

Oregon Appellate Courts



Style Manual
2002

OREGON APPELLATE COURTS

Style Manual 2002

Preface

The Oregon Appellate Courts have adopted this style manual as a guideline for conventions used in format, citation, quotation, and style when writing opinions. It is not all-inclusive nor an attempt to dictate writing style. *See* ORAP 5.20(4) (referring to Style Manual as guide to conventions in style and citation).

Sincere appreciation to all who added their time and talent to this project.

For form and style questions not covered by this manual,
please contact the OJD Publications Section at (503) 986-5656.

An order form for requesting additional copies can be found on the last page.

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FORMATTING

In General

Slip opinions are double spaced; indented quoted material is single spaced and formatted in the same style as the original material; footnotes are placed at the bottom of the page on which they are referenced. Line numbers are set out along the left hand margin, including the footnote section.

Slip opinions consist of a title page, which includes a designation of prevailing party and award of costs portion, followed by the body of the opinion. Cases Affirmed Without Opinion (AWOP) consist of a title page only. Cases that are Affirmed By An Equally Divided Court can consist of a title page only unless a concurring or dissenting opinion is written.

Listed below are the essential elements found on a standard title page of an appellate court opinion, followed by the substantive components generally contained within the body of an opinion. Please note that these are models only and that actual title pages and opinions may vary due to the particular requirements of an individual case.

I. Title Page

A. Date of the Opinion

Located in the upper right hand corner of the page preceded by **FILED**.

B. Identifying Caption of the Appellate Court Issuing the Opinion

The identification of the appellate court is centered on the page in uppercase letters, *e.g.*,

IN THE SUPREME COURT OF THE
STATE OF OREGON

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

IN THE OREGON TAX COURT
REGULAR DIVISION

IN THE OREGON TAX COURT
MAGISTRATE DIVISION

C. Names and Roles of the Parties to the Case

Parties are generally listed in the order in which they appeared in the lower court or tribunal, but using their appellate court designations: appellant, respondent, petitioner on review, respondent on review, etc. That information is generally taken from the originating document filed for a case, *e.g.*, the Notice of Appeal or Petition for Judicial Review.

In criminal cases, the STATE OF OREGON is the first party listed, followed by the full name of the defendant.

D. Identification Numbers

Each appellate case is assigned a number when filed, which is centered on the title page below the names of the parties to the case and preceded by any identifying number(s) from the court or agency in which the case originated. A Supreme Court case number begins with an “S,” a Court of Appeals case number begins with an “A,” a Tax Court-Regular Division case number begins with “TC,” and a Tax Court-Magistrate Division case number begins with “TC-MD.”

E. En Banc

If a case is decided by the full court, then that will be noted in the first line starting at the left-hand margin. No period follows the en banc designation.

F. Court/Agency of Origination

Identifies where/how the case originated.

G. Trial Court Judge

Identifies judge(s) presiding over the proceedings below. The Supreme Court footnotes that information on the title page with an asterisk.

H. Argued and Submitted Date

Identifies when the case was submitted and whether it was argued. Some cases are submitted on the record only.

I. Names of Counsel

The attorney(s) for all parties to a case are named. If a party appears for himself or herself (sometimes referred to as *pro se*), then that is noted. A person or entity appearing as *amicus curiae* is also identified here, along with the counsel of record. Counsel names are listed as they appear on the signature line of the briefs filed in the case.

J. Panel of Judges/Justices

The panel of judges (in the Court of Appeals and also denoting the Presiding Judge) or the names of the Supreme Court justices deciding the case (if not heard en banc) are listed.

K. Opinion Author(s)

1. Signed Opinions

The author's name is listed in uppercase. When there is a concurring or dissenting opinion, the name of its author is listed on the title page after the decision line. Each opinion is arranged in this order: majority; concurring (the authoring justice/judge wishes to write separately, but agrees with both the result

and rationale of the majority opinion); specially concurring (the authoring justice/judge wishes to write separately and agrees with the result, but not the rationale, of the majority opinion); concurring in part, dissenting in part; and dissenting (the authoring justice/judge disagrees with the result of the majority opinion). If two or more justices/judges file a concurring or dissenting opinion, then the more senior justice's/judge's opinion goes first. *See, e.g., State v. Dameron*, 316 Or 448, 853 P2d 1285 (1993).

When there is a nonparticipating justice in the Supreme Court, that justice's name is footnoted on the title page of the opinion.

2. Per Curiam Opinions

An opinion that summarily disposes of the case may be designated as Per Curiam. The Per Curiam designation is also used for all lawyer discipline, Bar admission, and judicial fitness matters before the Supreme Court.

3. Affirmed By An Equally Divided Court

In rare circumstances, the court may be split evenly regarding the disposition of a case, in which event the case is deemed to be affirmed, although no signed majority opinion is issued.

L. Disposition of Case

A brief statement of the court's holding. This holding is repeated as the last line (set out as a separate paragraph) in the body of the opinion and is referred to as the "tag line." The tag line serves as the court's formal disposition of the case and also serves as further instruction to the lower tribunal(s).

M. Designation of Prevailing Party and Award of Costs

The last part of a Supreme Court or Court of Appeals title page denotes the prevailing party and whether, and to whom, the court allows costs.

II. Body of Opinion

In General

Both custom and tradition influence the content and format of appellate opinions, as does the individual writing style of each judge. It is not the intent here to dictate that style, but to list standard conventions often used to organize opinions. In describing the elements of a typical opinion, our purpose is to give the reader a better understanding of appellate opinions.

Due to the scrutiny to which a published appellate opinion is subjected, the court's discussion, analysis, and holding need to be expressed clearly, succinctly, and carefully. An opinion is crafted to inform the reader of the legal issues presented, discuss the facts, explain the court's analysis, and conclude with the court's final disposition of the case. As overly long sentences and paragraphs tend to appear formidable, all attempts are made to present the appellate opinion as straightforwardly as possible. Because appellate opinions are formal documents, contractions are used only when quoting from a source in which they appear.

Remember, these are general guidelines only, which means that there always will be exceptions. The requirements of an individual case may demand deviation from the norms here listed.

A. General Format

1. Initial Paragraph—Introduction to the Case

The opinion begins by restating the name of the authoring judge or justice or by using the *Per Curiam* designation in uppercase, set out separately as the first line. The introductory paragraph sets out the general nature of the case, which includes the results in any lower tribunal(s), the main issues on appeal/review, and the final disposition of the court. That provides the framework for the details that follow.

To the extent possible, the opinion refers to parties by their lower tribunal(s) designations, *e.g.*, plaintiff, defendant, claimant, etc. Exceptions include the following: (1) domestic relations cases, in which the parties are referred to as “husband” and “wife”; (2) civil commitment proceedings, in which the person for whom commitment is sought is referred to by his or her position on appeal (appellant, respondent); (3) termination of parental rights proceedings, in which the parents are referred to as “mother” and “father,” and the children are referred to as “child” or “children” or sometimes by initials. *See* Style Section at 87 for further discussion.

The proper names of victims are not generally used, except when necessary for clarity.

When citing a concurring or dissenting opinion, the author’s last name is used. When a dissenting or concurring opinion refers to the majority opinion, the majority opinion is referred to as such, not by its author.

If a party has a long name, a shortened version is usually developed for use in subsequent references, *e.g.*, First Security Bank of the Northwest may be referred to simply as “First Security” or “bank.”

2. Statement of Facts

The pertinent facts of a case are set out in a concise and objective manner. Those facts can be organized in patterns, *e.g.*, chronologically or geographically, or by issue, witness, or actor. If an issue is complex, the facts may be set out in general here and then in more detail when discussing the issue to which they relate.

3. Discussion of Issues

The opinion then addresses the dispositive issue(s) in a manner appropriate to the circumstances of the case. One approach is to state the parties' positions, either in the order in which they were raised below, discussed in the briefs, or dictated by circumstance; respond to those arguments; and then provide an explanation for the result reached by stating the authorities relied on. Simply stated, the discussion states the issue, how it is resolved on the facts of the case with citation to relevant authority, and the effect of the resolution.

4. Disposition of Case

The final paragraph states the result and gives instructions when necessary. The conclusion is followed by the tag line, a separate paragraph that sets out the court's final ruling and serves as further instruction to the lower tribunal(s).

B. Structural Tools

If a case is complex, then the authoring judge may decide to divide the opinion into designated parts and label them to identify for the reader the discussion of the case. That is accomplished by using the methods discussed below.

1. Paragraph or Section Headings

a. Format

1. Headings—An author may decide to use principal divisions within an opinion. When used, headings for those divisions are centered and set out in capital letters. Roman numerals are not used if subheads are omitted.

2. Outline Method—If dividing and labeling an opinion into sections and subsections, then the standard outline format is used as set out below. Standard outline rules apply, *e.g.*, if there is a heading designated I., then there must be a II., if there is a subheading A., then there must be a B., etc.

See outline example in box on next page.

I. CENTERED, uppercase, no italic or boldface font

A. *Flush left, set in italics* (Alpha character “A.” is not italicized)

1. *Subhead starts here, is indented, and set in italics* (use a period only if a sentence).
2. *If there is a paragraph 1, then there must be a paragraph 2.*
 - a. Subhead starts here and is indented twice, no italics.
 - b. If there is a paragraph a, then there must be a paragraph b.
 - (1) Text starts here and is indented yet again, no italics.
 - (2) If there is a paragraph (1), then there must be a paragraph (2).

B. *Flush left, set in italics* (Alpha character “B.” is not italicized)

b. Bulleted or Numbered Lists

It may be more clear to organize certain text, *e.g.*, events, dates, testimony, etc., using a bulleted or numbered list. The use of bullets can help to differentiate items in a list that need no particular order, *e.g.*,

- Car of little or no value
- Boat valued at \$10,000
- Personal jewelry valued at \$5,000

Numbered lists help to organize and display information to show relationship, *e.g.*,

Defendant argues as follows: (1) the trial court erred; (2) the error was not harmless; and (3) his conviction should be reversed.

See Style Section at 77 for further discussion regarding the proper structure for numbered lists.

2. Quotations

When construing a statute or administrative rule, for example, the author generally quotes the pertinent text. The purpose of quotation is to provide the reader with the information necessary to understand the court's discussion of the issues and the law governing its analysis. The proper format for quoted material is discussed in the Citation and Quotation sections.

3. Footnotes

a. In General

Footnotes document sources of information or make ancillary references. Substantive information is best addressed within the body of the opinion. Footnote text begins on the same line as the superscripted footnote number, except when the footnote begins with a block quotation.

b. Citations Within Footnotes

When including a case citation in a footnote, use the full citation if the authority previously has not been cited in the body of the opinion (if that is the case, then the first subsequent citation to the case in the text also must be a full citation); use the short citation form if the authority previously has been cited in the body of the opinion, or in an earlier footnote.

c. Referencing and Setting Out Footnoted Text Within Body of Opinion

Footnote numbers, where applicable, are placed after periods, commas, colons, semicolons, and quotation marks. Footnote numbers also are placed after a closing parenthesis, unless the footnote refers to material inside the parentheses. Footnote numbers inserted within quoted material are set out using superscripted brackets.

4. Maps/Pictures/Appendices

It may be necessary to include graphic information to convey a clearer understanding of the issue(s). In that event, a photograph, map, or chart is either appended to the opinion or inserted within the text where applicable.

C. Writing Tools

1. Fonts

a. Italics and Underscoring

Italic typeface is used within opinions to denote case names and most foreign terminology and to supply emphasis. Excessive use of italics for emphasis is discouraged.

Underscored material in slip opinions is printed as italics when published in the Advance Sheets and Bound Volumes. Currently, the Supreme Court underscores all material to be italicized. The Court of Appeals and Tax Court use an italic typeface.

b. Boldface and Uppercase

It is best to avoid using a variety of styles and fonts within an opinion. Use of boldface or all capital letters in text is discouraged as a distraction to the reader. Italic type generally is sufficient to show emphasis. Avoid using *UPPERCASE BOLDFACE ITALIC*, as it is difficult to read.

2. Active Voice

In the active voice, the subject of a sentence or clause performs the action of the verb. In the passive voice, the subject of a sentence or clause is not the actor. Generally, the passive voice is wordier and may be vague. The active voice is clearer and stronger and tells who did what to whom. *See* Style Section at 92 for further discussion.

Active: I missed the deadline.

Passive: The deadline was missed.

3. Gender-Neutral Wording

Gender-neutral terms are preferred, and gender-based pronouns are avoided except when referring to a specific person. Use “he or she” only when all other constructions fail.

For example, use

letter carrier, not mailman	worker, not workman
flight attendant, not stewardess	sales clerk, not salesman

4. Informal or Technical Terminology

An appellate opinion is a formal document. Its content reflects that formality. For example, instead of using the word “said” or “says,” use the word “states” or “stated” (or any of the words listed below depending on the context of the sentence):

argues	continues
establishes	declares
emphasizes	observes
finds	proposes
points out	concludes
notes	disagrees
suggests	insists
adds	maintains
explains	opines
believes	compares

When using technical terms or terms of art, explain those terms.

5. Make Smooth Transitions

When turning to a new issue or argument within an opinion, use introductory sentences or paragraphs to indicate transition between discussions. Use signal words to connect thoughts back to a preceding point or ahead to the next one, *e.g.*, furthermore, however, consequently, etc. Explore one idea per paragraph, relating each sentence to that central idea.

CITATION

In General

In legal citation, it is paramount to cite authorities in a clear and concise manner, thereby enabling the reader to locate those sources. Within this Style Manual, we have endeavored to include citation examples of sources often cited within the framework of appellate opinions. When citing an authority not discussed here, follow the format of like material.

I. Organization and Arrangement

A. Cross-References to *The Bluebook*

The appellate courts generally follow the citation practices set out in the most current version of The Harvard Law Review Association's *The Bluebook, A Uniform System of Citation*, except as noted in this Style Manual. *The Bluebook* (BB) is used as the default source for citation questions not addressed here. Cross-references to relevant BB rules (17th edition) are provided for your convenience. (BB Rule 10)

B. Consistency of Citations

If you cannot find a specific rule that addresses your particular citation situation, then cite the authority in a clear, sensible manner that will convey the information needed to find the cited authority. Consistency within a particular document is important to avoid distracting and confusing the reader.

In subsequent case history, if all the decisions in one case take place during the same year, then place the date (year) once at the end of the entire citation. However, if the decisions span more than one year, then place all years in the appropriate places, as shown in the examples.

Standard references used for prior or subsequent case history in citations are as follows:

Acceptable Abbreviations:

adh'd to on recons (adhered)
aff'd (affirmed)
cert (certiorari)
cert den (certiorari denied)
recons (reconsideration; not recon)
reh'g (rehearing)
rem'd (remanded)
rev'd (reversed)
rev (revised)
rev den (review denied)
vac'd (vacated)

Terms Not Abbreviated:

allowed (not all)
appeal dismissed
as improvidently allowed
compiled as a note after
decision by order
dismissed (not *dism*)
modified (not *mod*)
on other grounds
pending

C. Case Names

For citation purposes, DO NOT use the title page, a regional reporter, *Premise*, *Westlaw*, or *LEXIS* as a source for the official case name. Use the case name exactly as published in the official state reporter, located at the top of either the odd or even pages. In the *Oregon Reports* and the *Oregon Appellate Courts Advance Sheets*, the case name appears on the even-numbered pages. If citing a case from a jurisdiction that does not have its own separate official reporter or if you do not have access to the official reports, then use the case name as used in the regional reporter.

In older bound volumes of the *Oregon Reports*, case names are shown with small capitals. Replace those small capitals with ordinary roman type for citation purposes.

D. Spaces and Abbreviations of Citations

Generally, spaces in citations are used to separate longer abbreviations, *e.g.*, S Ct, F Supp, L Ed 2d, Or L Rev, Tex App, etc. A space is not necessary between adjacent single capitals or numerals and ordinals that are treated as single capitals, *e.g.*, P3d, NE2d, NYS2d, but So 2d. Periods are not used after abbreviations. (BB Rule 6.1(a).)

E. String Citations

When using string citations, follow *The Bluebook* format for the order of authorities, *i.e.*, (1) cases decided by the same court, or by all federal circuit courts of appeals or federal district courts, are arranged in reverse chronological order; and (2) different courts generally are set out by rank. (*See* BB Rule 1.4.) Use a semicolon, not a comma or the word “and,” to separate string citations.

F. Signals

Introductory signals are used to indicate the level of support to be found in a citation, suggest comparison, indicate contradiction, or indicate background material. When using a signal, it is important to recognize what the intent is.

The courts generally follow *The Bluebook* regarding the appropriate use of signals. *See* BB Rules 1.2 to 1.5 (discussing the meaning of each signal, order of signals, order of authorities within signals, and parentheticals with signals). When using signals, it most often helps to include a parenthetical explanation briefly describing the relevance of the authority cited, *e.g.*,

Cf. State v. Brown, 300 Or 125, 130, 860 P2d 498 (1985)
(hearsay inadmissible at trial).

See OEC 401 (regarding relevancy of evidence).

When including a parenthetical explanation in a case with citations to subsequent history, place the explanation following all the subsequent case history, *e.g.*,

School Dist. 1, Mult. Co. v. Bingham et al., 204 Or 601, 611, 283 P2d 670,
modified on reh'g, 204 Or 606, 284 P2d 779 (1955) (when interpreting
Oregon Constitution, court must assume that every word, clause, and
sentence therein inserted for some useful purpose).

NOTE: No signal is needed when the cited authority directly states the proposition; in some situations, it still may be advisable to include a parenthetical explanation, even if no signal is used.

II. Case Law

A. Oregon–Full Citations

1. Supreme Court

PGE v. Bureau of Labor and Industries, 317 Or 606,
859 P2d 1143 (1993).

