



THE YALE LAW JOURNAL
VOLUME 129 STYLE SHEET

The *Yale Law Journal* follows [The Bluebook: A Uniform System of Citation](#) (20th ed. 2015) for citation form and the [Chicago Manual of Style](#) (17th ed. 2017) for stylistic matters not addressed by *The Bluebook*. For the rare situations in which neither of these works covers a particular stylistic matter, we refer to the [Government Printing Office \(GPO\) Style Manual](#) (31st ed. 2016). The *Journal*'s official reference dictionary is [Merriam-Webster's Collegiate Dictionary, Eleventh Edition](#).

This Style Sheet codifies *Journal*-specific guidelines that take precedence over these sources. Rules 1-21 and Table 13 correspond to and supplement Rules 1-21 and Table 13 in the *Bluebook*. Rule 22 focuses on recurring matters of style that are not addressed in the *Bluebook*.

Throughout, several rules have red titles; this indicates a correction to an error in the *Bluebook*, and these will be removed as the *Bluebook* is updated.

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Rule 1

S.R. 1.1(b): String Citations in Textual Sentences in Footnotes

The *Bluebook* does not specify how to handle parts of a string citation that are grammatically integrated into a textual sentence in a footnote (as opposed to being in citation clauses or citation sentences grammatically separate from the textual sentence). When this occurs, treat the citation as if it were in the main text, which means:

- Use semicolons to separate the citations from one another, even where there are only two citations;
- Use an “and” to separate the penultimate and last citations, even where there are only two citations;
- Use textual explanations instead of parenthetical explanations;
- Italicize case names and use only the abbreviations in Rule 10.2.1(c) (&, Ass’n, Bros., Co., Corp., Inc., Ltd., and No.); and
- Do not italicize the signals or the “and.”

For example:

For further discussion of this issue, see, for example, *Flores v. Morgan Hill Unified School District*, 324 F.3d 1130, 1137-38 (9th Cir. 2003), which describes provocation; *State v. Stonehouse*, 555 P. 772, 779 (Wash. 1907), which lists excuses; and WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995), which examines harm.

By contrast, when the citations are not integrated into a textual sentence, do not use “and” before the last citation, and use parenthetical explanations instead of textual explanations. For example:

See, e.g., *Flores v. Morgan Hill Unified Sch. Dist.*, 324 F.3d 1130, 1137-38 (9th Cir. 2003) (describing provocation); *State v. Stonehouse*, 555 P. 772, 779 (Wash. 1907) (listing excuses); WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995) (examining harm).

Note that when a citation integrated into a textual sentence is followed by a citation with a different signal—even a signal of the same basic type—the new signal should begin a new citation sentence and should be italicized. For example:

For further discussion of this issue, see, for example, *State v. Gounagias*, 153 P. 9, 15 (Wash. 1915), which describes provocation; *State v. Stonehouse*, 555 P. 772, 779 (Wash. 1907), which lists excuses; and WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995), which examines harm. *See also* *Johnson v. State*, 108 N.W. 55 (Wis. 1906) (evaluating the doctrine).

S.R. 1.1: Two Claims in One Sentence

The *Bluebook* does not specify what to do when one sentence contains two claims, and each claim is supported by a separate source. If you insert a citation after the first clause you may not end the sentence with a period and append a citation. Rather, the second citation must be introduced with a comma. This is the case for main text and a textual sentence in a footnote.

RIGHT: The Court rejected this view, *see id.* at 118, and proposed its own mode of analysis, *see id.* at 120.

WRONG: The Court rejected this view, *see id.* at 118, and proposed its own mode of analysis. *See id.* at 120.

S.R. 1.4: Order of Authorities

Multiple Authors: When ordering secondary materials, alphabetize based on the spelling of *all* authors' last names, not just the first author's last name. Compare author names in the order that they are listed. Works by Author X precede works by author X & Y. Only alphabetize by title if two pieces have the same authors, in the same order. For example:

See Jones & Smith, *supra* note 8; Smith, *supra* note 14; Smith & Jones, *supra* note 3.

GILDEROY LOCKHART, TRAVELS WITH TROLLS (1986); GILDEROY LOCKHART & RITA SKEETER, VOYAGES WITH VAMPIRES (1991); GILDEROY LOCKHART & RITA SKEETER, YEAR WITH THE YETI (1989); RITA SKEETER & GILDEROY LOCKHART, BREAK WITH A BANSHEE (1990).

Alphabetizing by Title: When alphabetizing by title, do not count "A," "An," or "The" as the first word of a title; in such cases, alphabetize by the second word of the title. Unsigned articles or notes are alphabetized as though the first word in the title (excluding "A," "An," and "The") were the author's name.

Order of Authorities with *Id.*: Note that you cannot trump the order of authorities to use *id.* for a source. Instead, use *supra*. Thus, if footnote 24 contains work X, and footnote 25 contains W and X, you must order them alphabetically and use a *supra* reference for source X. However, if footnote 25 contained X and Y, you could use *Id.* for source X.

Online Sources: Online sources that also fall under one of the more authoritative categories (e.g., PDF reports) should be ordered as the more authoritative type. So a PDF report would fall under 1.4(i)(2) rather than 1.4(i)(10).

Forum Pieces: Pieces published in a law review's online forum (or equivalent publication) should be listed alongside print law review materials by author last name under 1.4(i)(3).

Cases Decided on the Same Day by the Same Court: If two cases are decided on the same day by the same court for purposes of ordering authorities (e.g., two cases, one from the U.S. Court of Appeals for the Second Circuit and one from the U.S. Court of Appeals for the Ninth Circuit, are each decided on June 1, 2015), then order alphabetically by the first named party. If the first named party is the same in each case, then order alphabetically by the first named party on the other side.

Nonbinding Federal Agency Guidance: Federal agency guidance (e.g., Attorney General Opinions or IRS Revenue Rulings) should be ordered between Rule 1.4(f)(5) and (f)(6), in reverse chronological order of issuance.

S.R. 1.5(a)(i): Parenthetical Information

We follow Rule 1.5 concerning the use of present participles in parentheticals. You should also include articles (e.g., “a,” “the”) in parentheticals wherever you would use them in ordinary sentences. For example:

See, e.g., State v. Dumlao, 715 P.2d 822, 829 (Haw. Ct. App. 1986) (suggesting that the MPC’s EED defense is a partial diminished capacity defense).

When a parenthetical contains a quotation, the quotation should not be in the form of a block quote, even if it exceeds forty-nine words.

S.R. 1.5(a)(ii): Parentheticals for Citations, Quotations, and Alterations

Generally, keep parentheticals such as “(footnote omitted),” “(citation omitted),” and “(quoting . . .)” inside of the larger parenthetical they’re describing.

See, e.g., State v. Dumlao, 715 P.2d 822, 829 (Haw. Ct. App. 1986) (“[W]here the language is ambiguous, we are not limited to the words of the statute, but we may look to other aids to statutory construction to assist us in determining legislative intent.” (citation omitted)).

(alteration in original): A parenthetical like “(first, third, and fourth alterations in original)” is fine.

