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ALWD CITATION MANUAL

A Professional System of Citation

Fourth Edition



Wolters Kluwer
Law & Business

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ALWD

CITATION

MANUAL

A PROFESSIONAL SYSTEM OF CITATION



*Association of Legal Writing Directors
and
Darby Dickerson, Stetson University College of Law*



Wolters Kluwer
Law & Business

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*In memory of Appalachian School of Law's
Professor Thomas F. Blackwell,
Dean L. Anthony Sutin, and
student Angela Dales.*

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ABOUT

THE AUTHORS

The Association of Legal Writing Directors is a learned society for professors who coordinate legal writing instruction in legal education. ALWD members teach at nearly all American law schools. ALWD is headquartered at the University of Michigan School of Law, 625 South State Street, Ann Arbor, MI 48109-1215.

Darby Dickerson is Vice President and Dean of Stetson University College of Law. From 1996 through 2004, she directed Stetson's Legal Research and Writing Program. She is a leading authority on American legal citation and has written in depth on the subject.

Copies of this book can be ordered from Aspen Publishers by calling 1-800-638-8437. Law school teachers should call 1-800-950-5259 for a complimentary copy.

PREFACE

The Association of Legal Writing Directors created the *ALWD Citation Manual* because lawyers, judges, law teachers, and law students need a citation manual that is easy to use, easy to teach from, and easy to learn from.

ALWD was fortunate to recruit for this purpose a leading authority on American legal citation, Dean Darby Dickerson of the Stetson University College of Law. Dean Dickerson has a thorough knowledge of the forms of legal citation used throughout the United States for the last century or more. And as a professional legal writing teacher, she writes in a style marked by clarity and conciseness.

In her work on the fourth edition, Dean Dickerson was guided by the same principles she was in writing the earlier three editions—that the *Manual* should be easy to use and have a clear style. Her work was informed by the insights of a number of people, including the ALWD Citation Manual Advisory Committee, which reviewed and offered detailed comments on the manuscript.

Every effort has gone into writing and printing the book in a format that is accessible as well as gentle on the eye. Among its attributes are flexibility where it facilitates good writing without hindering the easy identification and verification of the cited source, a single and consistent set of rules for all forms of legal writing, a set of rules that reflects a consensus in the legal profession about how citations should function, and an appendix that includes the court-mandated citation rules of every state.

The primary goals for the fourth edition were to refine and clarify rules, add rules for new sources, expand information about nonlegal sources cited frequently in legal writing, and respond to users' inquiries. Below are some of the most notable changes in the fourth edition.

Rule 5
(page and location
numbers)

Rule 5.5 on star pagination now covers star paging in (a) online databases that reflect pages in print volumes, (b) in unofficial reporters that reflect pinpoint pages in official reporters, and (c) online sources that do not appear in print. In addition,

Rule 11.4
(*supra* as a short
citation)

**Snapshots:
Photographs
accompanying various
rules in Parts 3 and 4**

Rule 12
(cases)

Rule 5.7 describes “location numbers,” a fixed feature used by some current e-readers, like the Kindle. Rule 42.3 discusses e-readers in more detail.

Rule 11.4(b)(2) clarifies that legal writers should not use the *supra* format in documents that do not have footnotes or endnotes.

To assist those new to legal citation to better understand how full citations are developed, this edition includes photos of commonly used sources and annotates them to show users how to find each element needed to cite that source. These photographs—called “Snapshots”—fall after the Fast Formats in **Rules 12** (case), **14** (statute), **19** (C.F.R.), **23** (student-written law-review article), **24** (A.L.R. annotation), **26** (legal encyclopedia), **27** (Restatement), and **40** (Web site). The photographs are annotated with cross-references to specific subsections of the relevant rule and tips to help build a proper full citation. In the near future, additional annotated photographs will be added to the Web site for the *ALWD Citation Manual*, www.alwdmanual.com.

Rule 12.12(d) explains how to format a docket number, and when and how to include a docket number in a case citation. **Rule 12.2(e)** now includes a longer list of abbreviations for business designations; this change also expands the words that may be abbreviated in textual citations under **Rule 2.3**.

