

BASIC LEGAL CITATION

Starting Points

Most lawyers and law students seem to think that properly citing legal materials is a nightmare. A number of sources are available to help you become proficient and professional in the art of legal citation. At ASL, the primary source for rules regarding legal citation is the *ALWD Citation Manual: A Professional System of Citation*, now in its second edition. Multiple copies are located on Reserve KF 245 .A452 2003. *ALWD* is designed for law practitioners and does not differentiate between scholarly writing and practice-oriented writing such as memoranda and briefs.

Another citation manual, *The Bluebook: A Uniform System of Citation*, is geared toward law review writing with a small sections for law practitioners. Many law schools have adopted the *ALWD* manual for their publications. The editorial staff of the *Appalachian Journal of Law* has adopted *ALWD* as its citation manual.

ALWD is a great reference manual. Consult it frequently and you will quickly learn to cite and locate legal authority.

Case Citations: Case citations are governed by *ALWD* Rule 12.

A case citation usually has the following components:

1	2	3	4	5	6	7	8
↓	↓	↓	↓	↓	↓	↓	↓
<i>N.Y. Times Co. v. Sullivan</i> , 144 So. 2d 25, 40-41 (Ala. 1962), <i>rev'd</i> , 376 U.S. 254 (1964).							

(1) Case name –Cite only the first-listed party on each side of the case. Most of the cases you read in law school are appellate level cases. Most trial court opinions are not published.

(2) Reporter volume number.

(3) Reporter abbreviation – This reference is to the name of the reporter set in which the case can be found. If you do not recognize the abbreviation, first consult Chart 12.1 and Appendix 1 in *ALWD*. The chart provides common reporter abbreviations and demonstrates proper spacing. Please note some sets, like the Southern Reporter, are in a second or third series. Series are designated with a 2d or 3d. Many of these abbreviations will become second nature to you as you learn about legal authorities.

For more esoteric citations, consult the informative *Prince's Bieber Dictionary of Legal Citations* Reference KF 246 .P75 2001, *Bieber's Dictionary of Legal Abbreviations* Reference KF 246 .B55 2001, or the handy *Bieber's Dictionary of Legal Abbreviations Reversed: A Dictionary of Terms and Titles with Their Abbreviations* located in Reference K 89 .K38 1994.

(4) Page number – This reference is to the initial page number of the opinion.

(5) Pinpoint pages – Pinpoint cites direct the reader to specific pages within the opinion.

(6) Court & year – Sometimes it is “obvious” from the name of the reporter what court has handed down the decision. For example, “U.S.” stands for the *United States Reporter*, the official reporter of federal Supreme Court opinions, and the only type of case reported in that set. However, most sets contain cases from multiple jurisdictions and one must include the court abbreviations to help the reader determine whether the case is mandatory authority. In the example, Ala. represents the highest court in Alabama. Consult Appendices 1 & 4 in *ALWD* for court abbreviations. The year of the opinion is also important. Dates inform the reader of how recent the decision is, which also influences its weight as legal authority.

(7)(8) Subsequent history designation & subsequent history citation. After the date, there may be some subsequent legal history. This explains what happened to the case on appeal to a higher appellate court. The *Sullivan* opinion was appealed from the Alabama Supreme Court to the United States Supreme Court, which reversed the decision. Break the abbreviation code! Doing so will help you learn about the available legal authorities and provide your reader with a wealth of information just from the legal citation. See the example below.

N.Y. Times Co. v. Sullivan, 144 So. 2d 25, 40-41 (Ala. 1962), *rev'd*, 376 U.S. 254 (1964).

Statute Citations: Statutory citations are governed by *ALWD* Rule 14.

Federal and some state statute citations look like the first example below. For specific states, consult *ALWD* Appendix 1 on how each state cites to its statutory compilations:

 1 2 3 4 5
 ↓ ↓ ↓ ↓ ↓
 Communications Decency Act, 47 U.S.C. § 223 (2000).

A state statute citation may look like this:

 1 3 2 4 5
 ↓ ↓ ↓ ↓ ↓
 Beer Franchise Act, Va. Code Ann. § 4.1-500 (1998).

(1) Statute name – Sometimes the name encompasses more than a single section (this is usually indicated by the Latin phrase “et seq.” meaning “in sequence” after the section number).

(2) Major subject number – These may be called “titles,” “sections,” “volumes,” or “chapters,” depending on the jurisdiction. In the federal example, the title is listed before the set abbreviation, the *United States Code*, and functions as a volume number.

(3) Code abbreviation– This tells you the name of the set in which the statute can be found. These names are almost always abbreviated. Consult *ALWD* Appendix 1 for a listing of federal and state statutory codes.

(4) Section number and section symbol – This gives the section number of your statute. For the most recent version of a statute you may have to look in the pocket part of the volume or a paperbound supplement.

(5) Year – Dates should be provided since older statutes may have been amended or even repealed.

Required SHORTCUT!! Use the short form of the legal citation once the authority has been cited in full. Review the use of “*id.*” the abbreviation for “*idem*,” which means “the same.” See *ALWD* Rule 11.3. For cases consult *ALWD* Rule 12.21 short citation format for cases and *ALWD* Rule 14.6 for short citation format for federal and state statutes.

Proper legal citation helps demonstrate your competence as a legal writer. It is a rite of passage for all law students and practitioners. It should be mastered early so that a reader does not question your legal analysis if you do not correctly cite legal authority.

Tutorials and Online Resources

Interactive Citation Workstation (ICW)

Visit www.lexisnexis.com/lawschool and select ICW under class preparation. Or you may go directly to the lesson via www.lexisnexis.com/icw. The ICW is an interactive “personal tutor” for learning legal citation format and is available 24/7. No password is required.

CALI (Computer-Assisted Legal Instruction)

Visit www.cali.org and select CALI Lessons under Learning the Law. Select Legal Research & Writing. Select the *ALWD* Citation Form lesson. If you have not registered to access the lessons, follow the instructions.

Introduction to Basic Legal Citation

This tutorial was developed by Peter W. Martin, Director Emeritus of the Legal Information Institute at Cornell University Law School, and provides an overview of major legal citation manuals. Check it out at <http://www.law.cornell.edu/citation>.

ALWD Updates

Website of the Association of Legal Writing Directors. ALWD is a non-profit professional association of directors and former directors of legal research and writing programs from law schools throughout the United States, Canada, and Australia. For the latest updates and other material related to the *ALWD* Citation Manual, visit <http://www.alwd.org/>

The best way to learn legal citation is to practice! Basic citation to cases and statutes should become second nature to you the more you consult the *ALWD* manual. Incorporate proper citation form, like underlining case names, in your class notes. Practice is the key!