

April 5, 2021

MEMO TO: Traci N.T. Fujita, Director of Council Services

F R O M: David Raatz, Supervising Legislative Attorney *DMR*

SUBJECT: **WEBINAR ON LEGAL WRITING** (PAF 21-012)

On March 31, 2021, I attended a webinar called, "Legal Writing: Writing Sentences that Persuade," presented by the American Bar Association Law Practice Division. Professors Bill Henslee and Elizabeth Henslee presented the webinar.

The recurring theme was the writer's responsibility to think of the reader's needs.

They also provided the following advice:

- Omit needless words.
- Use definite, specific, concrete language.
- Show, don't tell. Show the reader the logic of your conclusion by accurately choosing words that convey the message you intend. Telling the reader the conclusion that you desire without showing the reader how you arrived at your conclusion may cause the reader to question the logic of your writing.

In summary, writers were reminded to edit carefully, avoid pronouns for clarity, do not write the way you speak, use proper grammar, and cite properly.

The course materials are attached. I found the advice valuable and would recommend we keep the materials on file for future reference.

Thank you for your consideration. Please let me know if you have any questions or comments.

paf:dmr:21-012a

Attachment

cc: OCS Legislative Attorneys

Legal Writing: Writing Sentences that Persuade

Presented by the
American Bar Association
Law Practice Division



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to submit a question on the content of this course to program faculty. We'll route your question to a faculty member or qualified commentator in 2 business days.

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This publication accompanies the audio program entitled "Legal Writing: Writing Sentences that Persuade" broadcast on March 31, 2021 (event code: EP2103WSP).

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Elizabeth Henslee

CONTINUING LEGAL EDUCATION

Legal Writing: Writing Sentences that Persuade

Wednesday, March 31, 2021 | 1:00 pm Eastern

Sponsored by the ABA Law Practice Division



THE PREMIER SOURCE FOR CLE

Speakers

Professor Bill Henslee,
J.D., M.F.A.

Professor Elizabeth Henslee,
J.D., M.L.I.S.

Objectives

1. Write for the reader - the reader is always correct.
2. Chose unambiguous words.
3. Break down rules into analyzable elements.
4. Include the outcome determinative facts in the same sentence as the element of the rule it proves.
5. The Fact proves the Law is active voice; the Law is proven by the Fact is passive voice.
6. Use Citations to persuade the reader.
7. Never waste an opportunity to persuade. Every sentence should be able to stand alone without relying on the surrounding text.
8. Good writing is easy for the reader to digest.

The Reader is
Always Correct
(right).

The Reader is Always Correct (right).

Select Rules from

The Elements of Style

by

William Strunk Jr.

and

E. B. White

Review:

A few basic rules that we all know.

“Form the possessive singular of nouns by adding ’s.”

Examples:

**Elizabeth’s opinion
one’s rights**

“The pronominal possessives *hers, its, theirs, yours, and ours* have no apostrophe.”

It’s = it is

“In a series of three or more terms with a single conjunction, use a comma after each term except the last.”

Justices Roberts, Thomas, Breyer, Alito, Sotomayor, Kagan, Gorsuch, Kavanaugh, and Barrett are the justices of the United States Supreme Court.

“Enclose parenthetical expressions between commas.”

“This rule is frequently difficult to apply; it is frequently hard to decide whether a single word, such as *however*, or a brief phrase is or is not parenthetical. If the interruption to the flow of the sentence is slight, the writer may safely omit the commas. But whether the interruption is slight or considerable, never omit one comma and leave the other.”

Examples:

Correct: “Writs of *habeas corpus*, pursuant to Florida Rules of Appellate Procedure 9.030(3), may be filed directly to the appropriate district court of appeal.”

Incorrect: “Our nine-year-old son, James(,) is a competitive climber.”

“Nonrestrictive relative clauses are parenthetic, as are similar clauses introduced by conjunctions indicating time or place. Commas are therefore needed. A nonrestrictive clause is one that does not serve to identify or define the antecedent noun.”

Example:

“The audience, which had at first been indifferent, became more and more interested.”

“The abbreviations *etc.*, *i.e.*, and *e.g.*, the abbreviations for academic degrees, and titles that follow a name are parenthetical and should be punctuated accordingly.”

Examples:

Bill Henslee, J.D., M.F.A.

