

ALWD Citation Manual: Guide to the Second Edition

This document summarizes significant changes in the second edition of the *ALWD Citation Manual*. Although not every change is noted, these changes are the ones most likely to affect legal research and writing courses. As you will note, most “changes” are actually clarifications or additions. If a rule is not listed, the omission means it does not contain significant changes.

Introduction

- # Clarifies that green circles do not reflect spacing; instead, they show where one component ends and the next begins. With regard to commas, if a comma is not needed unless the subsequent element is needed or used, the comma will fall after the green circle. Green triangles do reflect spacing.
- # Explains that international and foreign materials will be covered in a separate volume.

Rule 1: Typeface for Citations

- # **Rule 1.1** clarifies that not to use italics for some material and underlining for other material in the same document. This rule also adds: “underline spaces within a component, but do not underline spaces between components of the citation.”

Example of correct underlining:

See Warrick v. Cheatham County Hwy. Dept., 60 S.W.3d 815, 819 (Tenn. 2001).

- # **Rule 1.4**, “Typeface for Punctuation in Citations,” was not materially changed; however, Rule 12.8 regarding subsequent history was changed to indicate that the comma following subsequent history should not be italicized or underlined.

Example of correct typeface with regard to history:

Landgraf v. USI Film Prods., 968 F.2d 427 (5th Cir. 1992), aff’d, 511 U.S. 244 (1994).

- # **Rule 1.5**, “Possessive Endings of Italicized Material,” is **new**. “Do not italicize or underline the possessive ending of a publication name, case name, or other, similar italicized or underlined material.”

Example: **Smith’s impact on how police officers conduct automobile searches will be significant.**

- # **Rule 1.6**, “Italicized Material within Italicized Material,” is **new** and indicates that “[w]hen words or phrases within italicized or underlined material would themselves have been italicized or underlined under another rule . . . change those words or phrases to ordinary type.”

Example: **Robert Batey, *Kenneth Starr—Among Others—Should Have (Re)Read Measure for Measure*, 26 Okla. City U. L. Rev. 261, 298 (2001).**

- # **Rule 1.7**, “Italics to Show Emphasis,” is **new** and indicates that italics or underlining may be used to reflect emphasis.
- # **Rule 1.8**, “Italicizing Foreign Words,” is **new** and explains that “[i]t is permissible to italicize or underline foreign words that have not been incorporated into normal English.” The rule gives a short list of words that ordinarily should not be italicized in legal writing and explains to consult *Black’s Law Dictionary* for words not on the list.

Rule 2: Abbreviations

- # **Rule 2.2(a)**, “Spacing for Abbreviations,” adds a point that was posted on the Web site’s FAQ: “[Y]ou may insert a space between consecutive capital letters if the space would help avoid confusion. For example, if one party in a case is Northern Railroad, use N.[^]R.R. instead of N.R.R. to avoid confusion.” (The ^ equals a space.)
- # **Rule 2.3**, “Authorities Referred to in Textual Sentences,” now indicates that “you may abbreviate commonly-used acronyms (see **Rule 12.2(e)(4)**) and the following eight words: and (&), Association (Assn.), Brothers (Bros.), Company (Co.), Corporation (Corp.), Incorporated (Inc.), Limited (Ltd.), and Number (No.).” The first edition indicated that words in case citations that appeared in text all should be spelled out. (*Note:* Sidebars 13.1 and 14.2 address this issue with regard to constitutions and statutes).

Rule 3: Spelling and Capitalization

Rules were **added** to address the following stylistic issues:

- # **Rule 3.1(c)**: Capitalization of words joined by a hyphen
- # **Rule 3.2(a)**: Capitalizing professional titles and titles of honor or respect (such as President and Justice)
- # **Rule 3.2(b)**: Capitalizing organizational names (such as Department of Labor)
- # **Rule 3.2(c)**: Capitalizing proper nouns (such as University of Michigan; the University)
- # **Rule 3.2(d)**: Capitalizing adjectives formed from proper nouns (such as German)

- # **Rule 3.2(e):** Capitalizing holidays, events, and epochs (such as Fourth of July)
- # **Rule 3.2(f):** Capitalizing numerical designations (such as twenty-first century)
- # **Rule 3.2(g):** Midword capitalization (such as WordPerfect)
- # **Rule 3.2(h):** Capitalizing terms defined in a document (such as “GATT”)
- # **Rule 3.3** is new; it lists words commonly used in legal writing and indicates when they should and should not be capitalized. The list includes words such as Act, Board, Court, Congressional, Defendant, Federal, Justice, and State. The rule regarding “court” indicates that references to state supreme courts should be capitalized, which is different from the *Bluebook* rule, but is consistent with Bryan Garner’s *Redbook*.