(emphasis added): Never use “(emphasis in original).” *See* Rule 5.2(d)(iii). But “(second emphasis added)” is fine. Also, indicate an omission of emphasis (Rule 5.2(d)(i)) with an “(emphasis omitted)” parenthetical in the same position where the “(emphasis added)” parenthetical would appear. If an author has both added and omitted emphasis in a quotation, use a hybrid “(emphasis added and omitted)” parenthetical. The idea is only to indicate changes from the original.

(footnote omitted): This parenthetical is used when quoting a passage that includes an internal footnote call number. Do not indicate the omission of a footnote call number that follows the last word quoted. *See* Rule 5.2(d)(ii).

(citations omitted): Use this parenthetical when the quoted language leaves out in-text citations only. Do not indicate the omission of a citation that follows the last word quoted. *See* Rule 5.2(d)(ii).

(quoting . . .): Whenever possible, a quotation within a quotation should be attributed to its original source. Rule 5.2(e). The *Journal* endorses this rule, and sourceciters should mark as an error any internal quotation that is not attributed to a secondary source. Secondary quoted sources should be checked according to the same standards as any other citations. Citations in “quoting” parentheticals should be formatted as if they were citation clauses. They are not in-text citations. For example:

The source being quoted is the case <i>Sorrell v. IMS Health</i> . The <i>Sorrell</i> opinion reads:	Speech remains protected even when it may “stir people to action,” “move them to tears,” or “inflict great pain.” <i>Snyder v. Phelps</i> , 131 S. Ct. 1207, 1220 (2011).
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The article's text reads:	As the Court wrote in <i>Sorrell v. IMS Health Inc.</i> , "Speech remains protected even when it may 'stir people to action,' 'move them to tears,' or 'inflict great pain.'" ⁴
Your citation is:	⁴ <i>Sorrell v. IMS Health Inc.</i> , 131 S. Ct. 2653, 2670 (2011) (quoting <i>Snyder v. Phelps</i> , 131 S. Ct. 1207, 1220 (2011)).

Only one level of recursion is required. Thus, if a case quotes a case, which itself quotes another case, only one level of "(quoting . . .)" parentheticals is necessary. An additional level of parenthetical information may be used if the information conveyed is particularly relevant. Rule 10.6.2.

If after exhaustive efforts an editor determines that the **secondary source is impossible to pull**, a *Journal* officer may decide not to include a "(quoting . . .)" parenthetical or internal quotation marks. Not doing so is a last resort, however, and a parenthetical explanation like "(quoting a seventeenth-century manuscript)" might be a better solution. Only in the rarest circumstances would a "(quoting . . .)" parenthetical appear with an "(internal quotation marks omitted)" parenthetical (see guideline below). Usually, when authors write "(internal quotations omitted)," they generally mean "(internal quotation marks omitted)".

Rule 3

S.R. 3.1: Volume Number Placement

There is a tension between Rules 3.1(a) and 15.1 on multivolume works in which, say, each volume has a single, different author:

Rule 3.1(a): "If the author of the entire work (all volumes) is cited, the volume number precedes the author's name Otherwise, the volume number precedes the volume's title."

Rule 15.1: "When citing a single volume of a multivolume work, give only the author(s) of the volume cited. Include the volume number, if any, at the beginning of the citation."

To resolve this, read Rule 3.1(a) to begin, "If the author of an entire volume is cited, the volume number precedes the author's name."

S.R. 3.2(a): Page Ranges

Generally, one should omit repetitive digits except for the last two digits, which are retained even where repetitive. (But see the next section on Internal Cross-References for one important exception.)

RIGHT: 391-92, 21-29

WRONG: 21-9

Where the second page or note number in a range of pages or notes has four or more digits and only one of the digits is repetitive, one should retain *all* of the digits of that page or note number. Do not abbreviate Roman numerals. In starred or alphanumeric page numbers, the star is not repeated. For example:

- 1496-1504 (and not 1496-504)
- 1496-98
- 14,866-15,001
- 14,866-935
- 14,935-75
- xxii-xxvii
- *18-19
- S295-302

S.R. 3.5: Internal Cross-References

In footnotes in which an internal cross-reference is used in a textual sentence, always use “*supra*” or “*infra*” immediately preceding the cross-reference (i.e., without a preposition like “in” or “at”). For example:

On the importance of profits to damages, see *supra* Section IV.A.2.

Although Rule 3.2(a) dictates that one should drop repetitive digits other than the last two digits of the second page or note number when citing a range of pages or notes, this presents difficulties for internal cross-references, which are generated automatically by the computer and therefore retain all repetitive digits. Consequently, we do not follow *The Bluebook* in these instances. For example:

See *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 845-57 (1992); see also *infra* notes 123-127 and accompanying text.

Rule 4

S.R. 4: Using Short Forms after String Citations

Although Rule 4.1 indicates that “*id.*” refers to the immediately preceding authority, this may be confusing where that authority is the last citation in a preceding string of citations. When this is the case, use “*supra*” or another appropriate short form. For example:

RIGHT:

See *State v. Gounagias*, 153 P. 9, 15 (Wash. 1915); WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995); Andrea K. Wilson, *A New Look at “Cases and Controversies,”* 103 HARV. L. REV. 465, 480 (1991); see also Wilson, *supra*, at 491 (discussing Colorado cases).

See *State v. Gounagias*, 153 P. 9, 15 (Wash. 1915); WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995); Andrea K. Wilson, *A New Look at “Cases and Controversies,”* 103 HARV. L. REV. 465, 480 (1991). Wilson discusses related cases from Colorado. See Wilson, *supra*, at 491.

WRONG:

See *State v. Gounagias*, 153 P. 9, 15 (Wash. 1915); WENDY BROWN & JOHN BLACK, STATES OF INJURY: POWER AND FREEDOM 34 (1995); Andrea K. Wilson, *A New Look at “Cases and Controversies,”* 103 HARV. L. REV. 465, 480 (1991); see also *id.* at 491 (discussing Colorado cases).

S.R. 4: Internal Cross-References

(1) If the author is referring to both the text and the footnotes (or the sources in those footnotes), it is

See supra notes X-Y and accompanying text.

(2) If the author is referring only to the text and just using the footnotes as a reference tool, it is

See supra text accompanying notes X-Y.

S.R. 4: Using Short Forms after Parentheticals

Parenthetical citations should be ignored for the purposes of cross-references using “*id.*” That is, “*id.*” can be used even where the previous citation contains a parenthetical citation to a different source. The “*id.*” in such a case refers to the main citation, not the parenthetical citation. However, a parenthetical citation *does* count as a citation for purposes of the five-footnote rule (Rule 10.9(a)). For example, a case cited in a parenthetical in footnote 10 could be short-cited in footnote 14.

If a source is cited in full for the first time in a parenthetical, this establishes the basis for subsequent short forms under the five-footnote rule, but it cannot form the basis of a subsequent “*supra.*” Instead, “*supra*” citations should relate back to the first *non-parenthetical* citation. This rule applies most commonly with “(citing . . .)” parentheticals and with clauses naming the book being reviewed; there should never be a *supra* that leads to a source in these parentheticals.

