

The Maizebook

Michigan Law Review, Vol. 114

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INTRODUCTION

This *Maizebook* contains the *Michigan Law Review (MLR)*'s rules of style, citation form, and typography. In general, the *Michigan Law Review* follows the sixteenth edition of *The Chicago Manual of Style (CMS)* and the twentieth edition of *The Bluebook* with respect to citation, grammar, punctuation, and spelling.

The Maizebook's rules clarify *The Bluebook*'s rules, describe differences between *Bluebook* form and *MLR* style, and address questions not covered in *The Bluebook* and *CMS*.

Some of *The Maizebook*'s rules complement and modify *The Bluebook* and should be read together with the corresponding *Bluebook* rules. Where rules correspond to *Bluebook* rules, they are given the same number and are arranged in the same order, although they may contain new subsections.

Some rules are meant to add to *The Bluebook*. These supplementary rules are numbered to correspond to the closest category in which the rules would fit in *The Bluebook*.

Finally, some rules are independent of *The Bluebook*. They are numbered 22–26. These rules are organized into a few broad categories:

- MB 22 provides special rules for the Book Review issue;
- MB 23 governs the biographical footnote that appears at the beginning of student- and non-student-written works; and
- MB 24–26 clarify certain issues concerning spelling, punctuation, and grammar.

Do not apply MB 24–26 while citechecking, since editing for style at the citechecking stage may aggravate consistency problems. Our executive editors will address stylistic concerns across the entire piece at the pageproofing and final review stages. **Do apply** MB 24–26, however, as you write your Note.

Like *Bluebook* rules, *Maizebook* rules are preferred but may be dispensed with or altered per an author's request. *The Maizebook* is also updated each year to add or remove rules or change existing rules. Thus, past issues of the *Michigan Law Review* cannot be relied on as authoritative guides for applying current *Maizebook* rules.

Note that updates and corrections to *The Bluebook* can be found at <https://www.legalbluebook.com/Public/Updates.aspx>. In addition, tips on applying *Bluebook* rules can be found at <https://www.legalbluebook.com/Public/BlueTips.aspx>. The guidance in these updates and tips may be followed unless directly contradicted by a *Maizebook* rule.

Before you begin your first citechecking assignment, you should note in your *Bluebook* whenever a rule is supplemented by a *Maizebook* rule. The *Bluebook* rules affected by *The Maizebook* are as follows:

1.2(a)–(e), 1.3, 1.4(a)–(j), 1.5(a), 1.6(c)
 2.1(b), 2.2(a),(c)
 3.1(a)–(c), 3.2(a)–(d), 3.3(a)–(c), 3.4, 3.5
 4.1, 4.2(a)–(b)
 5.1, 5.2(a), 5.2(d)–(e), 5.3(a), (c), (d)–(g)
 6.1(a)–(b), 6.2(a), 6.2(d)–(e)
 7(b)
 8(a)–(c)
 9(a)
 10.1, 10.2.1(f), 10.2.1(k), 10.5(b), 10.6.1(a), 10.6.2, 10.6.3, 10.7, 10.7.1,
 10.8.1, 10.8.3, 10.9
 11
 12.10(b), (e)–(f)
 14.1, 14.5
 15.1(a)–(b), 15.4(a), (c), 15.8(c)(i), 15.10.1
 16, 16.3, 16.4, 16.5, 16.6(a), (f), 16.7.1, 16.7.2
 17.2, 17.2.3, 17.2.4
 18.2.1(c), 18.2.2(a)–(d), 18.6
 T6
 T13

An electronic copy of *The Maizebook* is available for download on CTools.

The rules herein may be cited as MB [rule number].

STRUCTURE AND USE OF CITATIONS

1

Introductory Signals

1.2

Generally. Please read BB 1.2 as frequently as necessary to internalize its wisdom: each introductory signal has a specific meaning. The large majority of citations will call for [no signal]. Most authors tend to overuse “*see*” and “*see, e.g.,*”. This is fairly easy to correct at the citechecking stage, and we encourage you to make this edit. Check to see, for instance, if there is an inferential step between the cited authority and the point the author wishes to make.

(b) Signal That Suggests a Useful Comparison. Use a comma after each source in a “*Compare . . . , with*” citation, even if there are only two sources.

- *Compare* Harlow v. Fitzgerald, 457 U.S. 800 (1982), *with* Wood v. Strickland, 420 U.S. 308 (1975).

(e) Signals as Verbs. A signal can serve as a verb even at the beginning of a sentence. These signals, like all other signals used as verbs, are not italicized.

- See Jane W. Owens, Note, *Is Natural Gas Pipeline Regulation Worth the Fuss?*, 40 STAN. L. REV. 753 (1988), for a discussion of whether natural-gas pipeline regulation is really worth the fuss.

If a signal is used as a verb and only two sources are cited, include “and” between the two sources rather than a semicolon. Include a comma before the “and” only if there is at least one comma within the first citation (as with case citations) that is not part of the parenthetical. Do not include a comma before the “and” if no comma appears within the first citation, outside of the parenthetical information (as with book citations without an author).

- For support for this proposition, see *United States v. Cecil*, 836 F.2d 1431, 1439 (4th Cir. 1988), and *United States v. Scop*, 846 F.2d 135, 142 (2d Cir. 1988).

But:

- For an overview of jury nullification, see NULLIFICATION WITHIN THE RULE OF LAW 57 (James Henderson ed., 1993) and David Farnham, *Jury Nullification: History Proves It’s Not a New Idea*, 11 CRIM. JUST. 4 (1997).

When a signal is used as a verb and more than two sources are cited, order the sources in accordance with BB 1.4 and MB 1.4, separate the citations with semicolons, and place an “and” after the last semicolon (before the last citation).

- For support, see *United States v. Cecil*, 836 F.2d 1431, 1439 (4th Cir. 1988); *United States v. Scop*, 846 F.2d 135, 142 (2d Cir. 1988); and *Washington v. United States*, 390 F.2d 444, 451 (D.C. Cir. 1967).

1.3 Order of Signals

If a footnote sentence uses a signal as a verb to introduce a sentence, make sure that the sentence contains only citations that are properly introduced by that signal. Start a new sentence for citations that require a different signal.

- ▶ For a good overview of the Supreme Court’s recent First Amendment jurisprudence, see [citation]. See *also* [citations].

NOT:

- ▶ For a good overview, see [citation]; see *also* [citations].

1.4 Order of Authorities Within Each Signal

“Compare . . . , with” Citations. In a “Compare . . . , with” citation, order the sources on each side of the word “with” in accordance with BB 1.4 and MB 1.4.

Signals Used as Verbs. If a signal is used as a verb per BB 1.2(e) and more than two sources are cited, the sources should be ordered in accordance with BB 1.4 and MB 1.4.

Two of the Same Type of Source. When BB 1.4 indicates to order sources of the same type according to last name of author, use the last name of the first author listed. If that information is the same for two sources, use the last names of any additional authors listed to break the tie. Then use any additional tiebreaker indicated by BB 1.4 for the source type if necessary.

When BB 1.4 does not indicate how to order sources of the same type, cite the sources according to the last name of the first author listed. If that information is the same for two sources, use the last names of any additional authors listed to break the tie. If an additional tiebreaker is needed, cite the sources in reverse chronological order.

(d) Cases. Cases decided by the same court in the same year are arranged in reverse chronological order based on the month and date.

(i) Secondary Materials. If a source has no author, list it at the end of the similar sources (see BB 1.4(i)(1)–(10)) that do have authors. If there is more than one source of a particular kind with no author, or if there are multiple sources by the same author, list them alphabetically by title. Ignore “A,” “An,” and “The” for alphabetization purposes.

(j) Cross-References. BB 1.4(j) applies only to internal cross-references to the author’s own text or footnotes. Citations that use “*supra*,” “*infra*,” or “hereinafter” to cross-reference sources cited elsewhere in the piece are ordered in accordance with the rules under BB 1.4 and MB 1.4 that apply to the source type. Note that per BB 4.1 and MB 4.1, “*id.*” may not be used following *internal* cross-references, but may be used to refer to sources cited by cross-reference (e.g., using “*supra*”).

Parenthetical Information

1.5

(a) Substantive Information. *The Bluebook* sets forth three acceptable forms of parenthetical explanatory information: (i) a present participial phrase, (ii) a quoted full sentence, or (iii) a short statement that is appropriate in context. It is preferable to avoid “mixing” these forms. A parenthetical, for example, should be either a participial phrase or a quotation of a complete sentence, not both. A participial phrase may introduce a quotation only if the quotation cannot stand alone as a complete sentence.

Related Authority

1.6

(c) [1] Multiple Sources. When citing two sources in a parenthetical, include a comma before the “and” if there is a comma within the first citation (as with case citations). Do not include a comma before the “and” if there is no comma within the citation (as with book citations without an author). Note that this is the same treatment required by MB 1.2(e) when a signal is used as a verb and two sources are cited.

- Alexander Morgan Capron, *Tort Liability in Genetic Counseling*, 79 COLUM. L. REV. 18, 43 (1979) (quoting *Milnot Co. v. Richardson*, 350 F. Supp. 221 (S.D. Ill. 1972), and *Palsgraf v. Long Island R.R.*, 162 N.E. 99, 100 (N.Y. 1928)).

But:

- Alexander Morgan Capron, *Tort Liability in Genetic Counseling*, 79 COLUM. L. REV. 18, 43 (quoting NULLIFICATION WITHIN THE RULE OF LAW 57 (James Henderson ed., 1993) and David Farnham, *Jury Nullification: History Proves It's Not a New Idea*, 11 CRIM. JUST. 4 (1997)).

When citing three or more sources in a parenthetical, separate the sources with semicolons and place an “and” after the last semicolon (before the last source).

- *Citizens United v. FEC*, 130 S. Ct. 876, 896 (2010) (citing *Thomas v. Chi. Park Dist.*, 534 U.S. 316, 320 (2002); *Lovell v. City of Griffin*, 303 U.S. 444, 451 (1938); and *Near v. Minnesota ex rel. Olson*, 283 U.S. 697, 713 (1931)).

(c) [2] Quoting and Citing Parentheticals. Note that (quoting) must be used every single time there is a quotation within a quotation, with the exception of scare quotes for style or emphasis. A (citing) parenthetical should be used when particularly relevant or helpful, for which we can largely defer to authors. See MB 10.6.2 for more.

2 TYPEFACES FOR LAW REVIEWS

2.1 Typeface Conventions for Citations

(b) Books and Other Works Cited Under BB 15. Case names and other italicized text in the titles of books (or other works whose titles are in large and small caps) should appear in large and small caps and italics.

- MARY JANE SMITH, *THE CALDWELL DOCTRINE* 86 (1996).
-

2.2 Typeface Conventions for Textual Material

(a)(i), (b)(i) Main Text and Footnote Text—Case Names. The following example clarifies the *Bluebook* rule on italicizing case names in the text. Where an apostrophe “s” follows a party name, do not italicize the apostrophe or the “s.”

- *Miranda's* meaning is clear.

(a)(ii) Titles of Publications, Speeches, or Articles. This rule broadens the scope of the *Bluebook* rule on italicizing the titles of publications, speeches, and articles when they appear in the main text. The titles of films, audio recordings, television broadcasts, and other broadcast media should also be italicized. The titles of computer programs and internet websites should not be italicized.

- Commenting years after he wrote the novel, Bradbury used the film *Moulin Rouge* to make his point about the rapid pace of modern film editing and his claim that this degrades thinking.
- The thesaurus feature on Microsoft Word is a godsend to high school students everywhere.

(c) Punctuation. Where an apostrophe “s” follows an italicized word other than a case name, treat the situation analogously to MB 2.2(a)(i) and (b)(i) and do not italicize the apostrophe or the “s.” Where an apostrophe follows an italicized plural word, do not italicize the apostrophe.

- *Huckleberry Finn's* literary merit is questionable.
- The *Restatements'* value is immeasurable.

SUBDIVISIONS

3

Volumes, Parts, Supplements

3.1

(a)–(c) Generally. Use Arabic numerals when citing to a particular subdivision of another work (such as a volume, part, or chapter).

(a) Volumes; Citations to Multiple Volumes of Multivolume Works. Citation to multiple volumes within the same edition, with the same publisher, and in the same year is permitted. Use an en dash (*see* MB 3.2) to show the range of volumes.

- 8–10 THE DOCUMENTARY HISTORY OF RATIFICATION OF THE CONSTITUTION (John P. Kaminski & Gaspare J. Saladino eds., 1988).

