

## What the heck is that? Deciphering legal citations

Most librarians are familiar with a number of citation styles, particularly MLA and APA style. Let's compare those to legal citation style for some common formats.

MLA book style:

Okuda, Michael, and Denise Okuda. Star Trek Chronology: The History of the Future. New York: Pocket, 1993.

<Author><Title><Place of publication><Publisher><Date>.

APA book style:

Okuda, M., & Okuda, D. (1993). *Star trek chronology: The history of the future*. New York: Pocket Books.

<Author><Date><Title><Place of publication><Publisher>.

Legal book style:

Michael Okuda and Denise Okuda, Star Trek Chronology: The History of the Future. (1993).

<Author><Title><Date>.

You'll notice that the citation style that lawyers use for books is much simpler than either the APA or MLA styles. Occasionally, you might see a publisher along with the date in the parenthetical, but mostly you'll just see the author, title, and date. Now let's look at periodical citations.

MLA journal style:

Wilcox, Rhonda V. "Shifting Roles and Synthetic Women in Star Trek: The Next Generation." Studies in Popular Culture 13.2 (1991): 53-65.

<Author><Title><Journal><Volume & issue><Date><Page>.

APA journal style:

Wilcox, Rhonda V. (1991). Shifting Roles and Synthetic Women in Star Trek: The Next Generation. *Studies in Popular Culture*, 13, 53-65.

<Author><Date><Title><Journal><Volume><Page>.

Legal journal style:

Rhonda V. Wilcox, *Shifting Roles and Synthetic Women in Star Trek: The Next Generation*. 13 *STUDIES IN POPULAR CULTURE* 53, 53-65 (1991). (law review)

Or

Rhonda V. Wilcox, Shifting Roles and Synthetic Women in Star Trek: The Next Generation. 13 *Studies in Popular Culture* 53, 53-65 (1991). (practitioner)

<Author><Title><Volume><Journal><Beginning page><Pinpoint reference>  
<Date>.

Notice that for journals the elements are the same in all the styles, they are just in a different order. The pinpoint reference is included in the legal citation to take the reader to the exact spot in the article that the author is citing. It isn't always necessary.

Now let's look at some citations that do not have counterparts in other citations schemes.

Statutory citations:

Federal statutes:

5 U.S.C. § 555 (2000). <Title><Set><Section><Date>.

State statutes:

S.C. Code Ann. §40-10-345 (2006). <Set><Title><Chapter><Section><Date>.

Texas Fam. Code Ann. §2486 (2006). <Set><Section><Date>.

There is a lot of variation in the numbering schemes used by states for their statutes. The South Carolina code uses a three part hyphenated number to designate the title, which is the largest subdivision; the chapter, which is a smaller part of the title; and the section, which is the smallest subdivision. The second example is of a code or set of statutes that is grouped into named subject matter divisions (e.g., Family Code, Tax Code, Criminal Code) followed by the section number of the particular statute.

Before the laws passed by the legislature appear in codes (sets of statutes arranged by subject matter), they appear in sets that are arranged chronologically. These are called session law sets, because they consist of the laws passed during a particular legislative session, in order as they were passed. Sometimes the best place to look at a statute as a whole is in its session law form, before it is broken up and put in appropriate subject matter titles. Here are some examples of session law citations.

Session laws:

Federal, Statutes at Large - **87 Stat. 459 (1967)**. <Volume><Set><Page><Year>.

State, Acts and Joint Resolutions - **2000 S.C. Acts 692**. <Year><Set><Page>.

You'll notice that where the year of the session is the first element there is no date parenthetical. If the second number does not work as a page number, i.e., it doesn't find the item you are looking for, try it as an act number. Now let's look at some statute-like materials – regulations.

Federal:

**56 Fed. Reg. 9754 (Mar. 7, 1991)**. <Volume><Set><Page><Date>.

**7 C.F.R. § 319.76 (2006)**. <Title><Set><Part or section><Year>.

State:

**21 S.C. Reg. 813 (Mar. 7, 1991)**. <Volume><Set><Page><Date>.

**S.C. Code Ann. Reg. 61- 42 (2006)**. <Set><Chapter><Section><Year>.

The Federal Register and the South Carolina Register are the equivalent of session laws sets for federal and state regulations. The regulations appear first in the registers, then are codified and put into the appropriate subject matter titles in the Code of Federal Regulations or the South Carolina Code Annotated Regulations.

You may have noticed that, in the citations we have looked at so far, the first number is either a volume number or a title number. The easiest way to remember which is which is to think about the arrangement of the subject matter. Generally speaking, chronologically arranged sets have volume numbers and topically arranged sets have title numbers. So for a codified statute or regulation, the first number is a title number. For a journal article, a session law or equivalent, or (as we'll see below) a case, the first number is a volume number. If the first number is a volume number, the second will be a page number. If the first number is a title number, the second will be a chapter or section number.

