

Legal Citation Format

For use in POL 2151, 2161, and 2731.

1. Case citations should appear in the body of the text. Supreme Court decisions are to be cited in the following manner: name of case (underlined or italicized): comma, volume number; U.S. (for United States Reports); page number at which the case begins, and the year of the decision in parenthesis, e.g., Roe v. Doe, 350 U.S. 191 (1952) If you need to give a specific page reference and you will if it is a quote, insert a comma and the specific page after the page at which the case begins, e.g., Roe v. Doe, 350 U.S. 191, 193 (1952). Citations must be from the official U.S. Reports, not from the case book. Note that Miller & Flowers is paginated to give the official U.S. citation. Use only the official (U.S. Reports) cite except when citing very recent cases which may be available only in L. Ed. or another unofficial publication such as U.S. Law Week (LW). When a case is cited a second time, it is not necessary to repeat the full citation. Check decisions in the U.S. Reports for the proper method of citing cases and the proper use of ibid., op. cit. and supra. Websites provide page break citations that indicate the proper United States Reports page citation, (e.g. Find Law).

2. You may use dissenting or concurring opinions, but they should be so labeled, e.g. Roe v. Doe, 350 U.S. 191, 200 (1952) (Frankfurter J. concurring/dissenting opinion).

3. Law review articles are to be cited in the following manner: author, (first name, middle initial, last name); title of article in quotes; name of journal (underlined); volume and year of publication (in parentheses), page from which quote or idea is taken, e.g., Robert A. Dahl, "Decision-Making in a Democracy," Journal of Public Law 27 (1957): 250. This is the University of Chicago Style of journals paginated by volume. Almost all law reviews are paginated by volume and not by issue. You may use standard abbreviations, such as Harv. L. Rev. for Harvard Law Review. These should be placed in footnotes as is the case with books that are used.

4. Law review articles should be used to enhance your understanding of the issues involved. Do not place undue reliance on one or two law review articles much less on case notes written by law students.

5. For information as to proper citation of books and non-legal materials, see the University of Chicago Style Sheet (Hacker).

6. When you quote from a court opinion, an article or a book, you must cite a specific page or pages. THIS IS TRUE ALSO OF PARAPHRASINGS AND THE USE OF IDEAS FOR CONCEPTS. Remember, it is a violation of the Academic Honesty Policy to change a few words (e.g., use synonyms) and present the result as simply a paraphrase. This is the case even when the material is footnoted.

7. Case Citation: Why, What, Where, and How:

A. Why follow legal citation form

a. Legal writing requires frequent citation of authority. Evaluation of that authority depends on proper citation form.

b. In this context, citations in the text greatly aid the reader, eliminating the necessity of shuttling back and forth between text and footnotes.

B. What to cite. In order of decreasing weights:

- a. Supreme Court majority opinions
- b. Supreme Court plurality, concurring or dissenting opinions
- c. Circuit Court opinions
- d. District Court opinions
- e. Other sources
 1. Cite state opinions if the issue is one of state law or, in descending order after the U.S. Supreme Court, if the issue is one of Federal Law.
 2. Cite Law Review articles only if there is no Supreme Court opinion or if the issue is narrow and technical - i.e. approaching policy analysis.
- f. Do not cite a lower court opinion (Circuit Court, District Court, or State Court (if on an issue of Federal law) or a non-majority opinion as binding precedent. They are persuasive authority only.

C. How properly to cite

- a. Supreme Court majority opinion:
Katzbach v. Morgan, 384 U.S. 641 (1966) or
Katzenbach v. Morgan, 384 U.S. 641 (1966) (Brennan, J.).
- b. Majority opinion specific page:
Katzenbach v. Morgan, 384 U.S. 641, 645 (1966).
- c. Concurring and Dissenting Opinions:
Sherbert v. Verner, 374 U.S. 398, 477 (1963) (Stewart, J., concurring).
Sherbert v. Verner, 374 U.S. 398, 495 (1963) (Harlan and White, J.J., dissenting).
- d. Circuit Court Cases:
Yeager v. Estelle, 489 F. 2d 276 (5th Cir. 1973).

D. Later references to a case previously cited in full:

- a. Use Id. (*legal version of Ibid.*) when the later citation immediately follows the full citations:
Jackson v. Metropolitan Edison Co., 419 U.S. 419, 425 (1974). . . Id., at 427.
- b. Use abbreviated case names, if desired, where other case citations intervene: Jackson, supra. (*full opinion*).

E. District Court Cases:

Dodd v. Smith, 389 F.Supp.154 (D.Mass.1975).