Pages, Footnotes, Endnotes, and Graphical Materials

3.2

(a)–(c) Multiple Pages, Footnotes, and Endnotes. When citing material that spans more than one page, footnote, or endnote, separate numbers by an en dash (–), not by a hyphen (–).

(b)(i) Unnumbered Footnotes. When referencing a footnote that does not have a number, but rather a symbol, include the symbol. Common symbols in older sources include asterisks (“*”), daggers (“†”), and double daggers (“‡”).

- 25. The Papers of Thomas Jefferson 569 n.* (John Catanzariti ed., 1992).

(b)(ii) Footnotes Within a Range. To cite to a range of pages and a footnote appearing on only one of those pages:

- Orin Kerr, *The Case for the Third-Party Doctrine*, 107 MICH. L. REV. 561, 577–82, 580 n.97 (2009).
- FRANK H. EASTERBROOK & DANIEL R. FISCHL, *THE ECONOMIC STRUCTURE OF CORPORATE LAW* 12–18, 17 n.2, 25 (1996).
- Frederick Schauer, *Precedent*, 39 STAN. L. REV. 571, 572–73, 572 n.3 (1987).

(d) [1] Graphical Materials in a Piece. In accordance with *CMS*, when referring to a table in the same piece, rather than one in another piece, capitalize “Table” but do not abbreviate it. This rule applies to other inserted materials, like appendices and graphs, and holds true in both citations and text. For information on internal cross-references, see MB 3.5 below.

(d) [2] Graphical Materials Spanning Multiple Pages. When citing a specific part of graphical material that spans multiple pages, include a pincite to the page(s) on which the specific material appears. When more generally citing graphical material that spans multiple pages, the pincite should be to the pages on which the graphic material appears.

3.3 Sections and Paragraphs

(a)–(c) [1] Authorities with Numbered Paragraphs and Page Numbers. If a source is organized by numbered paragraphs (without ¶ symbols) as well as by page numbers, pincites should refer to paragraph numbers rather than page numbers, using “para.” instead of the ¶ symbol.

- ▶ *Sunday Times v. United Kingdom*, 2 Eur. H.R. Rep. 245 paras. 49–51 (1979).

(a)–(c) [2] Multiple Sections and Paragraphs. When citing material that spans more than one section or paragraph, separate numbers by an en dash (–), not by a hyphen (-).

(b)–(c) Splitting of Long and Complicated Citations. Although referring to multiple groups of pages or sections in books and other sources is straightforward, attempting to do the same when referring to constitutions and other sources with multiple, differently named subdivisions becomes confusing. When dealing with this type of source, use consecutive citations instead.

- ▶ MASS. CONST. OF 1780, pt. II, ch. II, § 1, art. III; *id.* pt. II, ch. II, § 3, arts. I–IV.

NOT:

- ▶ MASS. CONST. OF 1780, pt. II, ch. II, § 1, art. III, § 3, arts. I–IV.

So long as the multiple groups of subdivisions are all of the same type and grouped together, however, a single citation is sufficiently clear.

3.4 Appended Material

When referring to an appendix in the same piece, rather than one in another piece, capitalize “Appendix” but do not abbreviate it.

- ▶ See Appendix A.

3.5 Internal Cross-References

(a) When Referring to the Work at Hand. Capitalize “Note,” “Article,” “Review,” “Notice,” “Essay,” “Section,” and “Part” when referring to the work at hand, including when the plural form of these words is used. However, when an author refers in the text to another piece, do not capitalize these words.

- ▶ In this Article, I regurgitate concepts from an article I wrote in 1981.
- ▶ In the next two Sections, I use as much legal jargon as I can to confuse the reader.

A Part is a large subdivision that is referenced with a roman numeral only. Any subdivision smaller than a Part should be referred to as a Section.

- In Section II.A.1 above, I discuss this concept.

NOT:

- In Part II.A.1 above, I discuss this concept.

(b) Structural Headings of *MLR* Pieces. *MLR* follows a standard format with respect to the numbering of Parts. Most pieces will begin with an Introduction and conclude with a Conclusion. Neither should be plural (e.g., Conclusions). Neither should be numbered. The first Part following the Introduction should be numbered I, then II, and so forth.

(c) No Page Numbers in Cross-References. *MLR* does not use page numbers in cross-references. Instead, identify cross-references by citing to a *footnote*, its accompanying text, and/or a specific part of the piece.

- See *infra* note 84 and accompanying text.
- Cf. *supra* text accompanying note 22.
- See *generally supra* Part I.
- See *infra* Section II.A.
- See *supra* Table A.12.
- Compare *supra* Section II.A, with *infra* note 522.
- See *supra* notes 104–108.

(d) Text Accompanying a Cross-Reference. Note that “text accompanying note X” should be used when the author refers solely to text located elsewhere in the piece, whereas “note X and accompanying text” should be used when the author refers to the material in footnote X as well as the text to which the footnote is attached.

In general, the text that accompanies a footnote is the text that directly *precedes* the footnote. In compelling circumstances, the phrase “text following note X” may be used to direct the reader to text that would otherwise be difficult clearly to identify.

Also note that it is permissible to include the word “discussion” with a crossreference, but only before the word “*infra*” or “*supra*.”

- See discussion *infra* Section I.C.

NOT:

- See *infra* discussion Section I.C.

(e) When Citing to Both an *Infra* and a *Supra*. When a citation cites both to an *infra* and a *supra* in the same citation, cite to all of the *supra* sources first. Split *supras* and *infras* with a semicolon.

- See *supra* notes 104–108; *infra* note 193.

(f) A Range of Notes in Cross-References. When internally cross-referencing a range of notes, ignore *The Bluebook's* standard rule regarding using only the last two digits of the referenced range's end. Our publishing program will not accept that format for notes. Maintain all three digits in the note range's end.

- See *supra* notes 104–108.

NOT:

- See *supra* notes 104–08.

(g) Cross-References in a Textual Sentence. When using a cross-reference in a textual sentence in a footnote, place “*infra*” or “*supra*” before “in [Part/Section X].”

- I discuss this concept further *infra* in Part III.

(h) Comma Usage in Cross-References. When citing two or more nonconsecutive footnotes or ranges of footnotes, *do not* insert the word “and” before the last footnote range or number.

- See *supra* notes 5, 10–12, 14–15.
- See *supra* notes 5, 10 and accompanying text.
- See *supra* text accompanying notes 5, 10–12, 14–15.

NOT:

- See *supra* notes 5, 10–12, and 14–15.

SHORT CITATION FORMS

4

“Id.”

4.1

Multiple Citations to a Source. *“Id.”* may be used when the immediately preceding citation cites to only one source but contains multiple citations to that source.

Cross-References. Note that *“id.”* may not be used following *internal* cross-references to the author’s own text or footnotes. However, *“id.”* may be used to refer to sources cited by cross-reference (e.g., using *“supra”*).

- 3. See Smith, *supra* note 1, at 5.
- 4. See *id.* at 6.
- 5. See *supra* note 2.
- 6. See *supra* note 2.

Rules in Rulebooks. Do not use *“id.”* citations for immediately subsequent citations to a different rule in the same rulebook. *“Id.”* citations, however, may be used for immediately subsequent citations to the same rule in the rulebook.

- 1. FED. R. CRIM. P. 5.1(a).
- 2. FED. R. CRIM. P. 5.1(c).
- 3. *Id.*
- 4. FED. R. CRIM. P. 10.

“Supra” and *“Hereinafter”*

4.2

(a) *“Supra.”* Follow BB 4.2(a), which states to indicate any manner in which the subsequent citation differs from the former citation when using *supra*. In addition, if a pincite is needed in the subsequent citation, include the pincite even if it is identical to the pincite in the former citation.

(a)(3) Multivolume Works with Different Authors or Editors. Multivolume works with different editors, authors, or years of publication should be cited separately from each other, instead of using a *supra* form.

- 21. See 3 JOURNALS OF THE CONTINENTAL CONGRESS 1774–1789, at 373 (Worthington Chauncey Ford ed., William S. Hein & Co. 2005) (1905).
- 22. 4 JOURNALS OF THE CONTINENTAL CONGRESS 1774–1789, at 230 (Worthington Chauncey Ford ed., William S. Hein & Co. 2005) (1906).
- 23. 18 JOURNALS OF THE CONTINENTAL CONGRESS 1774–1789, at 905 (Gaillard Hunt ed., William S. Hein & Co. 2005) (1910).

NOT:

- 22. 4 JOURNALS OF THE CONTINENTAL CONGRESS 1774–1789, *supra* note 21, at 230.

Rule 4 / Short Citation Forms

Multivolume works with the same editors, authors, *and* years of publication should be cited using a *supra* form (even if the particular volume being cited was not previously cited):

- 30. 5 JOURNALS OF THE CONTINENTAL CONGRESS 1774–1789, *supra* note 22, at 606.

(a)(4) Multivolume Works with the Same Authors or Editors. *Supra* citations to multivolume works should use the title of the work, not the author’s name, even when all volumes have the same authors or editors.

- 31. 3 MAX WEBER, *ECONOMY AND SOCIETY* 987–89 (Guenther Roth & Claus Wittich eds., 1968).
- 32. Max Weber, *Parliament and Government in a Reconstructed Germany*, in 3 *ECONOMY AND SOCIETY*, *supra* note 31, at 1401–03.

NOT:

- 32. Max Weber, *Parliament and Government in a Reconstructed Germany*, in 3 *MAX WEBER*, *supra* note 31, at 1401–03.

(b) “Hereinafter.” When using a parallel citation to an internet source, “hereinafter” precedes the explanatory parenthetical.

- 35. See generally Saikrishna Prakash, *Removal and Tenure in Office*, 92 *VA. L. REV.* 1799 (2006) [hereinafter Prakash, *Removal and Tenure in Office*]; Saikrishna Prakash, *Unleashing the Dogs of War: What the Constitution Means by “Declare War”*, 93 *CORNELL L. REV.* (forthcoming 2007) [hereinafter Prakash, *Dogs of War*], <http://ssrn.com/abstract=977244> [<http://perma.cc>] (collecting important examples of academic work on the Declare War Clause).

QUOTATIONS

5

Formatting of Quotations

5.1

Generally. Except as permitted by *The Bluebook* and *The Maizebook*, the formatting of the original source (including capitalization, spelling, italicization, and spacing) should be retained in quotations.

Double Quotation Marks. *MLR* places a superscripted space between double and single quotation marks for readability.

- He said, “This is not a ‘Catch 22.’”

NOT:

- He said, “This is not a ‘Catch 22.’”

Quotations in Titles. Retain the use of either single or double quotation marks in a title. When a comma follows a quotation mark at the end of a title, it is placed outside the title.

- 10. See Flaherty, *History “Lite”*, *supra* note 5, at 535–49.

Capitalization. Some works use all caps or small caps to distinguish one or more words at the start of the work or subsections within the work. When quoting the portion of a work that contains such capitalization, use ordinary roman type.

- SOURCE: ONCE UPON A TIME there was a beautiful princess.

QUOTATION: “Once upon a time there was a beautiful princess.”

Spacing. When quoting multiple sentences of a work that uses two spaces between sentences, use one space between the quoted sentences per MB 25.1.

When quoting a work that uses spaces to set off a single hyphen, en dash, or em dash, maintain the spacing and type of dash or hyphen from the original source.

Double Hyphens. When quoting text that contains two consecutive hyphens, convert the two hyphens to a single em dash.

- SOURCE: Spot can run quickly--very quickly.

QUOTATION: “Spot can run quickly—very quickly.”

(a) Block Quotations. Authors often mistakenly place quotations of more than fifty words in quotation marks, rather than block quotations. This should be corrected at the citechecking stage by highlighting the text and indicating in your comment that the text needs to be blocked.

(a)(ii) Block Quotations Within Footnotes. Citations to block quotations should appear only after the block text, as described in *The Bluebook*, and never in the introductory phrase. This prevents double citation.

- 10. Bradley states as follows:

[text of block quotation, inset as described in *The Bluebook*]

Bradley, *supra* note 9, at 56.

NOT:

- 10. Bradley, *supra* note 9, at 56:

[text of block quotation, inset as described in *The Bluebook*]

Id.

(a)(iii) Paragraph Structure. Please disregard the instructions and example in BB 5.1(a)(iii). Instead, follow the instructions below regarding the paragraph structure of block quotations:

The paragraph structure of a block quotation should be indicated by further indenting the first line of each paragraph.

