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LOUISIANA LAW REVIEW STREAMLINED CITATION MANUAL

INTRODUCTION

The rules listed below are to be followed in all articles submitted for publication in the Louisiana Law Review. Exclusive of the Streamlined Citation Manual (SCM) rules, the format provided in *A Uniform System of Citation* (14th ed. 1986), the Bluebook, will govern the correct citation format. Certain rules in the SCM will follow the Bluebook format.

One key to effective citation is *consistency*. Therefore, when there is more than one correct citation form, one citation form must be selected and used consistently throughout the article.

RULE 1: CASE CITATIONS

1.1. Basic Rules

1.1.1. *Type*: Use ordinary Roman type rather than large and small capitals or italics in the footnotes.

1.1.2. *Case Names*: The running head in the first reporter cited may be used. In the text, words may be spelled out where reasonably necessary for clarity and readability.

1.1.3. *Procedural Phrases*: Use "ex rel." (do not italicize) in place of "on the relation of," "for the use of," "on behalf of," and similar expressions. Use "In re" (do not italicize) in place of "in the matter of," "petition of," and similar expressions. See Bluebook rule 10.2.1, pp. 37-38.

1.1.4. *Parallel Citations*: Cite to the official state reporter first and the unofficial reporter (West) second, as follows:

King v. Wall, 266 Ind. 485, 364 N.E.2d 756 (1977).

Note: Refer to Bluebook pp. 177-219 for the proper cite format for official state reporters (Louisiana is listed below).

1.1.5. *Abbreviations*: The different court designations are listed at Bluebook rule 10.4(c), pp. 45-47.

1.1.6. *Parenthetical Information*: Author's discretion will gov-

ern as to when it is appropriate and necessary to use parenthetical information with the case citation. The information may be added to the cite, such as *Smith v. Jones*, 455 So. 2d 1100 (La. 1982) (the court explains duty-risk).

1.1.7. Short Form Citations: A case which has already been cited in full may be cited in a shortened form, known as a "short form" citation, provided the shortened form (a) clearly identifies the prior case cited and (b) is within four (4) footnotes of the full citation form. There are three acceptable forms:

1. *State v. Calandra*, 414 So. 2d at 343.
2. *Calandra*, 414 So. 2d at 343.
3. 414 So. 2d at 343.

Note: Use the first non-governmental party for the case name (see form #2 above). Popular names for the cases may be used, if the author desires, such as "The Lottery Cases." Once a form is selected, it must be used consistently throughout the article. See Bluebook rule 4.3(a), pp. 23-24.

1.1.8. Jump Cites: "Jump cites" pinpoint a specific page of the cited authority referred in the text of the article, e.g., quoted material, with a full cite. See the Bluebook index under "Pinpoint Citations," page 246, for the proper jump cite format for specific types of authority. The examples are as follows:

- State v. Calandra*, 414 So. 2d 340, 343 (La. 1975).
James, Inc. v. Cajun Beer Co., 537 So. 2d 1100, 1110-15 (La. 1988).

1.1.9. Pending and Unreported Cases: When a case is unreported or only a slip opinion, give the docket number, the court, and the full date of the decision. See Bluebook rule 10.8.1, pp. 50-51. The correct citation form is as follows:

- In re JMP, No. 89-C-0008 (La. Jan. 6, 1989).

When a particular page is to be cited from the slip opinion:

- In re JMP, No. 89-C-0008, slip op. at 4 (La. Jan. 6, 1989).

When an unreported case is available on WESTLAW and LEXIS:

- In re JMP, No. 89-C-0008 (La. Jan. 6, 1989) (1989 WL 887, 1989 LEXIS 46).

1.1.10. Prior and Subsequent Case History: The prior and subsequent case history should be given when the author determines it strengthens the authority of the case or shows the

case is continuing. The prior history is given first, followed by an explanatory phrase (e.g., writ denied), and then the subsequent citation. Parallel citations must be given when available. The appropriate explanatory phrase should follow any parenthetical information given (see SCM rule 1.1.6). See Bluebook rule 10.7, pp. 48-50 for examples and a list of the explanatory phrases.