Rule 4: Numbers

Rules were added to address the following stylistic issues:

- # **Rule 4.1,** “Numbers in Citations”
- # **Rule 4.2(a):** When to use words versus when to use numerals
- # **Rule 4.2(b):** “Always spell out a number that begins a sentence.”
- # **Rule 4.2(c):** Numbers in a series and numbers in proximity
- # **Rule 4.2(d):** Arabic versus Roman numerals
- # **Rule 4.2(e):** Decimals, ratios, and time
- # **Rule 4.2(f):** Numbers and symbols
- # **Rule 4.2(g):** Fractions
- # **Rule 4.2(h):** Commas in numerals
- # The rule on ordinals is now **Rule 4.3**; it was not altered.

Rule 5: Pages

- # **Rule 5.5** is new and addresses the concept of passim. It provides an example of passim used in the table of authorities of a brief.

Rule 6: Citing Sections and Paragraphs

- # Rule 6.6(d) is **new** and addresses “et seq.” It explains that while some attorneys use the term, its use is not encouraged.

Rule 11: Introduction to Full and Short Citation Formats

- # **Rule 11.2(b)(2)** now contains the following guidance:

Use a short citation when (a) the reader will not be confused about which source is being referenced and (b) the reader will not have trouble locating the full citation quickly. Thus, in a short legal document, you may need only one full citation for a particular source and then may use short citations in each instance thereafter. In longer legal documents, you may need a full citation each time you start a new section.

- # **Rule 11.4(d)**, “Hereinafter and *supra*,” was expanded to allow use of hereinafter in additional circumstances. Hereinafter may now be used “[w]hen the regular shortened form would confuse the reader, or when the hereinafter format would help readers identify the source more readily” and as noted in Rule 22.2(d).

Rule 12: Cases

- # **Rule 12.2(d)**, “Individual as party,” contains **two new subsections**. **Rule 12(d)(2)** addresses foreign names (such as Spanish and Chinese names) in case citations. **Rule 12.2(d)(3)** addresses what to do if a party is designated only by initials (usually to preserve anonymity).
- # **Rule 12.2(e)**, “Organization as party,” includes the following additions and changes:
 - # **Rule 12.2(e)(3)** now indicates that an abbreviation in Appendix 3 need not be used in a case citation if the abbreviation would cause confusion.
 - # **Rule 12.2(e)(4)** cross-references Rule 2.3 and indicates that the following words need not be spelled out when a case name appears within a textual sentence: &, Assn., Bros., Co., Corp., Inc., Ltd., and No.
 - # **Rule 12.2(e)(5)** is **new** and indicates that “[y]ou may shorten long organization names (more than five words) in a sensible way by eliminating some words from the end of the name. You also may omit geographical terms that are not essential parts of the organization name.”

- # **Rule 12.2(e)(7)** was altered to indicate that the second business designation should be deleted. The first edition indicated that deletion was discretionary. The list of business designations was expanded to include these additional terms: L.L.C., LLP, LP, P.A., P.C., and S.A.

- # **12.2(h)**, “State or commonwealth as party”: the language has been rewritten for clarity, but the rule has not changed. The rule now provides that “State” and “Commonwealth,” in the situation covered by this rule, should not be abbreviated.

- # **12.2(n)**, “Relator as party,” has been corrected.

- # **12.2(q)**, “‘The’ as the first word of a party’s name,” is new.

- # **Chart 12.1** indicates that the abbreviation of Southern Reporter is So. The abbreviation for the second series is So. 2d. This is a change from S. and S.2d in the first edition. ALWD will now use the West abbreviations for reporters, even if those abbreviations are inconsistent with other ALWD abbreviations.

- # **Rule 12.6(b)**, “Departments, districts, and divisions,” has been rewritten for clarity. One addition is the following sentence: “Present the department, district, or division information in the order and numerical style used by the particular court.” Appendix 1 now gives the format for each intermediate appellate court that has subdivisions that need to be included. Chart 12.7, which will appear on the Web site, reflects how each state’s intermediate appellate courts are organized.

- # **Rule 12.8(a)**, “Subsequent History: Actions to include,” reflects that the comma after the history should not be italicized or underlined.

- # **Rule 12.11(a)**, “Dissenting, concurring, and plurality opinions,” now includes an example from a document with footnotes and shows when parenthetical information should be included.

- # **Rule 12.14(b)** addresses the new Federal Appendix (Fed. Appx.) reporter.