The first sentence of the first quoted paragraph should only be further indented, however, if the first word of the quoted passage is also the first word of a paragraph in the source being quoted. If language at the beginning of the first paragraph is omitted, do not further indent the first line or use an ellipsis.

To indicate omission at the beginning of subsequent paragraphs, insert and further indent an ellipsis.

To indicate the omission of one or more entire paragraphs, insert and further indent four periods (“”) on a new line.

- This was the first sentence of a paragraph in the source being quoted. One or more entire paragraphs have been omitted following this paragraph.

. . . . This was not the start of the first sentence of this paragraph in the source being quoted.

- This was not the first sentence of a paragraph in the source being quoted. The paragraph below directly followed this paragraph in the original.

This was the start of the first sentence of this paragraph in the source being quoted.

Alterations and Quotations Within Quotations

(a) Substitution of Letters or Words. BB 5.2(a) permits the insertion of explanatory material in brackets within a quotation. However, it is often preferable to alter the quotation so that it reads as a complete sentence, rather than as a sentence interrupted by explanatory material.

Permissible:

- “They [two heirs] never bother about me in life.”

Preferred:

- “[The two heirs] never bother about me in life.”

But also preferred:

- “The phrase *expressio unius est exclusio alterius* [the express mention of one thing excludes all others] is overused in legal academia.”

(d)[1] Changes to Quotations—Generally. If emphasis has been added at two separate places in the quoted material preceding the citation, use the parenthetical “(emphases added).”

- “Many people *love* watching football but *hate* watching soccer.” *Id.* at 4 (emphases added).

But:

- “Many people *love* watching football but hate watching soccer.” *Id.* at 4 (emphasis added).

When altering and/or adding emphasis to a quotation that also contains alterations or emphases from the quoted source, indicate which alterations appeared in the original and/or which emphases were added.

- SOURCE: Chocolate is *by far* the most popular ice cream flavor.

QUOTATION: “Chocolate is *by far* the most popular *ice cream* flavor.” *Id.* at 2 (second emphasis added).

- SOURCE: The statute requires “best effort[s].”

QUOTATION: “The statute require[d] ‘best effort[s].’” *Id.* at 125 (second alteration in original).

If a single citation sentence or clause is omitted but the sentence or clause contained citations to multiple sources, use the parenthetical “(citations omitted).”

(d)[2] Changes to Quotations—Nesting Parentheticals. Where a quotation appears in a parenthetical and requires a parenthetical of the type described in BB 5.2(d) and MB 5.2(d)[1], nest the BB 5.2(d) parenthetical within the parenthetical that contains the quotation.

- *Trinko*, 540 U.S. at 413 (describing how the FCC “soon concluded that Verizon was in breach” of its obligations (emphasis added)).
- *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997) (stating that certain fundamental rights are “*deeply rooted* in this Nation’s history and tradition” (emphasis added) (quoting *Moore v. City of E. Cleveland*, 431 U.S. 494, 503 (1977) (plurality opinion))).

(e)(i) Omitting Internal Quotation Marks. When quoting a first-order source that quotes another, second-order source, you do not need to include internal quotation marks if:

- (1) the portion of the first-order material you are quoting does not contain any quotation marks (e.g., if you are quoting only an interior portion of the second-order quotation or if the first-order source uses a method other than quotation marks to set apart the second-order quotation), or
- (2) the portion of the first-order material you are quoting is coextensive with the second-order quotation.

In either case, omit the internal quotation marks. **Note that the rule regarding “quoting” parentheticals in BB 5.2(e) still applies in these situations.**

(e)(ii) Emphasis in Second-Order Quotations. When quoting a first-order source that quotes a second-order source and adds emphasis to the second-order source, you may insert an “emphasis added by *X*” parenthetical when doing so would be helpful to the reader.

- SECOND-ORDER SOURCE (*purchase agreement*): The buyer shall expend best efforts to complete the sale.

FIRST-ORDER SOURCE (*case*): The contract required “best efforts to *complete* the sale.”

QUOTATION: “The contract required ‘best efforts to *complete* the sale.’” *Smith*, 123 U.S. at 456 (emphasis added by court) (quoting *Purchase Agreement*, *supra* note 5, § 9.1).

(e)(iii) Block Quotations in Second-Order Quotations. When quoting a first-order source that quotes a second-order source within a block quotation, treat the block quotation in the first-order source as if it had been surrounded by double quotation marks in the first-order source and had not been set off from the text.

- FIRST-ORDER SOURCE: The Framers began by proclaiming as follows:

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.⁵

QUOTATION: “The Framers began . . . as follows: ‘We . . . do ordain and establish this Constitution.’” *Id.* at 234 (quoting U.S. CONST. pmbl.).

Omissions

5.3

(a) When Using Quoted Language as a Phrase or Clause. Per BB 5.3(a), an ellipsis (three periods separated by spaces) should be used whenever a quotation that contains an omission is used as a phrase or clause. Although this rule applies even when an omission spans one or more sentences, using an ellipsis to join words that are far apart in the original source is highly discouraged. See *CMS* 13.49 for additional guidance.

(c) When Omitting a Footnote or Citation. Use a (footnote omitted) parenthetical when the quote omits a call number correlating to a footnote. Use (citation omitted) when the quote omits an in-line citation.

(d) When Omitting Words Adjacent to Punctuation. Do not retain any punctuation at the beginning or end of an omission *from the middle of a sentence*, unless the punctuation is a semicolon and is necessary to comprehend the sentence.

NOT:

- “This . . . , sentence contains an error.”

But:

- “This sentence does not contain an error . . . ; in fact, it is perfect.”

(e) When Omitting Words Adjacent to Quotation Marks. If a single or double quotation mark precedes or follows an ellipsis, do not insert a space between the ellipsis and the quotation mark.

- “[A] felony occurs solely because a corporation, other than an exempt media corporation, has made the ‘purchase, payment, distribution, loan, advance, deposit, or gift of money . . .’ in order to engage in political speech.”

(f) When Omitting Only Punctuation. In general, when omitting punctuation from the middle of a sentence but not omitting any quoted material adjacent to the omitted punctuation, use empty brackets to indicate the omission, as shown in the example below.

Rule 5 / Quotations

- SOURCE: There was a special rule, allowing students to run in the halls, that was instituted by the former principal.

QUOTATION: The former principal instituted “a special rule[] allowing students to run in the halls.”

However, when the omitted punctuation is a hyphen, en dash, or em dash (whether or not set off from the surrounding text with spaces), use brackets containing a space, as shown in the examples below.

- ORIGINAL: This is what teachers hated – inconsistent spelling.

QUOTATION: “[T]eachers hated[]inconsistent spelling.”

- ORIGINAL: This is what teachers hated—inconsistent spelling.

QUOTATION: “[T]eachers hated[]inconsistent spelling.”

(g) When Omitting Punctuation Adjacent to Alterations. When omitting punctuation adjacent to added material, use brackets containing a space and the added material, as shown in the examples below.

- SOURCE: This was the most important premise of her speech: the idea that dogs and cats should have equal rights.

QUOTATION: “[T]he most important premise of her speech[was] the idea that dogs and cats should have equal rights.”

- SOURCE: He wanted consistent spelling, proper grammar, and neat handwriting.

QUOTATION: “He wanted consistent spelling[and] proper grammar”

When omitting both punctuation and the end of the word preceding the omitted punctuation, use empty brackets, as shown in the example below.

- SOURCE: This is what teachers wanted: consistent spelling and proper grammar.

QUOTATION: “[T]eachers want[] consistent spelling”

When omitting both punctuation and the start of the word following the omitted punctuation, use empty brackets containing a space, as shown in the example below.

- SOURCE: This is what teachers never wanted: inconsistent spelling and improper grammar.

QUOTATION: “[T]eachers . . . wanted[]consistent spelling and []proper grammar.”

6 ABBREVIATIONS, NUMERALS, AND SYMBOLS

6.1 Abbreviations

(a) Spacing. Do not close up adjacent single capitals that appear in the title of a work.

(b)(i) Entities Referenced Without Periods. Many entities, whether widely recognized or not, are appropriately referenced without periods, subject to the explicit exceptions in BB 6.1(b) (e.g., reporter names). For example, the SEC, EPA, EEOC, and FCC can generally be referenced without periods.

(b)(ii) Entities Referenced in Case Names. If an entity that is commonly referred to by its initials appears in a case name, use only the entity's initials when stating the case name in an abstract, main text, or footnote text.

When applying BB 6.1(b), authors or executive editors may, when it serves the interest of clarity, introduce the acronym by employing the full name followed by a parenthetical. This will normally occur at the first textual reference where the acronym could be used.

- The Federal Energy Regulatory Commission (“FERC”) regulates interstate transmission of natural gas, oil, and electricity.

6.2 Numerals and Symbols

(a)–(d) Number Clusters. Executive editors should apply the cluster rule in MB 25.9 at the pageproofing and final review stages.

(a) [1] Fractions. Hyphenate fractions, including “one-half,” in accordance with *CMS* 7.85. For example:

- a two-thirds majority
- a one-and-a-half-inch hem
- one and a half inches

(a) [2] Numerals in Dates. Numerals in dates in the text are not spelled out.

- September 11, 2001, was a dark day in American history.

Do not attach a “st,” “rd,” or “th” to the numeral, even if the date does not include the year.

- September 11 attacks

(a) [3] Spelling References to Decades and Centuries. When using Arabic numerals to refer to specific decades, the year should be followed immediately by an “s.” There should not be an apostrophe or a space before the “s.”

- 1980s

NOT:

- 1980's

Otherwise, decades and centuries should be written in full and in lower case.

- twentieth century

(a) [4] Year Ranges. Use four digits for each year in a year range.

- 1999–2005
- 1885–1886

NOT:

- 1885–86

(a) [5] Numbers of 1,000 or Greater. In textual sentences, use a comma if the number contains four or more digits. In citations, use a comma if the classification system of the source itself or the relevant *Bluebook* rule employs commas.

- The defendant was liable for \$1,000 in damages.
- *McConico v. City of Birmingham*, 543 U.S. 1143 (2005).
- *Importation of Fruits and Vegetables*, 60 Fed. Reg. 50,379 (Sept. 29, 1995) (to be codified at 7 C.F.R. pt. 300).

(a) [6] Decimals. Use Arabic numerals for numbers containing decimals.

- 5.945

(d) Dollar (\$) and Percent (%) Symbols. If a percentage or dollar amount begins a sentence and is spelled out per BB 6.2(a)(i), also spell out “percent” or “dollar(s).” If a percentage appears in Arabic numerals, retain the author’s use of either “%” or “percent” during the citechecking stage. Likewise, if a dollar amount appears in Arabic numerals, retain the author’s use of either “\$” or “dollar(s)” during the citechecking stage. When using the “%” or “\$” symbol, leave no space between the Arabic numeral and the symbol.

(e) Multiplication Symbols. Use a dot, not an “x” or asterisk, as a multiplication symbol.

7 ITALICIZATION FOR STYLE AND IN UNIQUE CIRCUMSTANCES

(b) Foreign Words and Phrases. If a non-English word is in the *Merriam-Webster's Collegiate Dictionary* or *Webster's Third New International Dictionary*, the word is considered to be in common usage and should therefore not be italicized. The following is a list of non-English words that are not italicized. This list is not exclusive. If you are uncertain whether a legal word or phrase is considered to be in common usage, please make a note on your citechecking sheet or consult with an executive editor. In most pieces, the majority of non-English words used by authors will not need to be italicized.

- a priori
- ad hoc
- bona fide
- de facto
- ex ante
- ex officio
- ex post
- forum non conveniens
- in limine
- inter alia
- mens rea
- per curiam
- prima facie
- qua
- qui tam
- quid pro quo
- sine qua non
- sua sponte

Please note, however, that the italicization of words in quotations and titles should be retained from the original source. See MB 5.1 for further guidance on italicization within quotations.

CAPITALIZATION

(a) Capitalization of Headings and Titles. *MLR* follows BB 8(a), MB 8(a), and *CMS* 8.157 on the capitalization of all headings and titles. This includes the headings and titles of works as they are published by *MLR* (e.g., the heading of Part II of a student Note as well as the title of the Note itself), internet main page titles, book titles, report titles, and article titles. Where BB 8(a) and *CMS* 8.157 conflict, BB 8(a) controls.

MLR capitalizes any word in a heading or title that immediately follows a colon or em dash.

MLR discourages the use of symbols (e.g., “&”) in headings and titles within pieces.

(b) Internet Main Page Titles and URLs. *MLR* follows BB 8(b) on the capitalization of website main page titles and URLs. Note that BB 8(b) is defined further in BB 18.2.2(b).

