

## Oklahoma

“The citation to opinions of the Oklahoma Supreme Court and the Oklahoma Court of Civil Appeals shall be in accordance with Rule 1.200(c), (d), and (e). The citation of other authorities shall be to volume and page of the National Reporter System, if applicable, or to some selected case system, if practical. Where a decision cited in the brief is not included in the National Reporter System a copy may be included in an appendix to the brief. See Rules 1.11(i)(1) and 1.91(d). Citations to decisions of the United States Supreme Court shall be to the official reporter, the United States Reporter, and may also include parallel citations to other reporters, or to some selected case system, if practical.” **Okla. Sup. Ct. R. 1.11(l).**

### **Neutral Citation Format: Oklahoma Supreme Court**

**“(e) Citation to Designation by Supreme Court and Reporters.** Published opinions of the Oklahoma Supreme Court promulgated after May 1, 1997 shall bear as an official cite the Oklahoma Supreme Court’s paragraph citation form in accordance with this Rule. Opinions of the Oklahoma Court of Civil Appeals that are published after May 1, 1997 shall bear as an official citation form the Oklahoma Supreme Court’s paragraph citation form in accordance with this Rule. The numbers of the paragraphs are assigned by the Court. The parallel cite to the official reporter is also required.

The court designation for the Oklahoma Supreme is OK when the paragraph citation form is used. The Court designation for the Oklahoma Court of Civil Appeals is ‘OK CIV APP’ for the purposes of the Supreme Court paragraph citation form. The court designation for Court of Appeals of Indian Territory is IT when the paragraph citation form is used to cite opinions of that court.

“Prior to January 1, 1998 citation to opinions of the Oklahoma Supreme Court and Court of Civil Appeals shall include citations to Pacific and Pacific 2d Reporters. Citation to the Supreme Court’s paragraph citation is allowed as a parallel cite, but not required. **Effective January 1, 1998, citation to opinions of the Oklahoma Supreme Court shall be as follows:**

1. *Oklahoma Supreme Court Opinions Promulgated Prior to May 1, 1997.* Opinions promulgated (filed) prior to May 1, 1997 shall be cited by reference to the Pacific and Pacific 2d Reporters. Parallel citations to the Supreme Court’s official paragraph citation form is strongly encouraged for opinions promulgated prior to May 1, 1997. Parallel citation to Oklahoma Reports is allowed. However, parallel citation to Oklahoma Reports shall not be made when the Supreme Court’s official paragraph citation form is used.

Examples of permissible citation form for opinions prior to May 1, 1997:

*Skinner v. Braum’s Ice Cream Store*, 1995 OK 11, 890 P.2d 922.  
*Skinner v. Braum’s Ice Cream Store*, 1995 OK 11, ¶ 9, 890 P.2d 922.  
*Skinner v. Braum’s Ice Cream Store*, 1995 OK 11, 890 P.2d 922, 925.  
*Skinner v. Braum’s Ice Cream Store*, 890 P.2d 922 (Okla. 1995).  
*Skinner v. Braum’s Ice Cream Store*, 890 P.2d 922, 925 (Okla. 1995).

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*Skinner v. Braum's Ice Cream Store*, Okla., 890 P.2d 922 (1995).  
*Skinner v. Braum's Ice Cream Store*, Okla., 890 P.2d 922, 925 (1995).

In '*Skinner v. Braum's Ice Cream Store*, 1995 OK 11, ¶ 9, 890 P.2d 922' '1995' refers to the year the opinion was promulgated, 'OK' is the court designation for the Oklahoma Supreme Court, '11' is the number of the opinion in 1995 assigned to that opinion by the Oklahoma Supreme Court, '¶ 9' is paragraph number 9 of the opinion as designated by the Supreme Court, and '890 P.2d 922' is the parallel citation to Pacific 2d Reporter.

**2. Oklahoma Supreme Court Opinions Promulgated After May 1, 1997.** Opinions promulgated (filed) after May 1, 1997 shall be cited by reference to the Supreme Court's official paragraph citation form. Parallel citation to Pacific 2d and subsequent Pacific Reporters is **required**. The parallel cite to Pacific 2d Reporter may include a cite to the specific page of that Reporter if a specific paragraph is cited. When the Supreme Court paragraph form is used citation to a footnote need not include the paragraph number where the note occurs in the opinion.