S.R. 4.2: Hereinafter

Rule 4.2(b) states that the “hereinafter” form should only be used: (a) to provide a short reference to an otherwise lengthy or complicated title or author; or (b) to distinguish two authorities appearing in the same footnote—usually by the same author—when the simple “*supra*” form would be confusing. Since Lexis, Westlaw, and other electronic services do not differentiate between small caps, italics, and ordinary roman text, we use the “hereinafter” form even when the two authorities would otherwise be distinguishable by the typeface of the shortened form. For example:

23. See ROBERT C. ELLICKSON, ORDER WITHOUT LAW: HOW NEIGHBORS SETTLE DISPUTES (1991) [hereinafter ELLICKSON, ORDER WITHOUT LAW]; Robert C. Ellickson, *Unpacking the Household: Informal Property Rights Around the Hearth*, 116 YALE L.J. 226 (2006) [hereinafter Ellickson, *Unpacking the Household*].

24. See ELLICKSON, ORDER WITHOUT LAW, *supra* note 23, at 250; Ellickson, *Unpacking the Household*, *supra* note 23, at 228.

Rule 5

S.R. 5.1(a): Block Quotes

Block quotes for fifty or more words:

(1) – For word-counting purposes, hyphenated words count as one word. Omitted words and ellipses should not be considered in the word count. Added words in brackets should be included in the count.

(2) – Do not use incomplete clauses with colons to introduce block quotes. Instead, use either complete clauses with colons or incomplete clauses with no punctuation (in the latter case, the first word of the block quote should not be capitalized).

WRONG:	The Court stated that:
RIGHT:	The Court stated,
	The Court stated:
	The Court stated that

(3) – Do not put quotation marks around the entire quote. If there is a quotation within the block quote, put double quotation marks around it, not single quotation marks.

(4) – Do not use a block quote inside a parenthetical, even if the quotation is fifty or more words.

S.R. 5.2: Capitalization of Quotations

Capitalization of quotes: If the quotation is a syntactical part of the sentence in which it is placed, the initial letter should be lowercase and (only if uppercase in the original) set off in brackets. For example:

Original: Plough deep, while sluggards sleep.

Benjamin Franklin reminds us to “[p]lough deep, while sluggards sleep.”

Benjamin Franklin reminds us that our ploughing should be “deep, while sluggards sleep.”

If the quotation is *not* a part of the syntactical sentence in which it is placed, the initial letter should be uppercase and (only if lowercase in the original) set off in brackets. For example:

Original: Remember, my name is Benjamin.

As Franklin said, “Remember, my name is Benjamin.”

As Franklin said, “[M]y name is Benjamin.”

Review the *Chicago Manual of Style* ¶¶ 13.13, 13.16 for more examples.

S.R. 5.2: Quotations Within Quotations

(1) – Quoted words, phrases, and sentences that are integrated into the text (and are less than fifty words) are enclosed in double quotation marks. Single quotation marks enclose quotations within quotations.

The source that is being quoted reads:	When asked to comment, Tony the Tiger said, “Frosted flakes are more than good; they’re great.”
The article text should look like:	As the <i>New York Times</i> reported yesterday, “Tony the Tiger said, ‘Frosted flakes are more than good; they’re great.’”

(2) – When the material quoted consists entirely of a quotation within a quotation, only one set of quotation marks need be employed (usually double quotation marks).

The source that is being quoted reads:	When asked to comment, Tony the Tiger said, “Frosted flakes are more than good; they’re great.”
The article text should look like:	<p>RIGHT WAY: In response to press inquiries, the cereal’s spokesman replied, “Frosted flakes are more than good; they’re great.”</p> <p>WRONG WAY: In response to press inquiries, the cereal’s spokesman replied, “‘Frosted flakes are more than good; they’re great.’”</p>

S.R. 5.3: Quotations Crossing Multiple Sentences

(1) – Ellipses: any ellipsis in text, whether it goes through the end of a sentence or not, is marked with three periods. A fourth period is added to mark the end of the sentence *as it is read by the Article’s reader*, and not to reflect the original punctuation. For example:

“Shakespeare is old. But he’s still worth reading.” would become “Shakespeare is . . . still worth reading.” It would NOT become “Shakespeare is still worth reading.”

(2) – Concluding punctuation: When a quotation includes both a quoted clause and a quoted full sentence, the full sentence requires terminating punctuation.

(3) – If a single quotation is broken up by an attribution, you do not need to include two footnotes. For example:

“[W]here the ambiguity in the final opinions results from the Court’s failure to decide certain questions,” the young Alito wrote, “even the most exacting textual exegesis cannot penetrate that ambiguity.”²

² Samuel A. Alito, Note, *The “Released Time” Cases Revisited: A Study of Group Decisionmaking by the Supreme Court*, 83 YALE L.J. 1202, 1235 (1974).

Rule 6

S.R. 6.1: Abbreviations

Non-*Bluebook* abbreviations may be introduced if they occur more than once throughout the article. On first reference within the text and first reference within the footnotes, the words must be spelled out and followed with the abbreviation in parentheses. This rule does not apply to abbreviations that are so common that they almost never appear in spelled-out form (e.g., IQ, GOP, DNA). See the *Chicago Manual of Style* for more explanation.

RIGHT: United Parcel Service (UPS)
WRONG: United Parcel Service (“UPS”)

Footnote calls always go before parenthetical abbreviations or shorthand notations. For example:

In *In re Walt Disney Co. Derivative Litigation*¹ (*Disney IV*), the court found that no fiduciary duties were breached.

Hyphenated words: Abbreviate hyphenated words for which one or more of the component words has a designated abbreviation in the appropriate abbreviation table in *The Bluebook*. Do not, however, abbreviate a compound word unless the entire word has a designated abbreviation in the appropriate abbreviation table. For example, abbreviate “Jones v. Mid-America Bank” to “Jones v. Mid-Am. Bank,” but do not abbreviate “Jones v. MidAmerica Bank.”

Abbreviations in footnotes. If you are citing a case name integrated syntactically into a sentence, whether in a full citation or just as the case name, abbreviate according to Rule 10.2.1 (which includes the eight words and all those other little rules about “the” and “Co.” and “Comm’r,” etc., but not T.6 or T.10). In explanatory parentheticals contained in footnotes, *The Bluebook* requires you to use regular abbreviations for case names when the full citation appears, and only the Rule 10.2.1 abbreviations when the full citation does not appear.

S.R. 6.2: Numerals

Contrary to Rule 6.2(a)(vii), the *Journal* uses commas to separate groups of three digits, even in numbers with only four digits. Thus:

RIGHT: 9,876
WRONG: 9876

But for page numbers in citations, follow the source’s usage. For example:

123 YALE L.J. 2115
131 CONG. REC. 17,147

Consistent with Rule 6.2(a), we generally write out numerals between zero and ninety-nine. We also write out round numbers per Rule 6.2(a)(ii). For example:

Some forty-seven thousand persons attended the fair.