Elizabeth Henslee, J.D., M.L.I.S.

“Although *Junior*, with its abbreviation *Jr.*, has commonly been regarded as parenthetic, logic suggests that it is, in fact, restrictive and therefore not in need of a comma.”

**Example:
William Strunk Jr.**

“Do not join independent clauses with a comma.”

“If two or more clauses grammatically complete and not joined by a conjunction are to form a single compound sentence, the proper mark of punctuation is a semicolon.”

Example:

“Justice has been served; another pedophile will remain in jail because the proper procedure was followed by the trial court and counsel.”

“An exception to the semicolon rule is worth noting here. A comma is preferable when the clauses are very short and alike in form, or when the tone of the sentence is easy and conversational.”

Example:

“Man proposes, God disposes.”

“Use a colon after an independent clause to introduce a list of particulars, an appositive, an amplification, or an illustrative quotation.”

“The appositive is a word or group of words inserted to explain the noun that it follows. The proper noun comes first in appositive expressions.”

“A colon tells the reader that what follows is closely related to the preceding clause. The colon has more effect than the comma, less power to separate than the semicolon, and more formality than the dash.”

Incorrect

- “Your dedicated whittler requires: a knife, a piece of wood, and a back porch.”
- “Understanding is that penetrating quality of knowledge that grows from: theory, practice, conviction, assertion, error, and humiliation.”

Correct

- “Your dedicated whittler requires three props: a knife, a piece of wood, and a back porch.”
- “Understanding is that penetrating quality of knowledge that grows from theory, practice, conviction, assertion, error, and humiliation.”

“Use a dash to set off an abrupt break or interruption and to announce a long appositive or summary.”

“A dash is a mark of separation stronger than a comma, less formal than a colon, and more relaxed than parentheses.”

Example:

“His first thought on getting out of bed--if he had any thought at all--was to get back in again.”

The Reader is Always Correct (right).

Choose strong, unambiguous words. Only use the words necessary to convey your thought. Strong words make strong sentences.

Use Plain English for Reader Understanding

<https://www.youtube.com/watch?v=9s0LqZMsfTQ>

“Omit needless words.”

**“Use definite, specific,
concrete language”**

Commonly Misused Words and Phrases

**“Said” is not an article.
(Use “the,” “a,” or “an.”)**

Correct Usage

In regard to

As regards as

With regard to

Regarding

Strong, unambiguous words include most terms of art (used properly) and words with a single meaning.

Ambiguous words have several possible meanings depending on the interpretation of the words by the reader.

That interpretation may not be the interpretation you intended.

Strong sentences convey the writer's intended content without requiring additional explanation. Strong sentences convey clarity of thought.

Choose the active voice to eliminate unnecessary words. Active voice sentences are more concise than passive voice sentences.

**Positive sentences are more
concise than negative
sentences.**

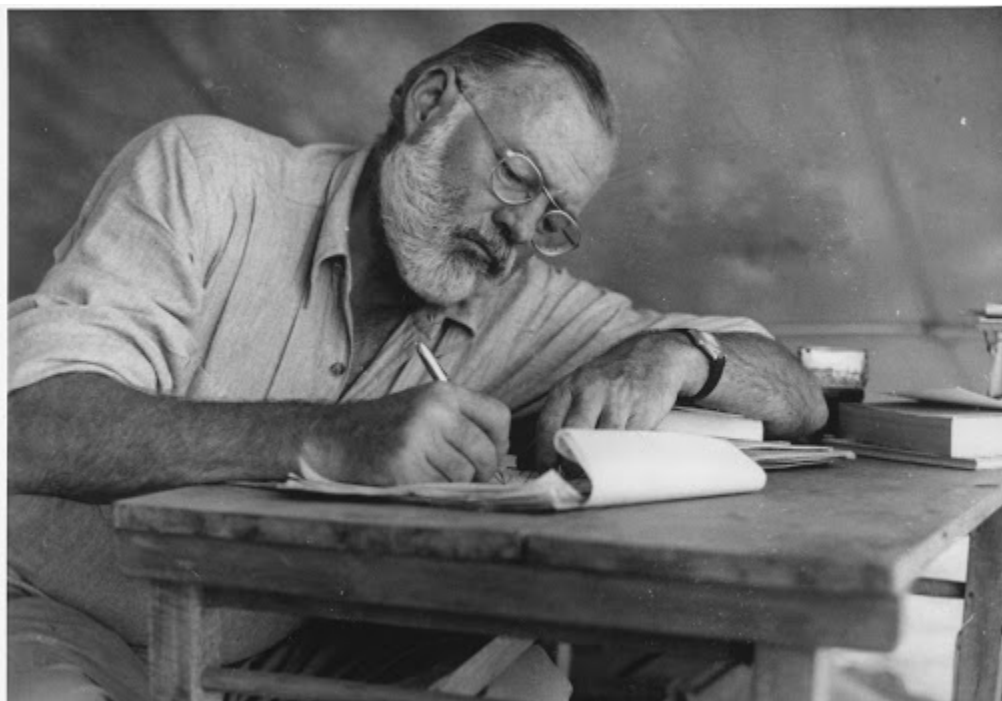
Example:

