Chapter 3

COURT & DATE

Congratulations! Now that you have mastered two major parts of a basic case citation, case names and case locations, you are ready to learn the third and final portion of a case citation: the parenthetical containing the court deciding the case and the year of that decision. The court and date parenthetical appears immediately following the page information in your case citation. Now that you have constructed a full citation, you should end it with a period. A case citation used as a citation sentence, i.e., not embedded in a textual sentence, should be punctuated as a sentence: Begin with a capital letter and end by placing a period after the court and date parenthetical. The general rules concerning this portion of the citation are B4.1.3 in the Bluepages, and Rules 10.4 and 10.5, so you should read these rules carefully before attempting Exercise 3.

Party 1 v. Party 2, Vol. Reporter Pg. (Court Date).

A. COURT INFORMATION

By looking at a case citation, your reader should be able to determine what court decided the case. Generally, Rule B4.1.3 requires that a legal writer indicate both the name of the state and the name of the court of decision in the court and date parenthetical. Therefore, the court of appeals in Minnesota becomes “Minn. Ct. App.” However, some exceptions apply. You omit the name of the court if the court is the highest court in the jurisdiction. This rule is consistent with the abbreviations of state supreme courts, i.e., “Tex.” and “Mass.” In addition, you omit the jurisdiction information for any court if the title of the reporter unambiguously gives that information to the reader. For example, United States Reports publishes only cases decided by the United States Supreme Court. Therefore, a cite to a case published in United States Reports can refer only to a United States Supreme Court case. Therefore, you would not include additional information in the court and date parenthetical.


1. State Cases

Some states have official reporters that publish only cases decided by that state’s highest court. For those citations, as mentioned above, B4.1.3 and Rule 10.4(b) provide that no additional information in the court and date parenthetical is necessary. For example, South Dakota Reports publishes only cases decided by the South Dakota Supreme Court, and the South Dakota Supreme Court is the highest court in the
jurisdiction. Therefore, a cite to a case published in *South Dakota Reports* would not include additional information in the court and date parenthetical.


However, most reporters, particularly regional reporters, publish opinions from several different state courts. In each of those citations, you must include the jurisdiction and the name of the court that decided the case in question. T1.3 lists the abbreviations for each state court. For example, if you have a case from the Montana Supreme Court, you can look in the Montana entry in T1.3 and see that the abbreviation for that court appears in parentheses after the heading “Supreme Court” and only contains jurisdiction information: “Mont.” The court information is not necessary because the court is the highest court in the jurisdiction. Because the reporter abbreviation “P.2d” does not indicate the jurisdiction that decided this case, you would include the entire abbreviation in the court and date parenthetical.

_State v. Ommesoedson*, 374 P.2d 620 (Mont. 1999).

Similarly, the _North Western Reporter_ publishes cases decided by the highest and intermediate courts in seven different states. Therefore, if you are citing a Michigan Court of Appeals case and are citing to _North Western Reporter_, you would convey both the jurisdiction and court information to your reader in the court and date parenthetical. You would use the proper abbreviation for the Michigan Court of Appeals that is given in T1.3 in the parentheses following the heading “Court of Appeals”: “Mich. Ct. App.” Because the court is only an intermediate appellate court, you must include both jurisdiction and court information. (We will discuss when a writer needs to cite to a regional reporter and an official state reporter in connection with Exercise 4, Parallel Citations.)


But wait, there’s more! *The Bluebook* adds another twist in B4.1.3(v) and Rule 10.4(b). Some states publish an official reporter for cases from more than a single court, e.g., from the supreme court and the appellate courts. Other states have special reporters for just intermediate or trial courts. If the name of the reporter tells your reader the name of the state, then you omit the state information from the court and date parenthetical because it’s not necessary; however, you still include the court abbreviation in the court and date parenthetical. For example, if you were going to cite to a New Mexico Court of Appeals case that was reported in *New Mexico Reports*, which publishes cases from different courts, but only courts in New Mexico, then you should omit the “N.M.” portion of the correct abbreviation “N.M. Ct. App.”


As you might guess, you have citations like the above example only in certain states; this situation occurs only when you have an official state reporter in addition to the regional reporter.