The population of our city is more than two hundred thousand.
An estimated thirty million Americans lacked health insurance in 1998.

The work dates from the nineteenth century.

See the *Chicago Manual of Style* ¶¶ 9.2, 9.4 for examples.

For the purposes of **Rule 6.2(a)(v)**, where dollar amounts or percentages appear three or more times in a paragraph, they should be left as numerals. Likewise, if any dollar amount or percentage in a paragraph contains a decimal, all dollar amounts or percentages in that paragraph should be left as numerals. If a piece uses dollar signs or percentages frequently, the lead editor may choose to retain the numerals even in paragraphs with one or two usages.

Rule 8

The *Bluebook*'s capitalization rules are authoritative for “[n]ouns that identify specific persons, officials, groups, government offices, or government bodies.” Otherwise, look to the *Chicago Manual of Style* rules for nouns that do not fit into this category; for example, places, historical and cultural terms, historical periods, historical events, cultural movements, styles, awards, academic subjects, calendar and time designations, religious terms, wars, etc. If you cannot determine what part of speech a word is, it can be helpful to look that word up in the *Journal*'s dictionary, which can be found [here](#).

S.R. 8.1: Additional *Journal* Capitalization Styles

- (a) – Capitalize “Article,” “Essay,” “Note,” “Review,” etc., when the author refers to his or her own piece, but not when the author refers to other works: “In this Article, I will explain another article that I have written.” When communicating with authors, *Journal* members should capitalize “Article,” “Essay,” “Note,” “Review,” etc., when referring to that author's piece.
- (b) – Capitalize the word “Part” and “Section” when referring to portions of a written work: “In Part I of this Article, I will attack Section II.A.1 of Wray's article.”
- (c) – Capitalize forms of the verb “to be” in the headings or titles of sources (“Is,” “Are,” “Be”). Do not capitalize “to” as part of an infinitive.

Note that a colon in text (i.e., not in a heading) is generally not followed by a capital letter—even if it is followed by a full sentence—unless the material introduced by the colon consists of more than one sentence or is a quotation.

Rule 9

S.R. 9: First Names

First names should be provided on first reference in text for everyone but judges, Justices, and presidents (but first names should be provided for these individuals when they are not being referred to in their institutional capacity). Thus:

In an article in the *Yale Law Journal*, Judge Richard Posner discussed the life of Judge Hand, the legendary jurist of the Second Circuit.

The first names of judges, justices, and presidents may be provided on first reference, however, to avoid ambiguity or if the title does not precede the name. For example:

Before Ronald Reagan became president, he said that President Carter had the easiest job in the world.

Rule 10

S.R. 10.2: Case Names in Full in Textual Sentence

When a case name is given in full in the sentence being cited, the name of the case should not be repeated in the footnote as long as the resulting citation is clear and unambiguous.

In *Guth v. Loft*, the court held that directors also owe a duty of loyalty to the shareholders.¹

¹ 5 A.2d 503, 510 (Del. 1939).

If the case name is not given in full in the sentence and a short form would not be appropriate, include the full case name in the citation.

In *Flanagan*, the Court explained that the final judgment rule reduces the potential for parties to “clog the courts” with a succession of time-consuming appeals.⁵

⁵ *Flanagan v. United States*, 465 U.S. 259, 264 (1989).

S.R. 10.6.1: Parenthetical References to Multiple Justices

Parenthetical references should generally only list the name of the authoring Justice but joining Justices may be listed if particularly relevant. When doing so, identify the author first and then indicate which other Justice or Justices joined the opinion. For example:

(Roberts, C.J., joined by Thomas & Alito, JJ., concurring)

(Kagan, J., joined by Ginsburg, J., dissenting)

In any instance where a list of multiple Justices includes the Chief Justice, list the Chief Justice separately and first after the author. For example:

(Alito, J., joined by Roberts, C.J., Thomas & Gorsuch, JJ., dissenting)

S.R. 10.8.1(b): Slip Opinions

For the *YLJ Forum* in particular, timely pieces may require the citation of slip opinions. Follow the form provided in *The Bluebook*, but **observe the following modifications**:

First, when there is a majority opinion as well as concurring or dissenting opinions that are separately paginated, specify in parentheses which opinion is being cited:

Douglas v. Indep. Living Ctr. of S. Cal., No. 09-958, slip op. at 1 (U.S. Feb. 22, 2012) (majority opinion), <https://www.supremecourt.gov/opinions/11pdf/09-958.pdf> [<https://perma.cc/XYZ>].

Douglas v. Indep. Living Ctr. of S. Cal., No. 09-958, slip op. at 1 (U.S. Feb. 22, 2012) (Roberts, C.J., dissenting), <https://www.supremecourt.gov/opinions/11pdf/09-958.pdf> [<https://perma.cc/XYZ>].

Second, when citing slip opinions using “*id.*,” only include additional information that is nonrepetitive. Do not include the docket number, “slip op.,” the date, the court, or the opinion (but indicate the opinion if the preceding footnote cited a different opinion). *Cf.* Rule 10.9(b)(i):

1. Douglas v. Indep. Living Ctr. of S. Cal., No. 09-958, slip op. at 1 (U.S. Feb. 22, 2012) (majority opinion), <https://www.supremecourt.gov/opinions/11pdf/09-958.pdf> [<https://perma.cc/XYZ>].
2. *Id.* at 3.
3. *Id.* at 1 (Roberts, C.J., dissenting).
4. *Id.* at 3 (majority opinion).

Rule 11

S.R. 11.1: Constitutions

U.S. Constitution: *The Journal's* official source for the U.S. Constitution is the National Archives, found [here](https://www.archives.gov/founding-docs). The main page for the website is: <https://www.archives.gov/founding-docs>.

Using “*id.*” to refer to a constitution: Do not use “at” before a pincite (e.g., “*id.* art. III, § 4.”).

Rule 12

Bluebook Rule 12.7.2: Correction

In the second example under Rule 12.7.2, if there's a page number, there should also be a section number:

Act of Jan. 24, 1923, ch. 42, § x, 42 Stat. 1174, 1208.

Rule 13

S.R. 13.3: Names in Legislative Hearings

For parentheticals identifying speakers in legislative hearings, list the speaker's full name the first time it is mentioned but provide only the speaker's last name in subsequent references. As in S.R. 9, judges, Justices, and presidents may be identified only by last name on the first appearance.

Bluebook Rule 13.4(a): Correction

In Rule 13.4(a), *No.* is in small caps in *S. Treaty Doc. No.*, but in Rule 21.4.5(a)(i), *No.* is not in small caps in *S. Treaty Doc. No.*

No. should be in small caps in both, as this is consistent with other uses of *No.* in the *Bluebook* (such as for the numbering of The Federalist Papers and many legislative materials; also in T4.1, *S. Treaty Doc. No.* is in small caps).

Also, you should not use “as reprinted in” for parallel citations to excerpts or partial reprints.

Bluebook Rule 13.4(d): Correction

Off. should be spelled out to “office” in the second example on page 139 per T6.

Rule 14

Bluebook Rule 14.2(d): Correction

The third and fifth examples have the incorrect abbreviation for employment. The correct abbreviation is Emp't per T6.