Rule 14: Statutory Codes, Session Laws, and Slip Laws

- # **Sidebar 14.1** notes that the most complete set of U.S.C. carries a 2000 date.

- # **Rule 14.2(d)(2)** is new and reflects how to cite material in an appendix to a statute.

- # **Rule 14.2(d)(3)** is new and shows how to cite notes and historical notes within a code.

- # **Rule 14.2(e)** indicates that LEXIS L. Publg. is now referred to as LEXIS.

- # **Rule 14.2(f)**, “Date,” clarifies which date to use: “Use the date on the spine of the volume, on the copyright page, or on the title page – in that order of preference.”

- # **Rule 14.5**, “Statutes Available on Electronic Databases,” is **new** in the print version, although it has been available on the Web for about a year.

Example

Ky. Rev. Stat. Ann. § 15.733 (LEXIS current through 2001 Reg. Sess.).

- # **Rule 14.6**, “Short Citation Formats for Federal and State Statutes,” now contains alternative short forms.

Examples

Full citation (United States Code): 42 U.S.C. § 12101 (2000).

Short citation options: 42 U.S.C. § 12101.
§ 12101.
Id. at § 12102.

Full citation (state statute): Okla. Stat. Ann. tit. 5, § 6 (West 1991).

Short citation options: Okla. Stat. Ann. tit. 5, § 6.
tit. 5, § 6.
§ 6.
Id. at § 4.

Rule 15: Other Federal Legislative Material

- # **Rule 15.1(f)**, “Date,” has been modified to read: “Include the exact date for the version of the bill or resolution cited. When it would be helpful to the reader, note the status of the bill or resolution parenthetically.”

Examples

H.R. 8336, 95th Cong. 101 (July 14, 1977) (as introduced).

H.R. 8336, 95th Cong. 101 (Sept. 8, 1977) (as reported by House Comm. on Int. & Insular Affairs).

Rule 17: Court Rules, Ethics Rules and Opinions, and Jury Instructions

- # ABA model rules are now covered in Rule 27.
- # **Rule 17.1(b)(2)** is **new** and shows how to cite internal operating procedures and notes within rules.

Examples

Fed. R. Evid. 1001 hist. n.

3d Cir. R. I.O.P. 6.2.1.

- # **Rules 17.4 and 17.5** are new and provide full and short citation formats for formal and informal ethics opinions.

Examples

ABA Formal Ethics Op. 95-396.

ABA Formal Ethics Op. 372 (1993).

- # **Rules 17.6 and 17.7** are new and provide full and short citation formats for jury instructions.

Examples

Ind. Pattern Jury Instr. Civ. vol. 2, 31.03 (2d rev. ed. 2001).

11th Cir. Pattern Jury Instr. § 6 (2000).

Rule 22: Books, Treatises, and Other Nonperiodic Material

- # **Rule 22.1(b)(2)** concerns subtitles and reads: “Include any subtitle unless it is very long. If you include the subtitle, insert a colon and one space between the title and subtitle. However, do not insert a colon if the main title ends with a question mark or exclamation point. If there is no punctuation between a title and subtitle, add a colon.”

Rule 23: Legal and Other Periodicals

- # **Rule 23.1(b)(4)** is virtually identical to new Rule 22.1(b)(2) above.
- # **Rule 23.1(d)**, “Periodical abbreviation,” now repeats information that originally appeared only in the introduction to Appendix 5: “Omit the words ‘a,’ ‘at,’ ‘in,’ ‘of,’ and ‘the’ from the abbreviation. Also omit colons and everything following them.”

Rule 27: Restatements, Model Codes, and Uniform Laws

- # **Rule 27.3**, “Model Codes and Acts,” has been expanded. This section contains information on ABA model rules.
- # **Rule 27.4**, “Uniform Laws,” has been expanded and now addresses how to cite uniform laws that have been adopted in a particular jurisdiction.
- # **Rule 27.5**, “Sentencing Guidelines,” is new.

Rule 28: Looseleaf Services and Reporters

- # **Chart 28.1** now lists LEXIS as the abbreviation for LEXIS Law Publishing. Also use LEXIS for other derivations of the LEXIS name, such as LexisNexis.

Rule 29: Practitioner and Court Documents

- # **Rule 29.2(a)**, “Document name,” contains the following **new** sentence: “Insert the document name at it appears on the face of the document you are citing.”
- # **Sidebar 29.1** is **new** and addresses how to insert document names and record citations into memoranda and court documents.