2. Federal Cases

You must designate a court when citing to any federal case other than a Supreme Court case. The _Federal Reporter_ publishes cases from each of the federal courts of
appeals. The *Federal Supplement* publishes cases from each United States district court. If you have a case reported in the *Federal Reporter*, you can look under “United States Jurisdictions — Federal” in T1.1 and find the heading “Courts of Appeals” or “Jurisdiction-Specific Citation Rules and Style Guides” in BT2.1. You will see in parentheses after that heading that you must tell your reader which court of appeals decided the case by using the proper abbreviation for that court. The parenthetical provides you with an example. The Court of Appeals for the Second Circuit is abbreviated “2d Cir.” Using that example and the table at BT2.1 as a guideline, you can formulate the proper abbreviations for each of the circuit courts of appeals: 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th. The federal circuit court that sits in the District of Columbia is abbreviated “D.C. Cir.”

*Deus v Allstate Ins. Co.*, 15 F.3d 506 (5th Cir. 1994).

Pay particular attention to cases decided by the Fifth Circuit in 1981 and 1982. The Fifth Circuit split into the Fifth and Eleventh Circuits on October 1, 1981. Rule 10.8.2 will give you guidance on whether you need additional information in your court and date parenthetical to indicate a case decided during the split.

If you have a case reported in the *Federal Supplement*, you should look under the heading “Federal Courts” in the federal jurisdiction section of BT2.1. Using the listings of court rules for each court, you can form the abbreviation for all the U.S. district courts. The abbreviation for a district court is “D.” To that you will always add the state in which the court sits (e.g. D. Mass.). If that state contains more than one federal district, an additional abbreviation is included prior to “D.” (e.g., “S. D. Tex.” for the Southern District of Texas). Just remember that, according to Rule 6.1(a), adjacent capitals do not have spaces between them (S.D.N.Y.), but you must put a space between capitals and other abbreviations (D. Mass.).


Bottom line: Your reader must be able to tell what court in what jurisdiction decided a certain case by looking at the citation. Whatever information the reporter does not give, you must include in the court and date parenthetical.

**B. DATE INFORMATION**

Your reader also must be able to glean from your citation the date that your case was decided. Please note that the important date is the date the case was decided, not the date the case was argued or heard. For the majority of the cases that you cite, you will know what year the case was decided from reading the heading of the case in a reporter. For these cases, you simply include the year in the court and date parenthetical.

*Stein v Plainwell Cnty. Schs.*, 822 F.2d 1406 (6th Cir. 1987).

Again, watch for cases decided by the Fifth Circuit during the 1981 split. Rule 10.8.2 tells us that for cases decided in 1981, you must also include the month along with the year of decision. (Note that T12 provides the proper abbreviations of the months of the year.)
Also, for cases that are not published in a reporter, you will need to include additional information other than the year of decision, according to Rule 18.3.1. For instance, if a case is not reported or is reported in a slip opinion or an electronic database, then you must give the exact date, i.e., month, day, and year, of the decision.

Checklist for Court Information

- Are you citing from a federal reporter, a regional reporter, or a state reporter?
- If a federal reporter, but not United States Reports, have you included an abbreviation for the deciding court as shown in BT2.1?
- If a regional reporter, have you included a full abbreviation for the deciding court as shown in T1.3?
- If a state reporter, have you included an abbreviation for the deciding court, as shown in T1.3, but not the abbreviation for the state?
- Have you double-checked the spacing of your abbreviation according to Rule 6.1(a)?

Checklist for Date Information

- Is your case published in a reporter? If so, have you included the year of decision in your citation?
- If your case is not reported in print, have you included the month, day, and year in your citation?
EXERCISE 3

COURT & DATE

Put the following information in correct Bluebook form. All cases are being cited in citation sentences. Although this exercise builds on the rules used in the previous exercise, this exercise focuses on Rules 10.4 and 10.5 and B4.1.3. You will also need to refer to T1.1 and T1.3 for information on the reporters containing cases from the appropriate jurisdiction. For each question, you must use the correct typeface given in B1 and the correct spacing given in Rule 6.1.