Rule 15

S.R. 15.1: Commas and Ampersands

Oxford commas and ampersands should not be used together. Note that in citations, et al. is preferred unless all of the names are particularly relevant. See *Bluebook* Rule 15.1(b).

RIGHT: Akhil Amar, Bruce Ackerman & Reva Siegel, *The Constitution Is Great*, 123 YALE L.J. 305 (2013).

WRONG: Akhil Amar, Bruce Ackerman, & Reva Siegel, *The Constitution Is Great*, 123 YALE L.J. 305 (2013).

S.R. 15.3: Subtitles

Contrary to *Bluebook* Rule 15.3, subtitles of books and other sources should always be included in citations unless they would be unwieldy and add little value. If a source has multiple subtitles, include only the first subtitle.

S.R. 15.4: Multivolume Works

To cite a multivolume work as a set, drop the subtitles and provide both years. For example:

See 1-2 BRUCE ACKERMAN, *WE THE PEOPLE* (1991, 1998).

Bluebook Rule 15.10.1: Correction

Rand should be romanized (not small caps) in example footnote 5.

Rule 16

S.R. 16.6: Newspapers

Pincites: Contrary to Rule 16.6(a), newspapers should be cited with the first page of the article and a pincite like any other print source.

Online versions: The *Yale Law Journal* no longer requires a hard copy of a newspaper to be produced if a hyperlink to the paper is available. (Newspapers not available online still require an original copy.) The name of the newspaper should be abbreviated according to T.10 and T.13. The title, date of publication, and all quotes should be drawn from the online version of the article. Cite such newspaper articles as follows:

John Markoff, *Computer Wins on “Jeopardy!”: Trivial, It’s Not*, N.Y. TIMES (Feb. 16, 2011), <https://www.nytimes.com/2011/02/17/science/17jeopardy-watson.html> [<https://perma.cc/XYZ>].

See also S.R. 18.2.

Blogs: Articles that appear on a blog associated with a newspaper website should be cited as follows:

Mark Bittman, *Time to Boycott Tuna Again?*, N.Y. TIMES: OPINIONATOR (Sept. 20, 2011, 8:30 PM), <https://opinionator.blogs.nytimes.com/2011/09/20/time-to-boycott-tuna-again> [<https://perma.cc/XYZ>].

Nathan Kopel, *Does the Constitution Protect Flashing Headlights?*, WALL ST. J.: LAW BLOG (Sept. 20, 2011, 9:28 AM), <https://blogs.wsj.com/law/2011/09/20/does-the-constitution-protect-flashing-headlights> [<https://perma.cc/XYZ>].

S.R. Rule 16.6(d): Wire Services

Contrary to *Bluebook* Rule 16.6(d), please use parentheses to indicate the date for an online article, even if it comes from a wire service or is by a wire service author.

Associated Press articles are not easily available online, and usually appear (sometimes in modified form) in other papers. They should include a signifier designating that an Associated Press author wrote the piece, in between the author and the title. For example:

Kelly Wiese, Associated Press, *Once a Speed Trap, Town Is Counting Down*, L.A. TIMES (Jan. 16, 2005), <https://articles.latimes.com/2005/jan/16/news/adna-macks16> [<https://perma.cc/XYZ>].

Rule 17

S.R. 17: “On File with”

We do not store manuscripts. Accordingly, do not cite manuscripts as being “on file with the *Yale Law Journal*.” If a cited manuscript is available in a library or other public location, cite it as being on file at that location; otherwise, cite it as “on file with author(s).”

S.R. 17.2.3 and 17.2.4: Institutional Levels

If an author or recipient has multiple organizational levels that are relevant (e.g., Leslie Caldwell, Deputy Attorney General, Criminal Division, U.S. Department of Justice), feel free to include up to two levels (e.g., one subdivision). Relevance is key, so favor brevity unless the text makes clear that the division is somehow important. Additionally, you may skip an intermediate level if that makes sense in the context. For example, if Sue Smith is in the Commercial Litigation division of the Civil Division of DOJ, you could say “Leslie Caldwell, Staff Attorney, Commercial Litig., U.S. Dep’t of Justice).

Rule 18

S.R. 18.2: Internet Citations

There are four basic types of internet sources: original images (e.g., from HeinOnline); online version of a common, published source (e.g., a brief or working paper found online); PDFs obtained from the internet (e.g., government reports, white papers); and non-PDF webpages and documents (e.g., a *NYT* article, a blog post).

Original Images of Documents Obtained Online: If the online source is simply an original image—that is, if it is a scanned image or photocopy of the source—it should be cited as though we have the print version.

Thus, there will be no URL in the citation at all. The only sources that should be cited according to this rule are:

- (a) – Original images of books found online, e.g., Google Books.
- (b) – Law review articles, opinions, and any other original images obtained from HeinOnline.
- (c) – Original images of cases from printed reporters available on Westlaw, Lexis, etc.
- (d) – Original images of Rule 13 legislative materials, including bills, resolutions, hearings, reports, and debates, that are obtained from the Government Printing Office (GPO) website or HeinOnline.

See *Bluebook* Rule 18.2.

Other Online Sources: If the source is an online version of a common, published source – but not a source that is listed above under Original Images of Documents Obtained Online – for which a specific *Bluebook* rule applies – it should be cited according to its respective *Bluebook* rule, but with a direct URL citation to its online version. This rule applies nonexhaustively to briefs (Rule 10.8.3); letters, memoranda, and press releases (Rule 17.2.3); working papers (Rule 17.4); federal agency reports (Rule 14.2(d)); and federal administrative and executive materials (Table 1.2). If no specific relevant rule is applicable, the source should be cited as either a PDF or a non-PDF webpage (see below). Generic Rule 15 reports should be cited as PDFs.

For example, to cite a brief filed in a case, follow the proper *Bluebook* rule (here, Rule 10.8.3), but append the URL to the end of the citation, setting it off with a comma:

Brief for the United States, *United States v. Rattoballi*, 452 F.3d 27 (2d Cir. 2006) (No. 05-1562-CR),
<https://www.justice.gov/atr/cases/f209400/209434.htm>
[<https://perma.cc/XYZ>].

To cite a working paper, simply follow the proper *Bluebook* rule (here, Rule 17.4), and append the URL to the end of the citation:

Zev J. Eigen & Yair Listokin, *Do Lawyers Really Believe Their Own Hype and Should They?: A Natural Experiment* (Yale Law & Econ. Research Paper No. 412, 2011),
<https://ssrn.com/abstract=1640062>.

To cite a press release, simply follow the proper *Bluebook* rule (here, Rule 17.2.3), and append the URL to the end of the citation:

Press Release, Goldman Sachs, Goldman Sachs Declares Preferred Stock Dividends (Jan. 11, 2019), <https://www.goldmansachs.com/media-relations/press-releases/current/goldman-sachs-declares-preferred-stock-dividends-11-JAN-2019.html> [<https://perma.cc/XYZ>].

See *Bluebook* Rule 18.3.