On rehearing (older cases with one Oregon citation, but two West citations):

State v. Jones, 120 Or 136, 34 P 100, *on reh'g*, 35 P 100 (1925).
(when citing original opinion)

State v. Jones, 120 Or 136, 35 P 100 (1925). (when citing
opinion on rehearing)

NOTE: For some older cases, the year shown in the published case name at the top of the even-numbered pages is the year that reconsideration was denied, not the year that the case was decided. In that situation, if citing the original case (not on rehearing), use the date of the decision, not the date shown in the citation.

On reconsideration (specify disposition):

Goodyear Tire & Rubber Co. v. Tualatin Tire & Auto,
322 Or 406, 908 P2d 300 (1995), *modified on recons*,
325 Or 46, 932 P2d 1141 (1997).

NOTE: If citing only the case on reconsideration, it is not necessary to include the earlier case citation, *e.g.*, *Goodyear Tire & Rubber Co. v. Tualatin Tire & Auto*, 325 Or 46, 932 P2d 1141 (1997).

Overruled by subsequent Oregon case:

Rose v. Port of Portland, 82 Or 541, 552, 162 P 498 (1917),
overruled in part on other grounds by State ex rel Heinig v.
Milwaukie et al, 231 Or 473, 479, 373 P2d 680 (1962).

Certiorari denied by United States Supreme Court:

Dept. of Trans. v. Lundberg, 312 Or 568, 825 P2d 641, *cert den*,
506 US 975 (1992).

NOTE: (1) Always include *cert den*, if applicable. (2) If certiorari is dismissed, use the same format as the above example, substituting “*cert dismissed*” for “*cert denied*.” (3) Parallel citations are not necessary for “cert den” or “cert dismissed.”

Supreme Court opinion reversed by United States Supreme Court:

Gilliam County v. Dept. of Environmental Quality,
316 Or 99, 849 P2d 500 (1993), *rev’d and rem’d sub nom*
Oregon Waste Systems, Inc. v. Department of Environmental
Quality of Ore., 511 US 93, 114 S Ct 1345, 128 L Ed 2d 13 (1994).

Sub nom indicates that a different case name was used in subsequent history. Regarding changing case names, follow BB Rule 10.7.2: When the name of the case differs in prior or subsequent history, the new name must be given, except (1) when the parties’ names merely are reversed; (2) when the citation in which the difference occurs is to a denial of certiorari or rehearing; or (3) when, in the appeal of an administrative action, the name of the private party remains the same.

Use the word “by” when referring to subsequent case history only if referring to an entirely different case, *e.g.*,

Keenan v. Lampe, 330 Or 456, 777 P2d 897 (1999), *overruled on*
other grounds by Bennett v. Bauman, 333 Or 566, 790 P2d 654 (2001).

Otherwise, use *sub nom*, as explained above, *e.g.*,

Smith v. Jones, 330 Or 456, 777 P2d 897 (1999), *rev’d on other*
grounds sub nom Jones and White v. Smith, 668 US 123 (2001).

2. Court of Appeals

Lesch v. DeWitt, 118 Or App 397, 847 P2d 888 (1993).

Overruled by subsequent Oregon case:

Eklund v. Clackamas County, 36 Or App 73, 583 P2d 567
(1978), *overruled on other grounds by Forman v. Clatsop*
County, 63 Or App 617, 665 P2d 365 (1983).

Supreme Court review denied:

Allred v. Board of Parole, 124 Or App 278, 862 P2d 546 (1993),
rev den, 318 Or 325 (1994).

NOTE: (1) Always include *rev den*, if applicable. (2) Parallel citations are not necessary for “*rev den*.” (3) Before 1976, disposition of petitions for review were not published; accordingly, only the year and disposition are indicated, *e.g.*, *State v. Smith*, 14 Or App 72 (1973), *rev den* (1974).

Supreme Court review allowed, but case not yet decided:

Lesch v. DeWitt, 118 Or App 397, 847 P2d 888,
rev allowed, 317 Or 162 (1993).

Supreme Court review allowed, then later dismissed:

Finch v. Andrews, 124 Or App 558, 863 P2d 496,
rev dismissed, 320 Or 267 (1994).

NOTE: If applicable, it is optional to include “*as improvidently allowed*” after “*rev dismissed*.”

Court of Appeals decision affirmed by Supreme Court:

State v. McCoy, 17 Or App 155, 521 P2d 1074,
aff’d, 270 Or 340, 527 P2d 725 (1974).

Court of Appeals decision reversed by Supreme Court:

State v. Cloutier, 33 Or App 121, 575 P2d 996,
rev’d on other grounds, 286 Or 579, 596 P2d 278 (1979).

Court of Appeals decision remanded by Supreme Court:

State v. White, 59 Or App 61, 650 P2d 184 (1982),
rem’d, 297 Or 302, 685 P2d 983 (1984).

Court of Appeals decision on reconsideration (specify disposition):

Kirpal Light Satsang v. Douglas County, 96 Or App 207,
772 P2d 944, *adh’d to on recons*, 97 Or App 614,
776 P2d 1312 (1989).

Court of Appeals decision vacated by unpublished order:

Davis v. Johnson, 155 Or App 266, 958 P2d 907 (1998),
decision vac'd by order, July 21, 1998.

Oregon review denied and United States Supreme Court certiorari denied
(but not by opinion):

State Highway Com. v. DeLong Corp., 9 Or App 550,
495 P2d 1215, *rev den* (1972), *cert den*, 411 US 965 (1973).

Axen v. American Home Products Corp., 158 Or App 292,
974 P2d 224, *adh'd to on recons*, 160 Or App 19, 981 P2d 340,
rev den, 329 Or 357 (1999), *cert den*, 528 US 1136 (2000).

If certiorari is dismissed, use the same format as the above example,
substituting “*cert dismissed*” for “*cert den*.”

Certiorari denied by opinion by United States Supreme Court:

State v. Smith, 30 Or App 462, 575 P2d 369,
rev den, 282 Or 823 (1978), *cert den*, 454 US 324,
99 S Ct 379, 25 L Ed 2d 889 (1979).

Appeal dismissed by United States Supreme Court (if by opinion, as in the
example below, include parallel citations; otherwise, cite only United States
Reporter):

Boykin v. Ott, 10 Or App 210, 498 P2d 815,
rev den (1972), *appeal dismissed*, 411 US 912,
36 S Ct 304, 93 L Ed 2d 1554 (1973).

3. Tax Court

Regular Division:

Fellows v. Dept. of Rev., 14 OTR 13 (1999).

Magistrate Division:

Jacobs v. Harney Co., 16 OTR-MD 344 (2001).

Unpublished Magistrate Division Decisions:

Jacobs v. Harney Co., TC-MD No 994356Z, WL 842084 at *3 (Apr 7, 2000).
(optional to include Westlaw reference, but recommended)

Small Claims Decisions:

Gelphing v. Mult. Co., TC-MD No 994356Z (Apr 7, 2000) (Small Claims).

NOTE: For citing subsequent history, refer to examples for the Court of Appeals.

4. Case Not Yet Appearing in Publication

Jones v. State, ___ Or ___, ___, ___ P3d ___ (Apr 1, 2002)
(slip op at 15).

Smith v. Jones, ___ Or App ___, ___ n 3, ___ P3d ___
(Feb 1, 2002) (slip op at 5 n 3).

NOTE: If uncertain as to what to name a case, contact the Publications Section (503-986-5656) for the correct case name for citation purposes.

B. Oregon–Short Citations and Other Issues

1. In General (BB Rules 4, 10.9)

After a case has been cited fully in the text of an opinion (majority, concurring, or dissenting), subsequent references to the case are set out using a shortened case name. The shortened case name is the first nongovernmental party appearing in the official case name citation, *e.g.*,

State v. Bates, 304 Or 519, 747 P2d 991 (1987). (full citation,
first reference)

Short citation form is [shortened case name], [volume number] [reporter]
[page], *e.g.*,

Bates, 304 Or at 522.

When citing a specific page when the case name is used in the sentence being cited, or if there otherwise is no doubt as to the case being cited, the case name may be omitted from the citation, *e.g.*,

In *Bates*, this court stated that the officers violated defendant's constitutional rights by instructing him to move bag into view. 304 Or at 527.

or

In *Bates*, this court addressed a similar issue. The court held that, by ordering defendant to move the bag, the police violated defendant's constitutional rights. 304 Or at 527.

Otherwise, include the shortened case name with the citation:

This court held that the officers violated defendant's constitutional rights by instructing him to move the bag into view. *Bates*, 304 Or at 527.

NOTE: Even when a governmental official is individually named, use the first nongovernmental party appearing in the official case name citation for the shortened case name.

2. Variations on Case Name

If a shortened case name causes confusion, such as if two cases with similar names have been cited within the same opinion, then use the full case name for each throughout the opinion, *e.g.*,

State v. Bates
Bates v. Smith

Additionally, an explanation might need to be added for clarity, such as a modified case name in parentheses, if there are related cases in a series, *e.g.*,

The accused has a disciplinary record, having been suspended twice from the practice of law. See *In re Wyllie*, 326 Or 447, 952 P2d 550 (1998) (*Wyllie I*) (one-year suspension for refusing to comply with remedial program); *In re Wyllie*, 327 Or 175, 957 P2d 1222 (1998) (*Wyllie II*) (two-year suspension for misrepresenting compliance with MCLE requirements and failing to cooperate). In *Wyllie I*, * * *

or

The Court of Appeals affirmed the tort judgment, concluding that it was unnecessary to resolve the breach of contract counterclaim. *Northwest Natural Gas Co. v. Chase Gardens, Inc.*, 146 Or App 249, 933 P2d 370 (1997) (*Chase I*). This court allowed review in *Chase I*, reversed, and remanded for consideration of Chase's contract claim. *Northwest Natural Gas Co. v. Chase Gardens, Inc.*, 328 Or 487, 982 P2d 1117 (1999) (*Chase II*). On remand, the Court of Appeals, relying in large part on its earlier decision and this court's decision in *Chase II*, concluded that Chase's breach of contract judgment could not be sustained. *Northwest Natural Gas Co. v. Chase Gardens, Inc.*, 164 Or App 763, 995 P2d 555 (2000) (*Chase III*). We now reverse the Court of Appeals decision in *Chase III*.

In lawyer disciplinary cases, the shortened case name is the accused lawyer's last name, without the *In re* designation, *e.g.*,

In re Jones, 326 Or 195, 951 P2d 149 (1997). (full citation form)

Jones, 326 Or at 198. (short citation form)

In mandamus cases, the shortened case name is the relator's last name, without the *State ex rel* designation, *e.g.*,

State ex rel Huddleston v. Sawyer, 324 Or 597, 932 P2d 1145 (1997). (full citation form)

Huddleston, 324 Or at 600. (short citation form)

NOTE: The appellate courts do not use “*supra*” as a substitute for short citations.

3. Citation to Series of Pages

When citing a series of pages, indicate the page numbers as follows:

Stranahan, 331 Or at 57-58.

Fugate, 332 Or at 202-03. (not 202-3)

Joslin, 332 Or at 499-501. (not 499-01)

4. Use of “*Id.*”

When citing the immediately preceding authority, use *id.*, e.g.,

Id. at 525.

If citing the same page of the immediately preceding authority, then use *id.* without the page number.

CAUTION: Do not use *id.* where there is an intervening citation to another authority (be it a case name, statute, or some other authority). When there is an intervening textual reference, only use *id.* when there is no danger of ambiguity.

5. Citation to Footnote

State v. Trenary, 114 Or App 608, 610 n 2, 836 P2d 739 (1992).

Trenary, 114 Or App at 610 n 2. (short citation form)

When citing text contained in the body of the opinion and also in a footnote set out on the same page, set out the page number twice, e.g.,

Trenary, 114 Or App at 610, 610 n 2.

6. Citation to Dissent or Concurrence

A dissent or concurrence cites the majority opinion as follows:

The majority concludes that the statute operates retroactively.
___ Or App at ___ (slip op at 7).

The majority cites a dissenting or concurring opinion in all references (regardless of the number of dissenting or concurring opinions) as follows: (BB Rule 10.6.1)

The dissent contends that the statute operates prospectively only.
___ Or at ___ (Smith, J., dissenting) (slip op at 3).

NOTE: Do not use *supra* or *infra* when referring to earlier or later parts of an opinion (be it majority, concurring, or dissenting); instead, use the short citation form set out above. (BB Rule 4.2)

7. Short Citation Form for Oregon Tax Cases

Fellows, 14 OTR at 17. (Regular Division)

Jacobs, 16 OTR-MD at 347. (Magistrate Division)

8. Possessive Endings on Case Names

When a name of a case takes a possessive ending, the “ 's ” is not italicized, *e.g.*,

Bates’s rule applies in this case.

C. Federal Jurisdictions (BB Rule 10.4(a))

For United States Supreme Court cases, the case name for citation purposes is taken from the case name citation in the United States Reports (US), if available (which appears on the odd-numbered pages); otherwise, use the case name citation from an alternative reporter. (Note that the case name citations frequently differ in those publications.) The short citation also is to the US Reports, if available; otherwise, cite an alternative reporter that you choose, using the same alternative reporter throughout the opinion. (Note that some material within the text of the Court’s opinions, such as citations and quotations, often varies between publications.) If the US Reports citation is not available, insert “___ US ___” (including a blank for a jump citation, if applicable) in all full and short citations, before the citation to an alternative reporter.

1. United States Supreme Court

Wagner v. Oregon, 492 US 914, 109 S Ct 3235,
163 L Ed 2d 583 (1989). (first reference)

Wagner, 492 US at 916. (short citation form)

NOTE: It is acceptable to refer to *Miranda v. Arizona* without including full citation, *e.g.*, “*Miranda* rights” or “*Miranda* warnings.”

2. Federal 3d and 2d (case name appears on odd-numbered pages)

Johnson v. Clifton, 74 F3d 1087 (11th Cir), *cert den*,
519 US 808 (1996).

Freije v. United States, 408 F2d 100, 102 (1st Cir),
cert den, 396 US 859 (1969).

U.S. v. Echeverri, 982 F2d 675 (1st Cir 1993).

United States v. Wainwright, 413 F2d 796, 803
(10th Cir 1969), *cert den*, 396 US 1009 (1970).

3. Federal Supplement (case name appears on odd-numbered pages)

Lucas v. Seagrave Corporation, 277 F Supp 338
(D Minn 1967).

United States v. Zeiger, 350 F Supp 685 (DDC),
rev'd, 475 F2d 1280 (DC Cir 1972).

NOTE: For abbreviations of federal district courts, see BB Table 1.

4. Federal Cases with Incomplete Information

United States v. Edwards, ___ US ___, 94 S Ct 1100,
39 L Ed 2d 771 (1974).

Washington v. Glucksberg, ___ US ___, ___ S Ct ___,
___ L Ed 2d ___, 65 USLW 4669 (June 24, 1997).

United States v. Louiriev, 22 Crim L Rep 2369,
___ F2d ___ (8th Cir, Dec 30, 1977).

5. Federal Tax Cases (BB Rule 14.5.3, Table 1 at 185-86)

The order of authority for federal tax cases is (1) the United States Supreme Court; (2) federal courts of appeals; (3) federal district courts; and (4) the United States Tax Court. Federal tax cases from the United States Supreme Court, United States Court of Appeals, Court of Federal Claims, and United States District Court are combined and bound as “U.S. Tax Cases”; therefore, the best citation will contain both the federal and parallel citations. For example,

Furlow, Jr. v. U.S., 55 F Supp 2d 360, 2000-1 US Tax Cas
(CCH) ¶ 50,684 (D Md 1999).

NOTE: “U.S. Tax Cases” often is abbreviated as “USTC,” but that is not the formal citation. See BB Table 16.

United States Tax Court (BB Rule 14.5.3):

Benson v. Commissioner, 80 TC 789 (1983).

Crook v. Maine, 132 TCM (CCH) 44 (1999).
(memorandum decision)

D. States Other Than Oregon

(See BB Table 1 for state and regional reporter abbreviations)

For states other than Oregon, cite the official reporter first, then add the regional reporter when using jump cites as that benefits readers who have access to only regional reporters, *e.g.*,

In *Statser v. Statser*, 205 Okla 608, 611, 239 P2d 764, 766 (1951),
the court stated:

“[T]he terms of the condition are directed to defendant’s
granting or withholding permission; the condition does not
purport to authorize police action.”

The court continues:

“Defendant, of course, may argue that the safeguard
for employees exceeds the ordinary standard of due care
considering the nature of the risk and the foreseeability
of injury.”

Id. at 615, 239 P2d at 768.

NOTE: The appellate courts accept practitioners’ submissions jump citing only regional reporters *except* when citing Oregon appellate decisions.

For cases not yet appearing in publication, it is acceptable to use a citation to Westlaw, *e.g.*,

State v. Smith, No 26245-2-II, WL 651868 at *2
(Wash App Div 2, Apr 19, 2002).

III. Constitutional, Statutory, and Other Related Citations

A. Additional Oregon Citations

1. Oregon Constitution

a. Narrative Form:

Article I, section 17, of the Oregon Constitution
provides that * * *

Article VII (Amended), section 1, provides that * * *

Article I of the Oregon Constitution sets out * * *

b. Citation Form:

Or Const, Art I, § 17.

Or Const, Art VII (Amended), § 3.

Or Const, Art XI, § 11b(2)(b).

NOTE: (1) The word “Article” is always capitalized. (2) The article number is always a Roman numeral. (3) “Amended” begins with an uppercase “A.” (4) In a narrative citation, the word “section” is always lowercase except in a heading or subheading. (5) Do not use periods after abbreviations.