1. Terry Carmicheal versus Tracy Rollins, a case from the Court of Appeals of Nebraska, decided June 18, 2010, and reported at volume 783, page 763, of North Western Reporter, Second Series.

2. The United States of America versus Jeffrey K. Skilling, a case from the United States Court of Appeals, Fifth Circuit, decided January 6, 2009, and reported at volume 554, page 529, of Federal Reporter, Third Series.

3. Rothman Realty Corp. versus Barton Bereck and Debra Bereck, his wife, a case from the Superior Court of New Jersey, Appellate Division, decided March 17, 1976, and reported at volume 355, page 201, of Atlantic Reporter, Second Series.

5. Bell Atlantic Corporation versus William Twombly, et al., a case decided on May 21, 2007, by the United States Supreme Court and reported at volume 550, page 544, of United States Reports.

6. Southern California Edison Company versus Public Utilities Commission, a case decided by the California Court of Appeal, Second District, Division 3, on December 29, 2000, and reported at volume 85, page 1086, of California Appellate Reports, Fourth Series.

7. Sheldon Roberts versus the State of Texas, a case from the Court of Criminal Appeals of Texas, decided December 14, 2008, and reported at volume 273, page 322, of South Western Reporter, Third Series.

8. Twentieth Century Fox Film Corporation versus Marvel Enterprises, Inc., et al., a case from the United States District Court for the Southern District of New York, decided on August 9, 2001, and reported at volume 155, page 1, of Federal Supplement, Second Series.

9. The People of the State of New York versus Lon Coldiron, a case from the New York Supreme Court, Appellate Division, decided on July 11, 2008, and reported at volume 861, page 913, of New York Supplement, Second Series.

Chapter 1

PART I

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Chapter 4

PARALLEL CITATIONS

Now that you have mastered the basic citation, you are ready to add a twist. The first thing we will add is the parallel citation. A parallel citation is one that contains location information for more than one source of the case.


_The Bluebook_ quick reference for the parallel citation is in B4.1.3 at the top of page 11. Read this before continuing with this chapter.

You learned from the previous exercises that some states have their opinions published in their own state reporter as well as the appropriate regional reporter. For example, opinions from the Idaho Supreme Court and the Idaho Court of Appeals are published in both _Idaho Reports_ and _Pacific Reporter_. When you cite opinions from such a state to a court in that state, and when local rules of citation require it, B4.1.3 and Rule 10.3.1 tell you to give a citation to both the state and regional reporters. Remember also that some states have adopted a public domain format according to Rule 10.3.3 for citations to that state’s opinions. When citing to decisions from those states to those states’ courts, Rule 10.3.3 requires a citation to both the public domain information and the regional reporter information.

However, if you are citing in a document to be filed with a federal court or a court outside the state in which the case was decided, you will cite to only the regional reporter. Before you begin the Parallel Citations exercise, read Rules 10.3.1 and 10.3.3 carefully.

The first decision you have to make is whether you need a parallel citation. If your case is from a federal court, you will not parallel cite. This rule extends to United States Supreme Court cases as well. Even though they are published in _United States Reports, Supreme Court Reporter, and Lawyers’ Edition_, T1.1 tells you to cite to only _United States Reports_.

A. STATES NOT REQUIRING PUBLIC DOMAIN FORMAT

If your case is from a state that has its own reporter and you are citing this case in a document to a state court in that state, you will _usually_ cite both the state and the regional reporters. You should consult local rules or customs to determine whether you should cite both the state and regional reporters. BT.2 will help you find jurisdiction-specific rules of citation. If you do cite both the state and regional reporters, you will use T1.3 in much the same way you do for any citation.