(c) Capitalization in Text. Although *MLR* follows BB 8(c) in general, *MLR* applies different or supplementary rules on the capitalization of certain items, as described below.

In accordance with *CMS* 8.21, capitalize civil, military, religious, and professional titles only when they immediately precede a personal name.

- The president met with Senator Dole while Vice President Cheney met with the attorney general.

Capitalize “Justice” only when the word is used to refer to one or more individual Supreme Court Justices.

- While three justices dissented, only Justice O'Connor found that the legislation violated the First Amendment.

In accordance with *CMS* 8.66–8.70, capitalize the following:

- Congress, Senate, House of Representatives
- Supreme Court
- Department of Justice (and similar departments)

Capitalize “Administration” only when referring to a particular administration.

- the Bush Administration

Capitalize the proper names of courts.

- the Ninth Circuit Court of Appeals

Rule 8 / Capitalization

Capitalize words in quotations from the Constitution as in the original.

Capitalize “Amendment” when referring to a specific amendment in the U.S. Constitution.

- Fourth Amendment scholars thought they knew all they needed to know about the Amendment’s history.

Capitalize “Rule” when referring to a particular rule of the Federal Rules of Civil Procedure, Federal Rules of Evidence, their state equivalents, or the like.

- Under Rule 21, a federal court may sever dispensable, nondiverse parties to preserve diversity jurisdiction.

When referring to parts of statutes, capitalize “Title,” but when referring to parts of the U.S. Code, do not.

- Title VII
- title 35 of the U.S. Code

Do not capitalize these words:

- internet
- executive branch
- state (unless referring to, e.g., the State of Washington, or the State as a party in a court case)

In accordance with *CMS* 8.168, when referring to newspapers or periodicals, the initial “the” should not be capitalized (unless it begins a sentence) or italicized.

- I read the *New York Times*.
- The *New York Times* is a great newspaper.

TITLES OF JUDGES, OFFICIALS, AND TERMS OF COURT

9

(a) Justices and Judges. Never use “et al.” or insert a comma before the ampersand in parenthetical references to multiple justices. Parenthetical references to more than two justices or to the chief justice and one or more other justices should follow the examples below, with the justices ordered per BB 9(b).

- (Jones, Smith & Reed, JJ.)
- (White, C.J. & Jones, J.)
- (White, C.J., Jones & Smith, JJ.)
- (White, C.J., Jones, Smith & Reed, JJ.)

10 CASES

10.1 Basic Citation Forms

If the full name of the case is mentioned in the text of the piece or in footnote text, the citation should not contain the case name unless the citation would be unclear without it.

- The government argued that the issue raised by the plaintiffs in *Kahawaiolaa v. Norton* was a nonjusticiable political question.¹

1. 386 F.3d 1271, 1274 (9th Cir. 2004).

If a case is cited without the case name according to this rule and is subsequently cited within the next five footnotes, then the first citation to the case following the citation without the case name should be a short-form citation including a shortened case name. This rule applies even if “*id.*” would otherwise be appropriate or the case name would not otherwise be required. This rule also applies even when the subsequent citation occurs within the same footnote as the initial citation.

- 1. 727 F. Supp. 1407, 1412 (D. Mass. 1990).
2. *McConico v. City of Birmingham*, 543 U.S. 1143 (2005).
3. *Charlesworth*, 727 F. Supp. at 1413.
- 1. 727 F. Supp. 1407, 1412 (D. Mass. 1990).
2. *Charlesworth*, 727 F. Supp. at 1412.
- 1. 727 F. Supp. 1407, 1412 (D. Mass. 1990). The court dismissed the deprivation of liberty claim. *Charlesworth*, 727 F. Supp. at 1412.

If, however, the main text or footnote text refers to the case by a shortened name per BB 10.9(c) (for example, *Loving*, rather than *Loving v. Virginia*), treat the citation in the same manner as you would if the text did not mention the case by name at all (full case name in a full citation, shortened case name in a short-form citation, or no name in an *id.* citation).

For more on short forms for case names, see BB 10.9 and MB 10.9.

10.2.1 General Rules for Case Names

(f) Geographical terms. BB 10.2.1 states that prepositional phrases of location not following “City,” or like expressions, should be omitted unless the omission would leave only one word in a party’s name or the location is part of the name of a business. The names of universities should not be omitted under this rule.

- *Bd. of Trs. of the Univ. of Ala. v. Garrett*, 531 U.S. 356 (2001).

NOT:

- ▶ *Bd. of Trs. v. Garrett*, 531 U.S. 356 (2001).

Where a city, township, county, village, or other municipal-like entity is a party or part of a party's name, do not include the state.

- ▶ *McConico v. City of Birmingham*, 543 U.S. 1143 (2005).

NOT:

- ▶ *McConico v. City of Birmingham, Ala.*, 543 U.S. 1143 (2005).

(k) Common Names Different from Name in Reporter. When a case is identified by its common name, for subsequent citations to that case, treat the designated nickname as the “short form” name of the case.

- ▶ 1. *Youngstown Sheet & Tube Co. v. Sawyer (Steel Seizure)*, 343 U.S. 579, 583 (1952).
[. . .]
3. *Steel Seizure*, 343 U.S. at 580.

When the case has not been cited in the last five footnotes, you must use the full citation (including the parenthetical nickname).

- ▶ *Youngstown Sheet & Tube Co. v. Sawyer (Steel Seizure)*, 343 U.S. 579, 581 (1952).

If there are two or more related cases that can be abbreviated to [case name] I, II, III, and so forth, follow the rule above when citing the case either in short form or long form.

- ▶ 1. *See City of Tacoma v. Taxpayers of Tacoma (City of Tacoma II)*, 307 P.2d 567, 572 (Wash. 1957); *City of Tacoma v. Taxpayers of Tacoma (City of Tacoma I)*, 262 P.2d 214, 217 (Wash. 1953).
[. . .]
3. *See City of Tacoma I*, 262 P.2d at 218.
[. . .]
54. *See City of Tacoma v. Taxpayers of Tacoma (City of Tacoma II)*, 307 P.2d 567, 570 (Wash. 1957).

Once a nickname or common name has been designated, that name may be used in place of the case name in main text, footnote text, and citations.

Date or Year

10.5

(b) Decisions Published in Other Sources. The term “unpublished cases” includes cases listed as “unpublished,” “not published,” and “not selected for publication.” The term “unreported cases” includes cases listed as “unreported” and “not reported in X.”

10.6.1 Weight of Authority

(a) **Generally.** Authors frequently overlook or misapply BB 10.6.1(a). Please review and apply this rule carefully. Observe that it is divided into three paragraphs. The first paragraph is discretionary. The second paragraph is mandatory. The third paragraph is prohibitory and helpfully refers to other rules in *The Bluebook*.

(a) [1] **Joint Opinions.** Joint opinions are opinions *authored by* multiple judges or justices, not opinions that are merely *joined by* one or more judges or justices. If a parenthetical reference noting the authors of a joint opinion is included in a citation, it should follow the appropriate format according to BB 9(a) and MB 9(a).

- Nat'l Fed'n of Indep. Bus. v. Sebelius, 132 S. Ct. 2566, 2642 (2012) (Scalia, Kennedy, Thomas & Alito, JJ., dissenting).

(a) [2] **Splintered Opinions.** In splintered opinions, one or more parts of the main opinion are joined only by a plurality. When citing content within a part of a splintered opinion that is joined only by a plurality, include a “plurality opinion” parenthetical in the citation. When citing content within a part of a splintered opinion that is the opinion of the court, no weight of authority parenthetical is required. When citing to a splintered opinion as a whole, include a “plurality opinion in part” parenthetical in the citation.

- Bd. of Educ. v. Mergens, 496 U.S. 226, 248 (1990) (plurality opinion).
- Bd. of Educ. v. Mergens, 496 U.S. 226, 231 (1990).
- Bd. of Educ. v. Mergens, 496 U.S. 226 (1990) (plurality opinion in part).

10.6.2 Quoting/Citing Parentheticals in Case Citations

Quoting Parentheticals. *MLR* requires including a quoting parenthetical every time there is a quote within a quote per BB 1.6(c) and MB 1.6(c), unless that information is unavailable (which is rare).

Citing Parentheticals. *MLR* only requires including a citing parenthetical per BB 1.6(c) and MB 1.6(c) when the information is particularly helpful or relevant. Otherwise, including a citing parenthetical is discretionary.

Including Prior or Subsequent History. When a case referenced in a “quoting” or “citing” parenthetical has prior or subsequent history that would normally be included in a case citation per BB 10.7 and MB 10.7, only include the prior or subsequent history in the parenthetical if particularly relevant.

Including Weight of Authority. When a case referenced in a “quoting” or “citing” parenthetical requires a mandatory weight of authority description per BB

10.6.1(a), the weight of authority description must be included in the parenthetical.

- ▶ *Id.* at 2 (quoting *Lilly v. Commonwealth*, 527 U.S. 116, 120 (1999) (plurality opinion)).

Order of Parentheticals

10.6.3

See MB 5.2 for guidance regarding the nesting of “quoting” and “citing” parentheticals.

Prior and Subsequent History

10.7

Generally. BB 10.7 states to omit the history on remand or any denial of a re-hearing, unless relevant to the point for which the case is cited. Note that this rule applies even if the decision is less than two years old.

Weight of Authority for Prior and Subsequent History. Note that BB 10.6.1(a) and MB 10.6.1(a) apply to cases listed as prior or subsequent history.

- ▶ *Lilly v. Commonwealth*, 499 S.E.2d 522 (Va. 1998), *rev'd*, 527 U.S. 116 (1999) (plurality opinion).

Explanatory Phrases and Weight of Authority

10.7.1

Note that the list of explanatory phrases in T8 is a partial list, and other phrases (e.g., “abrogated in part by,” “overruled in part by,” etc.) are permissible and encouraged in appropriate situations.

Pending and Unreported Cases

10.8.1

Unpublished and Unreported Cases. See MB 10.5 for guidance on the meaning of the terms “unpublished cases” and “unreported cases.”

No Blank Reporter Information. Do not use a blank underscore (“_”) in a case citation to indicate that the case has not yet been paginated in the reporter cited. Cite to another reporter or other source, such as Westlaw or Lexis, instead.

Briefs, Court Filings, and Transcripts

10.8.3

(a) Case Names. The case name in the citation should be based on the case name in the reported decision, where available. Where this information is not available, the case name in the citation may be based on the caption on the court document.

(b) Document Titles. Note that per MB 7, the italicization of words in titles should be retained from the original source.

(c) Documents Unrelated to the Final Decision. When the final decision in the case does not pertain to the issues raised in the cited document, include only information about the court document in your citation (analogous to what BB

10.8.3 instructs to do when there is no reported citation). For example, do not include the full case citation when citing a motion to compel a mental examination, even if a court has issued a published opinion in the case, unless the published opinion is a decision on that motion.

The example below shows how to cite a motion to compel a mental examination in *Oliver v. Stefan* after the court issued a final decision granting a motion for summary judgment—a decision that did not address the mental issue:

- Motion to Compel Mental Examination at 2, *Oliver v. Stefan*, No. 21 Civ. 89 (6th Cir. July 1, 2008).

In contrast, the example below shows how to cite the complaint in *Oliver v. Stefan*—a document that was necessarily related to the final decision in the case:

- Complaint at 2, *Oliver v. Stefan*, 29 F.3d 12 (6th Cir. 2008) (No. 21 Civ. 89).

10.9 Short Form for Cases

(a) Footnotes. A case citation included in an explanatory parenthetical or as subsequent history does not count as a proper case citation for the purposes of the five-footnote rule.

(a)(i) Generally. Per BB 10.3.2, long-form citations to early cases appearing in certain reporters must include a parenthetical containing the name of the reporter's editor and the series volume. Short-form citations to such cases should omit that parenthetical.

- 1. *Green v. Biddle*, 21 U.S. (8 Wheat.) 1 (1823).
- 2. *McConico v. City of Birmingham*, 543 U.S. 1143 (2005).
- 3. *Green*, 21 U.S. at 2.

CONSTITUTIONS

11

(a) State Declarations of Rights. When citing to a Declaration of Rights (which is a part of a state constitution), use roman and lowercase type, as follows:

- MD. CONST. declaration of rights, art. 1.