2. Oregon Laws

Oregon Laws 1989, chapter 790, section 87. (narrative form)

Oregon Laws 1990, chapter 2, sections 45 to 47 (Special Session).
(narrative form)

Oregon Laws 1995, chapter 790, section 84, directs the
Commission to * * * (narrative form)

Or Laws 1989, ch 790, § 87. (citation form)

Or Laws 1990, ch 2, §§ 3-10 (Spec Sess). (citation form)

NOTE: Insert a space after a section or paragraph symbol; when using two such symbols, no space separates them.

Statutes that have not been assigned by the legislature to an ORS chapter often are compiled into the ORS in small typeface at the place in the ORS where Legislative Counsel decides they logically belong. *See* ORS Preface, viii (2001). Refer to such statutes as follows:

Oregon Laws 1997, chapter 30, section 2(1), *compiled as a note after* ORS 659.010 (1997). (narrative form, first reference)

Oregon Laws 1997, chapter 30, section 2(1). (narrative form, subsequent reference)

Or Laws 1997, ch 30, § 2(1), *compiled as a note after* ORS 659.010 (1997). (citation form, first reference)

Or Laws 1997, ch 30, § 2(1). (short citation form)

Occasionally, Legislative Counsel will compile such statutes so that they appear as legislatively placed statutes, *e.g.*, ORS 475A.010, 475A.040, and other civil forfeiture statutes. Those statutes are cited in the same manner as legislatively placed statutes, as explained in subsection 5, below.

3. General Laws of Oregon and Other Older Statutory Compilations

Some of these compilations are organized by chapters, which incorporate several titles, and others are organized by titles, which incorporate several chapters. It is advisable to include page numbers when citing the Deady compilations, because the various codes are not numbered and there are no indices or general tables of contents to guide the reader to the proper location regarding particular sections of a code (*e.g.*, Criminal Code, Civil Code, etc., each of which is made up of multiple chapters). It is acceptable to use “*id.*” (or “*id.* at § ____,” if applicable) when citing the following compilations as the immediate preceding authority.

General Laws of Oregon, Crim Code, ch XVIII, § 659, p 435
(Deady & Lane 1843-1872).

General Laws of Oregon, Civ Code, ch IV, title I, § 313, p 226
(Deady 1845-1864).

The Codes and General Laws of Oregon, ch XVIII, title IV, § 2933 (Hill 1887).

The Codes and General Laws of Oregon, ch I, title VIII, § 67 (Hill 2d ed 1892).

The Codes and Statutes of Oregon, title V, ch I, § 339 (Bellinger & Cotton 1901).

Lord's Oregon Laws, title VI, ch V, § 442 (1910).

Oregon Laws, title I, ch III, § 39 (1920).

Oregon Code, title XXVIII, ch 1, § 28-101 (1930).

4. OCLA (Oregon Compiled Laws Annotated)

OCLA § 3-505.

5. ORS (Oregon Revised Statutes)

Always use the abbreviated form (ORS) in both narrative references and citations.

ORS 161.155(1)(a)(A). [chapter][section][subsection][paragraph][subparagraph]

a. Narrative Form Examples

ORS chapter 554. (when referring to an entire chapter)

ORS 30.150 to 30.175; ORS 250.035(2)(a) to (c). (when referring to a statutory sequence)

ORS 30.866 and ORS 163.730. (when referring to two statutes)

ORS 250.035(2)(a) and (b). (when referring to two parts of the same statute)

b. Citation Form Examples

ORS ch 554. (when citing an entire chapter)

ORS 30.150 - 30.175; ORS 250.035(2)(a) - (c). (when citing a statutory sequence)

ORS 30.866; ORS 163.730. (when citing two statutes)

ORS 250.035(2)(a), (b). (when citing two parts of the same statute)

NOTE: (1) It is acceptable to use “*id.*” as a short citation for statutes, rules, and ordinances; however, it is also acceptable to use a more full citation when a shorter one would do. (2) When citing a sequence of statutes in citation, do not use “*et seq.*”; instead, set out the first and last statutes of the sequence. (BB Rule 12.6). (3) When citing the current version of a statute that has been amended since the time in question, it is advisable to add a footnote clarifying that the current version is cited and that any subsequent amendments do not affect the court’s decision or analysis in the case.

c. Repealed or Renumbered Statute Examples

When citing a repealed or renumbered ORS (or OAR), the word *former* is set in italics. Only a repealed or renumbered statute, not an amended statute, is referred to as “*former.*”

Former ORS 19.023(2)(a) (1995), *renumbered as* ORS 19.205(2)(a) (1997).
(first reference; “1997” refers to year that the statute was renumbered)

Former ORS 19.023(2)(a). (subsequent reference)

Former ORS 736.317 (1961), *repealed by* Or Laws 1967, ch 482, § 1.
(first reference)

Former ORS 736.317. (subsequent reference)

NOTE: When citing the former version of a statute, the year can be added parenthetically following each reference if necessary to avoid any ambiguity, *e.g.*, *former* ORS 19.023(2)(a) (1995).

d. Amended Statute Examples

ORS 308.370 to 308.375 (1987), *amended by* Or Laws 1991, ch 459, §§ 117 to 120. (first reference)

ORS 308.370 to 308.375 (1987). (subsequent reference)

NOTE: The above examples for amended statutes require inclusion of the year parenthetically at the end of all citations (separated by a space). However, it also is acceptable to include a footnote at the outset of the

opinion, after citing the older statute in full, that explains that all statutory citations that follow are to a particular year. In that event, it is not necessary to include the parenthetical year in subsequent references. When setting out ORS citations or other authorities, be consistent in the use of punctuation, *e.g.*,

The state appeals from a pretrial judgment dismissing an indictment that charged defendant with manufacture of a controlled substance, ORS 475.992(1); delivery of a controlled substance to minor, ORS 475.999; and criminal conspiracy, ORS 161.450.

6. OEC (Oregon Evidence Code)

Always use the abbreviated form (OEC) in both narrative references and citations when referring to or citing a specific rule. Use “Oregon Evidence Code” (not “OEC”) when referring to the code as a whole. Do not cite the ORS number, *e.g.*,

OEC 801(3).

OEC 103 Commentary (1981).

Legislative Commentary to OEC 401, *reprinted in* Laird C. Kirkpatrick, *Oregon Evidence* § 401-02, Art IV-4 (4th ed 2002).

Parts of the Oregon Evidence Code suggest that * * *
(narrative form)

When quoting the Oregon Evidence Code, or when quoting a statute that quotes the Oregon Evidence Code, replace any ORS reference with the corresponding OEC rule number in brackets, *e.g.*,

OEC 405(2)(a) provides:

“In all cases in which character or a trait of character of a person is admissible under [OEC 404(1)], proof may also be made of specific instances of the conduct of the person.”

7. ORCP (Oregon Rules of Civil Procedure)

Always use the abbreviated form (ORCP) in both narrative references and citations when referring to or citing a specific rule. Use “Oregon Rules of Civil

Procedure” (not “ORCPs”) when referring to the rules as a whole. Always add a space after the rule number when referring to a section of the rule, *e.g.*,

ORCP 71 B(1)(b)(i). [rule][section][subsection][paragraph][subparagraph].

ORCP 7 C(3)(a) to (c). (narrative form, when citing a sequence)

ORCP 7 C(3)(a) - (c). (citation form, when citing a sequence)

ORCP 7 C(3)(a) and (c). (narrative form, when referring to two parts of the same rule)

ORCP 7 C(3)(a), (c). (citation form, when citing two parts of the same rule)

Nothing in the Oregon Rules of Civil Procedure points to a contrary conclusion. (narrative form)

8. ORAP (Oregon Rules of Appellate Procedure)

Always use the abbreviated form (ORAP) in both narrative references and citations when referring to or citing a specific rule. Use “Oregon Rules of Appellate Procedure” (not “ORAPs”) when referring to the rules as a whole, *e.g.*,

ORAP 9.15(1).

The Oregon Rules of Appellate Procedure set out a process for * * *

9. OAR (Oregon Administrative Rules)

Always use the abbreviated form (OAR) in both narrative references and citations when referring to or citing a specific rule. Use “Oregon Administrative Rules” not “OARs” when referring to the rules as a whole, *e.g.*,

OAR 253-004-0001. (narrative and citation form, when referring to or citing a specific paragraph)

OAR chapter 253, division 4. (narrative form, when referring to an entire division)

OAR chapter 253, division 4, Appendix 3. (narrative form, when referring to an appendix)

OAR ch 253, app 3. (citation form)

OAR 150-305.265(14)-(A). (when citing chapter 150, place hyphens and periods as published for each rule)

Nothing in the Oregon Administrative Rules suggests that * * *
(narrative form)

10. UTCR (Uniform Trial Court Rules)

UTCR 7.020(5).

11. Uniform Jury Instructions

a. Civil Instructions:

Uniform Civil Jury Instruction 10.10. (narrative form)

UCJI 10.10. (citation form)

b. Criminal Instructions:

Uniform Criminal Jury Instruction 3.1. (narrative form)

UCrJI 3.1. (citation form)

12. Agency Decisions

a. Workers' Compensation Board:

Edward D. Lucas, 41 Van Natta 2272, 2274-75 (1989),
rev'd on other grounds, Lucas v. Clark, 106 Or App 687,
809 P2d 712 (1991).

b. Land Use Board of Appeals (LUBA):

Stefansky v. Grant County, 12 Or LUBA 91 (1984).

Holland v. City of Cannon Beach, ___ Or LUBA ___
(LUBA No 96-060, Oct 1, 1996).

c. Employment Relations Board (ERB):

Jefferson County v. OPEU, 18 PECBR 285 (1999).

d. Employment Appeals Board (EAB):

Terrance E. Webb, EAB Precedential Decision 96-AB-876
(Apr 16, 1996).

13. Attorney General Opinions

a. Formal Attorney General Opinions:

35 Op Atty Gen 710 (1972).

47 Op Atty Gen ____ (No 8216, Sept 7, 1994).
(slip opinion)

b. Letters of Advice (Informal Attorney General Opinions):

Letter of Advice dated May 23, 1979, to Rep Clayton Klein (OP-4519).

14. Municipal Codes

Citation form will vary, depending on the code at issue. Check the code or ordinance itself for its proper name and short citation form, *e.g.*, the Eugene Code provides for citation to “EC.” Otherwise, follow the standard citation format, including spelling out “section” (if applicable) in the narrative, but using “§” in the citation form. (*See also* BB Rule 12.8.2)

15. Legislative History

Senate Bill (SB) 123 (1997); House Bill (HB) 1234 (1997).
(narrative form, first reference)

SB 123; HB 1234. (subsequent reference)

SB 123 (1997); HB 1234 (1997). (citation form)

Senate Joint Resolution (SJR) 5 (1997);
House Joint Resolution (HJR) 10 (1997).
(narrative form, first reference)

SJR 5; HJR 10. (subsequent reference)

SJR 5 (1997); HJR 10 (1997). (citation form)

Testimony, House Committee on Human Resources, HB 2762, Mar 17, 1981, Ex C (statement of Rep Bob Smith).

Tape Recording, House Committee on Judiciary, Subcommittee on Crime and Corrections, SB 833, June 9, 1993, Tape 126, Side A (statement of Sen Ron Cease).

Tape Recording, Senate Committee on Criminal Law and Procedure, SB 100, Mar 31, 1971, Tape 1, Side A (statement of Attorney General Joe Jones).

Minutes, Criminal Law Revision Commission, Jan 22, 1971, 12.

Commentary to Criminal Law Revision Commission Proposed Oregon Criminal Code, Final Draft and Report § 122, 131 (July 1970).

Commentary to Criminal Law Revision Commission Proposed Oregon Criminal Procedure Code, Final Draft and Report § 28, 22 (Nov 1972).

16. Initiative Petitions, Ballot Measures, and Voters' Pamphlets

Initiative Petition 136 (2001). (narrative form, first reference; citation form)

Initiative Petition 136. (narrative form, subsequent reference; Short citation form)

Ballot Measure 40 (1996). (narrative form, first reference; citation form)

Measure 40. (narrative form, subsequent reference; short citation form)

Official Voters' Pamphlet, General Election, Nov 7, 2000, 309. (citation form, first reference)

Voters' Pamphlet at 310. (subsequent reference)

The voters' pamphlet for the 2000 General Election suggests that * * * (narrative form)

NOTE: The above examples refer to statewide measures. If citing a local measure, then follow the format set out above, but insert the appropriate local numbering, *e.g.*, Ballot Measure 10-06 (1992).

17. Oregon State Bar Disciplinary Rules (DR), Bar Rules of Procedure (BR), and American Bar Association (ABA) Standards

a. Disciplinary Rules

The Bar's complaint alleges that the accused violated Code of Professional Responsibility Disciplinary Rule (DR) 1-102(A)(3) (conduct involving dishonesty, fraud, deceit, or misrepresentation); DR 1-102(A)(4) (conduct prejudicial to the administration of justice); and DR 6-101(B) (neglect of legal matter). (narrative form, first reference to any DR)

The accused contends that he did not violate DR 1-102(A)(3).
(narrative form, subsequent DR references)

The accused contends that he did not violate any disciplinary rule.
(narrative form)

NOTE: (1) Do not use "DR" or "DRs" when speaking generally of the disciplinary rules. (2) Do not use "DRs" to refer to multiple rules; instead, cite the rules separately.

DR 1-102(A)(3). (citation form)

The Bar contends that the accused violated DR 1-102(A)(3)
and DR 6-101(B). (narrative form, when citing multiple rules)

The Bar contends that the accused violated DR 1-102(A)(3) and (4).
(narrative form, when citing two parts of same rule)

When citing a disciplinary rule that has been amended:

Former DR 1-102(A)(4) (1989). (narrative form, first and
subsequent reference; citation form)

NOTE: The rule on page 34 referring to the use of "*former*" with repealed and renumbered, but not amended, statutes, does not apply to disciplinary rules. With disciplinary rules, "*former*" is used to refer to amended, as well as repealed and renumbered, rules.

b. Bar Rules of Procedure

This is a reinstatement proceeding under Bar Rule of Procedure
(BR) 8.8. (narrative form, first reference to any BR)

BR 10.1. (narrative form, subsequent reference; citation form)

c. ABA Standards

American Bar Association's *Standards for Imposing Lawyer Sanctions* (1991) (amended 1992) (ABA Standards). (narrative form, first reference)

ABA Standard 9.32(a). (narrative or citation forms, subsequent reference when citing a particular standard)

ABA Standards at 7. (Citation form, subsequent reference when citing a particular page in the manual)

ABA Standard 9.22(i) (amended 1992). (narrative or citation form, subsequent reference when citing a standard contained in only the 1992 amendments)

B. Additional Federal Citations

1. United States Constitution (BB Rule 11)

The Fifth Amendment to the United States Constitution.
(narrative form)

The Due Process Clause of the Fourteenth Amendment to the United States Constitution. (narrative form)

US Const, Amend V. (citation form)

US Const, Art I, § 2, cl 2. (citation form)

2. Rules of Evidence and Procedure

a. Federal Rules of Evidence

FRE 410.

b. Federal Rules of Civil Procedure

FRCP 12.

3. Public Laws and United States Code (BB Rule 12)

Pub L 95-473, § 11503, 92 Stat 1445-46 (1978).
(citation form)

42 USC § 1983 (1982); 15 USC §§ 2051, 2053 (1982).
(citation form)

42 USC section 1983; 15 USC sections 2051 and 2053.
(narrative form, first reference)

Section 1983. (narrative form, subsequent reference)

NOTE: As with ORS citations, include the year only if not citing the version currently in force.

4. Legislative History (BB Rule 13.4)

a. Committee Reports

HR Rep No 1395, 95th Cong, 2d Sess, *reprinted in* 1978
USCCAN 3009, 3018.

S Rep No 445, 87th Cong, 1st Sess (1961), 451-91.
(if not in USCCAN)

b. Testimony (BB Rule 13.3)

Hearings on SB 927 Before the Subcomm on Surface
Transportation of the S Comm on Commerce, 90th Cong,
1st Sess, 23 (Aug 7, 1967) (prepared statement of Jim Doe,
on behalf of the American Medical Association).

c. Congressional Record (BB Rule 13.5)

116 Cong Rec S2024 (Jan 3, 1970).

5. Internal Revenue Code (BB Rule 12.8.1)

IRC § 61 (1982).

6. Tax Materials (BB Rule 14.5)

a. Regulations (BB Rule 14.5.1):

Treas Reg § 1.72-16(a) (2001).

b. Determinations (BB Rule 14.5.2):

Rev Rul 83-137, 1983-2 CB 41.

NOTE: Cite to CB first, and then to IRB.

Priv Ltr Rul 86-01-013 (Sept 30, 1985).

Tech Adv Mem 85-04-005 (Sept 28, 1984).

7. Uniform Laws (BB Rule 12.8.4)

Uniform Child Custody Jurisdiction and Enforcement
Act § 202 Comment, 9 ULA 649, 674 (1997).

IV. Periodical Articles, Books, Treatises, Restatements, Etc.

In General (BB Rules 15-17)

Cite the author's or editor's full name as found on the title page of the source being cited. For books that are compiled and edited by a named editor, place the editor's name where the author's name would normally be, followed by "ed." (BB Rules 15.1, 16.1)

NOTE: "Ed." (with a period) refers to "editor"; "ed" (without a period) refers to "edition."

Cite the author's first name first. If there are up to three authors, then list them all in the same way. If four or more authors are listed, list the first author and use "*et al.*" For articles written by students, the author's name is used (if available), along with, *e.g.*, "Note," "Comment," or "Case Note."