When writing a draft, one should imbibe to the point of intoxication to stimulate creativity and allow for the maximum number of ideas to flow onto the paper. When editing one's writing, one should be sober and alert to catch any unnecessary words and to ensure that the ideas expressed in the previous draft make sense.

**“Write Drunk,
Edit Sober”**

Ernest Hemingway

Channel Your Inner Hemingway!



Show, Don't Tell.

Show the reader the logic of your conclusion by accurately choosing words that convey the message you intend. Telling the reader the conclusion that you desire without showing the reader how you arrived at your conclusion may cause the reader to question the logic of your writing.

Law/fact (or fact/law) analysis requires the writer to include the outcome determinative facts in the same sentence with the element of the law to be proven.

Law/fact analysis shows the reader the logic of reaching the conclusion the writer desires.

A statement of law without the outcome determinative facts is not analysis.

A statement of fact without the relevant element of the rule is not analysis.

The combination of the relevant law with the outcome determinative facts in the same sentence shows the reader the writer's intended analysis.

Asking the reader to perform the analysis on her own may lead the reader to reach a conclusion unanticipated by the writer.

EXAMPLES

- 1. An offensive contact battery requires proof of an unwanted touching that is offensive to a reasonable person. (law with no analysis)**
- 2. The defendant, who knew his co-worker was shy and did not like physical contact with others, put his arm around his co-worker, pulled her close to him, and kissed her on the cheek. (facts with no analysis)**
- 3. Putting his arm around his co-worker, pulling her close to him, and kissing her on the cheek with the knowledge that she was shy and did not like physical contact with others satisfies the element of an offensive contact because a reasonable person would find the touching offensive. (fact/law analysis)**

Fact/law analysis creates an active voice sentence. (The facts *prove* the law.)

Law/fact analysis creates a passive voice sentence. (The law *is proven* by the facts.)

**“Make the paragraph the
unit of composition.”**

Commonly used structures that do not help the Reader:

1. **Rule, rule, rule, rule, conclusion** = no analysis.
2. **Fact, fact, fact, fact, conclusion** = no analysis.
3. **Rule, rule, rule, rule, fact, fact, fact, fact, conclusion** = no analysis.

All of these structures are examples of commonly seen presentation styles that fail to address the needs of the Reader.

Rule, Rule, Rule, Rule, Conclusion

In order for the plaintiff to prevail in a cause of action for battery, the plaintiff must prove that the defendant (1) Acted with the (2) Intent (3) to Cause (4) a Harmful or Offensive Contact, and that the Contact occurred, and (5) that the defendant has no defenses. An Act is an external manifestation of the actor's will and does not include any of its results, even the most direct, immediate, and intended. A person acts with the Intent to produce a consequence if: (a) the person acts with the purpose of producing that consequence (specific intent); or (b) the person acts knowing that the consequence is substantially certain to result (general intent). Conduct is a factual Cause of harm when the harm would not have occurred absent the conduct. Harmful contact arises not simply for conduct causing bodily harm, but for conduct causing such harm in a particular way—by intentionally contacting the plaintiff's person. Offensive contact battery provides a remedy for the violation of a person's right not to be offended or insulted by an intentional interference with bodily autonomy.

Therefore, the plaintiff is entitled to recover for battery. (citations omitted).