(b) The Declaration of Independence. Citations to the Declaration of Independence take the following form, in accordance with the example on page 69 of *The Bluebook*:

- THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

(c) “*Id.*” and the Constitution. *Id.* citations to the Constitution generally take the following form:

- 1. U.S. CONST. art. IV, § 1.
- 2. *Id.* art. V.
- 3. *Id.* amend. VIII.
- 4. *Id.* amends. VII, IX.

Id. citations that cite to more than one type of constitutional subdivision take the following form:

- 5. *Id.* art. V; *id.* amend. VII.

12 STATUTES

12.1 Basic Citation Forms

Please read BB 12.1 as frequently as necessary to internalize its wisdom: each basic citation form serves a specific purpose. As with any other source, contact the executive editors with questions about particularly challenging statutes.

12.3.2 Year of Code

Authors sometimes fail to identify the correct year when citing a current code. Please pay close attention in verifying this element and refer to the instructions in the citechecking and sourcegathering manuals.

12.9.1 Internal Revenue Code

MLR uses the optional citation form for citations to the Internal Revenue Code, unless an author requests otherwise.

- I.R.C. § 61 (1982)

NOT:

- 26 U.S.C. § 61 (1982).
-

12.9.3 Rules of Evidence and Procedure

Cite bankruptcy rules as follows:

- 11 U.S.C. app. Bankruptcy Rule 1001.

Generally use lowercase type for statutory rules and chapters (e.g., rule 11, chapter 11).

Short Form for Statutes

12.10

(b) Citations—Generally. Note that BB 12.10(b) and MB 12.10(b) only provide guidance on short-form citations and textual references to statutes. See BB 4.1 and MB 12.10(e) for guidance on *id.* citations to statutes.

Note also that the table in BB 12.10(b) does not cover every possible type of statute or every possible way of citing or referring to statutes. In particular, authors may have reasons to prefer certain textual references to statutes.

Unnamed statutes cited to session laws may be cited as follows:

Full Citation	Text	Short Citation
Act of Aug. 19, 2009, Pub. L. No. 111-52 § 1(a), 123 Stat. 1981, 1981	section 1(a) of the Act	§ 1(a) <i>or</i> Act of Aug. 19, 2009 § 1(a) <i>or</i> § 1(a), 123 Stat. at 1981

A short-form citation may be used only when the same title of the code has been cited in the same footnote or within the preceding five footnotes.

(e) *Id.* Citations. *Id.* should be used only when citing to the same title of a code. Different titles of the same code should be treated as different sources.

- ▶ 59. 47 U.S.C. § 302 (2000).
- 60. *Id.* § 506.
- 61. 75 U.S.C. § 506 (2000).
- 62. 47 U.S.C. § 302.
- 63. DEL. CODE ANN. tit. 28, § 1701 (1999).
- 64. *Id.* § 1705.
- 65. DEL. CODE ANN. tit. 8, § 102(b)(7) (1999).

NOT:

- ▶ 64. *Id.* § 1705.
- 65. Tit. 8, § 102(b)(7).

Except when “*Id.*” alone is sufficient, *id.* citations to statutes that are cited using both the named statute section and the U.S.C. section should include the named statute section and a full U.S.C. reference.

- ▶ 45. Telecommunications Act of 1996 § 402(a), 47 U.S.C. § 161 (2000).
- 46. *Id.* § 640, 47 U.S.C. § 344.

NOT:

- 45. Telecommunications Act of 1996 § 402(a), 47 U.S.C. § 161 (2000).
- 46. *Id.* § 640.

(f) Separately Codified and Uncodified Sections. When a section of a named act is uncodified or not codified in the same place as the rest of the act, *id.* and short-form citations to that section should include a citation to a reporter in which the section can be found.

- 47. Telecommunications Act of 1996 § 402(a), 47 U.S.C. § 161 (2000).
- 48. *Id.* § 202(h), 110 Stat. 112 (1996).

ADMINISTRATIVE AND EXECUTIVE MATERIALS

14**Basic Citation Forms****14.1**

Patents and Trademarks. Citations to reissued patents take this form:

- U.S. Patent No. RE 26,491 (reissued Apr. 24, 1971).

Citations to trademarks take this form:

- U.S. Trademk. No. 2,136,749 (Mar. 17, 1990).

Multiple citations to patents or trademarks should be in reverse chronological order.

Short Forms for Executive Orders**14.5**

When making a short-form citation to an executive order, include a parenthetical indicating the year of publication, even if the parenthetical would ordinarily be omitted under BB 14.4(c). The parenthetical must be to the year when the executive order was published, not the year when the executive order was issued.

- 1. Exec. Order 13,132, 3 C.F.R. 206 (2000), *reprinted in* 5 U.S.C. § 601 (2006).
- 2. 3 C.F.R. at 207 (2000).

15 BOOKS, REPORTS, AND OTHER NONPERIODIC MATERIALS

15.1 Author

(a)–(b) Author’s Initials. When a publication being cited inserts spaces between initials in an author’s name, the citation should close up those spaces, pursuant to BB 6.1(a).

- W.C. FIELDS

NOT:

- W. C. FIELDS

(a) Two Authors. BB 15.1(a) notes that “[i]f the title page establishes an alternative relationship between the two authors, e.g., ‘WITH’ or ‘AS TOLD TO,’ use this phrase to separate the author’s names.” In this case, use “et al.” only where there are more than two authors in any particular designation of authorship.

- CHARLES ALAN WRIGHT & ARTHUR R. MILLER WITH HAROLD W. FUSON, JR.
- WILLY LOMAN ET AL. AS TOLD TO ARTHUR MILLER
- JOHN WORTHING ET AL. WITH GWENDOLEN FAIRFAX ET AL.

NOT:

- CHARLES ALAN WRIGHT ET AL.
- WILLY LOMAN, BIFF LOMAN & HAPPY LOWMAN AS TOLD TO ARTHUR MILLER
- JOHN WORTHING, ALGERNON MONCRIEFF & CANON CHASUBLE WITH GWENDOLEN FAIRFAX, CECILY CARDEW & ELIZABETH BRACKNELL

If the title page establishes an alternative relationship that is excessively long, the alternative relationship may be shortened appropriately.

- W. RUPERT MACLAURIN WITH R. JOYCE HARMAN, INVENTION & INNOVATION IN THE RADIO INDUSTRY 48 (1949).

NOT:

- W. RUPERT MACLAURIN WITH THE TECHNICAL ASSISTANCE OF R. JOYCE HARMAN, INVENTION & INNOVATION IN THE RADIO INDUSTRY 48 (1949).

(b) Multiple Authors. *MLR* prefers to use “et al.” when three or more authors are listed, unless including all the authors’ names would be particularly helpful or relevant.

MLR also follows a special rule for treatises with old dead people's names in the title (for example, *McCormick on Evidence* or *Corbin on Contracts*). Retain the original author's name and include an "et al." if there are other contributing authors listed on the title page:

- 1 CHARLES TILFORD MCCORMICK ET AL., MCCORMICK ON EVIDENCE § 203 (Kenneth S. Broun ed., 6th ed. 2006).

Edition, Publisher, and Date

15.4

Follow BB 15.4 when determining what information—e.g., indication of the edition, 15.4(a)(ii); publisher, 15.4(a)(iii); place of publication, 15.4(c)—should be included in the parenthetical. Once it is determined what information should be included, order it as follows:

- 1) Editor(s) (and translator(s), if any)
- 2) Place of Publication (only if published before 1900)
- 3) Publisher
- 4) Edition
- 5) Date

Use a comma only after the editor(s), translator(s), and place of publication.

(a) Latest Edition Rule. BB 15.4(a) states that the most recent edition of a work should always be cited. Authors regularly overlook this rule, and it is very difficult to correct at the citechecking stage. Thus, sourcegatherers must be careful to gather the most recent edition of the work and citecheckers must check that the citation matches the sourcegathered edition.

Note that you should indicate the date of the edition rather than the date of a particular printing. That is, you should cite the earliest printing date for the edition cited.

Many books originally published in hardcover form are subsequently rereleased in paperback form. The paperback versions are often described as "paperback editions" or "paperback printings." If the paperback version has the same pagination as the hardcover version, treat the paperback version as a different printing of the same edition and use the date of the hardcover version in the citation, unless there is a compelling reason to cite the paperback version.

(c) Pre-1900 Works. The edition of a pre-1900 book would be listed only if for some reason it was not possible to cite the first edition, per BB 15.4(c), or if the book was published by someone other than the original publisher, per BB 15.4(a)(iii). In this case, the date of the original publication would be included in a second parenthetical per BB 15.4(a)(iii).

- G. GREY, WHY BALROGS REALLY SUCK 45 (J.R.R. Tolkien ed., 3d ed., Boston, Doubleday 1806) (1785).

15.8 Special Citation Forms

(c)(i) [1] *The Federalist Papers*—*Supra* Citations. Once *The Federalist Papers* have been cited for the first time, all later citations to them should use *supra*, regardless of whether a particular paper has been cited previously.

If the *supra* reference is to a footnote where the same *Federalist Paper* is cited, use the following form:

- 1. THE FEDERALIST NO. 23, at 103 (Alexander Hamilton) (Clinton Rossiter ed., 1961).
[. . .]
- 10. THE FEDERALIST, *supra* note 1, at 102.

If the antecedent footnote includes citations to more than one of *The Federalist Papers*, place the *supra* clause between the words “THE FEDERALIST” and the number of the *Federalist Paper* being cited. No author designation is needed.

- 1. THE FEDERALIST NOS. 23, 78 (Alexander Hamilton), Nos. 10, 51 (James Madison).
[. . .]
- 5. THE FEDERALIST, *supra* note 1, NO. 10, at 102 (Clinton Rossiter ed., 1961).

Note that because the citation is to particular material within a paper, *The Bluebook* requires the usual publication information for the edition cited to be included. If this information has already been included in the original citation it need not be included again.

If the antecedent footnote cited a different *Federalist Paper*, the author designation should be placed after the paper number when referring to the paper as a whole, or after the pincite when referencing specific material within a particular paper.

- 1. THE FEDERALIST NO. 23, at 56 (Alexander Hamilton) (Clinton Rossiter ed., 1961).
- [. . .]
- 10. THE FEDERALIST, *supra* note 1, NO. 10, at 102 (James Madison).

Note that the “NO.” is placed in large and small caps.

(c)(i) [2] *The Federalist Papers*—*Id.* Citations. *Id.* citations may also be used when citing to a *Federalist Paper* to refer either to the same or a different *Federalist Paper*. If the *id.* reference is to the same *Federalist Paper*, use the following form:

- 11. *Id.* at 103.

If the *id.* reference is to a different *Federalist Paper*, use the following form:

- 12. *Id.* NO. 4, at 46 (John Jay).

Short Citation Forms

15.10.1

(a) Short Forms for Works in a Single-Volume Collection. A short citation to an entire collection uses the title of the collection, not the editor's name. The first citation to a shorter work within the collection need not be a full citation if the collection was previously cited; use a *supra* citation as illustrated below in note 14.

- 12. See Urvashi Vaid, *Prisons*, in AIDS AND THE LAW 235, 237–39 (Harlon L. Dalton et al. eds., 1987).
- 13. For a collection of essays dealing with this topic, see AIDS AND THE LAW, *supra* note 12.
- 14. Mary C. Ziegler, *Juveniles*, in AIDS AND THE LAW, *supra* note 12, at 289, 292.

A short citation to a shorter work in a collection uses *id.* or *supra* just as a normal citation. Do not repeat the “*in*” or “*reprinted in*” explanatory phrases with such citations; the reference to the previously cited shorter work is enough. Also, because the larger work is not mentioned in the citation, only a *pincite* and not the starting page cite is required.

- 15. See Vaid, *supra* note 12, at 236.

NOT:

- 15. See Vaid, *supra* note 12, in AIDS AND THE LAW, *supra* note 12, at 235, 236.

The *id.* form used to refer to the shorter work would be:

- 16. *Id.* at 237.

(b) Short Forms for Shorter Works in Multivolume Collections. *Supra* citations to shorter works in a multivolume collection are the same as for single-volume collections—the volume number is not indicated anywhere in the *supra* citation unless the volume was not previously cited (*see* MB 4.2(a)). For example, the first citation of a work is as follows:

- 20. Letter from Thomas Jefferson to George Washington (Dec. 3, 1789), in 25 STUFF DEAD WHITE GUYS WROTE 209, 213 (T.M. Riddle ed., 1987).

The *supra* short form would be the same as if the work were not multivolume—the volume number is not indicated anywhere.

- 32. Letter from Thomas Jefferson to George Washington, *supra* note 20, at 214.