PDFs Obtained from the Internet: PDFs obtained from the Internet are very common. It is important that they be cited correctly and consistently. The rules below warrant careful study. Reports put out by nongovernmental organizations generally fall into this category.

Finally, remember we prefer PDFs wherever possible, so look for a PDF version online. For a citation to a PDF obtained from the Internet, the author's name should be in ordinary roman font; the title in italics; the sponsoring organization in small caps and abbreviated according to T.13 and T.10; a pincite, if applicable; the date in parentheses; and the URL in ordinary roman font:

- a) **Author:** The author's name, if available, should be in ordinary roman font. When the author of the PDF is an institutional author, the author's name is in ordinary roman font and is abbreviated according to T.6 and T.10. However, if the PDF's author is the same institution, agency, or organization that sponsored its creation or publication, omit that institution's name from the author position and abbreviate according to T.13, not T.6.
- b) **Title:** The title of the PDF should be in italics. Contrary to Rule 8(b), capitalize according to 8(a) and not in accordance with the actual capitalization of the source.
- c) **Sponsoring Institution, Agency, or Organization:** Look to the PDF itself to identify the institution, agency, or organization that sponsored its creation or publication. The name of this organization should be in small caps. If the PDF lists a subdivision of a larger institution as its author, treat the subdivision as an institutional author, abbreviated according to T.6 and T.10, and the larger organization as the sponsoring organization, abbreviated according to T.13 and T.10.
- d) **Date of Publication:** Identify the date that the PDF was published or uploaded to the Internet. If no date is available, use the month; if no month is available, use the year.
- e) **Examples:**

¹ Robert A. Levy, *The Case Against President Obama's Health Care Reform: A Primer for Nonlawyers*, CATO INST. 10 (2011),

<https://www.cato.org/pubs/wtpapers/ObamaHealthCareReform-Levy.pdf>
[<https://perma.cc/XYZ>].

² Env'tl. Div., *Clean Coal Technology Demonstration Program*, U.S. DEP'T ENERGY, https://www.fossil.energy.gov/aboutus/history/researchsuccesses/CCT_DemoProg_FC_HRes.pdf [<https://perma.cc/XYZ>].

³ *Annual Report 2010-2011*, CTR. FOR INDIVIDUAL RTS. 19 (2011), https://www.cir-usa.org/articles/cir_annual_report_2011sm2.pdf [<https://perma.cc/XYZ>].

⁴ *Volume 123 Style Sheet*, YALE L.J. (Apr. 12, 2013), <https://www.yalelawjournal.org/documents/vol%20123%20style%20sheet.pdf>
[<https://perma.cc/XYZ>].

See *Bluebook* Rule 18.4.

Non-PDF Webpages and Documents: Use the following approach if you cannot find a PDF. Note that these rules are essentially the same as those for PDFs obtained from the Internet, but with two important differences:

1. Where an online PDF citation provides the name of the sponsoring organization, these citations provide the name of the main webpage. The procedure for determining the main webpage is laid out in SR 18.5.2(c).
2. Online PDF citations indicate the date of publication to the nearest *day*, if this information is available; these citations indicate the date of publication to the nearest *minute*, if this information is available.

For a citation to webpage, the author's name should be in ordinary roman font; the title of the derivative page in italics; the main webpage in small caps and abbreviated according to T.10 and T.13; the date in parentheses; and the URL in ordinary roman font.

- a) **Author:** The author’s name, if available, should be in ordinary roman font. When the webpage’s author is an institutional author, the author’s name is in ordinary roman font and abbreviated according to T.6 and T.10. However, if the webpage’s author is the same institution, agency, or organization that sponsored its creation or publication, omit that institution’s name from the author position and abbreviate according to T.13, not T.6.
- b) **Title:** If you are citing any part of the website other than the main page, the specific page title should be included in your citation in italics. In contrast to Rule 18.2.2(b), the specific page title should derive from the title on the webpage itself, not from the title bar. Also contrary to Rule 8(b), capitalize according to 8(a) and not in accordance with the actual capitalization of the source. If the citation is to the main page of a website itself, there’s no need to include an italicized title – the main page title is sufficient. So when the citation is to a main page, and the institutional author is clear from the main page title, only a T.13- and T.10-abbreviated main page title is necessary.
- c) **The Main Webpage:** Identify the main webpage. For purposes of this rule, the main webpage is the site that your browser takes you to if you cut off the URL after *.com*, *.gov*, *.edu*, etc. The main page title should be in small caps. Abbreviate the main page title according to T.13 and T.10. In some cases, the main page might have a “prefix.” For example, the website of the Federal Railroad Administration – which is an agency within the Department of Transportation – is located at www.fra.dot.gov. In most cases, the main webpage should still be www.dot.gov. You may, however, treat a subdivision of an institution as the main webpage if it seems particularly relevant.
- d) **Date and Time:** Identify the date and time that the website was created, or the piece or post was published. If no date is available, use the month; if no month is available, use the year. Include the time zone, if available, and AM or PM, if available. For a web source that shows a revised date and/or time, use the revised information as the date and/or time.
- e) **Examples:**

¹ Marissa Miller, *Monday Round-Up*, SCOTUSBLOG (Mar. 5, 2012, 9:55 AM), <https://www.scotusblog.com/2012/03/monday-round-up-108> [<https://perma.cc/XYZ>].

² Fed. R.R. Admin., *Railroad Safety*, U.S. DEP’T TRANSP., https://www.fra.dot.gov/rrs/pages/fp_3.shtml [<https://perma.cc/XYZ>].

³ *The Butterfly Conservatory*, AM. MUSEUM NAT. HIST., <https://www.amnh.org/exhibitions/butterflies> [<https://perma.cc/XYZ>].

⁴ Yasmin Nair, *In Defense of Sluts*, JEZEBEL (Mar. 8, 2012, 2:20 PM), <https://jezebel.com/5891313/in-defense-of-sluts> [<https://perma.cc/XYZ>].

⁵ DAILY KOS, <http://www.dailykos.com> [<https://perma.cc/XYZ>].

⁶ Eric Posner, *More on Section 7 of the Torture Convention*, SCOTUSBLOG (Jan. 29, 2009, 10:04 AM EST), <https://www.scotusblog.com/2012/1233241458.shtml> [<https://perma.cc/XYZ>].

See *Bluebook* Rule 18.4.

S.R. 18.2.2(d): URLs

URLs should begin with <https://> or <http://> depending on what is actually used in the browser bar. All Perma links should begin <https://>.

Do not use URL shorteners, such as tinyurl.com or bit.ly, to cut down the number of characters in a URL; doing so masks the information contained in the Internet address. URLs, whether in text or in citations, should retain all characters that would need to be entered into the address bar of a browser in order to take the reader directly to the relevant page (along with “[http://](https://www.”) except any final slash (“/”). The examples in Rule 18 follow this practice. If it is included in the URL, do not omit the <a href=) at the beginning. Do not change the capitalization of URLs. Make sure that hyperlinks are removed.”).