When citing multivolume sets, place the volume number of the book before the title, not before the author's name. Include the edition and the year of the publication in parentheses at the end of the citation (BB Rules 15.2 - 15.4), *e.g.*,

Jacob Mertens, Jr., 8 *Mertens Law of Federal Income Taxation*
§ 32B:01 (rev 1999).

Use italics, not quotation marks, to indicate the name of a book, article, or treatise.

A. Periodical Articles (BB Rule 16)

1. Articles Appearing in Journals, Newspapers, and Other Services

[Author], [*Name of article* (in italics)], [volume number]
[periodical] [first page], [cited page(s)] ([date]), *e.g.*,

Pamela S. Karlan, *Contingent Fees and Criminal Cases*,
93 Colum L Rev 595, 602-03 (1993).

Laurence H. Tribe and Michael C. Dorf, *Levels of
Generality in the Definition of Rights*, 57 U Chi L Rev
1057 (1990).

2. Short Citation Form for Periodical Articles

After an authority has been cited fully in the text, use the following short citation form for subsequent references to the same authority:

[Author's last name], [Volume] [Periodical] at [page]:

Karlan, 93 Colum L Rev at 604.

NOTE: To determine the proper abbreviation for periodicals, first check the periodical itself to determine whether it provides for a particular citation form. If it does not, then follow *The Bluebook* abbreviations for periodicals, set out at Table 14.

3. Volume and Issue Numbers

Omit volume and issue numbers for newspapers and popular periodicals, because the numbers might not be easily found (BB Rule 16.7):

John Sedgwick, *The Complexity Problem*, The Atlantic 96 (Mar 1993).

B. Books and Treatises (BB Rule 15)

1. Citation

[Author], [Volume number (if applicable)] [*Title* (in italics)]
[subdivision, chapter or section (if applicable)], [page(s)]
([Edition (if there is more than one edition)] [Year]), *e.g.*,

Wayne R. LaFare, 3 *Search and Seizure* § 7.1
(2d ed 1987).

Wayne R. LaFare, 3 *Search and Seizure* § 7.1(c), 17
(3d ed 1996).

Bryan A. Garner, *A Dictionary of Modern Legal Usage*
138-39 (1987).

Laird C. Kirkpatrick, *Oregon Evidence* § 401.02, Art IV-4
(4th ed 2002).

Webster's Third New Int'l Dictionary 1930
(unabridged ed 2002).

Black's Law Dictionary 700 (7th ed 1999).

Thomas W. Lippman ed., *The Washington Post Deskbook on Style* 49-55 (2d ed 1989).

William M. Collier, 3 *Collier on Bankruptcy* 506.04[1]
(Lawrence P. King ed., 15th ed 1989).

Appraisal Institute, *The Appraisal of Real Estate* 89
(12th ed 2001).

Jacob Mertens, Jr., 8 *Mertens Law of Federal Income Taxation*
§ 32B:01 (rev 1999). (BB Rule 15.1)

Jacob Mertens, Jr., 15 *Mertens Law of Federal Income Taxation*
§ 56:45 (Supp 2002). (when citing supplement)

Diagnostic and Statistical Manual of Mental Disorders 478
(4th ed 1994) (DSM-IV). (first reference; include parenthetical
if subsequent references or citations follow)

The Ethical Oregon Lawyer § 4.4 (OSB CLE 1991).

2. Short Citation Form (BB Rule 15.8.1)

[Author's last name], [Volume number (if applicable)]
[*Title* (in italics) (shorten title if necessary)] [subdivision,
chapter or section (if applicable)] at [page(s)], *e.g.*,

LaFave, 3 *Search and Seizure* § 7.1 at 356.

Garner, *Modern Legal Usage* at 378-79.

Webster's at 1935.

DSM-IV at 480.

C. Restatements (BB Rule 12.8.5)

Restatement (Second) of Torts § 847A comment c (1974).

Restatement at § 847B. (subsequent reference)

D. Others

1. American Jurisprudence (BB Rule 16.6.5)

Reformation of Instruments, 45 Am Jur 623 § 66 (1958).

2. American Law Reports

William B. Johnson, Annotation, *Use of Plea Bargaining or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases*, 76 ALR Fed 409 (1986).

64 ALR 5th 663 (1999).

3. Miscellaneous Tax Materials

- **Tax Services (BB Rule 19, Table 16)**

Sales and Use Taxes: General Principles, 1300 Tax Mgmt (BNA) ¶ 1300.09.C3 (2000).

QUOTATION

In General

Quotations must duplicate the original material, including spelling, capitalization, and formatting (*e.g.*, indents and tabs). All punctuation is placed inside the quotation marks, with the exceptions of colons, semicolons, and question marks that do not appear in the original. Permissible changes are set out in this section. (BB Rule 5)

Quoted material that contains 50 or more words is placed in block form. Quoted material that contains 49 or fewer words may be placed in block form for emphasis. Block quotations are single spaced, double indented, and enclosed within quotation marks.

I. Citations, Parenthetical Phrases, and Footnotes

A. Placement

When setting out a block quotation, the citation and parenthetical phrases (if any) are placed flush left on the next line with a double space between the quotation and the citation, *e.g.*,

1. Citation

“Defendant, of course, may argue that the safeguard for employees exceeds the ordinary standard of due care considering the nature of the risk and the foreseeability of injury. The court may explain the governmentally prescribed safeguard to the jury in an instruction that the jury may consider the safeguard in determining whether the defendant exercised due care.”

Shahtout, 298 Or at 605-06.

2. Parenthetical Phrase

ORS 19.205(2)(a) provides, in part:

“An order affecting a *substantial* right, and which in effect determines the action * * *.”

(Emphasis added.)

3. Order of Citations and Parentheticals

As stated in *Welker*,

“[t]his court has held that a motion is controlled by its substance, not its caption. More specifically, this court has held that a motion was a motion for new trial although it was not denominated as such. Under ORS 19.270(4)(a), the trial court must have intended to enter an appealable judgment at the time of the filing of the notice of appeal.”

332 Or at 313 (citations omitted).

4. Footnotes (BB Rule 5.3)

The preferred method for quoting text that contains a footnote is to omit the footnote and indicate so by parenthetical, *e.g.*,

“The difficulty with that argument is that the state has not established the requisite nexus between appellant’s mental illness and the potential substance abuse or failure to appreciate the risks of such abuse.”

State v. Linde, 179 Or App 553, 561, 32 P3d 78 (2002) (footnote omitted).

To block quote original text that contains a footnote, place the quoted footnote in a separate block quotation, separated by a one-inch line, then proceed with new text (that is, do not set the quoted footnote as a footnote of the new document), then proceed with text, *e.g.*,

As this court explained in *Kambury v. DaimlerChrysler Corp.*, 173 Or App 372, 387, 21 P3d 1089 (2001) (Edmonds, P. J., dissenting):

“But the question is one of Oregon law, not federal law, the federal court’s decision was the earlier of the two, and it is the Oregon court’s decision—not that of the Ninth Circuit—that is binding for purposes of the certification law.⁸ It follows from the foregoing that this court should not accept certification of the first question, unless some other discretionary factor dictates a contrary conclusion.

⁸ We recognize that the district court appears to be concerned about an inconsistency in decisions on this subject. However, our focus in searching for controlling precedent is narrower than the focus of the district court. The Oregon Court of Appeals decision in [*Korbut*] is “controlling precedent” for the purposes of ORS 28.200 [the statute authorizing answers to questions of law certified by other courts] and our exercise of discretion under that statute.”

It is unclear from the opinion in *Western Helicopter Services* whether the Supreme Court was telling the United States District Court that it should follow Oregon law rather than the federal cases interpreting Oregon law or whether the court was in fact affirming that *Korbut* was controlling precedent on the issue presented by the certified question.

B. Use of Parenthetical Phrases With Quotations Within Text (BB Rules 10.6, 1.5, 5.2)

If internal quotation marks are omitted, so indicate, *e.g.*,

“By looking only to the current employment of the land, the law ignores the past and any intentions with regard to future use.”
Everhart v. Dept. of Rev., 15 OTR 76, 81 (1999) (internal quotation marks omitted).

or

In *Everhart v. Dept. of Rev.*, 15 OTR 76, 81 (1999), the court rejected that argument, stating, “By looking only to the current employment of the land, the law ignores the past and any intentions with regard to future use.” (Internal quotation marks omitted.)

Include a parenthetical phrase to differentiate emphasis being added to quoted material as opposed to emphasis that was already in the original text, *e.g.*,

“While mass-appraisal techniques may place heavy reliance upon cost, *cost alone* is not determinative of market value.” *Su v. Dept. of Rev.*, 15 OTR 305, 308 (2001) (emphasis added).

“ORS 653.295, however, provides no remedy for *discharge* of an employee * * *.” *Dymock v. Norwest Safety Protective Equipment*, 172 Or App 399, 406, 19 P3d 934 (2001) (emphasis in original).

When the material being quoted contains a quotation, the text of which is emphasized, include a parenthetical phrase that notes the source of the emphasis, *e.g.*,

As in *Gladhart v. Oregon Vineyard Supply Co.*, this court again repeats that

“the *Brown* court ‘only acknowledged that perhaps strict liability should require the *danger* to be one endangering human life or safety, a different question from whether tort recovery should be limited to such an *injury*,’ and that ‘[t]hat difference determines the decision in the present case.’ ”

164 Or App 438, 451-52, 994 P2d 134 (1999) (quoting *Russell v. Ford Motor Company*, 281 Or 587, 593-94, 575 P2d 1383 (1978)) (emphasis in *Russell*).

If both adding to and omitting from quoted material, note the omissions first, followed by the additions, *e.g.*,

“Whether the parties to a sales transaction acted voluntarily, knowledgeably, willingly and at arm’s length are *factual questions*.” *Miller v. Dept. of Rev.*, 327 Or 129, 137, 958 P2d 833 (1998) (citations omitted; emphasis added).

When a citation includes both a parenthetical phrase *and* subsequent history, place the parenthetical at the end of the subsequent history, *e.g.*,

Defendant notes that the fact that a search occurred cannot, alone, support an inference that the searching officers had subjective probable cause. *See State v. Bickford*, 157 Or App 386, 390 n 1, 970 P2d 234 (1998), *rev den*, 329 Or 589 (2000) (“If a trial court could infer subjective probable cause from the arrest, we would never need to inquire into subjective probable cause for the arrest.”).

When a parenthetical contains a quotation that has been altered, include an internal parenthetical and adjust the punctuation accordingly, *e.g.*,

The court held that claims of increasing pain due to injury, standing alone, were insufficient to establish an aggravation claim. *SAIF v. Walker*, 330 Or 102, 116, 996 P2d 979 (2000) (stating that ORS 656.273(1) requires “proof, based upon *medical evidence* supported by objective findings” (emphasis added)).

The court held that claimant’s claims of increasing pain due to the injury, standing alone, were insufficient to establish an aggravation claim. *SAIF v. Walker*, 330 Or 102, 116-17, 996 P2d 979 (2000) (“Under ORS 656.005(19), however, such ‘objective findings’ may *include* evidence of worsened symptoms.” (Emphasis in original.)).

When appending information to a citation discussing or quoting the primary authority, using the words citing, quoting, construing, etc., then those words are italicized. *e.g.*,

Keenan v. Lampe, 330 Or 456, 777 P2d 897 (1999), *construed in Bennett v. Bauman*, 333 Or 566, 790 P2d 654 (2001).

When including works that the primary authority discusses or mentions, then the lead-in words should be indicated parenthetically and not italicized, *e.g.*,

See Keenan v. Lampe, 330 Or 456, 777 P2d 897 (1999)
(citing *Bennett v. Bauman*, 329 Or 566, 770 P2d 654 (1998)).

II. Capitalization, Brackets, and Ellipses Within Quotations

A. Capitalization (BB Rules 5.2-5.3)

Generally, the first letter of a quotation that reads as a full sentence must be capitalized, *e.g.*,

The trial court issued a letter opinion that addressed defendant's motion as follows: "There is no evidence supporting the first change."

The witness testified, "Although I am not a doctor, I play one on TV."

Sometimes this requires changing the initial letter of a quotation to a capital, *e.g.*,

The court observed, "[U]npreserved error will ordinarily not be reviewed on appeal."

The examining physician's report declared, "[C]laimant was medically stationary as of February 12, 1992."

In the following example, the use of a bracketed lowercase letter indicates that the initial letter was capitalized in the original, *e.g.*,

Incorrect: Defendant argued, "[t]he trial court erred in excluding witnesses from the courtroom."

Correct: Defendant argued, "The trial court erred in excluding witnesses from the courtroom."

EXCEPTION: When a quotation that reads as a full sentence is incorporated into the grammatical structure of the sentence (often preceded by "that"), do not capitalize the first letter and use brackets if the first letter of the quotation was uppercase in the original, *e.g.*,

The court observed that "[u]npreserved error will ordinarily not be reviewed on appeal."

B. Brackets (BB Rules 5.2-5.3)

The use of brackets in quoted material indicates that something has been changed, modified, or deleted from how it was originally published.

1. Indicate a Change in Capitalization

You should "[p]lace commas and periods inside quotation marks."

2. Alter a Word

“Plaintiff place[s] substantial weight on its belief that the legislature intended to restore the common practice of exempting brooder houses.”

The prohibition was enacted to “ensure[] that dogs will have their day.”

3. Indicate Substituted or Added Words

The court’s “jurisdiction [is limited] to determining whether petitioners’ assessment may be spread over a period of at least 10 years.”

4. Replace Punctuation that Appears in the Original Text

“A change in capitalization is indicated by brackets[,]” but a change in emphasis is indicated by a parenthetical phrase.

5. Add Punctuation to a Quotation Where There Previously Was No Punctuation

The standard of care applicable to physicians requires the use of “that degree of care, skill[,] and diligence” as is used by physicians in the same or similar community.

NOTE: A bracketed period may be used in place of other punctuation that occurs in the original, but not to end a sentence prematurely where there is no existing punctuation in the original; instead, use ellipses. *See* page 56 for further discussion regarding ellipses.

6. Insert a Citation Within a Quotation

When quoting text that refers to a case by use of *supra* rather than a citation, add the citation in brackets, *e.g.*,

“This court has declared that evidence is suppressed for violations of the Oregon Constitution ‘to preserve * * * rights to the same extent as if the government’s officers had stayed within the law.’ *State v. Davis*[, 295 Or 227, 234, 666 P2d 802 (1983)].”

Use a short citation form if the case has already been set out, *e.g.*,

“A discovery rule cannot be assumed, but must be found in the statute or limitations itself. *Huff*[, 322 Or at 462].”

When modifying quoted material to add emphasized text, emphasize the brackets themselves, in addition to the inserted emphasized text, only when the words on both sides of the brackets are already emphasized, *e.g.*,

Correct: “*Plaintiff’s [first] argument* * * *”

Correct: “Plaintiff’s *[first]* argument * * *”

Correct: “Plaintiff’s *[first] argument* * * *”

Incorrect: “*Plaintiff’s [first]* argument * * *”

Incorrect: “Plaintiff’s *[first]* argument * * *”

7. Indicate a Significant Mistake in the Original (BB Rule 5.2)

“[*Sic*]” is used to indicate that the author being quoted has used a word incorrectly or has used an incorrect spelling of a word within the context of the sentence that confuses or changes the meaning of the sentence. Obvious typographical errors may be silently corrected, but any idiosyncrasy of spelling (particularly from older works) is preserved, *e.g.*, “defence.” When using [*sic*], it is italicized, enclosed in brackets, and placed after the uncorrected word, *e.g.*,

“The court’s rational [*sic*] for its decision was based entirely on legal precedent.”

“We are going to precede [*sic*] with our plans for the law suit.”

(Here, the use of [*sic*] signals the reader that “rational” should actually read “rationale”; “precede” should read “proceed.”)

Bracketing and correcting an error in quoted material instead of using [*sic*] is usually sufficient as long as it does not alter the meaning. The use of [*sic*] should be avoided to point out minor grammatical errors, to indicate disagreement with a word’s usage, or to appear highhanded. Instead, the preferred method is to silently correct or to use brackets, *e.g.*,

Incorrect: “The company, on its own volition, intervened in the trial Court [*sic*] proceedings * * *.”

Correct: “The company, on its own volition, intervened in the trial [c]ourt proceedings * * *.”

Correct: “The company, on its own volition, intervened in the trial court proceedings * * *.”

Incorrect: “The lab technician dropped the vile [*sic*] of blood.”

Correct: “The lab technician dropped the vi[al] of blood.”

Correct: “The lab technician dropped the vial of blood.”

NOTE: Where a word or sentence would be correct either way, do not use [*sic*].

C. Ellipses (BB Rules 5.2-5.3)

1. Partial Omission

Use three asterisks, separated by spaces, to indicate omission of a word or words within a sentence, omission of sentences within a block quotation, and omission of text after a subsection number, *e.g.*,

The claimant seeks compensation “for mental and emotional distress and * * * damages.”

In amending ORS 656.273(1) in 1995, the legislature “neither repealed nor amended ORS 656.273(8) * * * but it may have changed how ORS 656.273(8) is applied.”

When using an ellipsis to indicate omission of the remainder of a sentence, add a period to end the altered sentence, *e.g.*,

“The evidence directly establishes only the truth of the primary fact or facts from which an inference may be derived * * *.”

When using an ellipsis to indicate omission of the remainder of a sentence or sentences within a block quotation, insert a period after the ellipsis and only one space after the period instead of two, *e.g.*,

“The majority’s reading of the statute requires us to make two leaps of faith. The first leap is that, in 1965, the legislature used ‘gear or equipment’ to mean exactly what ‘appliance’ meant between 1921 and 1965 * * *. The second leap of faith is that the terms ‘boats, fishing gear and vehicles’ * * * mean exactly what ‘gear or equipment’ means in ORS 506.655 * * *.”