MLR also allows the use of *id.* to refer to shorter works in multivolume collections. When using *id.* to refer to a shorter work in a multivolume collection, indicate the volume per *Bluebook* rules 3.1(a) and 4.1, unless the previous citation

was from the same volume and only one volume of the collection was cited. An *id.* citation referring back to note 32 above would read as follows:

- ▶ 33. *Id.* at 215.

PERIODICAL MATERIALS

16

Periodical Abbreviations

16/T13

(a) Citations to the SEC Docket. This periodical has an unusual citation form that includes the exact date:

- Proposed Revision of Regulation S-K, Exchange Act Release No. 17,399, 21 SEC DOCKET 1052 (Dec. 23, 1980).

(b) Citations to the “Redbook.” Provide an explanatory citation to *The Federal Sentencing Reporter*, using the phrase “excerpted in,” as follows:

- See William F. Weld, U.S. Dep’t of Justice Prosecutors’ Handbook on Sentencing Guidelines (1987) (“The Redbook”), *excerpted in* 6 FED. SENT’G REP. 333 (1994).

Title

16.3

Titles for periodicals should always include the first subtitle (including the first newspaper byline). After the first subtitle, only particularly relevant subtitles should be included.

- Raymond Hernandez, *More Prisons Are Banning Cigarettes: “Smoke Free” Tensions Feared in Westchester*, N.Y. TIMES, Feb. 5, 1995, at 37.

NOT:

- Raymond Hernandez, *More Prisons Are Banning Cigarettes*, N.Y. TIMES, Feb. 5, 1995, at 37.

Consecutively Paginated Journals

16.4

First Impressions, the online companion to *MLR*, should be cited in accordance with the instructions at the start of BB T13 regarding online supplements to print publications.

- David A. Moran, *The Pastor, the Burning House, and the Double Jeopardy Clause: The True Story Behind Evans v. Michigan*, 112 MICH. L. REV. FIRST IMPRESSIONS 16 (2013), <http://www.michigan-lawreview.org/assets/fi/112/Moran.pdf> [<http://perma.cc>].

Nonconsecutively Paginated Journals and Magazines

16.5

Where a magazine or nonconsecutively paginated journal article is only available online, cite to it directly in accordance with BB 18.2.2 and MB 18.2.2.

If such an article is available both online and in print, *MLR* includes the URL even when the title, content, and/or publication date is slightly different in the online version. Cite the article using the information for the print edition, followed by a comma, and the URL.

- Lisa Anderson, *Demystifying the Arab Spring*, FOREIGN AFF., May/June 2011, at 2, <http://www.foreignaffairs.com/articles/67693/lisa-anderson/demystifying-the-arab-spring> [<http://perma.cc>].

Sourcegatherers must be careful to sourcegather both the online and print versions of magazine articles, where available.

16.6 Newspapers

(a) [1] Title and Date of Publication. When citing the print version of a news article, do not include the time in the citation.

(a) [2] Letters to the Editor. If a title appears, include it in the citation.

- Anne E. Gilson, Letter to the Editor, *Why I Hate Ream Wrappers*, N.Y. TIMES, June 12, 1992, at A15.

(a) [3] Newspaper Magazines. Cite the magazine complements to newspapers as newspapers, designating the citation to the magazine edition in parentheses.

- Richard Thompson, *Below the Beltway*, WASH. POST, Aug. 10, 2003, § 5 (Magazine), at W03.

A *supra* citation to a newspaper article should never contain a pincite, because *The Bluebook* notes that “only the first page of the piece” should be included.

- 1. Howard W. French, *As China’s Economy Roars, Consumers Lack Defenders*, N.Y. TIMES, July 8, 2007, at A8.
[. . .]
5. French, *supra* note 1.

(f) Internet and Online Newspapers. If the author cited to the online newspaper, cite to the online version directly per BB 16.6(f). If the author cited to a print version of the article, append the URL from the online version.

John M. Broder, *Geography Is Dividing Democrats over Energy*, N.Y. TIMES, Jan. 27, 2009, at A1, <http://www.nytimes.com/2009/01/27/science/earth/27coal.html> [perma.cc].

16.7.1 Student-Written Law Review Materials

Note that BB 16.7.1 does not contain an exhaustive list of designations for student-written materials. Periodicals may designate such materials using a variety of terms, including combinations of designations (e.g., “Note and Comment”). The citation should use the designation provided by the periodical.

Non-Student-Written Book Reviews

16.7.2

Be careful to distinguish the *New York Review of Books* from the *New York Times* Book Review Section. Cite as follows:

- Ronald Dworkin, *Women and Pornography*, N.Y. REV. BOOKS, Oct. 21, 1993, at 36.
- Calvin Woodard, *Speak No Evil*, N.Y. TIMES, Jan. 2, 1994, § 7 (book review), at 11.

17 UNPUBLISHED AND FORTHCOMING SOURCES

17.2 Unpublished Materials

Special Rules for Unpublished Articles. Always check the Social Science Research Network (“SSRN”) for relatively new articles when an article has not been published.

When an article is scheduled for publication, it should be cited according to BB 17.3.

When an article is designated as a working paper, it should be cited according to BB 17.4.

When an article is (1) not scheduled for publication, (2) not designated as a working paper, and (3) available online as a PDF, treat the source as a direct citation to the internet per BB 18.2.2 instead of as unpublished material not scheduled for publication under BB 17. Note that the rule in this paragraph applies only to articles, and not to other types of unpublished materials (such as speeches and memoranda).

17.2.3 Letters, Memoranda, and Press Releases

Multiple Addressees and Writers. When an unpublished letter, memorandum, or press release has two or more addressees and/or writers, all addressees and/or writers should generally be listed, with the last two names separated by the word “and.” Include a comma before the “and” only if listing title and/or institutional affiliation.

- Letter from Antonin Scalia, Assoc. Justice, U.S. Supreme Court, and Ruth Bader Ginsburg, Assoc. Justice, U.S. Supreme Court, to James Levine, Music Dir., The Metro. Opera (June 16, 1999) (on file with author).
- Letter from Bob Jones, Clay Smith and Daniel Miller to Sarah Klein and Rose Taylor (Oct. 15, 2012) (on file with author).

Titles. Some letters, memoranda, and press releases have formal or semiformal titles. If it would be especially helpful or relevant, the title may be listed in roman type immediately before the date parenthetical. If including a title, capitalize it according to BB 8 and MB 8, but do not abbreviate it.

- Press Release, Screen Actors Guild, Screen Actors Guild Hails Passage of California Privacy Law (Sept. 30, 1998) (on file with author).
- Letter from Little Timmy to Santa Claus, What I Want for Christmas (Dec. 24, 1998) (on file at the North Pole).
- Memorandum for the Attorney General from DOJ Minion, Authority to Exercise Eminent Domain over the Kremlin (Dec. 26, 1991) (on file with Chuck Norris).

Email Correspondence and Listserv Postings

17.2.4

Subject Lines. Note that BB 17.2.4 treats emails analogously to unpublished letters under 17.2.3. In cases where the subject line of an email is especially helpful or relevant, it may be included in the citation in the same manner as a title under MB 17.2.3.

- Email from Little Timmy to Santa Claus, What I Want for Christmas (Dec. 24, 1998, 11:49 PM EST) (on file with author).

Note also that *MLR* does not hyphenate “email,” per MB 24.4.

18 THE INTERNET, ELECTRONIC MEDIA, AND OTHER NONPRINT RESOURCES

Perma links should appear in all internet citations as follows:

E.g., Bettina Elias Siegel, *New York Mayor Bloomberg v Big Soda*, GUARDIAN (May 31, 2012, 5:38 PM), <http://www.theguardian.com/commentisfree/2012/may/31/new-york-mayor-bloomberg-v-big-soda> [<http://perma.cc/9M6C-ZPLK>] (“[F]or-bidding people outright to buy the size of soda they desire strikes me as quite paternalistic and intrusive and . . . likely to fuel resentment.”).

Note that there is no punctuation in between the end of the original URL and the brackets. The perma link should **always** be directly after the URL, even if there’s a parenthetical.

18.2.2 Citation to Internet Sources

(a) Authors. Follow BB 15.1 and MB 15.1 in listing the author(s) of an internet source.

(b) Titles. When the title of an internet source (such as an article) includes the author’s name, omit the author’s name from the title and simply include the author’s name according to BB 18.2.2(a).

- Fawaz A. Gerges, *How the Arab Spring Beat al Qaeda*, DAILY BEAST (May 13, 2012, 4:45 AM), <http://www.thedailybeast.com/articles/2012/05/13/fawaz-a-gerges-on-how-the-arab-spring-beat-alqaeda.html> [<http://perma.cc>].

NOT:

- Fawaz A. Gerges, *Fawaz A. Gerges on How the Arab Spring Beat al Qaeda*, DAILY BEAST (May 13, 2012, 4:45 AM), <http://www.thedailybeast.com/articles/2012/05/13/fawaz-a-gerges-on-how-the-arabspring-beat-al-qaeda.html> [<http://perma.cc>].

(c) Date and Time. The substantive dates and time information should be taken directly from the internet source, but the date and time should be formatted in accordance with the examples in BB 18.2.2(c). For example, any time-zone indications should be omitted and “AM” should be in all caps following a space.

- October 12th, 2001 at 08:30am becomes (Oct. 12, 2001, 8:30 AM)
- 9/9/05 6:30p GMT becomes (Sept. 9, 2005, 6:30 PM)
- DEC. 25, ‘13, 1600 hours becomes (Dec. 25, 2013, 4:00 PM)

It is generally only necessary to include the original date and time for an internet source, even when the source also lists date and/or time information for one or more updates. However, if it would be especially helpful or relevant, information about the most recent update may be included after the original date, as shown in the example below.

- Abe White, *This Is a Fake Article*, FAKE NEWS (Apr. 1, 2013, 4:15 AM) (updated Apr. 2, 2013, 1:00 PM), <http://www.fakenews.com/fakearticle.html> [<http://perma.cc>].

A date should not be included in the “updated” parenthetical if it is the same as the original date.

- Abe White, *This Is Another Fake Article*, FAKE NEWS (Apr. 3, 2013, 4:25 PM) (updated 11:00 PM), <http://www.fakenews.com/anotherfakearticle.html> [<http://perma.cc>].

(d) The URL. Disregard the instructions in BB 18.2.2(d). Whenever a website URL is required in a citation, always give the complete URL as it appears in the address bar of the browser.

- *American Housing Survey – Home*, U.S. CENSUS BUREAU, <http://www.census.gov/hhes/www/housing/ahs/ahs.html> [<http://perma.cc>] (last visited Aug. 13, 2011).

NOT:

- *American Housing Survey – Home*, U.S. CENSUS BUREAU, <http://www.census.gov> (follow “Housing” hyperlink; then follow “American Housing” hyperlink) (last visited Aug. 13, 2011).

This rule also applies to parallel citations cited according to BB 18.2.3.

Films, Broadcasts, and Noncommercial Video Materials

18.6

(a) Videos Originally Broadcast Online. When citing a video that was originally broadcast online, do not include the poster’s username as the author unless it would indicate authorship or is otherwise relevant. If there is no other indication of authorship, follow BB/MB 18.2.2(a).

22 BOOK REVIEW CITATION STYLE

The form described in this rule is used for all book reviews and book notices published in *MLR*. It should not be used for other pieces.

22.1 Heading

(a) Generally. Authors' names listed under the title of the piece should always be followed by an asterisk. All book reviews and notices must have a heading describing the book being reviewed, including its title (including any subtitles), author(s) (or, if none, editor(s)), place(s) of publication, publisher, publication year, the last page of the preface, the last page of the book, and price, separated by periods. Use large and small caps for the title and italics for the name(s) of the author(s) or editor(s).

- FROM JIM CROW TO CIVIL RIGHTS: THE SUPREME COURT AND THE STRUGGLE FOR RACIAL EQUALITY. By *Michael J. Klarman*. Oxford and New York: Oxford University Press. 2004. Pp. xii, 655. \$35.

If a book has two or more authors or editors, connect the last two names with an “and” in roman type (but do not include a comma) and connect any other names with a comma in roman type. Never use “et al.” in headings for book reviews and notices.

- Edited by *George Washington* and *John Adams*.
- By *George Washington*, *John Adams* and *Thomas Jefferson*.

Please note that the two page numbers refer to two things: the first is the last page of the preface (i.e., the last page of the introductory remarks usually written by a person other than the author of the book), while the second is the last page of the work (i.e., the last page of the main text, not including appendices, notes, indices, etc.).

