

DRAFT

Style Guide
of the
Legal Writing:
The Journal of the Legal Writing
Institute

Prepared by
Brooke Bowman
Assistant Editor in Chief
Legal Writing: The Journal of the Legal Writing Institute



LegalWriting
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HOW TO USE THIS MANUAL

These are the style rules established for *Legal Writing: The Journal of the Legal Writing Institute*.

Helpful hints:

- ✓ Use the most current edition of *ALWD Citation Manual: A Professional System of Citation* (ALWD), which is the fourth edition.
- ✓ For style questions, use the most current edition of *The Redbook*, which is the second edition.
- ✓ If you cannot find the answer to a style question in *The Redbook*, refer to *The Chicago Manual of Style*, the sixteenth edition.

***Note:** All quotations in this Guide are taken from ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (4th ed., Aspen Publishers 2010).

ALWD RULES, GENERALLY

When ALWD offers a choice, always check this Guide to see if the *Legal Writing* Editorial Board has already made the decision for you! Also check this Guide for helpful hints as you are editing. The style rules are listed by corresponding ALWD Rule Number.

Typeface (Rule 1.0)

- Use italics.
- Italicize names of publications in textual material (whether text appears in the body of the work or in footnotes).
- Do not use large and small caps.
- Do not italicize the possessive ending of a publication name, case name, or other similar italicized material. (Rule 1.5)
- When words or phrases within italicized material would themselves be italicized, change those words or phrases to ordinary type. (Rule 1.6).

Example: Darby Dickerson, *An Analysis of Dyson v. Shannon*, 30 Stetson L. Rev. 400, 405 (2000).

- Italicize foreign words that have not been incorporated into normal English. See ALWD rule 1.8 for a list of selected words that are not italicized. To determine whether other words should be italicized, refer to the current edition of *Black's Law Dictionary*.

Abbreviations (Rule 2.0)

- Do not abbreviate words or names in textual material unless one of the following exceptions for case names applies:
 - ◆ Commonly used acronyms (refer to Rule 12.2(e)(7)).
 - ◆ The following words in case names: and (&), Association (Assn.), Brothers

(Bros.), Company (Co.), Corporation (Corp.), Incorporated (Inc.), Limited (Ltd.), Number (No.), and United States (U.S.). (Rule 2.3)

- ◆ You may also abbreviate other business designations listed in Rule 12.2(e)(8).
- ◆ In citations, abbreviate “United States” as U.S., when the United States is a party. (Rule 12.2(g))
- In citations, abbreviate all words and names listed in **Appendix 3**. If a word does not appear in Appendix 3, do not abbreviate the word.
 - ◆ When looking in Appendix 3, if there is a choice between an abbreviation and a contraction—for example, Assn. or Ass’n are the choices for the word “Association”—please use the abbreviation
 - ◆ To form the plural of a word listed in Appendix 3, simply add “s” to the end of the word, unless the word ends in “s” or Appendix 3 provides the abbreviation for both the singular and plural, for example, Communication(s).
- Spell out the words “Section” and “Paragraph” in textual material rather than using their respective symbols (§ and ¶), unless the words are in a citation that appears in the text of the article. For example, “According to 42 U.S.C. § 1983, the plaintiff should . . .”.
- For periodical abbreviations, refer to **Appendix 5**.

Capitalization (Rule 3.0)

- Prepositions, conjunctions, or articles are not capitalized in a heading or title. (Rule 3.1(b)(4))
- Capitalize the first letter of the first word of words joined by a hyphen. Also capitalize the first letter of words after the hyphen, unless one of the following exceptions applies (rule 3.1(c)):
 - ◆ Do not capitalize a conjunction, preposition, or article. (Rule 3.1(c)(2))