Fact, Fact, Fact, Fact, Conclusion

While sitting at the lunch table in the break room at work, the defendant decided to embarrass the plaintiff. The defendant changed his seat to sit next to the plaintiff. After sitting down, the defendant put his arm around the plaintiff. The defendant knew that the plaintiff was shy, and the defendant could see the distressed look on the plaintiff's face. The defendant cleared his throat to get the attention of the other employees sitting at the table. The defendant then leaned into the plaintiff and gave her a kiss on the cheek. The plaintiff's face turned red. The plaintiff quickly packed up the rest of her lunch and left the lunchroom.

Everyone in the room laughed at the scene. Therefore, the plaintiff will prevail in an action for an offensive contact battery.

Rule, Rule, Rule, Rule, Fact, Fact, Fact, Fact, Conclusion

In order for the plaintiff to prevail in a cause of action for battery, the plaintiff must prove that the defendant (1) Acted with the (2) Intent (3) to Cause (4) a Harmful or Offensive Contact, and that the Contact occurred, and (5) that the defendant has no defenses. An Act is an external manifestation of the actor's will and does not include any of its results, even the most direct, immediate, and intended. A person acts with the Intent to produce a consequence if: (a) the person acts with the purpose of producing that consequence (specific intent); or (b) the person acts knowing that the consequence is substantially certain to result (general intent). Conduct is a factual Cause of harm when the harm would not have occurred absent the conduct. Harmful contact arises not simply for conduct causing bodily harm, but for conduct causing such harm in a particular way—by intentionally contacting the plaintiff's person.

Offensive contact battery provides a remedy for the violation of a person's right not to be offended or insulted by an intentional interference with bodily autonomy. While sitting at the lunch table in the break room at work, the defendant decided to embarrass the plaintiff. The defendant changed his seat to sit next to the plaintiff. After sitting down, the defendant put his arm around the plaintiff. The defendant knew that the plaintiff was shy, and the defendant could see the distressed look on the plaintiff's face. The defendant cleared his throat to get the attention of the other employees sitting at the table. The defendant then leaned into the plaintiff and gave her a kiss on the cheek. The plaintiff's face turned red. The plaintiff quickly packed up the rest of her lunch and left the lunchroom. Everyone in the room laughed at the scene. Therefore, the plaintiff will prevail in an action for an offensive contact battery. (citations omitted).

Fact/Law Analysis

(This paragraph would follow the Rules paragraph)

When the defendant sat down next to the plaintiff and put his arm around her, that was a manifestation of his will which satisfies the element of the act. When the defendant put his arm around the plaintiff and kissed her on the cheek, the defendant acted with the purpose of producing that consequence which satisfies the element of specific intent. Putting his arm around the plaintiff and kissing her on the cheek caused the offensive contact. Kissing the plaintiff at the lunchroom table in front of her fellow employees knowing that the plaintiff was shy satisfies the element of offensive contact because the defendant intentionally interfered with the plaintiff's bodily autonomy. Base on the analysis above, the defendant is liable for an offensive contact battery. (*See case authority citations omitted*).

Strong sentences make strong paragraphs.

“As long as it holds together, a paragraph may be of any length—a single, short sentence or a passage of great duration.”

“In the aftermath of an athletic humiliation on an unprecedented scale—a loss to a tortoise in a footrace so staggering that, his tormentors teased, it would not only live on in the record books, but would transcend sport itself, and be taught to children around the world in textbooks and bedtime stories for centuries; that hundreds of years from now, children who had never heard of a ‘tortoise’ would learn that it was basically a fancy type of turtle from hearing about this very race—the hare retreated, understandably, into a substantial period of depression and self-doubt.”

**B. J. Novack, *One More Thing: Stories and Other Stories*, p.3,
Vintage Books, 2014.**

**Present the facts and perform the analysis
in chronological order.**

**“Research shows that people tend to prefer
linear narratives. . . .”**

**Max Green, “How the Brain Reacts to
Scrambled Stories,” *The Atlantic*,
January 27, 2016.**

Quotations

General Rule: Avoid quoting language unless you cannot write it clearer.

Exception: Quote rules from constitutions, statutes, and codes when the precise language is relevant to the analysis.

Anne Enquist, “To Quote or Not to Quote” *Perspectives: Teaching Legal Research and Writing*, Vol. 14, No. 1, Fall 2005.