Examples of citation form for post-May 1, 1997 opinions using a pre-May 1, 1997 opinion:

*Skinner v. Braum's Ice Cream Store*, 1995 OK 11, 890 P.2d 922.  
*Skinner v. Braum's Ice Cream Store*, 1995 OK 11, ¶ 9, 890 P.2d 922.  
*Skinner v. Braum's Ice Cream Store*, 1995 OK 11, ¶ 9, 890 P.2d 922, 925.  
*Skinner v. Braum's Ice Cream Store*, 1995 OK 11, n. 10, 890 P.2d 922.

An opinion cited subsequent to issuance of the mandate therein but prior to official publication shall be cited using the following as an example: *Wilkinson v. Dean Witter Reynolds, Inc.*, 1997 OK 20, \_\_\_ P.2d \_\_\_, (mandate issued April 3, 1997).

In a matter where no mandate issues an opinion may be cited prior to official publication when the time to file a petition for rehearing has lapsed and no petition for rehearing was filed. The following is an example: *Edwards v. Basel Pharmaceuticals*, 1997 OK 22, \_\_\_ P.2d \_\_\_, (petition for rehearing not filed).

**3. Opinions of the Oklahoma Court of Civil Appeals.** Published opinions of the Oklahoma Court of Civil Appeals promulgated after May 1, 1997 shall be cited by reference to the Supreme Court's official paragraph citation form. Parallel citation to Pacific 2nd Reporters is required. Published opinions prior to May 1, 1997 shall be cited using the Pacific Reporter 2d, and parallel citation to the paragraph citation form is strongly encouraged. Opinions of the Court of Civil Appeals, no matter when published, are subject to the other provisions of Rule 1.200.

**4. Citation to Opinions Supported by Less Than a Majority.** The paragraph citation form is also used to designate material in a published opinion where that opinion is supported by less than a majority of the members of the Supreme Court. When material from such

an opinion is cited the name of the author, names of any Justices joining the opinion, and the type of opinion **must** be designated in the cite. For example, to cite paragraph number nine of the dissenting opinion in *Edwards v. Basel Pharmaceuticals*, 1997 OK 22, \_\_\_ P.2d \_\_\_. The correct citation form is *Edwards v. Basel Pharmaceuticals*, 1997 OK 22, ¶ 9, \_\_\_ P.2d \_\_\_, (Opala, J., dissenting in part). A footnote of this dissenting opinion is cited thus: *Edwards v. Basel Pharmaceuticals*, 1997 OK 22, n. 12, \_\_\_ P.2d \_\_\_, (Opala, J., dissenting in part). A published opinion, or part thereof, of the Supreme Court has no precedential effect unless a majority of the Court have joined therein.

**“(f) Effective Date.** The policy adopted herein shall be in effect retroactively from and after April 1, 1983. Citation to opinions using the Supreme Court paragraph citation form shall be **required** after January 1, 1998 in accordance with Rule 1.200(e).” **Okla. Sup. Ct. R. 1.200(e), (f).**

### **Neutral Citation Format: Oklahoma Court of Criminal Appeals**

#### **“C. Argument and Citation of Authorities**

**“(1) Both parties must provide a brief argument, exhibiting a clear statement of the point of law or fact to be discussed, with a reference to the pages of the record filed and the authorities relied upon in support of each point raised.**

**“(2) Citation to opinions of the Oklahoma Court of Criminal Appeals shall include citations to Pacific and Pacific 2nd Reporters. Citation to the Court’s official paragraph citation form is allowed as a parallel cite, but not required. Effective January 1, 1998, citation to opinions of the Oklahoma Court of Criminal Appeals shall be as follows:**

**(a) Oklahoma Court of Criminal Appeals Opinions in which mandate has issued prior to January 1, 1954, shall include citations to Pacific and Pacific 2nd Reporters. Parallel citation to Oklahoma Criminal Reports is strongly encouraged. Examples of permissible citation form include:**