With Louisiana cases, always indicate whether an appellate case was denied or refused a writ by the Louisiana Supreme Court and/or the United States Supreme Court. See SCM rule 1.2.2(h) for an example, *infra*, and below. U.S. Supreme Court denials of certiorari are generally termed "cert. denied." The Louisiana Supreme Court, however, generally says "writ denied" or "writ refused." The proper terminology is that used by the court itself.

When two or more decisions occur within the same year, the date is placed in the last parenthetical only. If the reviewing court's identity is obvious from the previous court's citation, it should not appear in the parenthetical.

The following are examples:

Smith v. Jones, 330 So. 2d 241 (La. App. 3d Cir.),
writ denied, 332 So. 2d 127 (1975).

Similarly,

Clark v. Tarver, 400 So. 2d 124 (La. App. 2d Cir.),
writ denied, 404 So. 2d 1106, cert. denied, 450 U.S.
180, 102 S. Ct. 96 (1979).

Note: In this case, there is no need for a parenthetical in the middle citation. The identity of the court is obvious from the first cite, and the year is given in the last.

1.1.11. Other Rules: In all other situations, the Bluebook form governs.

1.2. Louisiana Cases

1.2.1. Louisiana Supreme Court: When the full name of the court is used, the first letter of each word is capitalized, e.g., "the Louisiana Supreme Court" or "the Supreme Court of Louisiana." However, use only the lower case when the court is referred to as "the court" or "the supreme court."

a. 1809-1823: Martin Old Series

Cite as: Smith v. Jones, 2 Mart. (o.s.) 406 (La.
1810).

- b. 1823-1830: Martin New Series
Cite as: Smith v. Jones, 6 Mart. (n.s.) 300 (La. 1829).
- c. 1830-1841: Louisiana Reports
Cite as: Smith v. Jones, 4 La. 16 (1834).
- d. 1841-1846: Robinson
Cite as: Smith v. Jones, 4 Rob. 350 (La. 1845).
- e. 1846-1887: Louisiana Annual
Cite as: Smith v. Jones, 27 La. Ann. 100 (1873).
- f. 1887-1900: Louisiana Annual and Southern Reporter
Cite as: Smith v. Jones, 50 La. Ann 100, 3 So. 70 (1896).
- g. 1900-1972: Louisiana Reports and Southern Reporter, 2d
Cite as: Smith v. Jones, 172 La. 19, 35 So. 2d 83 (1950).
- h. 1973-current: Southern Reporter, Second Series
Cite as: Smith v. Jones, 355 So. 2d 18 (La. 1975).
Note: There is a space between "So." and "2d" according to Bluebook rule 6.1, p. 29.

1.2.2. *Louisiana Appellate Courts:* When the full name of the court is used, the first letter of each word is capitalized, e.g., "the Louisiana Second Circuit Court of Appeal." The lower case is used whenever the court is referred to as "the court," "the court of appeal," or "the third circuit court of appeal."

- a. 1881-1884: McGloin's Louisiana Courts of Appeal
Cite as: Smith v. Jones, 2 McGl. 46 (1884).
- b. 1903-1917: Tessier's Decisions, Court of Appeal, Parish of Orleans
Cite as: Smith v. Jones, 1 Orl. App. 201 (La. App. 1903).
- c. 1917-1923: Peltier's Decisions, Court of Appeal, Parish of Orleans
Cite as: Smith v. Jones, 3 Pelt. 81 (La. App. 1920).
- d. 1924-1928: Louisiana Courts of Appeals Reports
Cite as: Smith v. Jones, 1 La. App. 419 (2d Cir. 1925).
Note: The court abbreviation will be either: 1st Cir., 2d Cir., or Orl. The Louisiana Digest refers to the Orleans circuit as: Orleans No.
- e. 1928-1932: Louisiana Courts of Appeals Reports and Southern Reporter
Cite as: Smith v. Jones, 11 La. App. 221, 27 So. 192 (Orl. 1931).