Edit quoted material to fit the presentation.

Avoid irrelevant content.

**Use quotation marks, ellipses, and citations
to avoid plagiarism.**

Full Text: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

U.S.C. Const. Amend. I.

Edited Text: “Congress shall make no law ... abridging the freedom of speech, or of the press” U.S.C. CONST Amend. I.

Citations

Use citations to bolster your analysis. String cites show the reader that there are more cases that support your proposition than the main case that you chose to analyze.

Use string cites with parentheticals to strengthen your conclusions. Parenthetical information should support your main proposition and show the reader that other courts have considered your issue and agree with your analysis of the case authority.

In Moore, the driver was speeding at eighty to ninety m.p.h. in a thirty-five m.p.h. zone. People v. Moore, 114 Cal. Rptr. 3d 540, 542 (Cal. Ct. App. 2010); see Watson, 637 P.2d at 281 (driving eighty-four m.p.h. in a thirty-five m.p.h. zone); McCarnes, 224 Cal. Rptr. at 850 (driving “close to seventy m.p.h.” in a forty-five m.p.h. zone). As Moore approached a red light, he decided not to stop or attempt to apply his brakes because he was going too fast. 114 Cal. Rptr. 3d at 542. But see Watson, 637 P.2d at 286 (skidding 112 feet before impact with the victim’s car). Moore’s vehicle struck a car killing the driver. 114 Cal. Rptr. 3d at 542. Moore said he did not intend to kill anyone, that he did not experience mechanical failure, and that he was simply going too fast. Id. at 543.

In its holding, the court reasoned that speeding at up to fifty-five miles per hour over the speed limit and straddling a double yellow line while passing cars **showed a subjective awareness of risk**. 114 Cal. Rptr. 3d at 543; see Watson, 637 P.2d at 281 (holding that avoiding an accident, continuing to speed away, and skidding prior to impact **prove Watson had knowledge of the danger and a disregard for life**); McCarnes, 224 Cal. Rptr. at 848 (holding that a verdict of second degree murder was justified because speeding over thirty-five m.p.h. over the speed limit and driving in the opposing traffic lane **demonstrate awareness of the risk and a conscious disregard for like**). The court also found that consciously disregarding a red light because one is driving too fast **is evidence of a “wanton disregard of the high probability of death.”** 114 Cal. Rptr. 3d at 543; 637 P. 2d at 285; 224 Cal. Rptr. at 850. Moore’s admission that he did not experience mechanical failure, but was “simply going too fast” **shows implied malice because he understood the risk of harm and consciously decided not to apply his brakes**. 114 Cal. Rptr. 3d at 543. The court found that these facts supported a finding of second degree murder based on implied malice even though the driver was not under the influence, did not have a predicate act of a near-miss collision, and was not the object of a pursuit. Id. at 542.

**Storytelling helps the reader
understand and relate to the material.**

**Cody C. Delistraty, “The Psychological
Comforts of Storytelling,” *The
Atlantic*, November 2, 2014.**

Emojis

Emojis have begun to be used by lawyers in pleadings and judges in opinions.

One problem presented by the use of emojis is the lack of a concrete definition for the various emojis.

**Mark Walsh, “Emojis Head to a Courthouse Near You”
ABA Journal, October 2017.**

Tempting Emojis For Use In Legal Documents



Summary

Edit Carefully.

Avoid pronouns for clarity.

Do not write the way you speak.

Use proper grammar. Include the facts that prove the law in every sentence of analysis.

Cite properly.

For More Information

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- Elizabeth Henslee: Elizabeth.Henslee@gmail.com

Questions

All attendees can submit questions via the Q&A feature in the webinar interface

1. Cases:

Full citation: Rule 10

Example: *Meritor Sav. Bank v. Vinson*, 477 U.S. 57, 60 (1986).

Case names in textual sentences: Rule 10.2.1

Covers:

Procedural phrases (“on the relation of,” “for the use of,” “in the matter of,” etc.

Abbreviations (“&,” “Ass’n,” “Bros.,” “Co.,” “NAACP,” etc.) *complete list found in T.6

Union and local union names (“NLRB”)

Short Forms for cases: Rule 10.9

Example: *Meritor*, 447 U.S. at 60.