- (i) *Hunter v. State*, 97 Okl.Cr. 402, 264 P.2d 997 (1953).**
- (ii) *Hunter v. State*, 97 Okl.Cr. 402, 264 P.2d 997, 998 (1953).**
- (iii) *Hunter v. State*, 97 Okl.Cr. 402, 403, 264 P.2d 997, 998 (1953).**
- (iv) *Hunter v. State*, 264 P.2d 997 (Okl.Cr. 1953).**
- (v) *Hunter v. State*, 264 P.2d 997, 998 (Okl.Cr. 1953).**

**(b) Oklahoma Court of Criminal Appeals Opinions in which mandate has issued after January 1, 1954, shall include citations to Pacific and Pacific 2nd Reporters. Parallel citation to the official paragraph citation form of the Oklahoma Court of Criminal Appeals is strongly encouraged. Examples of permissible citation form include:**

- (i) *Burns v. State*, 1955 OK CR 46, 282 P.2d 258.**
- (ii) *Burns v. State*, 1955 OK CR 46, 282 P.2d 258, 259.**
- (iii) *Burns v. State*, 1955 OK CR 46, ¶ 9, 282 P.2d 258, 259.**
- (iv) *Burns v. State*, 282 P.2d 258 (Okl.Cr. 1955).**
- (v) *Burns v. State*, 282 P.2d 258, 259 (Okl.Cr. 1955).**

In ‘*Burns v. State*, 1955 OK CR 46, ¶ 9, 282 P.2d 258’, ‘1955’ refers to the year mandate issued, ‘OK CR’ is the court designation for the Oklahoma

Court of Criminal Appeals, '46' is the number of that 1955 opinion assigned by the Court, '¶ 9' is paragraph number 9 of the opinion as designated by the Court, and '282 P.2d 258' is the parallel citation to the Pacific 2nd Reporter.

- (c) An opinion cited subsequent to issuance of the mandate but prior to official publication shall include citation to the Oklahoma Bar Journal. Parallel citation to the official paragraph citation form of the Oklahoma Court of Criminal Appeals is strongly encouraged. Examples of permissible citation form include:
- (i) *Robinson v. State*, 1997 OK CR 24, 68 OBJ 1379.
  - (ii) *Robinson v. State*, 1997 OK CR 24, 68 OBJ 1379, 1381.
  - (iii) *Robinson v. State*, 1997 OK CR 24, ¶ 3, 68 OBJ 1379, 1381.
  - (iv) *Robinson v. State*, 68 OBJ 1379 (Okla. Cr. 1997).
  - (v) *Robinson v. State*, 68 OBJ 1379, 1381 (Okla. Cr. 1997).
- (d) Opinions of the Oklahoma Court of Criminal Appeals issued for publication shall be published on the Court's World Wide Web Site, [www.occa.state.ok.us](http://www.occa.state.ok.us). Such opinions may not be used as authority in a subsequent appellate opinion nor used as authority by a trial court until the mandate in the matter has issued. After the mandate has issued, the opinion as published on the Web site shall constitute the official paragraph citation form of the Oklahoma Court of Criminal Appeals. See Rule 1.0(D) for citation to Rules.

“(3) In all instances, an unpublished opinion is not binding on this Court. However, parties may cite and bring to this Court's attention the unpublished opinions of this Court provided counsel states that no published case would serve as well the purpose of which counsel cites it, and provided further that counsel shall provide opposing counsel and the Court with a copy of the unpublished opinion.

“(4) Citation to opinions of the United States Supreme Court shall include each of the following: \_\_\_\_ U.S. \_\_\_\_, \_\_\_\_ S.Ct. \_\_\_\_, \_\_\_\_ L.Ed. \_\_\_\_ (year).

“(5) Citation to Oklahoma Uniform Jury Instructions – Criminal (Second) shall be as follows: Instruction No. \_\_\_\_, OUJI-CR(2d); and citation to revised instructions shall be noted with the addition of [Supp. \_\_\_\_ (year)].

“(6) Failure to present relevant authority in compliance with these requirements will result in the issue being forfeited on appeal. See *Stafford v. State*, 800 P.2d 738, 741 (Okla. Cr. 1990); *Walton v. State*, 744 P.2d 977, 979 (Okla. Cr. 1987); *S.R.S. v. State*, 728 P.2d 515, 518 (Okla. Cr. 1986). **Okla. Crim. App. R. 3.5(c).**