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First, determine the jurisdiction of the case. Next, look up that jurisdiction in T1.3 Table 1 will tell you which reporters to cite and how those reporters are abbreviated. You see from page 11 of The Bluebook that the state reporter is listed first in a parallel citation, and the regional reporter should be listed second. Remember that some cases are printed in many different sources besides just state and regional reporters. Some publishers print subject matter reporters, compiling all the opinions in a certain subject area into one reporter. Also, some secondary research sources, such as American Law Reports (A.L.R.), publish the full text of opinions related to the articles they publish. Regardless of the number of publications in which your case is published, you will only cite to the reporters listed in T1.3.1

The next decision with a parallel citation is whether and how to identify the jurisdiction and name of the court that issued the opinion. Remember that the general rule, according to Rule 10.4(b), is that you include both the state’s abbreviation (e.g., N.M.) and the name of the court (e.g., Ct. App.). The abbreviations for the states can be found in T10 or in that state’s section of T1.3. The abbreviations for the court can be found in T7 or in that court’s subsection within its state section in T1.3. The first exception to 10.4(b)’s general rule is that you need not include the name of the court if the court of decision is the highest court of the state. So if your case is from the highest court in the state, omit the name of the court, and your reader will assume that the case is from the highest court in the state.


The second exception is that you need not include the state abbreviation if it is obvious from the name of the reporter.


Remembering these rules might be easier if you know the rationale behind them. The basic rationale behind every citation rule is to keep the citation as short as possible while still conveying all significant information. This is why we include only the state and regional reporter and not every possible source that might publish an opinion. Also for the sake of brevity, we assume that the court is the highest court in the state unless the citation tells us otherwise.2 Likewise, why include the state abbreviation if it is obvious from the name of the reporter? Wait a minute... if brevity is so important, then why use a parallel citation at all? The answer is “convenience.” Some practitioners and courts will subscribe only to the state reporter, usually because of financial or shelf-space constraints. A parallel citation helps people using only the state reporter from having to resort to a cross-reference index each time they want to look up a case.

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1 Do not be fooled by citations you read in reported cases! For example, opinions published in the West regional reporter system often contain parallel citations to other subject matter reporters published by West. These types of parallel citations do not conform to The Bluebook and should not be copied into your own writing.

2 Did you realize that citation form and legal ethics are intertwined? Opinions from the highest court in the state have greater authority than lower court opinions. If you do not include the abbreviation for a lower court in a citation to a lower court opinion, not only is your citation incorrect, but you may also be representing to the court that your case has greater authority than it does.
Let's try an example to see how these rules work. Suppose you want to cite the Georgia Supreme Court case *Black v. Blue* in a brief you will file with the Georgia Court of Appeals. This is a 1972 case that is reported at volume 321, page 543, of *Georgia Reports*, Georgia's state reporter. This opinion is also reported at volume 76, page 123, of *South Eastern Reporter, Second Series*. *South Eastern Reporter* is the regional reporter that includes Georgia state cases.

Let's get the easy part of the citation out of the way first. We know we can start with the case name:

*Black v. Blue,*

Now, let's tackle the first decision: whether to include a parallel citation. This is a Georgia case, and we will be citing it to a Georgia court. Because we are citing a Georgia case to a Georgia court, this case meets the first criterion for a parallel citation. The next criterion is whether Georgia local rules actually require a parallel citation. Assume that you have consulted the local rules for Georgia, and those rules indicate the need for a parallel citation to the state and regional reporters.

Because this is a Georgia case, we will go to the section for Georgia in T1.3. Our case is from the Georgia Supreme Court, so we will be using the first part of this section. This section tells us that *Georgia Reports* is the state reporter for Georgia (and we see also that "Ga." is the abbreviation for *Georgia Reports*) and that S.E.2d is the regional reporter for Georgia cases (we see that "S.E.2d" is the abbreviation for *South Eastern Reporter*, Second Series). This section contains the information we'll need for a parallel citation. It tells us that (1) the reporters we should cite to are *Georgia Reports* and *South Eastern Reporter*; (2) the abbreviations for those reporters are Ga. and S.E.2d, and (3) if the opinion is not in S.E.2d, a citation to Ga. will be sufficient.