- ◆ Do not capitalize a word following a prefix and a hyphen unless it is a proper noun or proper adjective. (Rule 3.1(c)(3))
- Rule 3.2 tips.
 - ◆ Number designations, such as twentieth century, are not capitalized.
 - ◆ Capitalize professional titles and titles of honor or respect that immediately precede, follow, or substitute for a proper name, provided that the title identifies a head or assistant head of state, a head or assistant head of an existing or proposed national government unit, a diplomatic title, or a ruler or prince. Capitalize titles referring to more than one name or presented in the second person. **NOTE:** Non-professional job-related titles are usually descriptive and not capitalized.
 - ◆ Capitalize proper nouns and the short form of proper nouns.
 - ◆ Capitalize adjectives derived from words that exist only as proper nouns.
 - ◆ Capitalize a word once it is defined in a document (equivalent to a proper noun).
- Rule 3.3 tips when capitalizing specific words.
 - ◆ Capitalize the word “Act” when referring to a specific act or when the word is a substitute for a specific act.
 - ◆ Capitalize the word “Article” in textual material when referring to the particular article you are cite and sourcing or editing.
 - ◆ Capitalize the words “Article,” “Amendment,” and “Clause” in textual material then referring to the United States Constitution and state constitutions.
 - ◆ Capitalize the word “Author” in textual material when referring to the author or author(s) of the particular article or piece you are cite and sourcing or editing.

- ◆ Capitalize the word “Court” in textual material when naming the court in full or referring to the highest court in any jurisdiction once it has been identified (United States Supreme Court and state supreme courts).
- ◆ Capitalize the word “Federal” when the word it modifies is capitalized.
- ◆ Capitalize the word “Journal” when referring to *Legal Writing: The Journal of the Legal Writing Institute*.
- ◆ Capitalize the words “Judge” and “Justice” when those words are followed by the name of a specific judge or justice.
- ◆ Capitalize the word “Justice” in textual material when referring to a Justice of the United States Supreme Court.
- Other Capitalization and Spelling Rules: First, consult *The Redbook: A Manual of Legal Style*. If you need further guidance, please consult *The Chicago Manual of Style*. (Rule 3.5)

Numerals (Rule 4.0)

- In textual material, spell out numerals less than one hundred. (Rule 4.2(a))
- If a numeral begins a sentence, spell it out. (Rule 4.2(b))
- If the number is preceded or followed by a dollar sign, the words “Section” or “Paragraph,” a percent symbol, or a unit of measure, use the digits. If digits are necessary, use digits throughout the sentence, even if the other numerals are less than one hundred and are not preceded or followed by the above symbols or words. For further information on numerals, refer to *The Redbook*.

Example: The men walked 300 miles.

Example: Of the students surveyed, 57 percent said that the test was fair.

Page and Location Numbers (Rule 5.0)

- “[A]lways include a pinpoint page reference that provides the exact location of cited material.” Rule 5.2(b).

- If a pinpoint reference is found on the initial page, repeat the page number. (Rule 5.2(b)(4).)

Example: *Gerdy v. Bowman*, 200 U.S. 513, 513 (2000).

Example: Kristen Gerdy & Brooke Bowman, *A Very Helpful Law Review Article: A Must Read*, 55 L. Rev. 123, 123 (2010).

- If a pinpoint reference might be confused with the title, insert a comma after the title, one space, and then “at” before the pinpoint page. (Rule 5.2(b)(3).)

Example: Philip J. Ethington, *The Public City: The Political Construction of Urban Life in San Francisco, 1850–1900*, at 104–105 (Cambridge U. Press 1994).

- You may eliminate a pinpoint reference when using the signal “*see generally*,” if the citation is truly referring to the entire source. (Rule 5.2(b)(5))
- Citing Consecutive Pages: Use an en dash rather than a hyphen or the word “to” when citing a span of pages. If using an en dash would “create ambiguity or cause confusion,” use the word “to” instead of an en dash. (Rule 5.3(a))
- Retain “all digits on both sides of the span” when you are citing a span of pages. (Rule 5.3(b))

Examples: 12–13
106–109

Citing Sections and Paragraphs (Rule 6.0)

- When referring to a specific section or paragraph in textual material, use the symbols (§ or ¶), when citing to a particular code section. (Rule 6.11)

Hint: Please note that textual material also can be found in footnotes.

Internal Cross-References (Rule 10.0)

- Internal cross-references are encouraged, especially if the cross-references will help the readers or avoid redundancy. (Rule 10.2(a)).

- Be as specific as possible—section, part, sub part, footnote, or page. If cross-referencing a page or span of pages, make a note for the Assistant Editor in Chief or the Managing Editor to change the page numbers when the articles are paginated.

Short Citation Formats (Rule 11.0)

- Only use a full citation once in an article. Thereafter, use the appropriate short citation format. (Rule 11.2(c)(2))
- Use a short citation instead of *id.* when there is a new heading or a new section. (Rule 11.3)

Hint: Please use common sense. Do not have three pages of *id.*'s. If the reader has to flip the page to find out what *id.* is referring to, *id.* is no longer appropriate.