Rule 40: World Wide Web Sites

- # **Rule 40.1(c)**, “Pinpoint references,” indicates that a section name can be used as a pinpoint and that .pdf pages numbers can be used as pinpoint references.
- # **Rule 40.1(d)**, “URL,” was **rewritten**. Highlights include:
 - # A diagram illustrating the components of a URL.
 - # **Keystroke identifiers**: “If the URL will not lead the reader directly to the cited material or is very long, or if this method allows the reader to locate the information more easily, include just the protocol, domain name, and path to the document. Then, instead of including the names of files and subfiles, identify keystrokes that can lead the user to the particular page you are citing. Sample keystroke identifiers are ‘select,’ ‘path,’ and ‘search.’ Insert a semicolon and one space between the URL and any keystroke information. Use commas to separate different keystroke information. Italicize keystroke identifiers, but not information following keystroke identifiers.”

Example

U.S. Gen. Acctg. Off., *Operation Desert Storm: Health Concerns of Selected Indiana Persian Gulf Veterans*, http://www.access.gpo.gov/su_docs/aces/aces160.shtml; *path* GAO Reports/Search GAO Archive at GPO, *search* Desert Storm (May 16, 1995).

- # **Angle brackets not used**: “Do not enclose the URL in angle brackets (< >). When the Internet was very new, angle brackets were the common way of signaling the beginning and end of the URL. Now that the Internet has become common, the convention has become one of eliminating brackets, though at times researchers will still see them.”

- # **Breaking across a line:** Break after a slash or, if necessary, *before* a period. The first edition had breaks before a slash and *after* a period.
- # **Rule 40.1(e)**, “Date,” has been **rewritten**. The revised rule now provides an order of preference for date formats, with the “accessed” format being the least attractive option. The rewritten rule also provides an option for the exact time to be added to the date; this option should be used for breaking news and other stories that are updated frequently.
- # **Sidebar 40.1** is **new** and addresses indicia of reliability for Web sites.
- # **Rule 40.2** on short citations has been expanded.
- # **Rule 40.3** on gopher and telnet sites has been deleted.

Rule 41: Electronic Mail

- # E-mail addresses are no longer enclosed in angle brackets.

Former Rule 43 on Neutral Citations was deleted as duplicative; thus, rules that followed Rule 43 have been re-numbered in the second edition.

Rule 44: Signals

- # **Rule 44.3:** *Accord* and *see also* have been added; definitions for other signals were not altered.
- # **Rule 44.6** now addresses signals used as verbs (and indicates they should not be italicized).

Rule 45: Order of Cited Authorities

- # **Rule 45.3(g)**, “Cases from the same jurisdiction,” now includes an instruction on how to order state intermediate courts divided by district or division.
- # **Rule 45.3(h)**, “Cases from the same court,” now addresses cases decided on the same date.
- # **Rule 45.4(a)**: the list of specific authorities now includes rules of evidence and procedure, which were omitted from the first edition.

Rule 46: Explanatory Parentheticals and Related Authority

- # **Rule 46.1**, “Using Explanatory Parentheticals,” now includes an example that reflects how parentheticals can reflect synthesis.
- # **Rule 46.4**, “Related Authority and Commentary,” is **new**; it addresses terms like “reprinted in,” and “quoted in.” These terms should start a parenthetical and should not be italicized.

Rule 49: Omissions within Quoted Material

- # **Rule 49.4(b) and (c)** were rewritten to more clearly address how to use an ellipsis when the end of the quoted sentence is omitted and how to use an ellipsis when a sentence ends but matter after the quoted sentence is omitted.

Appendix 1: Primary Sources by Jurisdiction

- # Updated to include new reporters, such as S.W.3d and P.3d, and other new information.
- # Intermediate court abbreviations now indicate when and how to add division and district information per Rule 12.6.
- # The abbreviation for the District of Columbia Court of Appeals (equivalent to a state supreme court) is now listed as D.C. to be consistent with other courts of last resort.
- # The section on Federal Materials has been expanded to include many specialty courts.

Appendix 3: General Abbreviations

- # **Part B:** Baltimore was added to the list of cities.
- # **Part C:** Several new words were added; some abbreviations no longer include the plural; thus, you would need to add an “s” to the end to create the plural.

Appendix 6: Legal Memorandum Example

- # Updated to reflect changes in other parts of the *Manual*.

Appendix 7: Federal Taxation Materials

- # This appendix is new and contains citation formats for statutory compilations, reporters, and administrative materials.

Appendix 8: Selected Official Federal Administrative Publications

- # This appendix was not altered significantly, but it was renumbered from 7 to 8. It appears only on the Web, as does Appendix 1A on West’s Regional Reporters.

Index

- # The index was expanded to add hundreds of new entries.