Note also that prices in even dollars are written “\$25,” not “\$25.00.” Where both clothbound and paperback editions exist, both prices and editions should be listed:

- HEARTS AND MINDS: THE ANATOMY OF RACISM FROM ROOSEVELT TO REAGAN. By *Harry S. Ashmore*. New York: McGraw-Hill Book Co. 1982. Pp. ix, 496. Cloth, \$15.95; paper, \$6.

(b) Classics. The format for the classic heading is slightly different in order to give both original publication information and information for the version being used for the review.

- FOR WHOM THE BELL TOLLS. By *Ernest Hemingway*. New York: Charles Scribner and Sons. 1940. (Scribner 1996 ed.). Pp. 471, Cloth, \$30; paper, \$15.

(c) Multiple Books. If several independent books are reviewed, separate headings should be provided, in alphabetical order by author.

Multiple volumes of a single named work should be described in a single heading:

- COURTS AND FREE MARKETS: PERSPECTIVES FROM THE UNITED STATES AND EUROPE. Edited by *Terrance Sandalow* and *Eric Stein*. New York: Oxford University Press. 1982. Two volumes. Pp. xxxix, 600. \$39.50 per volume.

If the volumes are separately titled, paged, and priced, as much of the latter portion of the heading as is needed may be described separately for each volume, with volume titles in small and large capitals and preceded by the volume number:

- LAW AND PHILOSOPHY. By *Gustav E. Magnuson*. Stockholm: Royal Swedish Press. Volume One: THE METAPHYSICS OF LAW. 1986. Pp. xxi, 395. \$50. Volume Two: THE EPISTEMOLOGY OF LAW. 1987. Pp. xix, 427. \$55. Volume Three: THE ETHICS OF LAW. 1988. Pp. viii, 25. \$10.50.

Author of Book Being Reviewed

22.2

(a) Generally. While the reviewer's title and organizational affiliation appear in the traditional star footnote, the author of the book being reviewed is identified, by position only, in a regularly numbered footnote following the first textual mention of his or her name:

- Professor Mathias Reimann¹ has written

1. Professor of Law, University of Michigan Law School.

The first textual mention of the book being reviewed must be made in the Introduction.

(b) Exceptions. Do not separate the author's name *in possessive form from the book title* for purposes of the identifying footnote:

- Patricia Williams's *The Alchemy of Race and Rights: The Diary of a Law Professor*¹ is

1. Patricia Williams is an Assistant Professor of Law, University of Wisconsin Law School.

NOT:

- Patricia Williams's¹ *The Alchemy of Race and Rights: The Diary of a Law Professor* is

1. Patricia Williams is an Assistant Professor of Law, University of Wisconsin Law School.

But:

- ▶ Patricia Williams's¹ book is

1. Assistant Professor of Law, University of Wisconsin Law School.

22.3 The Book Being Reviewed

(a) Generally. The first textual mention of the book being reviewed must be made in the Introduction and must be made to the full title of the book, as it appears in the heading.

(b) Citing to the Book Being Reviewed. When the only source cited at a particular point in the text is the book being reviewed, and the citation does not require the use of a signal or a parenthetical, the citation should be placed in the text and not in a footnote:

- ▶ Anderson observes that “the paper is green” (p. 12).

But:

- ▶ Anderson likes to discuss the colors of paper.⁴²

42. *See, e.g.*, p. 12.

When both the book being reviewed and other materials are cited at the same point in the text, the citation to the book being reviewed should be placed in a footnote with the citations to the other materials:

- ▶ As Anderson observes, “the paper is green.”⁴²

42. P. 12. Other authorities, however, assert that the paper is red. *See, e.g.*, Johnson, *supra* note 15, at 109.

NOT:

- ▶ As Anderson observes, “the paper is green” (p. 12).⁴²

42. Other authorities, however

When foreword matter or after matter of the book (i.e., foreword, afterword, coda, interview with author, etc.) is consecutively paginated and therefore indistinguishable from a page citation to the text of the book itself, the citation should be placed in a footnote to distinguish the citation from a textual reference. If this matter uses roman numerals, no footnote is necessary:

- ▶ Anderson commented that the paper is green (p. xii).

- During an interview, Anderson stated that “the paper is green.”⁴²

42. A Conversation with Greg Anderson, p. 181.

Form of Citations in Text

22.3.1

(a) Generally. Place the page or pages cited in parentheses; use the designators “p.” and “pp.” Punctuation should follow the parenthetical unless it is an exclamation point or a question mark. When reviewing a draft at the pageproofing or final review stages, ensure that these citations never span across a page break.

- As Carrier observes, “the paper is green” (p. 12).
- Bair summarizes *Corbin on Contracts* (pp. 111–12).

But:

- In Chapter Four, Dubber asks, “What did Hegel mean by that?” (p. 14).

Citations in the text may be placed in the middle of a sentence if it would be helpful to the reader and the result is not unwieldy.

- The author claimed that the grass was blue (p. 1) and that the sky was green (p. 3).
- The author stated that the sky was green (p. 3), but many people would likely disagree.

If the review refers to an entire chapter of the book under review, spell out and capitalize the chapter (compare citations in footnotes, where chapter numbers are numerical and chapter is not capitalized):

- Nancy and Bill Sikes kidnap Oliver (Chapter Fifteen).

(b) Multiple Books and Multivolume Works. If more than one book is being reviewed, indicate which book is being cited by including the author’s name (even if the author is named in the text):

- Austen observes, “I do not want people to be agreeable, as it saves me that trouble of liking them” (Austen, p. 98).

If a multivolume work is being reviewed, use the “vol.” designator in each parenthetical reference:

- Erickson observes, “the paper is blue” (vol. 2, p. 7).

(c) Block Quotes. Following a block quote in the text, use parentheses to enclose the designator and page number. Place the parenthetical citation to the text one space after the quotation’s terminal punctuation. Use a lowercase “p.” or “pp.”

and do *not* place a period after the parentheses or after the page number within the parentheses.

- This is a block quote. (p. 117)

Use an analogous form for multivolume works:

- This is also a block quote. (vol. 3, p. 117)

(d) Additional Information in Parentheticals in the Text. Brief parenthetical notations such as “emphasis added” or “footnotes omitted” can remain with the page citation in the parenthetical in the text, separated from the page number by a semicolon:

- As he observes, “the paper is green” (p. 12; emphasis added).

If there are two such statements, separate them by commas:

- (p. 12; emphasis added, footnotes omitted).

Signals and “*id.*” may not be used in these parentheticals.

22.3.2 Form of Citations in Footnotes

(a) Generally. Treat the page designator and number, along with the volume designator and number if there is one, as a full citation to the book.

If the review refers to an entire chapter of the book under review, refer to the chapter numerically, using lowercase (e.g., “chapter 1”). Note that this treatment differs from citations in the text, where chapter numbers are spelled out.

If the review refers to foreword matter or after matter of the book (i.e., foreword, afterword, coda, interview with author, etc.) that is consecutively paginated, the footnote citation should include the name of the section, a comma, and the page number.

Capitalize the designators “p.,” “pp.,” “vol.,” and “chapter” when they begin citation sentences. Always capitalize the name of the foreword matter or after matter of the book.

Signals may be used with citations to the book being reviewed in the same manner that they are used with any other citations.

Examples:

- 11. See *also* p. 261.
- 12. P. 339 (quoting *Anderson*, 345 F.2d at 12).
- 13. As Erickson once said, “Following quotations, do *this*.” P. 452 n.3.

- 14. See p. xviii (citing Benjamin A. Arnold, *Professor Hart's Theology*, 33 HARV L. REV. 1298, 1311 (1960)).
- 15. Vol. 2, p. 112; vol. 2, p. 310; vol. 3, p. 10; GRORUD, *supra* note 10, at 53. *But see* vol. 2, p. 51.
- 16. *E.g.*, vol. 3, pp. 432–34.
- 17. *See* chapter 15.
- 18. *But see* Coda, p. 165.
- 19. A Conversation with Greg Anderson, p. 181.
- 20. *See* Foreword, p. 2.

Id. may *not* be used in footnotes to refer to the book being reviewed.

(b) Order. Citations to the book being reviewed should precede citations to all other sources in the same citation sentence absent a compelling reason for a different order. Multiple citations to the book being reviewed preceded by the same signal in the same citation sentence should be ordered by ascending volume and page number.

(c) Footnote Text. Citations to the book being reviewed should not be placed in parentheticals within textual material in footnotes. Instead, place the citation in a citation sentence following the sentence of textual material:

- The paper is blue. P. 7.
- Some paper is blue and some is green. Pp. 7–8.

But:

- The paper is blue, p. 7, but the ink is black, p. 8.

NOT:

- The paper is blue. (p. 7).
- The paper is blue (p. 7).

After a block quote in a footnote, the page reference should be even with the left margin of the text.

- Erickson said:

This is a block quote.

Pp. 12–13.

Citations to Other Reviews of the Same Book

22.3.3

If an author cites to another author's review of the same book, include the name of the book in italics in the parenthetical, rather than including a full citation.

- See Ronald Dworkin, *Women and Pornography*, N.Y. REV. BOOKS, Oct. 21, 1993, at 36, 36 (reviewing *Only Words*).

22.3.4 Citations to Cases in Book Reviews of Casebooks

When the author of the book review discusses a case that is included in the casebook under review, the citation to the case should indicate in a parenthetical where the case can be found or is discussed. For example:

- *Dodge v. Ford Motor Co.*, 170 N.W. 668 (Mich. 1919) (reprinted at pp. 77–82).

22.4 References to the Book Review

In the main text, a review should be referred to as “Review,” and a notice should be referred to as “Notice.” This applies to the footnote text as well.

BIOGRAPHICAL FOOTNOTES

23

(a) Authors' Names and Footnotes. Authors' names should always be followed by an asterisk.

- Olaf H. Erickson*

An accompanying footnote should list the author's title, including any named chair, and organizational affiliation. Include aspects of the author's previous employment experience only if the author does so and if it is particularly relevant to the piece; discussion of any such experience should be succinct. Do not include the author's educational background (i.e., the degrees the author has been granted). Do not include an "—Ed." citation at the end of the biographical footnote text. Use the following form:

- * <title>, <organization>. <experience, if applicable>. <author's thanks>.

For example:

- * Professor of Law and Professor of Philosophy, Harvard University. I am grateful to my parents, who must ultimately share some of the blame for this Article.
- * Associate Professor of Law, Vermont Law School. The author is the former commissioner of the Environmental Protection Agency.

MLR is happy to publish an author's email address if the author wishes to provide it. The publication of an author's email address is at the sole discretion of the author.

(b) Student Authors' Names and Footnotes. Use the following form for the footnote.

- * <degree>, <month and date of graduation>, <law school>. <author's thanks>.

For example:

- * J.D., May 2012, University of Michigan Law School. I would like to thank the staff of the *Michigan Law Review* for proofreading this thing like it was the Constitution.
- * J.D. Candidate, May 2015, University of Michigan Law School. I dedicate this Note to Lady Gaga, whose music videos and catchy tunes inspired me throughout the writing process.

Rule 24 / Spelling**24 SPELLING**

24.1 Authoritative Reference Works

MLR follows *Webster's Third New International Dictionary*, especially for compound words. *Merriam-Webster Online*, available at www.m-w.com, is an acceptable alternative. In especially ambiguous cases, it may also be useful to refer to *Garner's Modern American Usage*.

24.2 Consistency in Spelling

Ideally, the same word should always be spelled the same way in *MLR*. Words with more than one correct spelling should be spelled in the way that *Webster's* indicates as preferred (the first spelling given).

American rather than British or Canadian spellings should be used, unless from a quote.

- The rumor regarding the color of his checkbook was actually rather humorous.

24.3 Multiple Consonants

Where a word may be spelled with either a single or double consonant, *MLR* prefers the single-consonant version.

24.4 Closed Compounds

The following is a list of words commonly appearing in *MLR* that should be treated as closed compounds. *CMS* 7.85 should not be followed for these words.

- decisionmaker
- decisionmaking
- email
- lawmaker
- lawmaking
- policymaker
- policymaking
- rulemaker
- rulemaking
- whistleblower
- whistleblowing

SELECTED PUNCTUATION

25

Spacing

25.1

Use only one space after an end-of-sentence period, including end-of-sentence periods within multisentence quotations.

When quoting a work or referencing a title that uses spaces to set off a single hyphen, en dash, or em dash, maintain the spacing and type of dash or hyphen from the original source.