- Use *id.* when *id.* is appropriate. (Rule 11.3(b)(3))
- *Supra* is only used as a short citation with particular sources—books, law review articles, and web sites. (Rule 11.4(b)(5))
- “Hereinafter”: “Hereinafter” is only used in rare circumstances (see Rule 11.4(d)(1)), specifically,
 - ◆ When the source cited has no author and the title is long.
 - ◆ When there are two or more sources by the same author cited in the same footnote.
 - ◆ When the use of “hereinafter” will help the reader identify the source more readily. But again, “be careful not to overuse the ‘hereinafter’ format.”

Example:

ABA Sec. Leg. Educ. & Admis. to B., *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA 1992) [hereinafter *MacCrate Report*].

Cases (Rule 12.0)

- When the case name appears in a citation clause or sentence, please abbreviate any word included in **Appendix 3**. (Rule 12.2(e)(3))

Hint: Do not “abbreviate any word in the party’s name” if the name appears in textual material, unless the party’s name is an acronym or one of the following nine words: and (&), Association (Assn.), Brothers (Bros.), Company (Co.), Corporation (Corp.), Incorporated (Inc.), Limited (Ltd.), Number (No.), and United States (U.S.). (Rules 12.2(e)(5) and 2.3)

- “When there is no danger of confusion, commonly known initials *may* be substituted for a party’s complete name. . . . Examples include ACLU, NAACP, and MADD.” (Rule 12.2(e)(7))
- When a party name includes two business designations, delete the second business designation.” Rule 12.2(e)(8) provides a list of business designations.
- Cite to only one reporter, and typically, cite to the West Regional Reporter, if available. Rule 12.4(b)(2)(a) provides the following hierarchy of reporters:
 - A West reporter (but see Rule 12.4(c) for more information concerning United States Supreme Court cases);
 - “Another print reporter in which the case appears”;
 - An online source;
 - A looseleaf reporter; and
 - Any other source.
- “When citing a case that appears in both North Eastern Reporter and New York Supplement, cite the North Eastern Reporter.” And “[w]hen citing a case that appears in both the Pacific Reporter and the California Reporter, cite the Pacific Reporter.” (Rule 12.4(b)(2)(b))
- You are strongly encourage to add explanatory parentheticals to clarify the author’s discussion or argument. (Rule 12.11(c))

Hint: Provide an explanatory parenthetical whenever you use a signal other than “e.g.” or “see generally.” (See Rule 44.0.)

Statutory Codes, Session Laws, and Slip Laws (Rule 14.0)

- Cite the official code unless the current code is not available. (Rule 14.1(b))
- When referring to statutes, do not use “et seq.”; refer to the entire span of statute sections. (Rules 12.2(d) and 6.6(d))
- Do not include the name of the act unless the act is the subject of the work or significant part of the work is about the act. If the name of the act is included, insert the name in ordinary type before the title number and separate the name from the title number with a comma. (Rule 14.2(g))

Books, Treatises, and Other Nonperiodic Materials (Rule 22.0)

- If the source has three authors or more, provide the name of the first listed author and use “et al.” (Rule 22.1(a)(2)(d))
- If the author is an organizational author, abbreviate any words in the organization name that appear in Appendices 3 or 5. (Rule 22.1(a)(3)(a))

Hint: Do not abbreviate “any words in the organization name” if the words appear in textual material.

- Please include all subtitles. (Rule 22.1(b)(2))
- Typically, leave the edition number as presented. Make note of the fact that there is a more current edition, and the Assistant Editor in Chief or Managing Editor will bring the situation to the author’s attention. (Rule 22.1(f)(3))
- Include the publisher’s name and abbreviate any words listed in Appendices 3 or 5. (Rule 22.1(i)(1))
- When citing collected works of a single author or several authors, see Rule 22.1(l)–22.1(m).

Legal and Other Periodicals (Rule 23.0)

- “Follow Rule 22.1(a),” which means that if there is three or more authors, provide the first author’s name, followed by “et al.” (Rule 23.1(a)(1))
- “[I]f readers cannot otherwise determine that the publication is a newsletter, indicate that fact parenthetically. Place the information after the periodical abbreviation.” “Abbreviate any words in the organization’s name that appear in Appendix 3.” Do not omit prepositions and articles. (Rule 23.1(d)(4))

Hint: Do not abbreviate “any words in the organization’s name” if the words appear in textual material.