- f. 1932-current: Southern Reporter; Southern Reporter, Second Series
Cite as: *Smith v. Jones*, 30 So. 290 (La. App. Orl. 1932).
Cite as: *Smith v. Jones*, 345 So. 2d 198 (La. App. 3d Cir. 1970).
- g. Proper abbreviations for the circuits: 1st, 2d, 3d, 4th, 5th.
- h. Case history when writ denied (see SCM rule 1.1.10):
 - (i) same year:
Smith v. Jones, 428 So. 2d 952 (La. App. 1st Cir.), writ denied, 433 So. 2d 155 (1983).
 - (ii) different years:
Smith v. Jones, 480 So. 2d 380 (La. App. 4th Cir. 1985), writ denied, 481 So. 2d 1353 (1986).

1.3. Federal Cases

1.3.1. *United States Supreme Court*: Always capitalize the first letter of each word, whether or not the full name is used, e.g., “the Court,” or “the Supreme Court.”

- a. Cite to both the United States Reports, U.S., (91 U.S. to date) and to the Supreme Court Reporter, S. Ct., as follows:
Duncan v. Louisiana, 391 U.S. 145, 88 S. Ct. 1444 (1968).
- b. A correct short form citation must parallel cite both the United States Reports and the Supreme Court Reporter, as reflected by the following examples:
Duncan v. Louisiana, 391 U.S. at 150, 88 S. Ct. at 1451.
Duncan, 391 U.S. at 150, 88 S. Ct. at 1451.
391 U.S. at 150, 88 S. Ct. at 1451.
Id. at 150, 88 S. Ct. at 1451.
Id., 88 S. Ct. at 1452.
Note: This format is used when the U.S. is on the same page as the prior cite, yet the S. Ct. has the authority cited on a different page than the prior footnote.
- c. If the United States Reports (U.S.) is not yet available in hardcover form, cite to the Supreme Court Reporter (S. Ct.) only. If neither reporter is available, cite the case to United States Law Week, U.S.L.W., WESTLAW and LEXIS. (See SCM rule 1.1.9)

- d. United States Reports *prior* to 91 U.S. require a parenthetical indication of the reporter editor and the series volume number, e.g., *Green v. Biddle*, 21 U.S. (8 Wheat.) 1 (1823). See Bluebook p. 173 for the editor names and dates.
- e. Jump cites must be parallel cited:
Duncan v. Louisiana, 391 U.S. 145, 150, 88 S. Ct. 1444, 1451 (1968).

1.3.2. *Federal Courts of Appeals*: Always capitalize the first letter of each word, e.g., "the Fifth Circuit."

- a. *Smith v. Jones*, 244 F. Supp. 666 (W.D. La. 1941).
 Note: There is a space between "F." and "Supp."
 See Bluebook rule 6.1, at p. 19.
- b. *Jones v. Smith*, 287 F. Supp. 702 (S.D.N.Y. 1967).
 Note: When the decision is rendered in a division, such as Division A of the Southern District in New York, the correct cite form is to the district, not the division. See Bluebook rule 10.4, at pp. 44-45.
- c. *Clark v. Queenan*, 222 F.D.R. 135 (W.D. La. 1950).
 Note: When a decision is reported in both the *Federal Supplement* and the *Federal Rules Decisions*, the correct cite is to the Federal Supplement only.

1.3.4. *Federal Circuit Courts*: These are reprints in *Federal Cases* (F. Cas.) of decisions rendered from 1789-1880. The correct cite form is to F. Cas., with the case number given parenthetically, as follows:

Hochman v. Sobeloff, 18 F. Cas. 598 (C.C.W.D. Pa. 1859) (No. 10,444).

Circuit Court decisions from 1880-1912 are reported in *Federal Reporter* (F.) and should be cited to that reporter.

1.3.5. *Other Federal Courts*: For other federal courts, such as the Court of Claims, Bankruptcy Courts, Military Courts, and administrative decisions, refer to Bluebook, pp. 173-77.

RULE 2: CODE ARTICLES, STATUTES, AND CONSTITUTIONS

2.1. Louisiana Codes

2.1.1. *General Rules*: There are two citations sources for most statutes and code articles: the code and the act. The code citations are addressed first, while the act citation format is found in rule 2.1.4. Louisiana Civil Code, Code of Civil Procedure,

Code of Criminal Procedure, Code of Judicial Procedure, and Louisiana Code of Evidence articles that are currently in effect are cited without a date, as follows:

- La. Civ. Code art. 2315.
- La. Code Civ. P. art. 1914.
- La. Code Crim. P. art. 100.
- La. Code Juv. P. art. 150.
- La. Code Evid. art. 6.