The *ALWD Citation Manual* has always provided flexibility to writers on small points that will not lessen a reader’s ability to understand the citation or locate the cited source. In this edition, two new points of flexibility have been added. First, **Rule 12.2(g)** now provides that you may use “U.S.” or “United States” when referring to the United States as a party in case citation. Second, as explained in **Appendix 3**, writers may now use certain contractions as abbreviations. Thus, “Department” may be abbreviated as “Dept.” or “Dep’t”; “Government” may be abbreviated as “Govt.” or “Gov’t” in the citation. Once a preferred format is selected, be consistent throughout the entire document.

Rule 12.19 has been expanded to include a wide variety of examples of court and practitioner documents, such as pleadings, motions, jury verdicts, briefs, oral argument transcripts and recordings, appellate filings, and appellate records (e.g., joint appendix).

In addition, **Rule 12** has been restructured a bit to move relevant concepts closer to each other; this change resulted in the short-citation format section now being **Rule 12.20** (instead of **Rule 12.21**).

Rule 15
(other federal
legislative materials)
and

Rule 19
(federal administrative
and executive
materials)

Rules 15 and **19** now include more information about how to find primary source material on databases such as GPO Access and THOMAS. Other sections of the *Manual* also include expanded coverage of electronic versions of sources.

Rule 19.12 addresses the Daily Compilation of Presidential Documents, which started on January 29, 2009, and replaced the Weekly Compilation of Presidential Documents.

Rule 24
(A.L.R. annotations)

Rule 24 now permits a section number to be used as a pinpoint reference; it also includes examples for annotations available electronically.

Rule 26
(legal encyclopedias)

Rule 26 includes examples of how to cite the online versions of legal encyclopedias. New **Rule 26.3** explains how to cite an encyclopedia with an author or editor.

Rule 30
(speeches, addresses,
oral presentations, and
live performances)

Because legal writers now cite a wide variety of interdisciplinary sources, **Rule 30** now includes information about how to cite plays, operas, concerts, and ballets.

Rule 31
(interviews)

Rule 31 now includes information about written interviews and about confidential and anonymous sources.

Rule 33
(video and visual
sources)

Rule 33 has been expanded and restructured to include examples for a variety of new media sources such as webcasts, vodcasts, video blog posts, YouTube videos, and online video clips. Other additions cover artwork, architecture, print advertisements (previously addressed in **Rule 23**), and maps. Citation formats for television shows and movies

Rule 34
(audio sources)

have been changed to enhance consistency with the citation formats for new media sources.

Like its visual counterpart, **Rule 34** has been expanded and restructured to address new sources like audiobooks and podcasts; radio broadcasts are also illustrated.

Rule 38
(electronic sources)

Rule 38.1(b)(4) explains the difference between PDF and HTML sources, and the implications for citing each type of document. **Sidebar 38.1**, “Accessing and Preserving Electronic Documents,” has been updated to include information about the March 2009 Judicial Conference of the United States guidelines for courts regarding citing and maintaining Internet sources cited in judicial opinions.

Rule 40
(World Wide Web)

In recognition that many URLs are very long, **Rule 40.1(d)(8)**, regarding where to break a URL across a line, now allows the writer more flexibility. The rule has been modified to allow the writer to break at a logical point other than after a slash or before a period, if necessary. New **Rule 40.4** addresses microblogs, like Twitter; new **Rule 40.5** addresses wikis; and new **Rule 40.6** addresses online social networks, like MySpace and Facebook.

Rule 41
(electronic mail and messages)

In recognition of evolving norms, **Rule 41** now uses “email” instead of “e-mail.” **Rule 41.4** addresses other types of electronic messages, like text messages and instant messages.

Rule 42
(CD-ROMs and E-Readers)

Rule 42 has been expanded to explain how to cite material from e-readers and e-periodicals. See revised **Rule 5** for additional information.

Appendix 1
(primary sources by jurisdiction)

Appendix 1 includes information about more on-line statutory compilations. Various formatting enhancements are intended to make information about courts and reporters easier to find and read.