Items in a Series

25.2

Use commas between each item in a series with more than two elements, even if the last two are separated by a conjunction, unless each item is separated by a conjunction.

- She took a photograph of her parents, the president, and the vice president.
- Is the article by Snodgrass or Shapiro or Brooks?

When a series consists of compound or lengthy items, the items should be separated by semicolons, rather than commas.

- The breakfast special includes two eggs; bacon or sausage; pancakes; coffee; and orange juice.

Possessives

25.3

In general, form the possessive of all singular nouns by adding 's. This includes singular nouns ending in *s*.

- prince's crown
- child's play
- women's watches
- bass's stripes

This general rule applies to proper nouns that end with a pronounced or unpronounced *s*, or that have two or more syllables and end with an *eez* sound.

- Burns's apartment (apartment belongs to Mr. Burns)
- Dickens's novels
- Congress's policy
- Descartes's three tombs

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- The archaeologists made a stunning discovery in Ramses's tomb.

A key exception to this general rule occurs with singular entities whose names contain plural nouns. Form the possessive of such entities by adding an apostrophe only.

- the United States' interests
- the *New York Review of Books*' analysis
- Marine Corps' policy

Form the possessive of *plural* nouns ending in *s* by adding an apostrophe only.

- puppies' tails
- princesses' crowns

If two people jointly propose an idea, only the second name takes an 's.

- Ayres and Schwartz's theory on consumer contract law

If two people each propose different ideas, each name is made possessive.

- Ayres's and Schwartz's theories on consumer contract law

25.4 Hyphenation

(a) Generally. Subject to the exceptions in MB 24.4, *MLR* generally hyphenates according to *Webster's Third New International Dictionary* and *CMS 7.77–7.85*, in that order. Read the *CMS* rules carefully. Some important points to note include the following:

When quoting text or referencing a title that contains two consecutive hyphens, *MLR* converts the two hyphens to a single em dash. *See* MB 5.1.

Generally, compound phrases serving as adjectives are hyphenated when they precede the noun they modify, and they are left open when they follow the noun. *CMS 7.81*.

- If it were uncivil to point out numerous errors, then error-ridden books would be immune from criticism.

But:

- The book, sadly, was error ridden and thus the subject of some considerable controversy.

But if a compound phrase serving as an adjective is composed of an adverb ending in *-ly* and another word, the compound is left open. *CMS 7.82*.

- If it were uncivil to point out numerous errors, then poorly researched books would be immune from criticism.

Words that are commonly used together should not be hyphenated when used as an adjective.

- We will analyze the university's affirmative action policies using Fourteenth Amendment jurisprudence and common law precedent.

If you have a question about whether a compound is commonly used enough that it does not require hyphenation, email mlr.eic@umich.edu.

Generally, compound phrases serving as nouns are not hyphenated.

- The master builder and the student nurse went to a cooking class with the tenure-track professor.

Compounds formed with prefixes such as *non-*, *anti-*, *pre-*, and *post-* are usually closed. The first place to check such words is *Webster's Third New International Dictionary*. If the word is not in the dictionary, consult CMS 7.85, List 4: *Words Formed with Prefixes*.

- If a poor candidate is selected, particularly one with an antismoking platform, then our postelection options will be quite limited.

(b) En Dash. *MLR* generally follows CMS 6.78–6.81 on en dash usage. See also MB 3.2–3.3. Some points to keep in mind include the following:

An en dash may be used to connect numbers or words; however, if *from* or *between* precedes a series of words, *to* or *and* should be used rather than an en dash.

- The Supreme Court issued a 5–4 decision striking down a key provision of the Voting Rights Act.

But:

- She attended finishing school from September 1996 to June 1998.
- Joe leaves the office between 5:00 p.m. and 5:15 p.m. each day.

An en dash may also be used to convey tension or a contrast between two words that would otherwise require a hyphen.

- The attorney–client privilege would apply to this email.
- The moral–ethical dilemma featured prominently in her essay.

See also CMS Rule 6.80 and *Garner's Modern American Usage*.

(c) Em Dash. *MLR* generally follows CMS 6.82–6.89 on em dash usage. In general, the em dash (as opposed to parentheses) serves an amplifying or explanatory

Rule 25 / Selected Punctuation

function and is appropriate when the author wishes to emphasize rather than downplay a particular phrase or idea. It may also be used in place of a comma for the sake of clarity.

- She outlined the strategy—a strategy that would, she hoped, secure the peace.
- My friends—that is, my former friends—abandoned me in my darkest hour.

When quoting text or referencing a title that contains two consecutive hyphens, *MLR* converts the two hyphens to a single em dash. *See* MB 5.1.

25.5 Colons

When including a subtitle for a source that uses an em dash before its subtitle, use an em dash between the title and subtitle rather than inserting a colon.

When including two subtitles for a source, use a semicolon before the second subtitle, following *CMS* 14.98.

- The Big, Boring Book of Law: A Risky Scheme; The Middle Years.
- Super Boring Title—Catchy Subtitle; Another Subtitle.

25.6 Commas Separating Adjectives

In general, commas ordinarily separate multiple adjectives modifying a single noun. However, a comma is not required if the adjective immediately preceding the noun forms a compound with the noun. If the order of the adjectives can be reversed without changing the meaning of the phrase, then a comma is appropriate; otherwise, do not use a comma.

- The large, bloodsucking company went bankrupt.
- The large public company went bankrupt.
- The large, bloodsucking public company went bankrupt.

Commas in Dates**25.7**

Dates consisting of only a month and year should not contain a comma.

- The first shipments arrived in May 2004.

But dates consisting of a month, day, and year should contain commas after both the day and year.

- The Cleveland Indians played the Detroit Tigers on July 11, 2012, at Progressive Field.

See also *CMS* 6.45 and MB 6.2(a).

Lists

25.8

Use parentheses to enclose Arabic numerals identifying divisions in lists in textual sentences, per *CMS* 6.123.

- I like to eat (1) apples, (2) bananas, and (3) oranges.
- I like to eat three fruits: (1) apples, (2) bananas, and (3) oranges.

Number Clusters

25.9

(a) Number Clusters. In general, numbers less than 100 are written out and numbers 100 or greater are written as Arabic numerals. This general rule is subject to the *Bluebook*'s exceptions as well as the cluster rule described below.

If four or more numbers appear (1) within a single footnote or paragraph, (2) otherwise within close proximity to each other, or (3) within a piece or a section of a piece that contains a significant amount of numerical information, the numbers are considered a “cluster.” Editors should exercise their discretion in deciding when a piece as a whole contains enough numerical information such that any series of three or more numbers qualifies as a cluster.

If a cluster contains at least one number greater than 100, all numbers in that cluster should be written as Arabic numerals, even if some are less than 100. (Footnotes are not considered part of their corresponding above-the-line text when determining if numbers are within a cluster.)

- Jack bought 3 cats, 105 kumquats, and 12 herring. Susan ate 6 of the kumquats.¹

1. Some authorities aver that Jack bought four dogs in addition to the three cats, but all agree that Susan ate at least six kumquats.

But if there are distinct categories of numbers in what would otherwise be a cluster, they may be treated as separate clusters. See *CMS* 9.7.

- A mixture of buildings—one of 103 stories, five of more than 50, and a dozen of only 3 or 4—has been suggested for the area.

(b) Material Referring to Percentages or Dollar Amounts. Any number appearing as a percentage or dollar amount should be expressed using Arabic numerals. Any cluster of percentages or dollar amounts—regardless of whether any are 100 or greater—should be written using Arabic numerals with percent (%) or dollar (\$) symbols (with the exception of the first number in the cluster if it begins a sentence).

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- Fewer than 3 percent of the employees used public transportation.
- My research has revealed that 14% of Ohioans, 23% of Michiganders, and 39% of Minnesotans have eggshell skulls.

NOT:

- She paid thirty-nine cents for a used copy of Chemerinsky's treatise, sixteen cents for a set of highlighters, and seventy-five cents for a glass of milk.

MLR has a strong preference for consistency within a piece, however, and therefore recurring percentages or dollar amounts should be rendered in the same form when possible.

SELECTED GRAMMAR, STYLE, AND USAGE

26

Authorities

26.1

MLR follows *The Chicago Manual of Style* (16th ed.), *Garner’s Modern American Usage*, and *Garner’s Dictionary of Modern Legal Usage* on questions of grammar, style, and usage not addressed in the *Maizebook* or *Bluebook*. These sources are available in the EPE’s office.

Bullets

26.2

Outline-style or bulleted lists should be eliminated unless a strong showing can be made that the presentation of the information in the form of a vertical list provides a superior method of communicating information to the reader. Such a situation could occur if bulleted lists help to preserve original numbering schemes, original indentation styles, or subgrouping, as in the examples given by *CMS* 6.121 *et seq.*

Split Infinitives

26.3

If you see one, fix it unless the result is more clunky than the original version. Despite what your high school English teacher may have said, split infinitives can be acceptable.

Titles and Offices

26.4

MLR follows *CMS* 8.18 *et seq.* for the proper style for titles and offices. BB 8 addresses the capitalization of certain titles that refer to a particular person, and BB 9 addresses the capitalization of titles of judges. The following is a summary of the most relevant rules. Refer to *CMS* for a more comprehensive treatment.

Civil, military, religious, and professional (including academic) titles are capitalized when they immediately precede a personal name. The title replaces the titleholder’s first name.

- ▶ Dean West
- ▶ Professor Horwitz
- ▶ Governor Snyder

If an author prefers to omit entirely a professor’s title, however, *MLR* generally defers to this preference. In this instance, the professor’s full name should be used on first reference, and only the professor’s last name should be used for all subsequent references.

Titles are normally lowercased when following a name or when used in place of a name. This rule does not apply to named professorships or similar titles.

- ▶ Mark West, dean of the University of Michigan Law School

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- The dean of the University of Michigan Law School
- Richard D. Friedman, professor of constitutional law at the University of Michigan Law School

But:

- Don Herzog, Edson R. Sunderland Professor of Law at the University of Michigan Law School

In formal prose, avoid using both first and last name after a title.

- Professor McCormack spoke to the faculty of Tokyo University Law School.

NOT:

- Professor Bridget M. McCormack spoke to the faculty of Tokyo University Law School.

Once a title has been given, it need not be repeated, unless the piece refers to a Supreme Court justice. In this case, “Justice” should be retained for all references unless the justice is an author of a book that is being reviewed or is otherwise repeatedly referred to throughout the piece and usage is cumbersome.

- Professor White presented the Kormendy Lecture entitled “Against E-Mail” at Ohio Northern University College of Law in November 2005. The audience applauded White’s radical thesis.
- Justice Kagan and Justice Ginsburg both wrote dissenting opinions, although Justice Ginsburg’s garnered more attention from the press.

26.5 Tenses

In general, cases take the past tense and academic literature takes the present.

- *Sophophone* limited the reach of the felony murder doctrine by adopting the agency approach.

Academic or other literature takes the present tense if it directly engages with an idea or theory.

- Professor Simpson argues that skepticism of government intervention colors Coase’s writings.
- Faulkner describes the fictional Yoknapatawpha County in all its splendor.

If a piece of literature refers to the *historical* act of writing, however, it takes the past tense.

- General Meade described the bloodshed at Gettysburg as follows:
- Napoleon wrote the following of his great conquests:

Plurals

26.6

For compound phrases such as “Attorney General,” the proper plural form is “Attorneys General.”

URL Line Breaks

26.7

At the pageproofing and final review stages, executive editors may break URLs across lines using hard line breaks in accordance with *CMS* 14.12, if doing so would improve page aesthetics.

Abbreviations for “that is” and “for example”

26.8

If used in formal writing, the abbreviations *i.e.* (“that is”) and *e.g.* (“for example”) should be used only within parentheses or notes. Otherwise, the English equivalents are preferable. The abbreviations should not be italicized, and a comma should always follow them.

See *CMS* Rules 5.220 and 6.43.

T6 CASE NAMES

The Bluebook allows the abbreviations located in BB T6 to be pluralized. Unless otherwise provided by the table, merely add an *s*.

PERIODICALS

T13

Many of the abbreviations in T13 of *The Bluebook* do not have a plural form. Where a plural form does exist, the table specifically provides a pluralized form of the singular abbreviation. If an abbreviation for the plural form is not provided, the entire word must be spelled out, with the following four exceptions:

SINGULAR	PLURAL
America	AM.
Americas	AM.
Attorney	ATT'Y
Attorneys	ATT'YS
Teacher	TCHR.
Teachers	TCHRS.
Utility	UTIL.
Utilities	UTIL.