2.1.2. *Repealed or Amended Article:* When a cited article has been repealed or subsequently amended, the date (year) that the article became effective should be provided in parentheses after the article number, as follows:

- La. Civ. Code art. 2078 (1870).

2.1.3. *Multiple Articles:* If there is more than one code article cited, list as follows:

- La. Civ. Code arts. 2456-2465.
- La. Civ. Code arts. 2456, 2458, 2550.
- La. Civ. Code arts. 2456-2502, 2550.

2.1.4. *Legislative Acts:* Acts of the Louisiana legislature are cited as follows:

- 1987 La. Acts No. 702, § 1.

See Bluebook rule 12.4, pp. 60-61.

2.1.5. *Administrative Regulations:* Administrative regulations found in the *Louisiana Administrative Code*, if codified, are cited to the title and the section, as follows:

- La. Admin. Code 20:1402 (1987).

Otherwise, the cite should be to the *Louisiana Register*:

- 12 La. Reg. 241 (1985).

2.2. *Louisiana Revised Statutes*

2.2.1. *Reference in Text:* In the *text* of the article, the correct form is "Louisiana Revised Statutes 9:422.6" (note the spelling of "Statutes" has an "s" even when it is referring to only one statute). Only in a textual footnote is it permissible to refer to it as "La. R.S. 9:422.6."

2.2.2. *Citation Format:* When citing a Louisiana Revised Statutes, use the following form, with the copyright date of the main volume (the book used by the author, e.g., West green

books), not the effective date of the statute. See the following examples:

La. R.S. 9:422.6 (1987).

La. R.S. 9:422-429 (1987).

La. R.S. 9:422, 432-434 (1987).

2.2.3. *Supplements:* When citing a Louisiana Revised Statutes that appears in the "pocket part" of the main volume, give the date of the "pocket part" and note that the source is a supplement to the main work.

La. R.S. 9:422.10 (Supp. 1989).

List both dates when the parts of the statutes cited are found in both the main volume and the supplement, or when a portion of the statute has been amended so that part is found in the main volume and the amended part is located in the supplement.

La. R.S. 9:422.6, 422.10 (1987 and Supp. 1989).

2.2.4. *Parenthetical Information:* If the author finds it is helpful to the reader, or necessary to make his point clear, he or she may cite the effective date of the statute parenthetically after the date:

La. R.S. 9:422 (1987) (effective September 1, 1987).

2.3. *Opinions of the Attorney General*

Cite formal advisory opinions as follows:

Legality of Crawfish Condos, 32 Op. Att'y Gen. 235, 240-45 (1989).

Inclusion of the name of the opinion (if any) is optional. If it is used, it should be placed before the volume. Additionally, a specific page cite is placed after the page on which the advisory begins.

If the opinion is unpublished, or a slip opinion, give the specific date and the opinion number, as follows:

32 Op. Att'y Gen. No. 2 (May 1, 1989).

2.4. *Constitutions*

2.4.1. *Citation Format:* Constitutions, whether the United States Constitution or a state constitution, should be cited with the name of the state or country followed by "Const." and the particular subpart(s). Examples are as follows:

U.S. Const. art. I, § 9, cl. 2.

- U.S. Const. preamble.
- U.S. Const. amend. XIV, § 2.
- La. Const. art. IV, § 1.

2.4.2. *Reference in Text:* In the *text* of the article, the first ten amendments may be referred to as “the Bill of Rights.” A single amendment should be written as “the fourth amendment” or “the Fourth Amendment to the Constitution.”

2.4.3. *Date:* No date is given unless the cited provision has been repealed or amended, in which case it should be shown parenthetically. If the constitution has been superceded, note that fact parenthetically, e.g., Ark. Const. of 1868 art. 111, § 2 (superceded 1874). See Bluebook rule 11, p. 55.

2.5. *Federal Statutes and Non-Louisiana Statutes*

2.5.1. *Federal:* The official federal code is the United States Code (U.S.C.), while the unofficial codes are the United States Code Annotated (U.S.C.A.) and the United States Code Service (U.S.C.S.). The correct citation form for official code statutes under this section is the name of act (optional), followed by the title or volume, codification, subdivision, and the year of the code.