Appendix 1B, “State Appellate Court Divisions,” which appeared only on the *Manual*’s Web site for the third edition, now appears in the print version. This appendix, when used in conjunction with **Rule 12.6(b)(2)**, helps readers format court abbreviations, particular for “divided” appellate courts.

Appendix 2
(local court rules)

Appendix 2 includes URLs for each court that has local rules. In addition to local rules being updated, some additional local customs have been included.

Appendix 3
(general abbreviations)

As explained above in connection with Rule 12, Appendix 3 now offers writers an alternative method of abbreviating certain words.

Appendix 5
(abbreviations for legal periodicals)

Appendix 5 includes additional entries for new law journals and for well-known law journals in some other English language jurisdictions, such as Australia and the United Kingdom. In addition, Appendix 5 clarifies that commas should not be included in periodical abbreviations. The contraction format introduced as an option in Appendix 3 may be used in abbreviations for legal periodicals.

In addition, the index has been expanded and examples throughout the *Manual* have been updated.

We appreciate input that will help us with the ongoing process of making the *Manual* as complete, accurate, and user-friendly as possible. If you find any errors or omissions in this *Manual*, or if you have suggested revisions, please notify Darby Dickerson at darby@law.stetson.edu, or at 1401 61st Street South, Gulfport, FL 33707.

The Association of Legal Writing Directors
March 2010

ACKNOWLEDGMENTS TO THE FIRST EDITION

I would like to thank and recognize the following people and organizations without whom the *ALWD Citation Manual* would not have become a reality:

The Association of Legal Writing Directors (ALWD), whose officers and directors conceived the idea of a new citation system and provided guidance and support throughout the process.

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Finally, a special thanks to my husband, Michael P. Capozzi, for understanding why I have not been around much during the last year.

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Director, Legal Research and Writing
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April 2000

ACKNOWLEDGMENTS TO THE SECOND EDITION

As with many projects, there are so many people to thank and such little space in which to express that thanks. Over the years, many individuals and organizations have contributed to the production and success of the *ALWD Citation Manual*. In addition to those recognized in the *Manual*'s first edition, I would like to thank the following for their assistance with the second edition:

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I would like to extend special thanks to Dan Mangan, Melody Davies, Carol McGeehan, Michael Gregory, Barbara Lasoff, and Paul Sobel for their hard work on this project.

Despite all of the help, all errors remain my own.

Darby Dickerson
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November 2002

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To be a success, a project the magnitude of the *ALWD Citation Manual* requires the expertise and assistance of many people. As with the first two editions, I have many people to thank for helping to bring the third edition to fruition, including the following:

The Association of Legal Writing Directors (ALWD) and its officers, directors, and members for continuing to support this project.

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And, as usual, despite all of the help, all errors remain my own.

Darby Dickerson
Stetson University College of Law
Tampa Bay, Florida

November 2005

ACKNOWLEDGMENTS TO THE FOURTH EDITION

As we celebrate the *ALWD Citation Manual*'s tenth anniversary, I thank all of the faculty members, attorneys, judges, students, and other individuals who have used the *Manual*. Your support has been critical to the book's continued success and improvement. I send a heartfelt thanks to the professors who adopted the *Manual*, sometimes at risk to their own careers, because they believe it is the best teaching tool for legal citation.

I reserve special thanks for two individuals who made the fourth edition a better product because of their effort: Professor Coleen Barger and Professor Brooke J. Bowman, co-authors of *The ALWD Companion: A Citation Practice Book*, which will be published soon after this fourth edition. Professor Bowman is my former student and current Stetson Law colleague. She is passionate (yes . . . that's correct) about legal citation and has contributed outstanding suggestions, eagle eyes, and valuable time to this edition. Professor Barger is a nationally recognized expert on legal writing and citation who has served as a reviewer for every edition. I'm thrilled that she was able to join us as a Visiting Professor at Stetson in Fall 2009. As I've come to expect, Professor Barger offered fabulous ideas, was willing to ask the tough questions, and combed through the *Manual* multiple times to help think about what should be updated, added, or revised.

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