Remember that we follow the examples in *The Bluebook* and list the state reporter before the regional reporter. Finally, Rule 10.3.1(b) tells us that if we do not need a parallel cite, i.e., we are not citing a Georgia case to a Georgia court, then we would only cite to *South Eastern Reporter*. Whew! Let's put that information to work:

*Black v. Blue*, 321 Ga. 543, 76 S.E.2d 123

Now, let's tackle our next decision: how and whether to identify the state in the court and date parenthetical. Rule 10.4(b) tells us that we do not name the court (e.g., Ct. App.) if it is the highest court in the state. In looking at the Georgia section in T1.3, we see that the Supreme Court is the highest court in Georgia. Therefore, we will not need to name the court. Further, because the name of the state is obvious from the name of one of the reporters (Ga.), B4.1.3 (last sentence before the examples on page 11) tells us that we do not include the state abbreviation. So the only information left to include in the citation is the year of the decision, 1972, and a period ends our citation sentence.


Got it? Okay, now take a deep breath, and let's try the same citation in a court document filed with a federal court or a state court outside of Georgia (the rules are the same for both). Rule 10.3.1(b) tells you to cite the regional reporter in this situation, so start with the *South Eastern Reporter* information.
Black v. Blue, 76 S.E.2d 123

Next, decide how and whether to identify the court and jurisdiction in the court and date parenthetical. We are still dealing with the highest court in the state, so we still do not include a court name. However, now the jurisdiction is not obvious from the name of the reporter. South Eastern Reporter publishes cases from many states. So we will need to include the abbreviation for the state.

Black v. Blue, 76 S.E.2d 123 (Ga.)

Finish it off with the year of decision and a period at the end of our citation sentence, and we are done!


B. STATES REQUIRING PUBLIC DOMAIN FORMAT

Remember from Chapter 2 that T1.3 tells us which states require public domain format. So if you look up a state in T1.3 and do not find a notation that the state has adopted public domain format, you should verify this online.

If a state does require public domain format, Rule 10.3.3 requires parallel citation to the public domain information and the regional reporter. However, if you give a parallel citation that includes public domain information, Rule 10.3.3 does not require a court and date parenthetical unless state local rules specifically call for one. The reason for omitting the parenthetical is that the information that would ordinarily be in that parenthetical — state abbreviation, court abbreviation, and year of decision — are all included in public domain format. Therefore, a court and date parenthetical is unnecessary.

Let’s run through an example of a parallel citation that includes public domain format. Suppose we want to cite the North Dakota Supreme Court case Apache Corp. v. MDU Res. Group, Inc. This is a 1999 opinion that was issued as the 247th case by the court that year. The case is reported at volume 603, page 891 of North Western Reporter, Second Series. North Western Reporter is the regional reporter that includes North Dakota state cases.

The first decision is whether our citation should include public domain format. To find this out, we check North Dakota’s section of T1.3 and find that North Dakota has adopted the public domain format suggested by Rule 10.3.3. Therefore, we follow 10.3.3 and include both the public domain format and a citation to the regional reporter. Let’s start with the public domain information. The first piece of information required is the year of decision.

Apache Corp. v. MDU Res. Group, Inc., 1999

Next, we add the two-letter postal code for North Dakota. Because this case is from the highest court in the state, we do not include an abbreviation for the court name.

Apache Corp. v. MDU Res. Group, Inc., 1999 ND

Finally, we add the sequential number of the case that was assigned by the court.

Apache Corp. v. MDU Res. Group, Inc., 1999 ND 247
Now, let's add the citation for the regional reporter. We find the abbreviation for *North Western Reporter, Second Series* (N.W.2d), in the North Dakota section of T1.3. Because the reporter abbreviation contains only adjacent single capitals, Rule 6.1(a) tells us to close up all letters in the abbreviation.

*Apache Corp. v. MDU Res. Group, Inc.*, 1999 ND 247, 603 N.W.2d 891

Because citations using the public domain format in Rule 10.3.3 do not require a court and date parenthetical, all we have to do is add a period to our citation sentence, and we're done!

*Apache Corp. v. MDU Res. Group, Inc.*, 1999 ND 247, 603 N.W.2d 891.
Checklist for Parallel Citations

- Are you citing a state case?
  - If not, do not worry about parallel citation.
  - If so, are you citing the case to a state court in that same state?
    - If not, do not worry about parallel citation.
    - If so, turn to that state's section of T1.3 to determine whether that state has adopted public domain format.

