 2014), *aff’d*, 793 F.3d 1169 (10th Cir. 2015), *cert. denied*, 577 U.S. 1043 (2015).

—Note: This denial of certiorari is included because it is integral to the sentence’s claim. This denial of certiorari would be appropriate even after the two-year period for including denial of petitions for certiorari had expired.

##### R14.2.2 Indirect subsequent history and legislative or constitutional subsequent history

Include indirect history from other subsequent litigations or collateral litigation, when the indirect history is directly negative or necessary for the point being made. The clearest example is *overruled by* <x>.

Include subsequent history when a case is superseded by statute or by a constitutional amendment. The subsequent legislative or constitutional history may be noted through a further (discretionary) subsequent history notation of a case recognizing it as such.

**Examples:**

*Hemerley v. Am. Fam. Mut. Ins. Co.*, 379 N.W.2d 860 (Wis. Ct. App. 1985), *overruled by Hull v. St. Farm Mut. Auto. Ins. Co.*, 586 N.W.2d 863 (Wis. 1998).

*Schuster v. Derocili*, 775 A.2d 1029 (Del. 2001*), superseded by statute*, 19 Del. Code Ann. § 712(b) (2005), *as recognized in Yatzus v. Appoquinimink Sch. Dist.*, 458 F. Supp. 2d 235 (D. Del. 2006).

#### R14.3 Renamed Cases

When the case has a different name in the subsequent history, provide the new case name after the italicized phrase “*sub nom.*” (“under the name of”). There is no comma after *sub nom*.

**Example:**

*Lerman v. Comm’r*, 939 F.2d 44 (3d Cir. 1991), *rev’d sub nom. Horn v. Comm’r*, 968 F.2d 1229 (D.C. Cir. 1992).

Do not provide the new case name if either the parties’ names are merely reversed or if the subsequent history is simply a denial of certiorari or rehearing:

**Correct:**

*United States v. Schmuck*, 840 F.2d 384 (7th Cir. 1988), *aff’d,* 489 U.S. 705 (1989).

**Incorrect:**

*United States v. Schmuck*, 840 F.2d 384 (7th Cir. 1988), *aff’d,* *Schmuck v. United States*, 489 U.S. 705 (1989).

#### R14.4 Enslaved Persons

When the case involved an enslaved person or people as parties or at issue in the case, add a parenthetical so indicating.

**Example:**

*Rives v. Wilborne*, 6 Ala. 45, 47 (1844) (enslaved people at issue).

Indigo Inkling

Legal citation is not just a set of formatting rules, but an expression of ethics, an expression extending far beyond the dictate to literally cite one’s sources. The ethical dimensions of legal citation encompass its broader impacts such as how these rules socialize new lawyers-in-training, how they function within the legal world, what they represent about law and its practitioners, what they omit, and what effects they cast over the law’s sphere of influence. *See, e.g.*, Susie Salmon, *Shedding the Uniform: Beyond a “Uniform System of Citation” to a More Efficient Fit*, 99 Marq. L. Rev. 763 (2016); Jennifer Elisa Chapman, *Citation Ethics: Toward an Ethical Framework of Legal Citation* (May 29, 2021), Yale Law Library Citation and the Law Symposium (forthcoming 2021), *available at* https://ssrn.com/abstract=3856202. Citation of cases involving enslaved persons are one example. Historically, these cases were cited no differently than any other case. As of January 2021, the latest printing of *The Bluebook* (21st ed.) added a rule to expand the citation for such cases, which must now include a parenthetical indicating that an enslaved person or people were parties or at issue in the case. This Second Edition of *The Indigo Book* expresses this rule and welcomes the continued examination of legal citation rules and practices.

### R15 Short Form Citation for Cases

#### R15.1 Short Citations in Text

Once a case has been cited in full, you may refer to the case by a short-citation form. Specifically, you may refer to the case name in a textual sentence and provide shortened citation information after the sentence.

For the case name, use the chosen party’s name—usually the first-named party’s name—consistent with these rules for selecting a short-form citation and consistent with the abbreviation rules in Rule R11 for all case names (full citation or short citation). For the citation format, include the volume of the reporter, the reporter, the word “at” and the pincite to the page being cited.

Within the text sentence or (preferably) after the text sentence, provide a truncated citation sentence in the form of <volume> <Name of Reporter> at <pincite>.

**Examples:**

The court in *Fenton* also held the lower court erred in awarding damages based on loss of fair market value of property due to the flying balls. 233 N.E.2d at 219.

As the court further noted in *Fenton*, 233 N.E.2d at 219, the lower court erred in awarding damages based on loss of fair market value of property due to the flying balls.

#### R15.2 Short Citations in Citation Sentences and Clauses

Case names can be long, so various short-citation forms must be used when referring to the same case repeatedly in sequence or in scattered, interspersed references. *Id.* is the preferred reference if it can be used as noted below, because it is the most concise. But other short forms are frequently required for interspersed references throughout a legal document.

##### R15.2.1 When a short form may be used

Once a case has been cited in full, you may refer to the case by a short-citation form. Specifically, you provide a short-form citation sentence or clause with truncated information compared to the full citation. The reference must be unambiguous, and the full citation must be easily accessible earlier in the text.

Discretion may be applied to repeat the full-citation form later in a document when useful to the reader, such as after five short-form uses of *id.*, five footnotes using *id.*, or after a new heading or page break.