Omission of text after a subsection number:

“(1) As used in ORS 308A.050 to 308A.128, ‘farm use’ means the current employment of land for the primary purpose of obtaining a profit in money by:

“(a) * * * harvesting and selling crops.”

A block quotation that starts somewhere other than the beginning of the quoted sentence or paragraph may be treated a few different ways, depending on the author’s use of the quoted material. (BB Rule 5.3)

An ellipsis is not necessary to begin a quotation that starts somewhere other than the beginning of the sentence or paragraph, *e.g.*,

The issue in *Merriweather* was as follows:

“[W]hether a circuit court order compelling witnesses to appear and testify before a grand jury was appealable under ORS 19.205(4) as the product of a ‘special statutory proceeding.’ ”

The court has previously explained that

“neither ORS 279.340 nor any other provision setting out requirements for hours of labor by public employees, ORS 279.334 to 279.342, expressly states what is meant by the phrase ‘directly employed’ or indicates the categories of persons to whom the phrase applies.”

Place the beginning of a block quotation flush left when the original quoted material is not the first sentence of a paragraph, *e.g.*,

As this court has stated before,

“[e]ven if that assumption is accurate, it is insufficient because even in a high crime neighborhood unprovoked flight does not invariably lead to reasonable suspicion * * *. Like unprovoked flight itself, presence in a high crime neighborhood is a fact too generic and susceptible to innocent explanation to satisfy the reasonable suspicion inquiry.”

Do not use an ellipsis if quoting only part of a sentence, *e.g.*,

Again, the legislature expressly provided that those actions be “commenced not later than two years after the date on which the plaintiff first discovered, or in the exercise of reasonable care should have discovered” the death, injury or disease.

As an alternative to ellipses when quoting statutes, rules, etc., use “in part,”
e.g.,

ORS 305.440 provides, in part, “If no appeal is taken to the Supreme Court, the decision of the court shall constitute a final determination of the matter.”

2. Block Omission

Use five asterisks to indicate omission of a block of text such as paragraphs or sections, but not to indicate an omission of additional material after an ending paragraph, *e.g.*,

OAR 635-005-0180 provides, in part:

“It is unlawful for commercial purposes to take, land, or possess sea urchins:

“* * * * *

“(3) Without first obtaining a permit * * *.”

STYLE GUIDE

In General

This section addresses issues of word treatment, grammar, punctuation, and usage that arise frequently in opinion drafting. It is not exhaustive. Grammar and usage are not exact sciences; there are many questions of style about which reasonable minds can differ. To promote consistency, however, the courts have adopted the conventions outlined below.

Other Resources

The courts use the following reference works to resolve style issues not addressed in the *Oregon Appellate Courts Style Manual* (2002).

- *Webster's Third New Int'l Dictionary* (unabridged ed 2002).

For questions regarding spelling, word usage, or proper hyphenation when dividing words, the appellate courts have adopted *Webster's* as the official dictionary.

- *The Chicago Manual of Style* (14th ed 1993).

This reference work addresses many grammatical standards and punctuation issues not covered here.

- Bryan A. Garner, *A Dictionary of Modern American Usage* (1998).

This work explains many principles of grammar and punctuation. It is also a very helpful guide to word usage.

- Bryan A. Garner, *A Dictionary of Modern Legal Usage* (2d ed 1995).

This is a helpful guide to modern legal usage. It also addresses many general questions of grammar and punctuation.

- William A. Sabin, *The Gregg Reference Manual* (9th ed 1999).

Readily available desktop reference book.

I. Spelling, Font, and Treatment of Words

A. Italicization

The Supreme Court uses underscoring in its slip opinions to indicate text that is to be italicized in the Advance Sheets and Oregon Reports; all requirements for italicization in the following require underscoring in Supreme Court slip opinions. Practitioners may use either italicization or underscoring.

1. Foreign Words (BB Rule 7(b))

Some foreign words and phrases commonly used in legal writing are not italicized, *e.g.*,

etc., *habeas corpus*, *mandamus*, *pro tempore*, *en banc*, *remititur*

Foreign words and phrases that are italicized include the following. Note also the use of periods and diacritical marks as preferred by the courts in these foreign words.

<i>a priori</i>	<i>ipse dixit</i>
<i>ab initio</i>	<i>ipso facto</i>
<i>ad litem</i>	<i>nunc pro tunc</i>
<i>amicus curiae / amici curiae</i>	<i>prima facie</i>
<i>arguendo</i>	<i>per se</i>
<i>certiorari</i>	<i>pro se</i>
<i>contra</i>	<i>qua</i>
<i>de novo</i>	<i>quantum meruit</i>
<i>dictum</i>	<i>quo warranto</i>
<i>duces tecum</i>	<i>res ipsa loquitur</i>
<i>dubitante</i>	<i>res judicata</i>
<i>e.g.</i>	<i>respondeat superior</i>
<i>et al.</i>	<i>sic</i>
<i>et seq.</i>	<i>sine qua non</i>
<i>ex parte</i>	<i>stare decisis</i>
<i>ex post facto</i>	<i>sua sponte</i>
<i>i.e.</i>	<i>sub silentio</i>
<i>id.</i>	<i>ultra vires</i>
<i>in limine</i>	<i>vis-à-vis</i>
<i>in re</i>	<i>viz.</i>
<i>inter alia</i>	<i>voir dire</i>

2. Signals (BB Rule 1.2)

Introductory signals such as *cf.*, *accord*, *see*, *e.g.*, *compare/with*, and *see generally* are italicized. “See” is not italicized when it functions as a verb and not as a signal, *e.g.*,

For discussion on the merits, see *Smith*, 300 Or App at 150.

3. Case Names and Other Authorities (BB Rule 10.2.1)

Case names are italicized, as are the titles of books and other authorities. Please refer to the Citation Section for examples.

When a case or other authority takes a possessive ending, the apostrophe and “s” are not italicized:

Miranda’s holding has been called into question.

B. Capitalization (BB Rules 8-9)

1. Capitalize

a. Proper Names

b. Complete Official Titles of an Officer or Agency of the State
(but not Abbreviated Titles), *e.g.*,

Capitalize:

1997 Legislative Assembly
Alaska Supreme Court
Attorney General
Board of Parole and Post-Prison
Supervision
City of Eugene
Clackamas County District
Attorney’s Office
Court of Appeals
Criminal Law Revision Commission
Department of Revenue
Deputy Sheriff Stanley
Director of the Department of
Consumer and Business
Services

Do not Capitalize: (exceptions noted)

the legislature
the court
the Attorney General (exception)

the board
the city

the district attorney’s office
the court
the commission
the department
the deputy

the director

Governor	the Governor (exception)
House of Representatives	the House (exception)
Judge Atwater	the judge
Multnomah County Circuit Court	the court
Officer Krupke	the officer
Oregon Court of Appeals	the court
Oregon State Bar	the Bar (exception)
Oregon Supreme Court	the court
Portland Police Officer	the officer
Secretary of State	the secretary
Representative Smith	the representative
Salem-Keizer School District	the district
Senate	the Senate (exception)
Senator Jones	the senator
State of Oregon	the state
Tax Court	the court
United States Court of Appeals for the Ninth Circuit	Ninth Circuit (exception)
United States Supreme Court	the Court (exception)
Washington County Jail	the jail
Workers' Compensation Board	the board

NOTE: In state jurisdictions having more than one appellate court at the same level, do not capitalize any shortened version of the name of that court. For example, the full form “California Court of Appeal, First Appellate District” is capitalized, but the shortened form “court of appeal” is not. (There is no “s” after “appeal” for the California courts of appeal.) Similarly, “New York Supreme Court, Appellate Division, Third Department” is capitalized, but the shortened form “supreme court” is not. (In New York, the Court of Appeals is the highest court, while the appellate divisions of the supreme court are the intermediate appellate courts.) However, it is permissible to capitalize shortened names of federal appellate courts, *e.g.*, the Ninth Circuit.

- c. Months and Days of the Week
(But not seasons of the year), *e.g.*,

He filed the motion on Monday, January 23, 1993.

We will be leaving in the summer of 1994.

- d. Full Title of a Constitution, Constitutional Amendment, or Clause of a Constitution, *e.g.*,

Article I, section 9, of the Oregon Constitution (but
“state constitution”)

Fifth and Fourteenth Amendments to the United States
Constitution (but “federal constitution”)

Due Process Clause

In the phrase “Oregon and United States constitutions,” do not capitalize “constitutions,” because the full title of neither document is being used.

- e. “En Banc” and “Per Curiam” on Title Pages

NOTE: When used within the text on an opinion, those terms are not capitalized, *e.g.*, “The Court of Appeals, sitting en banc, reversed.”

- f. “Intoxilyzer” or “Breathalyzer”
(Those are proper names for particular breath testing equipment.)

- g. “Class”
(When referring to misdemeanor or felony charges), *e.g.*,

Class A felony

- h. “Schedule”
(When referring to drugs), *e.g.*,

Schedule I drug

- i. “Internet”

His credit card information was stolen off the Internet.

- j. “Chapter”
(When referring to the Bankruptcy Code), *e.g.*,

Chapter 7 bankruptcy petition

- k. Particular Sections of the Oregon Revised Statutes Identified
Collectively, *e.g.*,

Workers’ Compensation Law; Criminal Code; Civil Code; Oregon
Evidence Code

2. Do Not Capitalize

a. Generic Governmental Terms, *e.g.*,

“federal” or “state,” as in “the state,” “state constitution,” “federal constitution,” “statute of frauds,” and “statute of limitations”

BUT do capitalize those words when part of a full proper name, *e.g.*,

Federal Land Bank, State of Oregon

b. The Words “chapter” or “section” (When referring to a specific chapter or section within a sentence), *e.g.*,

ORS chapter 10; Article I, section 9.

c. The Terms “x-ray,” “horizontal gaze nystagmus,” and “administrative law judge”

A horizontal gaze nystagmus (HGN) test

The doctor ordered x-rays of the claimant’s lower back.

The administrative law judge (ALJ)

C. Numbers and Dates

In General (BB Rule 6.2)

Numbers one through nine are spelled out when used in text, except when listing a series of like objects, *e.g.*,

Judges from five states came to the conference: 5 from Washington,
12 from California, 10 from Oregon, 6 from Idaho, and 1 from Alaska.

All numbers after nine are expressed as numerals, except when they begin a sentence, *e.g.*,

Thirty-four judges attended the conference.

Defendant raises 10 assignments of error.

Very large numbers are expressed in figures followed by million, billion, etc., *e.g.*,

5 million people; 2 billion particles

All ordinal numbers (*i.e.*, numbers that measure position) are spelled out when used in narrative, *e.g.*,

Plaintiff's twelfth assignment of error is not well taken.

I chased my cat Jethro off the sofa for the one hundredth time.

This is the court's seventy-third oral argument day this year.

NOTE: (1) Ordinal numbers consisting of more than one word are hyphenated if the corresponding cardinal number is hyphenated, *e.g.*, "seven hundred and twelfth" is not hyphenated, because "seven hundred and twelve" is not hyphenated, but "eighty-second" is hyphenated, because "eighty-two" is hyphenated. (2) Ordinal numbers are expressed numerically to identify reports and courts in citations, *e.g.*, *Boston v. Cream Pie*, 283 F 2d 1 (9th Cir 1999).

1. Fractions

Fractions appearing in nonquoted text either alone or with numbers less than 10 are spelled out; fractions appearing with numbers 10 or higher are expressed as numerals, *e.g.*,

Four and one-half years old

23 1/4

One third

When fractions are expressed as numerals, insert a space between the whole number and the fraction. Do NOT use a hyphen. ("10 2/3," not "10-2/3.")

2. Percentages

Spell out the word "percent" when used in text. Use the percent sign (%) in tables, *e.g.*,

Fifteen percent of the people in 1993 voted against the ballot measure.

In 1995, 15 percent of the people voted against the ballot measure.

Year	Percent
1991	10%
1992	20%
1993	15%

3. Time

Always include minutes and a.m. or p.m., *e.g.*,

Oral arguments begin at 8:00 a.m. (not “8 a.m.”)

We will break for lunch at 12:15 p.m.

The defendant was last seen at 8:00 p.m. (not 8 o’clock in the evening)

4. Dates

Three-part dates are set off with a comma between the day and the year and, generally, a comma after the year, *e.g.*,

Defendant appeals from the January 16, 1994, order.

When indicating an inclusive period of time, omit the comma after the first year, *e.g.*,

Defendant was on probation from June 14, 1980 to July 30, 1982.

When referring to a date by month and day, do not use endings with the day, *e.g.*,

the September 19 hearing (not September 19th)

When indicating time by month and year only, there is no comma before or after the year, unless the sentence structure requires a comma after the year, *e.g.*,

Three lawyers attended the April 1990 deposition.

The trial, which was scheduled for June 1990, was postponed several times.

When indicating a period of several years, use “to” or “through,” not a hyphen, *e.g.*,

Judge Caspar was on the bench from 1900 to 1921.

EXCEPTION: Hyphens are used for tax years. Do not repeat the “19” for inclusive years, *e.g.*, tax years 1995-97, but tax year 1999-2000. For years ending in double “00” repeat the entire sequence, *e.g.*, 2000-2001.

An indication of a decade does not take an apostrophe, *e.g.*,

1980s

A possessive indication of time takes an apostrophe, *e.g.*,

24 months’ incarceration
six weeks’ time

5. Money

When referring to dollars, use the dollar sign; do not spell out “dollars,” *e.g.*,

\$5 million; \$2 billion

Use \$25.00 if there are other mixed dollar and cents amounts referred to, otherwise use \$25 if standing alone, *e.g.*,

Plaintiff sought \$10,000.00 in attorney fees and \$875.45 in costs.

The court entered judgment in the amount of \$10,000.

Use a comma in numbers larger than three digits, *e.g.*,

\$1,500

D. Acronyms/Initialisms

Acronyms are composed of the initial letters or parts of a compound term. An acronym is usually read or spoken as a single word, rather than letter by letter, *e.g.*, AIDS. Initialisms are abbreviations pronounced letter by letter, *e.g.*, ORCP, LCDC, DWS, HGN,

JNOV, etc. Periods are usually omitted to improve readability. In either event, all but the most common acronyms/initialisms are spelled out upon first usage, followed by the acronym/initialism enclosed in parentheses, *e.g.*,

Mountain View Hospital District (MVHD) filed a motion for summary judgment.

The article that precedes an acronym or initialism depends on how the abbreviation reads: If the abbreviation is read as a word, then use, *e.g.*, a NATO member, but, if the abbreviation is read as letters, *e.g.*, an HDL test, then use “an.”

II. Punctuation

A. Apostrophes

If a singular word ends in “s,” add “ ’s ” to show possession, *e.g.*,

George Harris’s house; witness’s testimony

Form the possessive of most plural words by adding only an apostrophe:

the Joneses’ driveway; the boys’ gym

Plural words that do not end in “s” take “ ’s ” to form the possessive:

children’s toys; women’s tournament

NOTE: The possessive of “Court of Appeals” is formed by adding only an apostrophe. An apostrophe is used when using the words “Court of Appeals” in the possessive sense, *e.g.*, “the Court of Appeals’ reasoning” or “the Court of Appeals’ approach.” An apostrophe is not used when using the words “Court of Appeals” as a compound modifier, *e.g.*, “the Court of Appeals opinion” or “the Court of Appeals decision.”

Use an apostrophe to indicate the possessive with time, *e.g.*,

36 months’ incarceration; two weeks’ time

Particular words and phrases, *e.g.*,

Attorney fees

IRAs

When a name of a case or other italicized authority takes a possessive ending, the “ ’s ” is not italicized:

Miranda’s holding has been called into question.

NOTE: Sometimes the use of “ ’s ” can be awkward and make for difficult reading. In those situations, use “of” instead. *E.g.*, for “*Church at 295 S. 18th St.*’s analysis,” consider using “the analysis of *Church at 295 S. 18th St.*”; for “ORS 123.456(1)(a)’s wording,” consider using “the wording of ORS 123.456.”

B. Colons

1. Colons may be used to separate a grammatically complete sentence from, for example, another grammatically complete sentence or a list:

The court announced a general rule: Attorney fees may not be awarded in the absence of an authorizing statute or contract provision.

The officer found several items in defendant's apartment: a scale, five plastic bags containing white powder, and \$751 in small bills.

Colons may *not* be used after a grammatically incomplete thought:

Incorrect: The panel consisted of: Judge Edmonds, Judge Landau, and Judge Haselton.

Correct: The panel consisted of three judges: Judge Edmonds, Judge Landau, and Judge Haselton.

Incorrect: Defendant argues: (1) the trial court erred in admitting evidence, (2) the error was not harmless, and (3) alternatively, the trial court erred in denying his motion for directed verdict.

Correct: Defendant makes three arguments: (1) the trial court erred in admitting evidence, (2) the error was not harmless, and (3) alternatively, the trial court erred in denying his motion for directed verdict.

EXCEPTION: Colons may be used after verbs to introduce block quotations, *e.g.*,

ORS 123.456 provides:

“Now is the time for all good citizens to come to the aid of their country.”

If the quotation is not blocked, then use a comma.

ORS 123.456 provides, “Now is the time for all good citizens to come to the aid of their country.”

2. Capitalization After Colons
 - a. Incomplete Sentence

If the material following a colon is not a complete sentence, then it is not capitalized.

The court excluded three items: a gun, a ukelele, and a garden hose.

b. To Show Emphasis

If the material following a colon consists of a single sentence, then it is not capitalized, unless it requires special emphasis or is presented as a formal rule.

The court's holding in *Hook* can be easily summarized:
Never smile at a crocodile.

The court did not deny defendant's motion outright: it deferred its ruling until the evidence was offered at trial.