- If the state has not adopted public domain format . . .
  - have you used T1.3 to determine which reporters to cite and how to abbreviate them?
  - have you listed state reporter(s) before the regional reporter?
  - have you included a state abbreviation in the court and date parenthetical only if the name of the state is not obvious from the reporter abbreviation?
  - have you included an abbreviation for the court only if the court is not the highest in the state?

- If the state has adopted public domain format . . .
  - have you listed the public domain information first?
  - have you included the citation to the regional reporter if one is available?
  - have you omitted the court and date parenthetical?
  - If the state has adopted a public domain format that differs from Rule 10.3.3, have you consulted local rules for the format and information to include?
EXERCISE 4
PARALLEL CITATIONS

Put the following information in correct Bluebook citation form. All cases are being cited in citation sentences. Although this exercise builds on the rules used in previous exercises, this exercise focuses on Rule 10.3.1 and B4.1.3. You will also need to refer to T1 for information on reporters containing cases in the appropriate jurisdiction and any required public domain format information. For each question, you must use the correct typeface given in B1 and the correct spacing given in Rule 6.1(a).

1. In a brief filed with a United States District Court, you cite the 1964 United States Supreme Court case Thomas D. George, et al., versus Douglas Aircraft Company, Incorporated. This case is reported in volume 379, page 904, of United States Reports; in volume 85, page 198, of Supreme Court Reporter; and in volume 13, page 177, of Lawyers' Edition, Second Series.

2. In a brief filed with the Kansas Supreme Court, you cite the 1996 Kansas Court of Appeals case Tanya D. Carrington, Appellant, versus Robert C. Unseld, Sr., Appellee. This case is reported in volume 923, page 1052, of Pacific Reporter, Second Series, and in volume 22, page 815, of Kansas Court of Appeals Reports, Second Series. Assume that the usual practice in Kansas is to cite to both the state and regional reporters.

4. In a brief filed with the Massachusetts Supreme Judicial Court, you cite the 1998 Massachusetts Appeals court case Weston Securities Corporation, and others, versus Ara Aykanian, and others. This case is reported in volume 703, page 1185, of North Eastern Reporter, Second Series, and in volume 46, page 72, of Massachusetts Appeals Court Reports. Assume that the usual practice in Massachusetts is to cite to both the state and regional reporters. You wish to direct your reader's attention to material that appears on page 74 of Massachusetts Appeals Court Reports and page 1187 of North Eastern Reporter, Second Series.

5. In a brief filed with the Supreme Court of Delaware, you cite the 1999 Maryland Court of Special Appeals case Judith A. Geduldig, et al., versus David B. Posner, et al. The case is reported in volume 129, page 490, of Maryland Appellate Reports, and in volume 743, page 247, of Atlantic Reports, Second Series.


7. In a brief filed with an Arizona state trial court, you cite the 2009 Supreme Court of Arizona case City of Phoenix v. Kenneth L. Fields. The case is reported in volume 201, page 529, of Pacific Reporter, Third Series, and in volume 219, page 568, of Arizona Reports. Assume that the usual practice in Arizona is to cite to both the state and regional reporters.
8. In a brief filed with a United States Court of Appeals, you cite the 1986 Michigan Court of Appeals case Lindsey Smith and Brenda Sanders, for themselves and for a class similarly situated, Plaintiffs-Appellants, versus The University of Detroit, a Michigan corporation. This case is reported in volume 145, page 468, of Michigan Appeals Reports; in volume 378, page 511, of North Western Reporter, Second Series; and in volume 29, page 384, of Education Law Reports.

9. In a brief filed with the Maine Supreme Judicial Court, you cite the 2010 Maine Supreme Judicial Court case Richard D. Smith versus Wanda Rideout. This case is reported in volume 1, page 441, of Atlantic Reporter, Third Series. This case was given the sequential number of 69 by the Maine Supreme Judicial Court.

10. In a brief filed with the South Dakota Supreme Court, you cite the 2010 South Dakota Supreme Court case Advanced Recycling Systems, Plaintiff and Appellee, versus Southeast Properties Limited Partnership, Defendant and Appellant. The case is reported in volume 787, page 778, of North Western Reporter, Second Series. This case was given the sequential number of 70 by the South Dakota Supreme Court.