Short citation forms: Rule 4.1; Rule 4.2

Example: *Id.* at 60.

Example: Reich, *supra* note 16, at 6.

2. Introductory Signals: Rule 1.2

a.

No signal	Cited authority: 1. Directly states the proposition 2. Identifies the source of a quotation 3. Identifies an authority referred to in the text
<i>E.g.</i> ,	Cited authority supports the proposition BUT other authorities also state the proposition, but citations to them would not be helpful.
<i>See</i>	Used when the proposition is not directly stated by the cited authority but <i>obviously</i> follows from it (an inferential step is required)
<i>See also</i>	Used to cite an authority supporting a proposition when authorities that state or directly support the proposition (a parenthetical is recommended.)

b.

<i>Compare...</i>	Comparison of authorities cited will offer support or illustrate
<i>[and]...</i>	the proposition. The relevance of the comparison will usually
<i>with...</i>	be clear to the reader only if explained.
<i>[and]...</i>	(Parentheticals strongly recommended.)

c.

<i>Contra</i>	Cited authority directly states the contrary of the proposition.
<i>But see</i>	Cited authority clearly supports a proposition analogous to the contrary of the main proposition

d.

<i>See generally</i>	Cited authority presents helpful background material related to the proposition
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e.

Signals as verbs	For footnotes only. Signals may be used as verbs of textual sentences.
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3. Order of Authorities Within Each Signal: Rule 1.4

If one authority is considerably more helpful or authoritative than the other authorities cited within the signal, it should precede the others. Except in this situation, cite authorities in the order in which they are listed below. Authorities cited in short form are ordered as though cited in full.

a. **Constitutions** and other foundational documents are cited in the following order:

- 1) Federal
- 2) State (alphabetically by state)
- 3) Foreign (alphabetically by jurisdiction)
- 4) Foundational documents of the United Nations, the League of Nations, and the European Union, in that order
 - Constitutions of the same jurisdiction are cited in reverse chronological order

b. **Statutes** are cited according to jurisdiction in the following order:

Order applies for (1) Federal (2) State (3) Foreign

- 1) Statutes in U.S.C., U.S.C.A., or U.S.C.S.
- 2) Statutes currently in force not in U.S.C.
- 3) Rules of evidence or procedure
- 4) Repealed statutes

c. **Treaties and other international agreements** (other than the foundational documents of the United Nations, League of Nations, and European Union).

d. **Cases** are arranged within a signal according to the courts issuing the cited opinions; subsequent and prior histories are irrelevant to the order of citation. Cases decided by the same court appear in reverse chronological order.

Order applies for (1) Federal (2) State (3) Foreign

- 1) Supreme Court
- 2) Courts of Appeals
- 3) Court of Claims
- 4) District Courts
- 5) District Bankruptcy Courts
- 6) Court of Federal Claims
- 7) Administrative agencies

4. String Citations: Combine rules for order of authorities and introductory signals to create appropriate string cites.

5. Parenthetical Information: Rule 1.5

- a. **Substantive information.** Use parentheticals, as needed, to explain the relevance of a particular authority to the proposition given in the text. Parenthetical information is

recommended when the relevance of a cited authority might not be otherwise clear to the reader. *Explanatory information takes the form of a present participial phrase, a quoted sentence, or a short statement that is appropriate in context.*

Example: *See generally* Akhil Reed Amar, *Reports of My Death Are Greatly Exaggerated: A Reply*, 138 U. PA. L. REV. 1651 (1990) (arguing that the author and the two-tier theory of federal jurisdiction are still viable).

6. Quotations: Rule 5.1

a. **Quotations of fifty or more words.**

The quotation should be indented on the left and right without quotation marks, and the quotation marks within a block quotation should appear as they do in the original.

1) **Footnote placement.**

In law review text (in which citations are not permitted), the footnote number should appear after the final punctuation.

2) **Paragraph structure.**

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

b. **Quotation of forty-nine or fewer words.**

The quotation should be enclosed in quotation marks but not otherwise set off from the rest of the text. Quotation marks around material quoted inside another quote should appear as single marks within the quotation in keeping with the standard convention.

1) **Footnote placement.**

The footnote number of a citation should follow immediately after the closing quotation mark unless it is more accurate to place it elsewhere.