However, the URL in the citation should not include unnecessary appendages such as “[pagewanted=all](#)” or “[pagenum/2](#)” if such appendages could be omitted without preventing the reader from reaching the relevant page or suppressing important information regarding the site. Generally, this will be any characters after the .html or other similar ending.

RIGHT: John Markoff, *Computer Wins on “Jeopardy!”: Trivial, It’s Not*, N.Y. TIMES (Feb. 16, 2011), <https://www.nytimes.com/2011/02/17/science/17jeopardy-watson.html> [<https://perma.cc/XYZ>].

WRONG: John Markoff, *Computer Wins on “Jeopardy!”: Trivial, It’s Not*, N.Y. TIMES (Feb. 16, 2011), https://www.nytimes.com/2011/02/17/science/17jeopardy-watson.html?_r=1 [<https://perma.cc/XYZ>].

For papers available through the Social Science Research Network (SSRN), use the URL in the top left corner under “Abstract,” not the URL that appears in the browser bar.

RIGHT: Michael Aikins, *Common Control and the Delineation of the Taxable Entity*, 121 YALE L.J. (forthcoming 2012), <https://ssrn.com/abstract=1821286>.

WRONG: Michael Aikins, *Common Control and the Delineation of the Taxable Entity*, 121 YALE L.J. (forthcoming 2012), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1821286.

Perma Citation: URLs in our published work should be archived using our archival tool, Perma, unless there is some reason a Perma screenshot would not be useful to the reader as in the case of a video, an SSRN abstract page cited for purposes of downloading the article, or a site with a paywall that no one on *YLJ* has access to. Note that many websites with paywalls like the *New York Times* still work with Perma for users logged into the *YLJ* library account. For these sources, Perma links should be inserted. Permas should only be omitted due to a paywall when the link works for no user. See the “How to Use Perma” document separately circulated. The Perma URL should follow the original URL in brackets, as shown in the examples throughout this guide.

Rule 21

S.R. 21.5.1: The International Court of Justice and the Permanent Court of International Justice

The text of the Bluebook and T3 say that the reporter for ICJ decisions is I.C.J. Many of the examples cite to I.C.J. Rep. *YLJ* follows the text of the rule and cites to I.C.J.

Application of Convention on Prevention and Punishment of Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), 1996 I.C.J. 595, ¶ 31 (July 11).

S.R. 21.5.3: Citations from the European Court of Human Rights

Given that the reporters for ECHR cases are not up-to-date – as well as how much easier it is to access these cases online through the HUDOC database – *YLJ* deviates slightly from Rule 21.5.3 by including both traditional reporter information and the App. No. information that allows you to search for these cases on HUDOC. Thus:

Zarb Adami v. Malta, App. No. 17209/02, 2006-VIII Eur. Ct. H.R. 307, 326 ¶ 82.

Table 13

Bluebook Table 13: Correction

T13 does not include an abbreviation for “Street,” but it should. The proper abbreviation is St. For example, when the *Wall Street Journal* is the source of an article, it is cited as WALL ST. J.

Stephen Ford, *Fighting Congress for a Capital Education*, WALL ST. J. (Feb. 12, 2016, 6:14 PM), <https://www.wsj.com/articles/fighting-congress-for-a-capital-education-1455318874> [<https://perma.cc/3P3H-WRV>].

Rule 22: Guidelines for Style

S.R. 22.1: Use of the Chicago Manual of Style and GPO Style Manual

Sourceciting and proofreading packets often contain capitalization, compounding, and other punctuation mistakes. The *Chicago Manual of Style* thoroughly covers these topics. Copies are available in the *Journal* office. Yale students also have access to <http://www.chicagomanualofstyle.com>, which provides the full, searchable text of the *Chicago Manual*. (In addition, *Journal* members receive free subscriptions to <http://www.legalbluebook.com>, which provides the full, searchable text of *The Bluebook*.) The *GPO Style Manual*, available at <http://www.gpoaccess.gov/stylemanual>, should be consulted for matters not covered in *The Bluebook*, the *Chicago Manual of Style*, or this Style Sheet.

Grammar and Language

S.R. 22.2: “e.g.” and “i.e.”

“E.g.” means “for example.” “I.e.” means “that is.” They are not italicized when used as part of a sentence or when beginning a parenthetical, and they are always followed by a comma. Either may be used in text but should not be used to start a sentence. A list that begins with “e.g.” should not end with “etc.”

S.R. 22.3: “That” versus “Which”

“That” defines or restricts. “Which” explains. Thus, “Tyler prefers the pudding that his grandmother makes.” (“That” provides necessary information about what pudding we’re referring to). But, “Tyler prefers his grandmother’s pudding, which he eats three times a day.” (We already know what pudding we’re referring to, but “which” provides additional detail about the pudding in question.) For further illustration, see the *Chicago Manual of Style* ¶ 6.22.

S.R. 22.4: Parts and Sections

The main sections of pieces are denoted with capital Roman numerals: I, II, III, IV, and so on.

The first subsections of pieces are denoted with capital letters: A, B, C, and so on.

The second subsections of pieces are denoted with numbers: 1, 2, 3, and so on.

The third subsections of pieces are denoted with small letters: a, b, c, and so on.

The main sections (denoted with I, II, etc.) are “Parts.” Any subsections are “Sections.” Thus:

In this Article, Part I explains the history of employment discrimination law. Section I.A describes the law before Title VII, and Section I.B describes the law after Title VII. Section I.B.1 describes the period between Title VII and *Griggs*, and Section I.B.2 describes the period after *Griggs*.

S.R. 22.5: Singular They

The singular usage of “they” is fully permissible for generic references and, of course, obligatory when a person being discussed takes the pronoun “they.” Where the author makes a conscious choice to use “he” or “she” as a generic singular pronoun we generally defer.

S.R. 22.6: Inclusive Language

The *Journal* has a strong default presumption in favor of using inclusive language. For example, *YLJ* is committed to not using language that promotes ableism, sexism, heterosexism, or racism.

FAVORED: Author X’s analysis is scattered.

DISFAVORED: Author X’s analysis is schizophrenic.

FAVORED: Author Y’s study focused on people in different-sex relationships.

DISFAVORED: Author Y’s study focused on people in opposite-sex relationships.

FAVORED: Academic scholarship has often ignored the lived experiences of black people.

DISFAVORED: Academic scholarship has often ignored the lived experiences of blacks.

S.R. 22.7: Split Infinitives

The *Journal* has a strong default presumption against splitting infinitives.

S.R. 22.8: Usage of Particular Words

(a) Do not capitalize the word “internet,” unless it is necessary to do so grammatically (e.g., it begins a sentence or is part of a title or term).

RIGHT: *YLJ* editors search the internet for various sources.

RIGHT: Some authors have explained that the “Internet of Things” is going to change the way we interact with our surroundings.

WRONG: *YLJ* editors search the Internet for various sources.

(b) “Data” should be used in the plural. Of course, usage must be consistent throughout a particular piece.

Punctuation

S.R. 22.9: Coined Plurals

Coined plurals do not require an apostrophe before the “s.” For example, “the 1920s,” “YMCA’s,” and “BTUs.”