E.g., Robinson-Patman Act, 15 U.S.C. §§ 13-13b, 21a (1982). Always use the U.S.C. when possible; however, if it is a very new codification, you may need to use the U.S.C.A. Supplement. When using an unofficial code the publisher’s name must be cited: “West Supp. 19XX” or “West 19XX” for the U.S.C.A. In the *text* of the article, the same format is used as above, except that the date is not included, e.g., 18 U.S.C. § 3061. See Bluebook, pp. 54-80.

2.5.2. *States:* The official and unofficial codes for each state are listed on pages 145-219 of the Bluebook. As with the federal codes, if an unofficial code is cited the publisher’s name must be listed with the date. The same format as provided in 2.5.1 is used for states.

2.6. *Legislative Materials*

Bluebook rule 13, pp. 68-72.

2.7. *Executive and Administrative Materials*

Bluebook rule 14, pp. 72-80.

RULE 3: LAW REVIEW ARTICLES, BOOKS, TREATISES, AND NEWSPAPERS

3.1. Basic Rules

3.1.1. General Rule: Unless otherwise provided below, Blue-book rules 15, 16, and 17, pp. 83-106, will control.

3.1.2. Citation Format: Author name(s) should be identified as follows:

- a. With books, pamphlets, and unpublished materials, only the author's first initial and last name is given, in upper and lower case, without the use of middle initials, "Jr.," "III," or other similar notations:
B. Cardozo, *The Growth of the Law* (1924).
C. Clark, J. Tarver & B. Villa, *The Ruin of Young Minds in Law School* (1989).
- b. With periodicals and articles, except for student-written law review materials, give only the last name of the author(s):
Lacayo, *The Malpractice Blues*, *Time*, Feb. 24, 1986, at 60.
Grissley, *Attorney Ethics*, 54 *La. L. Rev.* 123 (1992).
- c. Student-written law review materials are referenced by the type of work, e.g., Note or Comment:
Note, *Insider Trading After State v. Crawfish, Inc.*, 50 *La. L. Rev.* 981 (1990).
- d. Civil Law Treatise series use the same format as for books, pamphlets, and unpublished materials:
2 M. Planiol, *Treatise on the Civil Law* No. 630, at 345 (11th ed. La. St. L. Inst. trans. 1959).
1 S. Litvinoff, *Obligations* § 195, at 349, in 6 *Louisiana Civil Law Treatise* (1969).
1 W. Malone & A. Johnson, *Workers' Compensation Law and Practice* § 251, in 13 *Louisiana Civil Law Treatise* (2d ed. 1980).
A. Yiannopoulos, *Personal Servitude* § 21, in 3 *Louisiana Civil Law Treatise* (2d ed. 1978).
- e. Hyphenated first names are considered one word, e.g., Jean-Louis Baudoin is cited as J. Baudoin.
- f. Newspapers: see Bluebook rule 17, p. 105.

3.1.3. Short Form Citations: Short form citations are as follows:

- a. Books, pamphlets, periodicals, published, and unpublished materials, after the first full citation, may be referred to by a "hereinafter," which may be used subsequently with a "supra."

10. 1 S. Litvinoff, *Obligations* § 195, at 349, in 6 *Louisiana Civil Law Treatise* (1969).

...

15. J. Goldsmith, *Breaking New Ground with Property Law Revisions* (1984) [hereinafter Goldsmith].

...

25. Goldsmith, *supra* note 15, at 35.

...

30. 1 S. Litvinoff, *supra* note 10, at 360.

- b. Law review materials are normally referred to by a *supra* to the full citation footnote and the author's name, as follows:

10. Green, *Tort Law In Louisiana*, 30 *La. L. Rev.* 100 (1950).

...

20. Green, *supra* note 10, at 105-10.

...

40. Comment, *Duty Risk System*, 45 *La. L. Rev.* 250 (1975).

...

49. Comment, *supra* note 40, at 270.

- c. Law reviews may be referred to with a "hereinafter" after the full citation:

10. Green, *Tort Law in Louisiana*, 30 *La. L. Rev.* 100 (1950) [hereinafter *Tort Law*].

...

22. *Tort Law*, *supra* note 10, at 105-10.