##### R15.2.2 Form of short citations

In general, the short citation uses the first-named party in the case name. As with full citations, the case name is italicized but the comma after the case name is not italicized. The shortened citation form omits the “v.” (for versus) and second-named party after the “v.” The shortened citation form also omits the first page of the case as found in the reporter, and simply provides an “at” with the pincite.

For cases, a short form citation usually includes: <The First Party of the Case Name>, <volume number> <Reporter> at <pincite>. As shown in Rule R15.1, if the shortened case name is incorporated into the textual sentence, do not repeat that shortened name in the short-form citation after the textual sentence.

**Examples (where case name not part of preceding textual sentence):**

*Fenton*, 233 N.E.2d at 219.

*Malletier*, 500 F. Supp. 2d at 281.

##### R15.2.3 Exceptions to using the first party of the case name

Do not use the first party of the case name if that party either is a geographical or governmental unit or a party name that is used for multiple cases. Choose the second party name if needed to avoid confusion.

**Examples:**

*United States v. Carmel*, 548 F.3d 571 (7th Cir. 2008) becomes *Carmel*, 548 F.3d at 573.

*Gonzalez v. Raich*, 545 U.S. 1 (2005) becomes *Raich*, 545 U.S. at 8.

##### R15.2.4 Shortening party names

Shorten a long party name, but only if the shortening saves significant useful space and if the reference remains clear. Use a [hereinafter <x>] designation if needed.

**Examples:**

*Home Depot USA, Inc. v. Jackson*, 139 S. Ct. 1743, 1744 (2019) becomes *Home Depot*, 139 S. Ct. at 1744.

*A Book Named “John Cleland’s Memoirs of a Woman of Pleasure” v. Attorney Gen. of Mass.*, 383 U.S. 413, 418 (1966) [hereinafter, *Memoirs*] can then become *Memoirs,* 383 U.S. at 418.

#### *R15.3* *Id.*

##### R15.3.1 *Id.* with immediately preceding citation (same page of case)

If you are citing to the same case referenced in the immediately preceding citation, use *id.* as the short form citation. *Id.* by itself refers to the same case and same pincite in that case.

**Example:**

When the author of a work is a judge or legislator, it carries the force of law and cannot be copyrighted. *Georgia v. Public.Resource.org*, 140 S. Ct. 1498, 1513 (2020). To hold otherwise would be to discourage the use of “official legal works that illuminate the law we are all presumed to know and understand.” *Id.*

##### R15.3.2 *Id.* with immediately preceding citation (different page)

If you are referring to the immediately preceding case, but to a different page, use *id.* at <pincite>.

**Example:**

Fair use is ultimately a legal question because the question “primarily involves legal work.” *Google LLC v. Oracle Am., Inc.*, 141 S. Ct. 1183, 1199 (2021). Although “subsidiary factual questions” may be involved, the ultimate question is legal rather than factual. *Id.* at 1200.

##### R15.3.3 *Id.* forbidden with string citations and ambiguous references

*Id.* should be used only if the preceding citation cites to one source.

**Correct:**

In examining the third factor—the proximity of the parties’ products in the marketplace—courts assess whether the parties occupy “distinct merchandising markets.” *Naked Cowboy v. CBS*, 844 F. Supp. 2d 510, 517-18 (S.D.N.Y. 2012). For example, would an unsophisticated viewer confuse the source of the long-running daytime television series with another party’s street performances or his souvenirs? *Id.*

**Incorrect:**

In examining the third factor—the proximity of the parties’ products in the marketplace—courts assess whether the parties occupy “distinct merchandising markets.” *Hormel Foods Corp. v. Jim Henson Prods., Inc.*, 73 F.3d 497, 504 (2d Cir. 1996); *Naked Cowboy v. CBS*, 844 F. Supp. 2d 510, 517-18 (S.D.N.Y. 2012). For example, would an unsophisticated viewer confuse the source of the long-running daytime television series with another party’s street performances or his souvenirs? *Id.*

**Correct:**

In examining the third factor—the proximity of the parties’ products in the marketplace—courts assess whether the parties occupy “distinct merchandising markets.” *Hormel Foods Corp. v. Jim Henson Prods., Inc.*, 73 F.3d 497, 504 (2d Cir. 1996); *Naked Cowboy v. CBS*, 844 F. Supp. 2d 510, 517-18 (S.D.N.Y. 2012). For example, would an unsophisticated viewer confuse the source of the long-running daytime television series with another party’s street performances or his souvenirs? *Naked Cowboy*, 844 F. Supp. 2d at 517-18.

Indigo Inkling

The short form id.—capitalized as Id. when it starts a citation sentence—can be used only to refer to the immediately preceding citation. The standard for what is immediately preceding is strict. Do not use id. simply because a full citation has been given somewhere at some point previously in the text; it is not catchall short citation but must be tailored to context. Id. can be used after a citation to a single source (a full or a short citation, the important characteristic being a citation to one and only one source). Id. cannot follow a string citation listing two or more sources. It also cannot be used after any intervening textual reference, such as mentioning a different case or other authority by name. Citing multiple sources in a string or mentioning other intervening sources creates possible ambiguity and thus makes id. unhelpful and incorrect.

There is one exception to this strict construction of when to use *id.* If the preceding citation includes a parenthetical citing a case within that parenthetical, that citation-within-a-citation does not foreclose the use of id. In that scenario, *id.* may be used to cite back to the immediately preceding citation to which the citation-within-a-citation is attached. Thus, a source cited parenthetically does not become the immediately preceding citation. This is structurally different from a string citation. Do not use *id.* after a string citation, even to attempt to refer to the final citation in the string.