S.R. 22.10: Possessives

The possessive of a singular noun is normally formed by the addition of an apostrophe and an “s.” The possessive of a plural noun ending in “s” is formed by the addition of an apostrophe only. For example, “Mars’s moons,” “Mr. Jones’s car,” “the Joneses’ divorce,” “the princesses’ jewels,” “Ms. Schmitz’s purse,” and “Congress’s pay raise.” The possessive of “United States” is “United States’s.”

S.R. 22.11: Lists

When commas separate items in a series, a comma (the so-called “serial comma” or “Oxford comma”) should precede the “and” between the last two items: “I love sourcecites, bookpulls, and officer proofs.” The serial comma should not be used where the last item in the series is appended with an ampersand. When items in a series are long and complex, or involve internal punctuation, they should be separated by semicolons for the sake of clarity.

S.R. 22.12: Parentheses

When a full sentence is contained within parentheses, end punctuation should be placed *inside* the parentheses.

S.R. 22.13: Quotation Marks

We use curly quotation marks (“/”, ‘/’), not straight quotation marks (“, ’). Use of straight marks may indicate that the text has been copied from another source. Quotation marks in text copied from *Westlaw*, for instance, are straight. For example, if an article contained the text, “The dissemination of the individual’s opinions on matters of public interest is a core American value,” without any further attribution, the sourceciter and lead editor should try to find the source of the straight mark. It should then be correctly formatted and cited:

The “dissemination of the individual’s opinions on matters of public interest” is a core American value.¹

¹ *Curtis Pub. Co. v. Butts*, 388 U.S. 130, 149 (1967) (plurality opinion).

S.R. 22.14: Hyphenation Guide

The *Journal* has a strong default presumption in favor of hyphenating whenever it is called for by the [Chicago Manual of Style Hyphenation Guide](#). Sourceciters and proofers should make all corrections needed to align with the Hyphenation Guide, while also flagging any particular instances where hyphenation according to the Guide might be undesirable.

RIGHT: common-law court; free-exercise claim; early-modern doctrine

WRONG: common law courts; free exercise claim; early modern doctrine

S.R. 22.15: Hyphenation of Particular Terms

We hyphenate the following specific terms: “decision-mak[er, ers, ing];” “policy-mak[er, ers, ing].” Notwithstanding S.R. 22.16 and R. 17, we do not hyphenate the following specific term: “email.”

S.R. 22.16: Dashes and Hyphens

Do not use en dashes instead of hyphens, and always use an em dash instead of two hyphens to demarcate a break in thought. At all other times, unless explicitly noted, use hyphens. The *Journal* does not place a space on either side of an em dash. Thus:

See J.A.S. GRENVILLE, *THE MAJOR INTERNATIONAL TREATIES, 1914-1973*, at 16-17 (1974) (“All nineteenth-century treatises—including Justice Story’s—agree on this point.”).

S.R. 22.17: Slashes and Hyphens

Hyphens are generally preferred to slashes. Slashes, however, should be used when two items are opposites or are in tension (e.g., “the normative/positive debate”; *but* “attorney-client privilege,” “cost-benefit analysis”). Compare the following (correct) usages:

The shopping center was built by a unique public-private partnership.

Feldman misunderstands the nature of the public/private distinction.

S.R. 22.18: Spacing

Place only one space after a period or question mark in *Journal* manuscripts to allow for conversion to desktop publishing. Also, there should be only one space following a colon or semi-colon. There should, however, be two spaces after a Roman numeral in a section heading.

Sources

S.R. 22.19: Errors or Omissions in Sources

SPELLING. Correct spelling using [sic] or brackets. [Sic] should be used sparingly, especially for things that we can easily fix with brackets. The presumption is against using [sic], unless it is likely that the error would cause a reader to doubt our editorial acumen. Thus:

Original: The doctors is opposed.	Quoted: “The doctors [are] opposed.”
Original: The doctors, are opposed.	Quoted: “The doctors[] are opposed.”
Original: The dactors are opposed.	Quoted: “The d[o]ctors are opposed.”

Irregular spelling in historical materials should be retained. No [sic] is necessary unless the spelling is likely to be mistaken for a *Journal* error. Abbreviations in historical materials should be filled in using brackets.

Original: John Smith, Comm’r.	Quoted: “John Smith, Comm[issione]r.”
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OTHER ERRORS. Even if a case quoting another case cites to an incorrect page number, any parenthetical noting the fact of quotation should cite to the correct page number.

Case A: Some people like Hamlet. [at 111 F.3d 111]

Case B: As some courts have noted, “[s]ome people like Hamlet.” *Case A*, 111 F.3d 100, 112 (7th Cir. 2000). [at 333 F.3d 333]

Article: There have sometimes been references to Hamlet. *See, e.g., Case B*, 333 F.3d 300, 333 (8th Cir. 2002) (quoting *Case A*, 111 F.3d 100, 111).

S.R. 22.20: Altering Capitalization or Typeface

When quoting language that, in its original source, is rendered in all-caps or in small-caps, any alterations should be noted with an appropriate parenthetical. There is no obligation to mark a change *into* all-caps or small-caps, as when originally romanized language is used in an small-caps section heading.

Original: INTRODUCTION TO TAX.

Quoted: The book starts with an “introduction to tax.” AUTHOR, BOOK 55 (2019) (capitalization altered).

Original: INTRODUCTION TO TAX.

Quoted: The book starts with an “introduction to tax.” AUTHOR, BOOK 55 (2019) (typeface altered).

S.R. 22.21: Short Forms for Cases

When using a short form to refer to a case in its entirety, include the volume of the case reporter and the first page on which the case appears.

EXAMPLE: *Lawrence*, 539 U.S. 558.

S.R. 22.22: Unpaginated PDF Documents

If a PDF does not have traditional page numbers, you may use the page numbers of the actual PDF file itself. Page 1 is the first page of the file even if it's a title page.

S.R. 22.23: State Codes

Citations to Westlaw versions of state codes may be used in lieu of citations to hard-copy versions. Experience has taught us that the hard-copy versions of state codes in the library are often out-of-date or difficult to acquire and that researchers are more likely to reference more up-to-date versions online.

S.R. 22.24: Archival Sources

Unpublished archival sources should be cited according to relevant *Bluebook* rules. Specific information concerning the collection, folder, box, or location of the sources should be provided in a parenthetical. Do not abbreviate in the parenthetical. *Cf.* R. 17.2.3 (not abbreviating “[s]chool” in a parenthetical).

EXAMPLE: Letter from John Rawls to Charlie Chaplin (on file with the United Kingdom National Archives, Box KB 1/55/5/1).

S.R. 22.25: Subsequently Published Correspondence

When correspondence that was originally unpublished is subsequently published online, cite as follows.

EXAMPLE: Alexander Hamilton, Report on the Subject of Manufactures (Dec. 5, 1791),
reprinted by FOUNDERS ONLINE, NAT'L ARCHIVES (June 13, 2018),
<https://founders.archives.gov/documents/Hamilton/01-10-02-0001-0007>
[<https://perma.cc/3PXY-WTR>].