- d. See Bluebook rule 4.2, p. 22.

3.1.4. *Faculty Symposia*: Faculty Symposia citations are according to Bluebook rule 16.1.5(a), p. 92. The format is author, area of the law, title of the symposia, and the law review cite. Examples:

- a. Spaht, *Family Law, Developments in the Law*, 1979-1980, 41 *La. L. Rev.* 380 (1981).
Levasseur, *Sales, The Work of the Louisiana Appellate Courts for the 1977-1978 Term*, 39 *La. L. Rev.* 705 (1979).
- b. Short form citation: Spaht, *Developments in the Law*, *supra* note xx, at 381.

3.1.5. *Abbreviations*: Abbreviations for periodicals are provided at Bluebook rule 16.2, p. 93.

3.1.6. *No Volume Reference*: If a periodical or article has no volume number, use the year of the publication.

3.1.7. *Other Citation Formats*: Special citation forms, such as for encyclopedias and a dictionary are at Bluebook rule 15.5.4, p. 88. Examples are as follows:

46 Am. Jur. 2d Judgments §§ 792-882 (1969).

88 C.J.S. Trials § 192 (1955).

Black's Law Dictionary 712 (5th ed. 1979).

RULE 4: STRUCTURE AND USE OF CITATIONS

4.1. Basic Rules

4.1.1. *Italics*:

a. Do not italicize:

- (1) Introductory signals—"see," "e.g.," "accord," etc.
- (2) "Supra," "infra," "Id.," etc.
- (3) Explanatory phrases used in indicating prior or subsequent history—"aff'd," "cert. denied," etc.
- (4) Case names found in footnote, except short forms as provided below in 4.1.1(b).

b. Do italicize:

- (1) In the text of the article, complete and shortened forms of case names.
- (2) In footnotes, shortened forms of case names only. See Bluebook rule 4.3(a), pp. 23-24.
- (3) Words italicized in quoted material.
- (4) As provided in Bluebook rule 7, p. 31 (do not include "id.," "supra," etc. within the foreign language exception).

4.1.2. *Supra, Infra, and Id.*:

a. "Supra" and "Infra" are adverbs which modify "see." Thus:

See supra text accompanying note 12.

Not

See text accompanying note 12 supra.

See the examples at Bluebook rule 3.5, p. 21. "Infra" is used only to refer to *text*, not to full citations of authority in a later footnote.

“Supra” and “Hereinafter” can be used to refer to any source by a shortened name *except* cases, statutes, or constitutions. A source which has been fully cited can be referred to by the author’s name, supra note X, at xx. “Hereinafter” is used in the original full citation to identify a short term of a particularly complicated name. See Bluebook rule 4.2, pp. 22-23.

- b. “Id.” can be used to refer to any immediately preceding authority, *if* only one authority is cited in the previous footnote. Note that when a parallel citation is given, “id.” refers to the official reporter only; the unofficial reporter must be named. See the examples at 1.3.1(b) and Bluebook rule 4.1, pp. 21-22.

4.1.3. Order of Citation: Multiple signals (such as “cf.” and “accord”) are used in the order in which they appear in Bluebook rule 2.2.

In citing cases, the highest court comes first. Courts of equal authority are arranged alphabetically or numerically. Cases from the same court are then cited in reverse chronological order.

See Bluebook rule 2.4, pp. 10-13.

4.1.4. Multiple Pages and Footnotes: The proper citation format rule is found in Bluebook rule 3.3., p. 18. When the numbers are consecutive, retain only the last two digits and drop other repetitious digits. If certain numbers after the last two digits are not repetitious, retain that (those) numbers. Note that there is no space between the “-” and the article numbers.

4.2. Common Mishaps

4.2.1. Court Names in Text:

Louisiana’s intermediate appellate courts are courts of appeal; the federal appellate courts are courts of appeals. Federal court names are capitalized, but state court names are not capitalized except when the court is named in full. For example:

- a. Louisiana Courts:
 - the first circuit
 - the first circuit court of appeal
 - the Louisiana First Circuit Court of Appeal
 - the supreme court
 - the Louisiana Supreme Court

- b. Federal Courts and United States Supreme Court:
 - the Fifth Circuit
 - the Supreme Court
 - the Court