Now for the most commonly encountered type of legal citation – cases. First, a word about finding cases, which can sometimes be tricky. When we speak of cases, we mean the written opinions issued by courts. Relatively few legal disputes result in written opinions. Most legal disputes are resolved before or during trial and so have no written opinion to report. When cases do go to a complete trial, the trial courts issue judgments or verdicts, which are not routinely reported. A small number of those verdicts or trial court judgments are appealed to a higher court for review. Of the cases that are appealed, many are affirmed or reversed without a detailed written opinion. Of the smaller number of appealed cases that have written opinions, even fewer are published in case reporters. It used to be that if cases were not chosen for publication, they were not available without going to the court. However, most appellate courts now have websites where they post all of their written opinions. So the distinction between published and unpublished opinions is an artificial one. Still, older (pre-internet) unpublished opinions are usually not available. Because the cases that have written opinions are a small percentage of all cases, it may be that the case your patron is asking for can't be found. Just because they read about a trial in the news doesn't mean there is a written opinion to be found.

Case citations:

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

<Parties><Volume><Reporter><Page><Pinpoint reference><Court & date>.

The names of the parties come first. The “v.” is an abbreviation for “versus” so the first name is usually the party appealing and the second is usually the party responding. Case reporters are arranged chronologically, so the first number is a volume number and the second number is the beginning page. The citation above has a pinpoint cite to a page that contains the material being quoted or issue being referred to. The parenthetical for this case only has a date, because the court that issued the opinion (U.S. Supreme Court) is identified by the reporter set (United States Reports). If the reporter contained cases from more than one court, it would be necessary to put the abbreviation for the court into the parenthetical, like this:

**Smith v. Jones, 117 S.E.2d 94 (S.C. 1956).**

The crucial information as far as case finding is concerned is the middle part – the volume number, reporter, and page number. If you have this, you can find the case even without the name. In many instances, if the case is a recent one, it may be possible to find the opinion by using that information as your search term in Google. If your patron only knows the case by the names of the parties, you may be able to find it with a Google search. However, if you can't find it that way, it can be difficult to find a case with only the name. There are case finding tools that locate cases by name, but they work better if at least the court is also known.

Most case citations are straightforward, but a few present complications. Let's look at some of the more common ones.

Nominative reporters:

**Green v. Biddle, 21 U.S. (8 Wheat.) 1 (1823).**

Occasionally, you'll see a citation that has this extra bit of information in parentheses in the middle. This is a reference to a nominative reporter that originally published the case opinion. Before there were commercial or governmental publishers of case opinions, private individuals went to the courts, listened to the arguments in cases, and wrote their own accounts, which they published along with the court's opinion. The abbreviation above refers to Mr. Wheaton's reports. Because these reports were known by the names of the people who reported the opinions, we call them nominative reporters. For your purposes, that extra information can be ignored. What you need is the "21 U.S. 1."

Pending or unpublished opinions:

**Albrecht v. Stanczek, No. 87-C9535, 1991 U.S. Dist. LEXIS 5088 (N.D. Ill. Apr.18, 1991).**

This citation is deceptive because it seems to have the <volume><reporter><page> style that we have come to expect. However, it also has extra information in front of that. The extra information is a docket number and might be helpful if you were searching an online legal database. The "1991 U.S. Dist. LEXIS 5088" is a number assigned by the online legal database provider LEXIS and is only useful if you subscribe to that service. Neither of these pieces of information will help you if you are looking in print reporter sets.

Subsequent or prior history:

**Jackson v. Metro. Edison Co., 348 F. Supp. 954 (M.D. Pa. 1972), *aff'd*, 419 U.S. 345 (1974).**

Here we have what looks like two separate citations for the same case, and that is exactly what we do have. This is an example of subsequent history. The second citation directs the reader to a later or subsequent opinion that affirms the result in the first opinion. The affirming opinion may or may not contain a discussion of the court's reasons. It could just be a summary "affirmed." In most instances, the case opinion that the patron wants will be the first one.

Parallel citations:

**White v. Shealy, 276 S.C. 374, 278 S.E.2d 779 (1981).**

This is another example of a two citations for the same case. This is different from the subsequent history example above in that these two citations are the same opinion, just published in two different sources. Parallel citations are provided as a courtesy to the reader, so that she may find the case in the most convenient reporter. It is only necessary to find the case in one of the sources cited to.

Public domain or medium neutral citations:

**Gregory v. Class**, 1998 S.D. 106, ¶3.

A number of states have instituted citation systems that do not refer to any specific version of the case. In these citations, after the party names, the first element is the year, the second element is the state abbreviation, the third element is the opinion number, and the fourth element is a paragraph number. Most states that have instituted public domain citations have created websites where their case opinions may be found.

Here are a few suggested resources for help deciphering legal citations.

Mary Miles Prince, **BIEBER'S DICTIONARY OF LEGAL CITATIONS** (5th ed. 2001).

This lists almost every abbreviation used in legal citation.

Alan L. Dworsky, **USER'S GUIDE TO THE BLUEBOOK** (W.S. Hein 2006).

This boils the rules of the *Bluebook* down to about 50 pages.

**THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION** (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

This is the standard guide for creating legal citations.

Introduction to Basic Legal Citation at <http://www.law.cornell.edu/citation/>.

This web-based guide is extremely helpful. It has been recently updated to reflect the changes in the 18<sup>th</sup> edition of the *Bluebook*. It also contains the rules from the Association of Legal Writing Directors citation manual.