- Consecutively paginated and non-consecutively paginated journals: Please see Rule 23.1(f)(3) and Appendix 5. For example, *Perspectives* is a consecutively paginated journal, whereas the *Second Draft* is a non-consecutively paginated journal.

Speeches, Addresses, Oral Presentations, and Live Performances (Rule 30.0)

- Include a speaker’s title or position after his or her name. “[A]bbreviate words in the title or position that appear in Appendix 3.” (Rule 30.1(a))

Hint: Do not abbreviate any “words in the title or position” if they appear in textual material.

- “[A]bbreviate the place using the lists in Appendix 3.” (Rule 30.1(d)(3))

Hint: Do not abbreviate the place if it appears in textual material.

Interviews (Rule 31.0)

- “[A]bbreviate any words listed in Appendix 3.” (Rule 31.1(c)(1))

Hint: Do not abbreviate any words that appear in textual material.

Electronic Mail and Messages (Rule 41.0)

- “Include the e-mail address of the author or recipient” if available. (Rule 41.1(b))
- Include the subject or a general description of the subject of the e-mail in the citation. (Rule 41.1(c))
- See Rule 41.2 for the full citation for e-mails sent to a group, including a discussion group, or a listserv.

Citation Placement and Use (Rule 43.0)

- General tip: Provide a full citation the first time a case is mentioned in the text.

Example: In *Smith v. Jones*,¹ the court found the defendant guilty.²

1. 22 So. 2d 15 (Fla. 2000).

2. *Id.* at 17.

- “You [can] refer to an authority in the text without using a full-form or short-form citation.” (Rule 43.1(d))

Signals (Rule 44.0)

- “When you use a signal, include an explanatory parenthetical after the cited source to describe the force or meaning of the authority,” unless the author is using the “e.g.” or “see generally” signal. (Rule 44.4)
- If the signal is used as a verb, do not italicize the signal. (Rule 44.6(b))

Explanatory Parentheticals and Related Authority (Rule 46.0)

- Use explanatory parentheticals when using a signal, except when using the “e.g.” or “see generally” signal. (Rule 46.1)
- “Place a parenthetical that must be included as part of a citation before an explanatory parenthetical.” (Rule 46.2(b))

- One easy way to format an explanatory parenthetical is to begin the parenthetical with a gerund (-ing word), but you are not required to use this format. An explanatory parenthetical may include a complete sentence; in that case, there will be a period both inside and outside the parenthetical. (Rule 46.3)

Quotations (Rule 47.0)

- Check every quote. If the quote is from a source not readably available, make a copy of the necessary citation information (for example, title page and copyright page) and the page(s) on which the quotation was found. Send the copies to the Assistant Editor in Chief or the Managing Editor, either via e-mail or mail.
- Making corrections to quotations: do not add proper punctuation or change the capitalization in the quotations. (Rule 47.2)
- When the quotation is set off by a comma or a colon, capitalize the first word of the quotation. Otherwise, do not capitalize the first word.
- “If the source can be identified from the material within the sentence, a duplicative citation should not be used.” (Rule 47.4(b)(3))

Altering Quoted Material (Rule 48.0)

- It is not necessary to correct all the mistakes in the original material, specially incorrect grammar, punctuation, or capitalization. If you make a correction to a quotation, place brackets around the corrections you make. (Rule 48.5) Typically, [sic] is not used in the Journal.

Example:

Original: “The court dismissed there motion.”

Alteration: “The court dismissed [their] motion.”

- Do not make corrections to archaic writing such as Old English.

Omissions within Quoted Material (Rule 49.0)

- Ellipses at the end of the quote: see rule 49.4(b) and 49.4(c) for more details.

Sometimes there is a space after the last word in the quotation (rule 49.4(b)), and sometimes there is not a space (rule 49.4(c)).

- “When you omit one or more paragraphs from a quoted passage, indicate that omission by placing the ellipsis on its own line.” “Center the ellipsis and place five spaces between each ellipsis point.” (Rule 49.4(d))

GRAMMAR AND PUNCTUATION

- When listing three or more terms combined with a single conjunction in textual material, use a comma after every term except the term that follows the conjunction.

Example: The colors of the flag are red, white, and blue.

- When two complete sentences are connected by a conjunction, insert a comma after the first complete sentence, but before the conjunction.