C. Commas

Remember the basic comma rule: Use a comma only when you know why you are using one.

The following guidelines do not set out all the situations in which commas are correctly used. It may be useful, however, in resolving some of the most frequent questions about when to use, and when not to use, commas. For more guidance, see *The Chicago Manual of Style* 5.29-5.88 (14th ed 1993); Bryan A. Garner, *A Dictionary of Modern American Usage* 537-39 (1998); and William A. Sabin, *The Gregg Reference Manual* 122-75 (9th ed 1999).

1. Items in a Series

A series of more than two items should be separated by commas. The courts' convention is to use the serial comma (*i.e.*, a comma before the conjunction in a series of more than two items), because it eliminates the possibility of misreading:

Sheila invited Ben's parents, friends, and coworkers.

I agree that defendant's brief is well written, his analysis is cogent, and his arguments are persuasive.

A series of only two items should not be separated by a comma, regardless of the length of the items.

Plaintiff contends that the trial court erred when it granted defendants' motion for summary judgment on her claim for intentional infliction of emotional distress and when it denied her motion to exclude witnesses and reporters.

NOTE: Very occasionally, it may be more clear to separate two items in a series with a comma when the items themselves contain multiple elements, *e.g.*,

In support of his motion, defendant cited Oregon and Washington cases, and state and federal regulations.

2. Compound Predicates

A predicate is a part of a sentence that contains a verb, but not a subject. Compound predicates are simply predicates that contain a series of verbs. They should be treated like any other series: if there are three or more verbs, use commas; if there are only two, do not.

The defendant objected to the introduction of Yost's testimony, asked the court to call a recess, and requested permission to file a memorandum in support of her objection.

The court denied plaintiff's motion for a judgment notwithstanding the verdict and granted his motion for a new trial.

3. Compound Sentences

A compound sentence consists of two or more independent clauses joined by a coordinating conjunction. A clause consists of a subject and a predicate. The most common coordinating conjunctions are and, but, or, and nor.

Independent Clause: I will go to Elaine's New Year's Eve party.

[Coord. Conj.] Independent Clause: [and] I will bring a bottle of champagne.

[Coord. Conj.] Independent Clause: [or] I will stay home.

Not a Clause: and dance on the table. [This is a second predicate; see "compound predicates" above.]

The coordinating conjunctions in complex sentences should be preceded by a comma.

Paul organized the outing, and everyone had a good time.

Defendant's brief presented a difficult argument, but Gina understood it better after she attended oral argument.

Exception: When the clauses are short and there is no danger of misreading, the comma may be omitted.

Anna sang and Becca played the flute.

4. Complex Sentences

A complex sentence consists of one independent clause and one or more dependent clauses. A clause is dependent when it is introduced with a subordinating conjunction (*e.g.*, because, although, if, after, before, until, since, so that, unless, while, when, where, even though) or relative pronoun (who, whom, whose, whoever, whomever, that, which).

Whether to use a comma between an independent clause and a dependent clause depends upon the meaning of and relationship between the clauses. When the dependent clause is restrictive—or necessary to the meaning of the sentence—do not use a comma. When the dependent clause is nonrestrictive—or not necessary to the meaning of the sentence—use a comma. (Those rules also explain when to use “that” and when to use “which.” *See* page 89. “That” is restrictive and is used without a comma; “which” is nonrestrictive and is used with a comma.)

Those rules often lead to confusion, because the same sentence can be punctuated more than one way and still be correct, depending on its meaning.

Restrictive: John and Mary did not marry because they wanted money. (Meaning: they married for some other reason.)

Nonrestrictive: John and Mary did not marry, because they wanted money. (Meaning: they did not marry, and the reason was that they wanted money.)

Restrictive: I am not taking that course of action because I distrust Harry's motives. (Meaning: the reason I am not taking that action is not distrust of Harry's motives.)

Nonrestrictive: I am not taking that course of action, because I distrust Harry’s motives. (Meaning: I am not taking that course of action, and the reason is distrust of Harry’s motives.)

In some situations, use or omission of a comma can cue the reader about the relationship between two clauses and accordingly prevent misreading. Compare the following two examples:

Defendant argues that the trial court erred because he presented adequate exculpatory evidence.

Defendant now argues that the trial court erred in denying his motion to controvert, because he failed to preserve any challenge to the suppression ruling.

In the first example, the “because” clause explains the “that” clause element of the main clause (*i.e.*, why the trial court arguably erred). By contrast, in the second example, the “because” clause explains the main subject and verb of the main clause (*i.e.*, why defendant is making the argument).

5. Parenthetical Elements

a. Interrupting Parenthetical Elements

Either use two commas or no commas to set off parenthetical elements that interrupt a clause or phrase. (Parenthetical elements include nonrestrictive appositives and nonrestrictive clauses.) Generally, longer parenthetical elements should be set off by commas, while shorter parenthetical elements may go without any.

Correct: The state argues, as an alternative basis for its second assignment of error, that the trial court should not have suppressed the computer disk because it was in plain view when the officers searched defendant’s apartment.

Correct: The state argues alternatively that Article I, section 9, does not require suppression in these circumstances.

Incorrect: The state cites as an alternative ground justifying suppression, Article I, section 9, of the Oregon Constitution.

Correct: The state cites, as an alternative ground justifying suppression, Article I, section 9, of the Oregon Constitution.

b. Introductory Parenthetical Elements

The longer the introductory parenthetical element, the more helpful it is to set it off with a comma. If omitting a comma could lead to misreading, include it.

Yesterday I finished cleaning out my desk.

First, defendant objects to the denial of his motion to strike.

When this case was before the trial court for the first time,
defendant was sentenced to death.

6. Appositives

An appositive points out the same person or thing by a different name. Whether to use commas with an appositive depends on whether it is restrictive or nonrestrictive, which is a question of meaning. Compare the following examples:

My sister Jill conducted firefighter qualification tests last weekend.

My mother, Doris, stands on her head every day.

In the first example, the absence of commas indicates that “Jill” is restrictive (or necessary), because the author has more than one sister and so “Jill” identifies which of the sisters is being referred to. In the second example, the author has only one mother, so the commas indicate that “Doris” adds only additional, parenthetical information.

D. Dashes

Dashes are most commonly used to amplify and explain ideas, digress from the main idea, or create an abrupt break or sudden change in a sentence:

He spent several hours explaining his case—a case that he knew could not be won.

The attorney—who had been waiting three hours for a ruling
on the motion—entered the courtroom in an angry mood.

A space can be added before and after a dash when used as punctuation in the text of a slip opinion; however, when published in the Advance Sheets, those spaces will be removed. In slip opinions, use two hyphens “--” not the typographical character “-.”

See also page 79 “Punctuating Parenthetical Elements.”

E. Hyphens

1. Do Not Hyphenate

a. Words That Begin With the Following Prefixes:

anti, bi, bio, co, counter, extra, infra, inter, intra, macro, micro, mid, mini, multi, non, over, pre, pro, pseudo, re, semi, sub, super, trans, ultra, un, and under, *e.g.*,

antitrust, nonprofit, coworker, subconstitutional, pretrial

b. Factfinder and Patdown

c. Adjective Forms of Compounds in Which the First Word Is an Adverb Ending in “ly,” *e.g.*,

her eagerly awaited homecoming

his totally incompetent performance

d. Compound Adjectives That Appear After a Verb, *e.g.*,

Defendant’s examination was court ordered.

Defendant’s trial was set over until December.

BUT

The court-ordered examination was inconclusive.

Defendant’s motion for a set-over was denied.

e. Percentages When Used as Adjectives, *e.g.*,

10 percent increase

two percent annual pay raise

2. A Hyphen Is Used

a. To Join a Prefix to a Capitalized Word or a Number, *e.g.*,

un-American; Anti-Federalist; pre-1998

- b. To Join a Prefix to a Main Word When the Second Element Consists of Two or More Words, *e.g.*,
pre-latency-period therapy or non-work-related activities
- c. When the Last Letter of the Prefix (Usually a Vowel) Is the Same as the First Letter of the Following Word and the Result Improves Readability, *e.g.*,
infra-area
- d. To Avoid Confusion and Misreading, *e.g.*,
re-cover (to cover again), not recover (to get back or regain)
- e. With the Word “Cross”
(in conformance with the Oregon Rules of Appellate Procedure) *e.g.*,
cross-assign, cross-appellant, cross-appeals
- f. With 9-1-1, Case-in-Chief, Decision-Maker, E-Mail, Ex-Husband, Ex-Wife, Policy-Making, Second-Guess
- g. With Adjective Phrases Containing Numerals or With Compound Modifiers That Appear Before the Word Modified, *e.g.*,
three-year-old victim, five-foot-tall tree, 18-year marriage, 25-year minimum term, third-party beneficiary, case-by-case basis, full-time work, common-law wife, court-appointed attorney, first-degree murder, death-penalty case, penalty-phase proceeding; two- and three-year-old children.

NOTE: For more information on compound modifiers and hyphenation, see Garner, *A Dictionary of Modern American Usage* at 494-96 (on “phrasal adjectives”). The idea behind hyphenating compound modifiers is to promote readability and avoid misreading.

F. Punctuating Lists

Lists may be set out in several ways. Remember that lists that consist of items that are themselves sentences can always be written as separate sentences. Otherwise, the following guidelines may be helpful:

- If a list is introduced by a complete grammatical thought, use a colon at the end of the introductory sentence. If the list is not introduced by a complete grammatical thought, a colon may NOT be used.

Correct: Defendant assigns error to three rulings: (1) the denial of his motion to disqualify Dr. Demento as an expert; (2) the denial of his motion to suppress chemical evidence; and (3) the granting of plaintiff's motion for a new trial.

Correct: Defendant assigns as error (1) the denial of his motion to disqualify Dr. Demento as an expert; (2) the denial of his motion to suppress chemical evidence; and (3) the granting of plaintiff's motion for a new trial.

Incorrect: Defendant assigns error to: (1) the denial of his motion to disqualify Dr. Demento as an expert; (2) the denial of his motion to suppress chemical evidence; and (3) the granting of plaintiff's motion for a new trial.

- Items in a list may be, but are not required to be, numbered.
- Generally, items in a list, whether numbered or not and whether introduced by a colon or not, may be separated by either semicolons or commas; however, either semicolons or commas should be used consistently throughout a single opinion. If the items are long or contain internal punctuation, it may be clearer to use a semicolon.
- The first item in a list should not begin with an initial capital letter, unless the items are general rules.

Correct: The trial court announced three ground rules: witnesses were to be excluded from the courtroom; only three members of the press were to be allowed in the courtroom at any time; and lions would be admitted only if accompanied by Sigfried or Roy.

Incorrect: The trial court announced three ground rules: Witnesses were to be excluded from the courtroom, only three members of the press were to be allowed in the courtroom at any time, and lions would be admitted only if accompanied by Sigfried or Roy.

Correct: Three principles guide our analysis: Two objects cannot occupy the same space at the same time without altering shape or form; an object at rest tends to remain at rest; and for every action, there is an equal and opposite reaction.

See also pages 70-71 for discussion of the proper use of colons and commas.

G. Punctuating Parenthetical Elements

Nonrestrictive parenthetical elements (that is, parenthetical elements that give additional information but are not necessary to identify the antecedent) can be set off by commas, dashes, or parentheses. If a parenthetical element has a close logical and syntactic relation to the rest of the sentence, then use commas. Dashes indicate a more remote relation, and parentheses still more remote.

See also page 74 for discussion of parenthetical elements within “Commas” section.

H. Semicolons

1. Use a semicolon to separate two independent clauses not joined by a conjunction, *e.g.*,

The defendant refused to testify; he later was convicted of murder in the first degree.

2. If the elements in a series are long and complex or contain internal punctuation, then they are separated by semicolons, rather than by commas, *e.g.*,

Defendant was charged with three counts of rape in the first degree, ORS 163.375; two counts of sexual abuse in the first degree, ORS 163.427; two counts of rape in the third degree, ORS 163.355; and one count of sexual abuse in the third degree, ORS 163.355.

3. A semicolon precedes the words *however*, *therefore*, *hence*, *thus*, *accordingly*, and *besides*, when used to introduce a clause. A comma follows, *e.g.*,

The Supreme Court reversed and remanded the case; *therefore*, the Court of Appeals had to decide the case for a second time.

The trial judge refused to suppress the evidence; *thus*, defendant was convicted on all counts.

III. Word Usage and Conventions

A. A/An

The indefinite article “a” is used before words that begin with a consonant, words with a pronounced h and a long u sound (eu) or with words such as “one.”

a historical; a habitual; a union; a Eucharist; a one-time deal

“An” is used before words beginning with a vowel or an unsounded “h.”

an eagle; an appellate judgment; an hour; an heir; an honor

When using an acronym or initialism, the article that precedes it depends on how the abbreviation reads: If the abbreviation is read as a word, then follow the above rule, *e.g.*, a NATO member, but, if the abbreviation is read as letters, *e.g.*, an HDL test, then use “an.”

B. Absent/Without

“Without” or “in the absence of” is preferred.

Without any arguments against doing so, the trial court dismissed the jury.

or

In the absence of any arguments against doing so, the trial court dismissed the jury.

NOT

Absent any arguments against doing so, the trial court dismissed the jury.

C. Administrative Law Judge/Hearing Officer

In Oregon since 2003, the title “administrative law judge” is now used.

D. Affect/Effect

“Affect” is a verb that means to have an influence on, to bring about a change in, or to touch or move the emotions of.

The trial was affected by the constant media attention.

“Effect” is most commonly used as a noun, but it can also be used as a verb. As a noun it means something that is brought about by a cause or agent; a result or outcome. As a verb it means to achieve a result, to execute, or to cause to occur.

Noun: Her closing argument had no effect on the jury’s final decision.

Verb: The attorney was unable to effect any change in the system.

E. *Amicus Curiae/Amici Curiae* (Friend/s of the Court)

1. *Amicus curiae* can be used in two different ways, either as an adjective describing the brief, or as a noun designating the party or person immediately following, *e.g.*,

J. Marcus Cool, of Cool, Hand and Luke, Portland, filed an *amicus curiae* brief on behalf of American Theatre Institute.

Sherman Potter, of Potter & Daughter, P.C., Portland, filed a brief on behalf of *amicus curiae* Oregon Tempest in a Teapot Association.

2. *Amici curiae* is the plural form used in the same way.

J. Marcus Cool, of Cool, Hand and Luke, Portland, filed an *amici curiae* brief on behalf of American Theatre Institute, Americans for Good Theatre Association and Oregon Actors Association.

Sherman Potter, of Potter & Daughter, P.C., Portland, filed a brief on behalf of *amici curiae* Oregon Tempest in a Teapot Association, Oregonians-R-Us, Inc., and We are the World Foundation.

NOTE: The number of parties, not the number of briefs, dictates the use of singular or plural.

F. Appeal/Review

A party “appeals” from a lower court as of right, but a party “seeks review” in court of the action of an administrative agency or when the higher court has discretion

whether to take the case. The related documents are called “notice of appeal” and “petition for judicial review” (in the case of an administrative proceeding) or “petition for review” (in the case of a petition to the Oregon Supreme Court).

Within an administrative system, the correct term is “appeal.” For example, a party may “appeal” to the Workers’ Compensation Board from the order of an ALJ.

G. Although/While

“Although” more properly introduces an aside, and “while” is more properly used only in a temporal sense.

Although many people disagree, Ian thinks that coffee is good for you.

While I was in Paris, I decided to become a can can dancer.

H. Because/Since

“Because” explains why; “since” expresses time.

Because he attended seven basketball games, David had a busy weekend.

Since moving to a window office, John has been much more productive.

I. Between/Among

As a general rule, “between” is used when the sentence involves two things or when expressing a close relationship of any number of individual things.

The jury had to decide between the death penalty and life in prison.

His time was divided between school, sports, and work.

“Among” is used when the sentence involves more than two things.

His present conviction was just one among many.

Her estate was divided among all her relatives.

The above rule expresses the distinction between “between” and “among” in a simplistic manner. Here are a couple of specific rules: “Between” is used to express

one-to-one relations of many things, *e.g.*, a treaty between four powers. “Among” is used to express collective and undefined relations, *e.g.*,

She was the best among all the attorneys.

J. Cannot

Cannot is used as one word, except when using a “not only” construction:

We cannot reach unpreserved error.

She can not only pitch, but she can catch, too.

K. Case Law

“Case law” is two words.

L. Circuit Court/Trial Court

When referring to the lower court in a particular case, use “trial court.” Use “circuit court” when referring to circuit courts generally (“The legislature created jurisdiction in the circuit court.”) or to general propositions about particular courts (“Post-certification challenges to the constitutionality of initiative measures generally must be filed in Marion County Circuit Court.”). Also, use “circuit court,” not “trial court,” in tag lines. *See also* “Post-Conviction Court.”

M. Consistent With/Consistently With

For adverbial uses, “consistently with” (that is, “in a manner consistent with”) is correct.

The court decided the case consistently with its precedent.
(in a manner consistent with its precedent)

N. Contractions

Appellate opinions are formal documents and, accordingly, do not use contractions. When quoting, however, if the original uses contractions, use those contractions in the quotation.

O. Criterion/Criteria

“Criteria” is plural; accordingly, it may not be used when discussing only one factor.

The court primarily relied on the first criterion.

P. Datum/Data

“Data” is plural and takes a plural verb.

The data support plaintiff’s theory.

Q. Decree/Judgment

Historically, equitable proceedings resulted in “decrees,” while legal proceedings resulted in “judgments.” The distinction between law and equity was abolished in Oregon in 1980. *See* ORCP 2. The final determination in all civil actions is now titled a “judgment.” Some statutes still use the term “decree,” and occasionally so do trial courts. The appellate courts, however, will substitute the word “judgment.” *E.g., Webber v. Olsen*, 330 Or 189, 192 n 1, 998 P2d 666 (2000); *State ex rel Olson v. Renda*, 171 Or App 713, 715 n 3, 17 P3d 514 (2000).