2) **Paragraph structure.**

Do not indicate the original paragraph structure of quotations of forty-nine or fewer words except when the material quoted would commonly be set off from the text, such as lines of poetry or dialogue in a play.

3) **Punctuation.** Always place commas and periods inside the quotation marks; place other punctuation marks inside the quotation marks only if they are part of the original text.

7. Alterations & Quotations Within Quotations: Rule 5.2

a. **Substitution of letter or words.**

When a letter must be changed from upper to lower case, or vice versa, enclose it in brackets. Substituted words or letters and other inserted material should also be bracketed:

Example:

“[P]ublic confidence in the [adversary] system depend[s upon] full disclosure of the facts, within the framework of the rules of evidence.”

b. **Omissions.** Indicate the letters of omission with brackets.

8. Omission(s) of word or words: Rule 5.3

Omission of a word or words is generally indicated by the insertion of an ellipsis, three periods separated by spaces and set off by a space before the first and after the last period (. . .).

(b)(i) Where the *beginning* of a quoted sentence is being omitted, insert an ellipsis where the language is omitted: “[B]orders are less of a barrier to economic exchange now than at almost any other time in history.”

(b)(ii) Where the *middle* of a quoted sentence is being omitted, insert an ellipsis where the language is omitted: “National borders are less of a barrier . . . now than at almost any other time in history.”

(b)(iii) Where at the *end* of a quoted sentence is being omitted, insert an ellipsis between the last word being quoted and the final punctuation of the sentence being quoted: “National borders are less of a barrier to economic exchange now that at almost any other time”

(b)(iv) Do not indicate the deletion of matter after the period of other final punctuation that concludes the last quoted sentence. “National borders are less of barrier to economic exchange now than at almost any other time in history.”

(b)(v) Where the language *after the end* of a quoted sentence is deleted and is followed by further quotation, retain the punctuation at the end of the quoted sentence and insert an ellipsis before the remainder of the quotation. “National borders are less of a barrier to economic exchange now than at almost any other time in history. . . . [E]conomic activity continues its relentless drive toward world-wide scope [so] trademarks become even more important.”

(b)(vi) If language both *at the end* and *after the end* of a quoted sentence is omitted and followed by further quoted material, use only one ellipsis to indicate both of the omissions: “National borders are less of a barrier [E]conomic activity continues its relentless drive toward world-wide scope, [so] trademarks become even more important.”

9. Basic Citation Forms: Rule 13.1

Federal bill (unenacted)	Privacy Protection Act of 1998, H.R. 3224, 105th Cong. § 2(a) (1998).
Federal Resolution (unenacted)	H.R.J. Res. 79, 106th Cong. (1999).
State Bill	H.R. 124, 179th Leg., 1st Spec. Sess. (Pa. 1995).

Bluebook Cheat Sheet

State Resolution	S.J. Res. 836, 118th Leg., 3d Spec. Sess. (Me. 1999).
Committee Hearing	<i>Background and History of Impeachment: Hearing Before the Subcomm. On the Constitution of the H. Comm. on the Judiciary</i> , 105th Cong. 22-23 (1998) (statement of Rep. Hutchinson, Member, House Comm. on the Judiciary).
Federal Report	H.R. REP. NO. 101-524, at 10 (1990), <i>reprinted in</i> 1990 U.S.C.C.A.N. 1448, 1451.
Federal Document	H.R. DOC. NO. 102-399, at 3 (1992).
Committee Print	STAFF OF H. COMM. ON THE JUDICIARY, 93D CONG., CONSTITUTIONAL GROUNDS FOR PRESIDENTIAL IMPEACHMENT 38 (Comm. Print 1974).
Congressional Debate	145 CONG. REC. H1817 (daily ed. Apr. 12, 1999) (statement of Rep. Pease).
Source Reprinted in Separately Bound Legislative History	S. COMM. ON LABOR AND PUBLIC WELFARE, LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, S. Rep. No. 86-187, at 4 (1959), <i>reprinted in</i> 1959 U.S.C.C.A.N. 2318, 2320, <i>and in</i> 1 NLRB, LEGISLATIVE HISTORY OF THE LABOR MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959, at 397, 400 (1959).