Hint: A comma almost always precedes the conjunction “but” even if the “but” does not separate two complete sentences.

- Use a comma after an introductory clause that is three or more words long.
- When a singular word that ends with the letter “s” is being used in the possessive form, add an apostrophe “s”.

Example: Congress’s or Adams’s

- When a span of years is cited, indicate the span by placing an “s” after the span. Do not use an apostrophe.

Example: 1960s

- If you introduce a list, series, or quote with a colon, use words such as “as follows” or “the following.”
- Check the use of “however.” “However” must only be used within a sentence when it places contrasting emphasis on the latter part of the sentence.

HEADINGS

- When an author is using headings in a work, verify that the author followed the correct outline format.

Hint: Do not add a subsection unless there is more than one. For example, do not add a subsection “A” unless there is a subsection “B”; do not add a sub subsection “1” unless there is a sub subsection “2.”

- The outline format is as follows:

I. **BOLD, ALL CAPS, CENTERED**

A. *Italicized, capitalized according to rule 3, centered*

1. ***Bold, italicized, capitalized according to rule 3, left-justified***

a. Regular font, capitalized according to rule 3, left-justified

i. ***Bold, italicized, capitalized according to rule 3, centered***

- Check to make sure that the introduction and conclusion sections are numbered.

MISCELLANEOUS

- Use a person’s full name the first time that it is mentioned in textual material.

Example: President George Walker Bush.

- Add Judge or Justice when referring to a specific Judge or Justice. Do not merely use the person’s last name.
- Present author bios in the following format:

Present Title, Institution. Acknowledgments. (Do not include education.)

- Put parentheticals in the following order:

(weight of case) (dissenting and concurring opinions) (emphasis added) (emphasis omitted) (citations omitted) (footnotes omitted) (alteration in original) (alteration omitted) (explanatory parenthetical)

- In internal cross-references, when citing to a whole section of the particular work, use the abbreviation for section (sec.); when citing to a subsection, use the abbreviation for part (pt.). Do not capitalize the abbreviations.

COMMON CITATIONS

- **Full citation:** William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (Jossey-Bass 2007).
 - **Short citation:** Use hereinafter [hereinafter *Carnegie Report*]
- **Full citation:** ABA Sec. Leg. Educ. & Admis. to B., *Legal Education and Professional Development—An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap* (ABA 1992).
 - **Short citation:** Use hereinafter [hereinafter *MacCrate Report*].
- **Full citation:** Roy Stuckey et al., *Best Practices for Legal Education: A Vision and a Road Map* (Clin. Leg. Educ. Assn. 2007).
 - **Short citation:** Use hereinafter [hereinafter *Best Practices*]
- **Full citation:** Commun. Skills Comm., Sec. Leg. Educ. & Admis. to B., *Sourcebook on Legal Writing Programs* (Eric B. Easton ed., 2d ed., ABA 2006).
 - **Short citation:** Use hereinafter [hereinafter *Sourcebook*].
- **Full citation:** Commun. Skills Comm., Sec. Leg. Educ. & Admis. to B., *Sourcebook on Legal Writing Programs* (Ralph L. Brill et al. eds., ABA 2006).
 - **Short citation:** If both editions of the *Sourcebook* are cited in the same footnote of an article, and both editions are cited to again, a distinction will need to be made between the two editions.
- **Full citation:** ALWD & Leg. Writing Inst., *2007 Survey Results* (available at _____).
 - **Short citation:** Use hereinafter [hereinafter *Year Survey Results*].

- **Full citation:** Michael Hunter Schwartz et al., *Teaching Law by Design: Engaging Students from the Syllabus to the Final Exam* (Carolina Academic Press 2009).
- **Short citation:** Do not use hereinafter.
- **Full citation:** David I. C. Thomson, *Law School 2.0: Legal Education for a Digital Age* (LexisNexis 2009).
- **Short citation:** Do not use hereinafter.

STYLE DECISIONS

Word Choice

- “Internet”—capitalized
- “E-mail”—hyphenated
- “Online”—one word
- “Casebook”—one word
- “Factfinder”—one word
- “Decision maker”—two words
- “Decision-making”—hyphenated

Capitalization Choice

- The words “across” and “throughout” will be capitalized in phrases such as “Writing Across the Curriculum” and “Writing Throughout the Curriculum.”
- Do not capitalize seasons.
Example: fall 2010