R. Disinterested/Uninterested

“Disinterested” means lacking a stake in an outcome. “Uninterested” means bored.

The judge appointed a disinterested arbitrator.

S. Driving Privileges/License

Different statutes use different terms; they are not interchangeable. For example, when a person fails or refuses a breath test, the Oregon Department of Transportation suspends the person’s “driving privileges,” not his or her “license.” Check the statute at issue for the correct term.

T. Expedient/Expeditious

“Expedient” means that a particular course of action is a practical solution to a problem; it also has overtones of side-stepping tough choices. “Expeditious” means speedy.

The lawyers decided that it would be expedient to waive oral argument.

The court must decide all cases in an expeditious manner.

U. Finding/Holding

A “finding” is a factual determination; a “holding” is an application of law to particular facts.

The trial court found that the officer lacked subjective probable cause.

The Court of Appeals held (not found) that the search was invalid because the officer lacked subjective probable cause.

General statements of law unconnected to particular facts are not holdings.

The Supreme Court stated (not held) that probable cause has both an objective and a subjective component.

V. Hearing Officer/Administrative Law Judge

In Oregon since 2003, the title “administrative law judge” is now used.

W. If . . . Was/Were

See “Subjunctive Mood.”

X. Implicitly/Impliedly

“Implicitly” is preferred.

The court’s ruling implicitly indicated several factual findings.

Y. Judgment Notwithstanding the Verdict

When abbreviating, use “JNOV” instead of “j.n.o.v.”

Z. Language

“Language” technically refers to English, French, Spanish, etc. Although frequently used in constructions such as “the language of ORS 809.222,” it is more correct to use “the wording of ORS 809.222” or “the text of the statute.”

AA. Letter Opinion

“Letter opinion” is preferred to “opinion letter.”

BB. Only

The placement of “only” can change the meaning of a sentence. As any other modifier, it appears next to the word or phrase modified.

The jurisdiction of the court is constrained only by statute.
(That means that the only thing limiting the court’s jurisdiction is statute.)

The jurisdiction of the court is only constrained by statute.
(That means that there are other effects on the court’s jurisdiction, but the one way that statutes affect jurisdiction is by constraining it.)

The statute only pertains to state actors. (This is unlikely to express what the author means. It communicates that the statute only pertains, but does not have some other effect.)

The statute pertains to only state actors. (This is more likely to express the author’s meaning. It communicates that the only people the statute pertains to are state actors.)

CC. Over/Under–More Than/Less Than

Generally, “over” and “under” are used in spatial relationships; they do not take the place of “more than” or “less than.”

The train traveled rapidly over miles of desert terrain.

The battleship drifted under the bridge.

The attorney has more than (not over) \$5,000 in outstanding legal fees.

He had less than (not under) \$20 in his pocket.

DD. Parameter(s)

This word will almost never be correct in legal writing; it is a technical scientific and mathematical term. When tempted to use it, try “limits,” “boundaries,” or “borders.”

The principles of justiciability and preservation keep judicial analysis within relatively confined boundaries (not parameters).

EE. Parties

Generally, refer to parties to a case using their position in the lower tribunal (plaintiff, defendant, claimant, etc.). Exceptions include the following: (1) domestic relations cases, in which the parties are referred to as “husband” and “wife”; (2) civil commitment proceedings, in which the person for whom commitment is sought is referred to by his or her position on appeal (appellant, respondent); (3) termination of parental rights proceedings, in which the parents are referred to as “mother” and “father” and the children are referred to as “child” or “children” or sometimes by their first initials; (4) juvenile delinquency proceedings, in which a person alleged to be within juvenile court jurisdiction is referred to as “youth”; and (5) juvenile dependency proceedings, in which a minor is referred to as “child.”

FF. Ph.D.

“Ph.D.” is preferred over “PhD” with no periods.

GG. Pledaded/Pled

Pledaded is the preferred form.

HH. Post-Conviction Court

When referring to the circuit court in a post-conviction proceeding, “post-conviction court” is preferred to “post-conviction trial court.”

II. Prior (to)

“Previous” and “prior” as adjectives are equally acceptable.

Father’s parental rights had been terminated in a prior (or previous) proceeding.

“Prior to” is disfavored; “before” is preferred.

Wife withdrew joint funds from a checking account before (not prior to) filing for dissolution.

JJ. Proved/Proven

“Proven” is an adjective, while “proved” remains the accepted past participle of prove.

Her attorney is a proven winner.

The prosecuting attorney has proved his case.

KK. Right/Authority

Generally, individuals have “rights” (*e.g.*, the right against self-incrimination, the right to bear arms); however a governmental body or representative needs “authority” to act (*e.g.*, a question of whether a city had authority to take property by eminent domain).

LL. Since/Because

“Because” explains why; “since” expresses time.

Because he attended seven basketball games, David had a busy weekend.

Since moving to a window office, John has been much more productive.

MM. “Subjunctive Mood”

For a much more complete explanation of the proper use of the subjunctive, see Garner, *A Dictionary of Modern American Usage* at 625-26. One situation in which the subjunctive is generally correct is to express a condition that is contrary to fact or hypothetical:

If Mary were queen of the world, then everyone would want to obey her.

If the court were to take notice of defendant’s arguments, then it would ignore long-standing principles of preservation.

Not every “if” clause takes the subjunctive, however:

If defendant was a resident of Oregon in 1999, then he must pay taxes for that year.

NN. That

“That” as a relative pronoun or relative adverb is sometimes suppressed in informal writing; the preferred practice in opinions is to include it.

The court held that the evidence had been wrongly admitted.

Defendant admitted at oral argument that that proposition was subject to debate.

OO. That/This; Those/These

“That” is used as a demonstrative pronoun to refer to thought expressed earlier:

The letter was unopened; that in itself casts doubt on the inspector’s theory.

“This” is used when the referent is yet to be mentioned:

This is what bothers me: we have no time to consider late applications.

“Those” and “these” are similarly distinguishable.

Defendant relied on three statutes in his motion. The trial court relied on those statutes, as well as two others.

These are the problems with plaintiff’s arguments: the arguments were not raised to the trial court, they are unsupported by legal authority, and they are wrong.

PP. That/Which

“That” introduces a restrictive clause (a clause that is necessary in context to the meaning of the sentence). Commas are not used with a restrictive “that clause.”

The decision that the judge made regarding suppression of evidence was contrary to the legal standard.

“Which” introduces a nonrestrictive clause (a clause that can be omitted without changing the meaning of the sentence). Commas are required with a nonrestrictive “which clause.”

The decision, which caught the legal community by surprise, was contrary to the legal standard.

The meaning to be conveyed, not grammatical differences, dictate when to use “that” and “which.” Sometimes the same sentence can correctly use either, depending on meaning.

The lawnmower that I borrowed is in the garage. (Correct if there are many lawnmowers under discussion and it is necessary for clarity to identify the one borrowed.)

The lawnmower, which I borrowed, is in the garage. (Correct if there is only one lawnmower under discussion and adjectival clause serves only to give extra information.)

See also discussion of commas at page 71.

QQ. Trial Court/Circuit Court

When referring to the lower court in a particular case, use “trial court.” Use “circuit court” when referring to circuit courts generally (“The legislature created jurisdiction in the circuit court.”) or to general propositions about particular courts (“Post-certification challenges to the constitutionality of initiative measures generally must be filed in Marion County Circuit Court.”). Also use “circuit court,” not “trial court,” in tag lines. *See also* “Post-Conviction Court.”

RR. While/Although

“Although” more properly introduces an aside, and “while” is more properly used only in a temporal sense.

Although many people disagree, Ian thinks coffee is good for you.

While I was in Paris, I decided to become a can can dancer.

SS. Who/Whom

“Who” is used as a subject.

Who is listening?

Defendants, who were not present in the courtroom, were found not guilty.

“Whom” is used as the object of a verb or a preposition.

He wants to know to whom he should speak.

Whom did you meet?

Use “that,” not “who” or “whom,” when the antecedent is not a person.

The bank that Kym uses gives away free blenders with new checking accounts.

Christy sued the company that made the defective golf clubs.

IV. Common Grammatical and Style Problems

A. Collective Nouns

Collective nouns require singular verbs when the group is functioning as a unit. When individual members of the group are acting independently, a plural verb is used. If a sentence seems awkward, then insert the words “members of” before the collective noun and use the plural verb. Some common examples of collective nouns are:

court	The court is not in session today.
	The members of the court are in conference.
majority	The majority states that the assignment of error was not preserved for review.
	The author of the majority is mistaken on that issue.
jury	The jury has adjourned for the day.
	The members of the jury have adjourned for the day.
council	The Council on Court Procedures has adopted new rules.
	The members of the council have adopted new rules.

B. Parallel Construction

Sentence parts must match if a sentence is to make logical sense. Therefore, parts of a sentence that are parallel in meaning are parallel in structure.

Incorrect:	The court held that the taxpayer was guilty of failing to report income, claiming fraudulent deductions, and in the treatment of ordinary income as capital gain.
Correct:	The court held that the taxpayer was guilty of failing to report income, claiming fraudulent deductions, and treating ordinary income as capital gain.

C. Passive Voice

Avoid using the passive voice whenever possible. The passive voice can create ambiguity about who is doing the acting in a sentence. *See State ex rel Click v.*

Brownhill, 331 Or 500, 509, 15 P3d 990 (2000) (Durham, J., concurring) (ambiguity in statute arose because of the use of the phrase “shall not be used”; through use of passive voice, legislature failed to identify who “shall not use”). *See also* discussion of “Active Voice” in the Formatting Section at 14.

D. Verb Tenses

When referring to an action completed before another past time, the past perfect tense is used.

Incorrect: Petitioner testified at the post-conviction hearing that
 he asked his trial lawyer to investigate his alibi defense.

Correct: Petitioner testified at the post-conviction hearing that
 he had asked his trial lawyer to investigate his alibi defense.

Glossary*

(terms of art; terms used in appellate opinion drafting; internal practices;
law clerk and Judicial Assistant materials; etc.)

Advance Notice—A one-day advance notice of Supreme Court cases scheduled to be released that is posted on the OJD Publications website—usually Wednesday of each week.

Advance Sheets—Cases issued weekly by the Oregon Appellate Courts, including as issued both the Regular and Magistrate Divisions of the Oregon Tax Court, and compiled together into a softbound paperback book that is published bimonthly. Available by subscription or by issue.

Affirmed by an Equally Divided Court—When an even number of judges or justices meet to decide a case, a situation can arise where the court is evenly split regarding its disposition. In that event, the case will be considered affirmed, and no majority written opinion will be issued.

AWOP—Term of art used in the Court of Appeals to refer to cases that are affirmed without opinion. No precedential value is accorded those decisions, which are published by case caption and number only.

Bluebook (BB)—Reference to the citation manual, *The Bluebook, A Uniform System of Citation*, published and distributed by the Harvard Law Review Association.

Citation—Form by which authoritative sources are identified for easy reference. For the most part, Oregon Appellate Courts do not use periods in citations.

Common Law—Law created by judicial opinions, not statutes. Hyphenate when using this term as an adjective before a noun.

Cost Box—Printed on title page of slip opinion and used to designate expense costs (not attorney fees) that are allowed by the court. This information is not published in the Advance Sheets or the Oregon Reports.

Court of Appeals—In Oregon, an intermediate appellate court that has jurisdiction to hear most civil and criminal appeals from circuit court (exceptions include death-penalty cases and Tax Court appeals) and review most state administrative agency actions. Its primary

function is the correction of error by the application of principles of law; formulation of law is a secondary function performed as required for deciding cases.

Department—A department is a group of three judges in the Court of Appeals, designated by the Chief Judge, that generally hears and decides cases together. If a member of a department must be recused or is unavailable for any reason, the Chief Judge will assign a judge from another department or herself to sit on a particular case. Accordingly, the “panel” of judges that hears and decides a case may or may not correspond to the make-up of the “department” to which the case is assigned. The Chief Judge assigns one judge in each department to be the “presiding judge.” The presiding judge presides at oral argument, makes written case assignments, and administers the department. Each department has a number, which appears, among other places, on the court’s oral argument calendar, and a color, which corresponds to the color of the cover sheet on its draft opinions. Department 1 is pink; Department 2 is blue; and Department 3 is green. Each department generally meets twice a month to discuss draft opinions circulated since the last department meeting. When all three judges on the panel agree that an opinion is ready, it is “approved to go down.”

Dictum—Statements in an opinion that are not necessary to the disposition of the case.

Disposition by Order—A court may choose to dispose of a matter by issuing an order instead of an opinion. Acceptance of Certified Questions or Appeals, issuance of Alternative Writs of Mandamus, amendments of typographical errors, and the certification of ballot titles are examples of such orders.

Discretionary Review—Indicates that a court chooses whether or not to review a case.

En Banc—Cases in which all available judges participate in the consideration and vote on the outcome.

Footnotes—Notes at the bottom of a page citing or commenting on the part of the text to which they are referenced. Generally a footnote contains information of lesser importance to the larger body of work.

Full Court—In the Court of Appeals, any judge may refer to the full court an opinion approved to go down by a panel. The full court meets once a month to discuss cases referred to it. Reasons for referral include, but are not limited to, the following: (1) the opinion would overrule a prior case; (2) the same or similar issue is before several departments of the court; (3) a judge not on the panel disagrees with the result or

reasoning. Not all cases referred to full court are taken en banc; a vote of the majority of the judges available to participate is required.

Magistrate Division—The Magistrate Division tries or mediates all tax appeals, unless the Tax Court judge assigns the case to the Regular Division. A party may appeal from a magistrate’s decision to the judge of the Tax Court, except in cases filed as small claims. Decisions in small claims procedures are final and not appealable. Hearings in the Magistrate Division are often informal proceedings. Hearings may be by telephone or in person and are held around the state. A taxpayer may choose to represent himself or herself or to be represented by a lawyer, public accountant, real estate broker, or appraiser.

Media Releases—Media releases are distributed weekly and contain summaries of cases issued by the Oregon appellate courts. Court of Appeals cases that have been Affirmed Without Opinion are listed by name and county of origin only. Supreme Court petitions for review allowed and denied are listed by case name and number. Other miscellaneous Supreme Court matters, such as public meetings, are included on the media releases.

Miranda—Refers to the United States Supreme Court decision *Miranda v. Arizona*, 384 US 436, 86 S Ct 1602, 16 L Ed 2d 694 (1966), from which the rules regarding the right to remain silent and the right to an attorney are taken.

On Appeal/Review—A party “appeals” from a lower court as of right, but a party “seeks review” in court of the action of an administrative agency or when the higher court has discretion whether to take the case. The related documents are called “notice of appeal” and “petition for judicial review” (in the case of an administrative proceeding) or “petition for review” (in the case of a petition to the Oregon Supreme Court). Within an administrative system, the correct term is “appeal.” For example, a party may “appeal” to the Workers’ Compensation Board from the order of an administrative law judge.

ORAP—Acronym for Oregon Rules of Appellate Procedure. These rules are applicable to proceedings in the Oregon Supreme Court and Court of Appeals and supplement the statutory requirements.

Oregon Reports—Bound volumes of the decisions of the Oregon appellate courts, published separately by individual court. Published and distributed by the Office of the State Court Administrator, Publications Section.

Parenthetical Information—When used in relation to citation, text within parentheses that usually indicates alterations to text or provides explanatory statements.

Per Curiam—By the court.

Precedent—All written Oregon appellate court opinions have the same precedential weight, whether signed or issued per curiam.

Release Date—Date opinions are released to the public via the Appellate Courts Records Section. Currently the Court of Appeals releases opinions to the public on Wednesdays, and the Supreme Court releases opinions to the public on Thursdays or other days as necessary.

Running Head—Term of art used when referring to the official case name used for citation purposes that is printed as part of the header information when a case gets published in the official reports.

Signals—Introductory words indicating support, comparison, or contradiction of a stated proposition. Those words are italicized, and generally are followed by a parenthetical statement explaining the relevance of the citation.

Slip Opinion—Appellate court’s decision issued in an 8½” x 11” format. Paper copies can be obtained via the Appellate Courts Record Section or can be accessed electronically at www.publications.ojd.state.or.us.

Summary Disposition—A summary disposition is a disposition of an appeal, a judicial review, or other proceeding pending in an appellate court without full briefing and submission to the courts on the merits of the case. Summary dispositions include dismissals, summary affirmances, and summary reversals. By various statutes governing particular kinds of cases, the Court of Appeals has authority to summarily affirm trial court decisions in particular cases if the court determines that the appeal does not present a substantial question of law.

Supreme Court—The highest court in Oregon and the final arbiter of Oregon law. Its primary function is as law-announcing forum. The Supreme Court has discretionary review, *e.g.*, cases on review from the Court of Appeals; direct review, *e.g.*, death-penalty cases, tax cases, and disciplinary matters; and original discretionary jurisdiction, *e.g.*, mandamus, *quo warranto*, habeas corpus, and certified questions.

Tag Line —The court’s formal disposition of a case. The tag line is listed both on the title page and as the last line of an opinion.