More Detailed Information:

Front and Back Cover and the Bluepages:

The front and back cover of The Bluebook give examples of commonly used citation forms printed in the typefaces (i.e. underline, italics, small caps, etc.) used in law review footnotes (front cover) and in court documents and legal memoranda (back cover). The Bluepages explain the commonly used citation forms for court documents and legal memoranda. For the purposes of LRW, the Bluepages should be the most frequently used and accessed. It is important to know where they are and how they work. The Bluepages are not a substitute for the rule, but act as a how-to-guide created primarily for practitioners and law clerks.

Topics covered in the Bluepages:

B1: Typeface Conventions—note that The Bluebook uses underlining in their examples for court documents and legal memoranda, italics are also appropriate, but the decision to use italics or underlining must be consistent. Also note, when The Bluebook talks about academic and non-academic writing, it is referring to law reviews (academic) and then everything else. For the purposes of LRW, assignments are considered non-academic writing despite the fact that it occurs in an academic setting.

B2: Citation Sentences and Clauses—A citation may be inserted in one of two ways: (1) as a stand-alone citation sentence or (2) as a citation clause. In non-academic legal documents, citations appear within the text of the document as full sentences or as clauses within sentences directly after the proposition.

Like any other sentence, a citation sentence begins with a capital letter and ends with a period. One citation sentence may contain many citations. String citations sentences that follow the same introductory signal should be separated by a comma. String citation sentences that follow a new introductory signal should be separated by a semicolon.

Citation clauses are set off from the text by commas and immediately follow the proposition which they relate.

B3: Introductory Signals—A signal is a shorthand message to the reader about the relationship between the proposition stated and the source or authority cited in relation to that proposition. No signal is used when: (1) an authority directly states the proposition; (2) the source of a quotation; (3) an authority referred to in the preceding text. A see cite is the most commonly used introductory signal. It is used to introduce an authority that clearly supports, but does not directly state, the proposition. An e.g., cite is the second most commonly used introductory signal. It introduces an authority that is one of multiple authorities directly stating the same proposition.

B4: Sources and Authorities: Cases—A full case citation includes five basic components: (1) the name of the case; (2) the published source in which the case may be found; (3) a parenthetical indicating the court and year of decision; (4) other parenthetical information, if any; (5) the subsequent history of the case.

B5: Sources and Authorities: Statutes, Rules, and Regulations—The parts of statutes, proper citations for rules, and proper citations for regulations are listed with cross references to the rules in the white pages.

B6: Sources and Authorities: Constitutions—The proper citation forms for Federal and State Constitutions are listed with a cross-reference.

B7: Sources and Authorities: Court and Litigation Documents—This type of citation occurs when court and litigation documents cite to a filing from the same case or from a different case. The forms of citations for these two instances are different and distinct. B7 focuses on citation to documents filed from the same case. For the purposes of LRW, it will not be commonly used, but it is important to note where the rule is for future reference.

B8: Sources and Authorities: Books and Other Nonperiodic Material—A proper citation for nonperiodic material contains five (5) elements: (1) the volume number; (2) the full name(s) of the author(s) as it appears on the publication; (3) the title of the publication (underlined or italicized); (4) a pinpoint cite; and (5) a parenthetical indicating the year of publication, as well as the name of the editor, if any, and the edition, if more than one.

B9: Sources and Authorities: Journal, Magazine, and Newspaper Articles—A proper citation for nonperiodic material contains five (5) elements: (1) the full name(s) of the author(s); (2) the title of the article (underlined or italicized); (3) the abbreviated name of the publication; (4) a pinpoint cite; (5) the date of publication.

B10: Sources and Authorities: The Internet—A proper citation to an internet source should include the following: (1) the name of the author(s); (2) the title of the specific page of the website, such as a posting or comment (underlined or italicized); (3) the title of the main page of the website; (4) the date and time; (5) the URL.

B11: Explanatory Parentheticals—Used to explain the relevance of a cited authority. Explanatory phrases should take the form of a phrase that begins with a present participle, a quoted sentence, or a short statement that is appropriate in context. Do not begin with a capital letter or end with a period unless the parenthetical consists of a quotation that reads as a full sentence.

B12: Quotations—Two types: (1) quotations that are less than 50 words are enclosed in quotation marks, but not otherwise set off from the rest of the text; (2) quotations that are 50 or

more words should be in a block quote which is single spaced, indented left and right, justified, and without quotation marks.