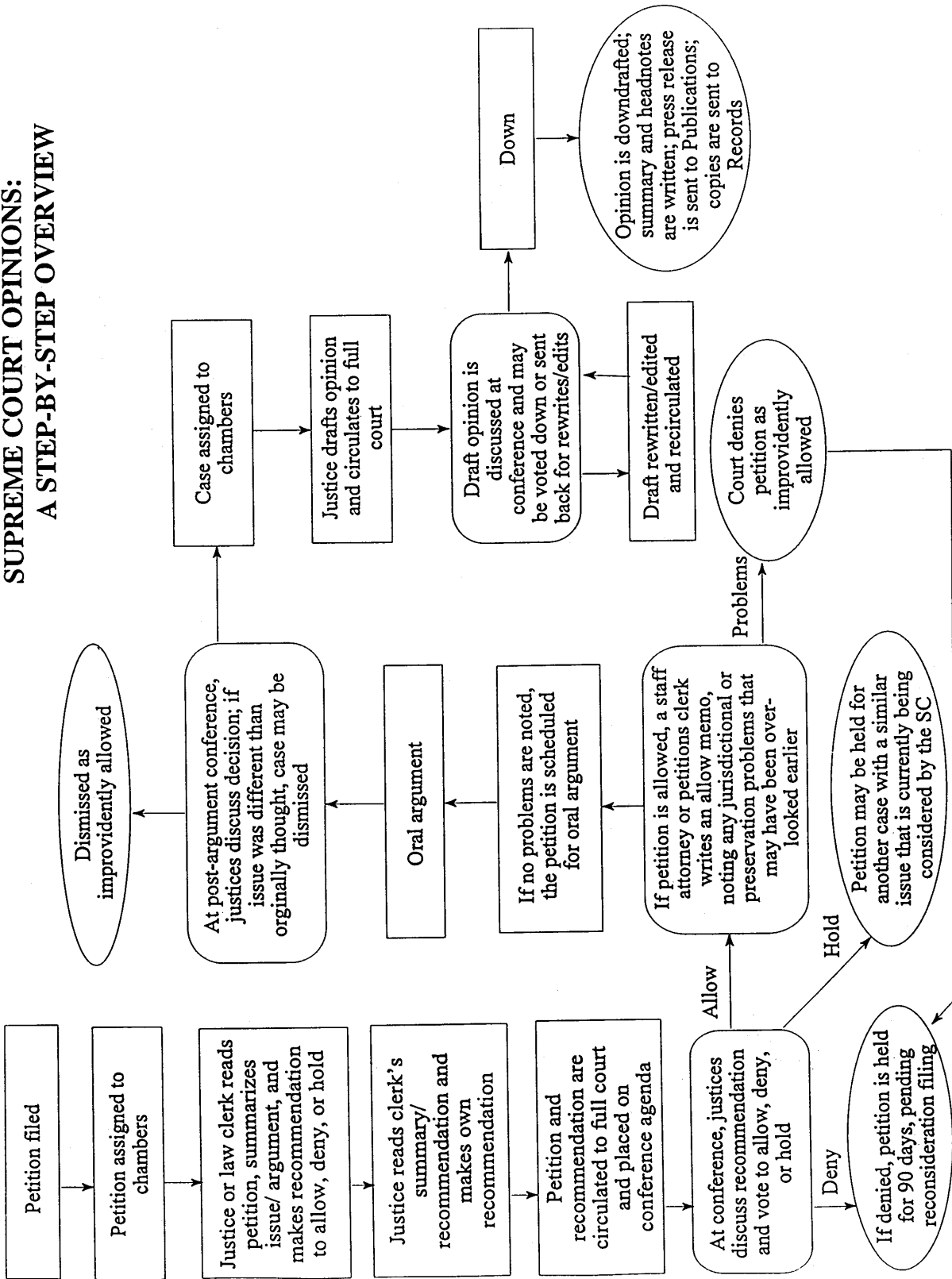
Tax Court—The Tax Court is a special court that has exclusive, statewide jurisdiction to hear only cases that involve Oregon’s tax laws, including income taxes, corporate excise taxes, property taxes, timber taxes, cigarette taxes, local budget laws, and property tax limitations. There are no jury trials, and appeals go directly to the Supreme Court. The Oregon Tax Court has two divisions—the Regular Division and the Magistrate Division.

TCR/TCR-MD—Acronyms for the Tax Court rules and Tax Court Rules-Magistrate Division. Those rules are applicable to proceedings in the Oregon Tax Court and supplement statutory requirements. To the degree the wording of a Tax Court Rule mirrors that of an Oregon Rule of Civil Procedure, case interpretations of the Oregon Rules of Civil Procedure are authoritative for applying the Tax Court Rules. For circumstances not addressed by the Tax Court Rules-Magistrate Division, proceedings in the Magistrate Division defer to the guidance of the Tax Court Rules

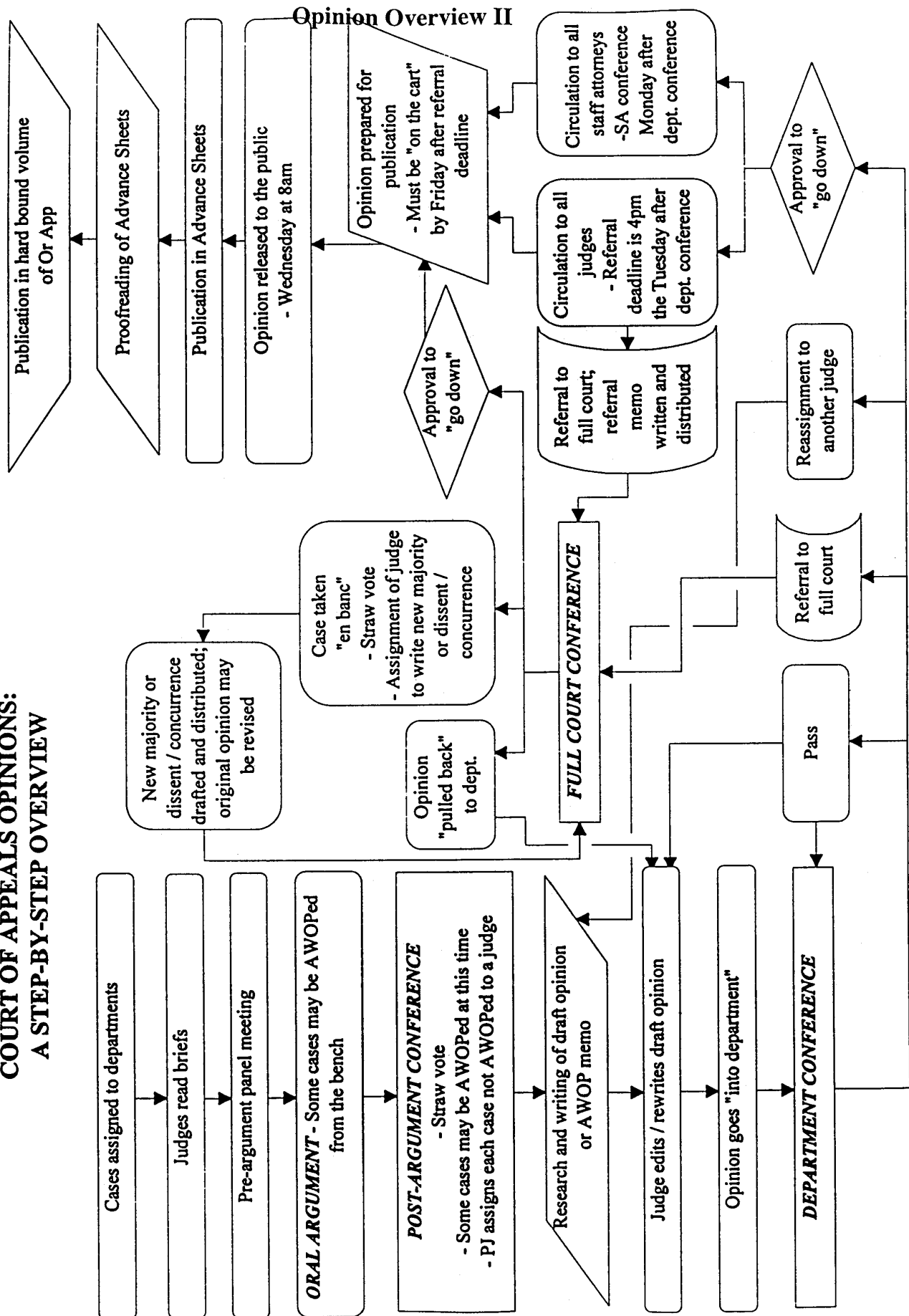
* These terms are used in the judicial opinion writing process, but may or may not be referred to elsewhere in this manual.

Opinion Overview I

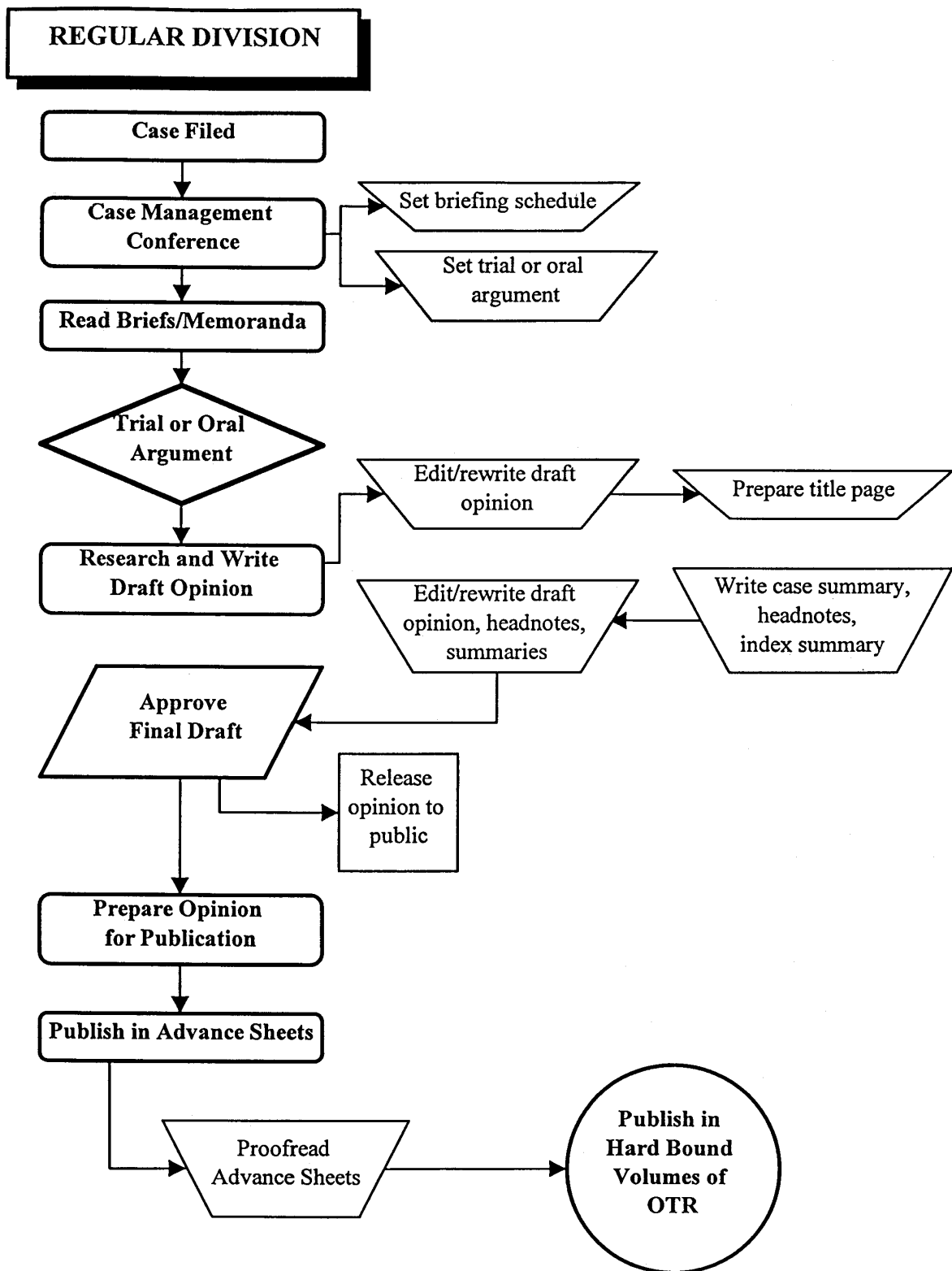
SUPREME COURT OPINIONS: A STEP-BY-STEP OVERVIEW



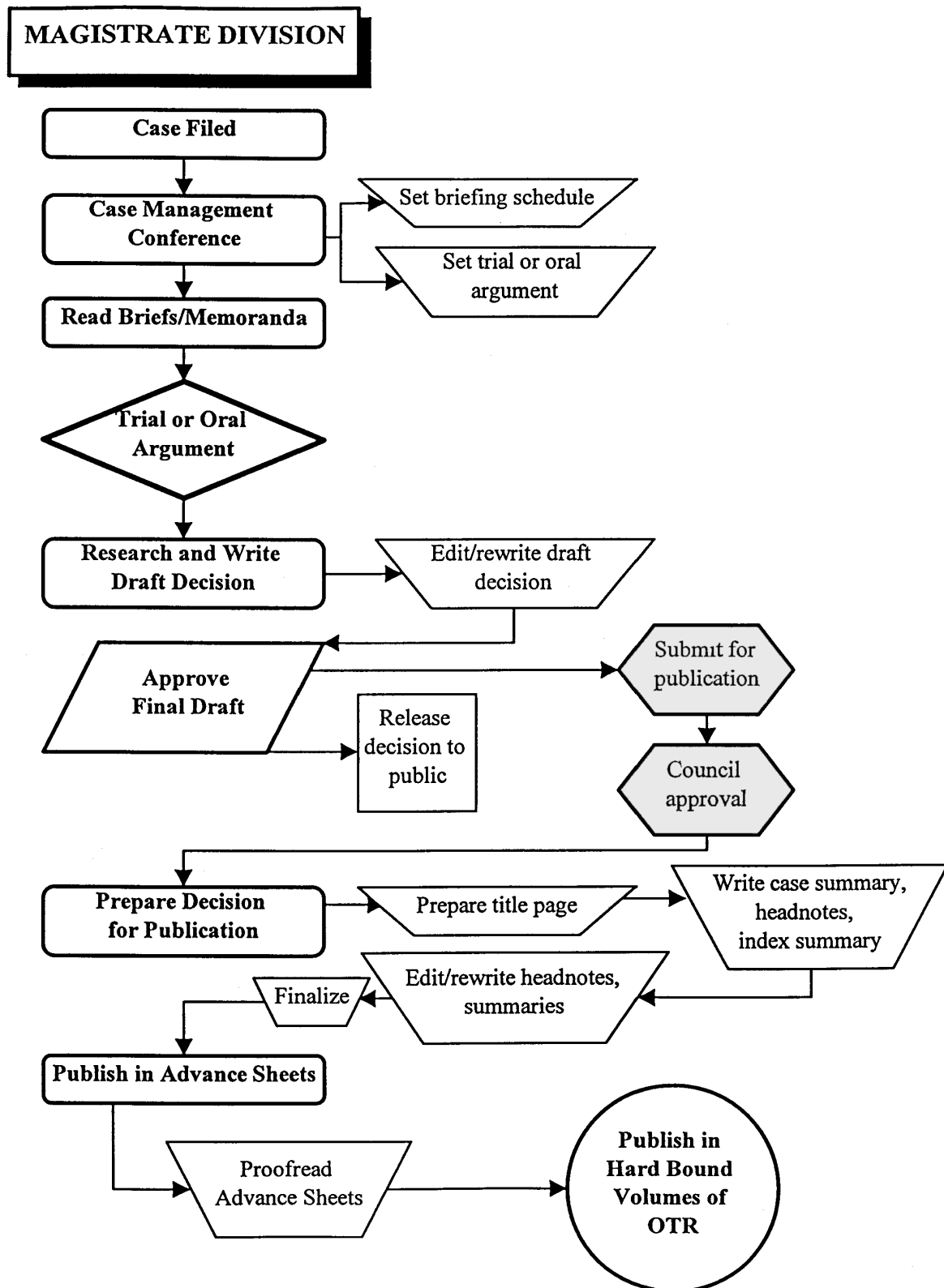
COURT OF APPEALS OPINIONS: A STEP-BY-STEP OVERVIEW



Opinion Overview III



Opinion Overview IV



APPENDIX

(Standard Proofreader's Marks)

	Make correction indicated in margin.	rom	Change to roman (not bold or italic).
.....	Retain words under which dots appear;	ital.	Change to italic.
Stet	write "Stet" in margin.		Under letter or word means capitalize.
✓✓✓	Unevenly spaced; correct spacing.		Under letter or word means small caps.
run in	Make no break in the reading; no paragraph.		Under letter or word means italic.
no ¶	No paragraph; sometimes written "run in."		Under letter or word means boldface.
	Here is an omission; see copy.		Insert comma.
¶	Make a paragraph here.	;/	Insert semicolon.
tr	Transpose words or letters as indicated.	:/	Insert colon.
	Take out matter indicated; delete.	⊙	Insert period.
	Take out character indicated and close up.	/?/	Insert interrogation mark.
∅	Line drawn through a capital letter means change to lower case.	/!/	Insert exclamation mark.
⊂	Close up; no space.	=/	Insert hyphen.
	Indent line one em space.*	✓'	Insert apostrophe.
#	Insert a space here.	✓"	Insert quotation marks.
⊔	Move this to the left.	✓ ²	Insert superscript letter or number.
⊔	Move this to the right.		Insert subscript letter or number.
⊔	Raise to the proper position.	[/]	Insert brackets.
⊔	Lower to proper position.	(/)	Insert parentheses.
Qu?	Query; is this right?		Insert dash.
l.c.	Put in lower case (small letters).		Insert parallel dash (equal sign).
U.C.	Set in capitals.	Ⓢ	Spell out.

*An em space is a typesetter's space equal to about 1/6 inch.

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