

NYSBA Style Guidelines – SECTION PUBLICATIONS

Generally

- Include bio either above article title or after the body of the article, not as an endnote or footnote.
- Spell out acronyms at first mention.
- Delete quotes around acronyms but stet quotes around words, i.e., (CERCLA) (the “Act”).
- Do not italicize i.e., e.g., etc. in text.
- Spell out numbers one through ten (multiple numbers in same sentence should be same format).
- For numbered elements in text always use numbers (1), (2), etc. Use letters for items within a numbered item (1) xxxxxx (a) xxxxx (b) xxxxx; (2) xxxxxxx.
- Use section symbol (§) in text and endnotes. Section sign should always be preceded by statute name. The symbol is always separated by a space on both sides.
- No ampersands in heads, author bylines (use in endnotes).
- Avoid contractions.
- For money figures, don’t use zeroes or period (unless at end of sentence) (e.g., \$5,500, not \$5,500.00; \$5).
- The name of the newsletter or journal should always be italicized. Likewise, italicize any shortened form (e.g., the *Journal* or *GLP Journal*).
- Use his or her *not* his/her, or rewrite sentence to avoid using pronoun.
- Use numerals with the percent sign (%).

Quotes

- Block quotes should be used if more than 49 words. No quotation marks. Remove double space before and after block.
- Material in quotes should *not* be preceded or followed by ellipses, as quotation marks don’t suggest that an entire passage is being quoted. However, ellipses should be used in middle of quoted passages where words are omitted. * * * should be used if what follows omission is in separate paragraph or significantly removed from what precedes omission.
- Court X stated, “...” (use comma before quote unless context indicates otherwise, e.g., “The statute provides as follows: “...”).

Punctuation

- Em dashes—no spaces on either side.
- Use periods in N.Y. and U.S. (except in addresses as in committee chair addresses).

Web Address Format

- <http://www.markwilson.com> (no italics or underlined; take off hyperlinks)

Capitalization

- Should be lowercase:
 - federal
 - state
 - government

- state of New York, New York State, city of New York, etc.
- Chair X, Co-chair X, Editor X; Chairs X and Y, Co-chairs X and Y, Co-editors X and Y.
—capitalize even if title comes after name (e.g., Bob Jones, Chair of the ___ Committee).
- Capitalize “S” in Section when referring to a NYSBA Section and “C” in Committee.
- Capitalize “A” and “M” in Annual Meeting when referring to NYSBA’s Annual Meeting.
- In an uppercase/lowercase heading, verbs should be capitalized (e.g., Is, Be, Are). Also, following current AP style, “to” is capitalized when part of a verb form.

Endnotes (All notes should be formatted as endnotes; please make sure all footnotes have been converted before submitting):

- Italicize case names.
- Italicize *id.*; *supra*; *infra*; *see*; *see also*; *see, e.g.*; *cert. denied*; *aff’d*; *rev’d*; *lv. denied*; *compare with*.
- All cites should be placed in endnotes.
- In endnotes, italicize article titles in journals. In text, article titles take quotes, journal names are italicized.
- “In re,” **not** “Matter of.”—“Dep’t,” not “Dept.”
- Use two underlines instead of blank spaces to indicate that a cite is missing.
- Use ampersand between author names in endnotes (but don’t use in heads, bylines).
- If a complete sentence that is cited in the endnotes is within parentheses, the endnote to that sentence should be inside the parentheses as well, e.g., (XXX xxxxxxxx xx.^{xx}). In all cases, endnotes should be outside punctuation (e.g., ;^x)
- Page numbers in cites should follow *Chicago* rules, e.g., 521-22, but 501-509.
- Close up author initials (e.g., R.A., not R. A.).
- Delete “and” between lists of statutes and/or cases in footnotes; use semicolons.
- Abbreviate months in cites.

NYSBA Cite Check Rules

NYSBA uses the most recent edition of *Bluebook—A Uniform System of Citation* form of citation. We generally follow the *Bluebook* style, with certain exceptions (listed below). For circumstances not addressed here, the *Bluebook* rule should be followed. In case of conflict, the rules in our Style Guidelines would supersede the *Bluebook* rules. The accuracy of website addresses, in text and citations, is the responsibility of the author.

A problem sometimes encountered in legal writing is the tendency to quote statutory law or case holdings at length absent any real discussion or analysis of the passages as they relate to the accompanying text. If you plan to include such quotations, do so sparingly with the appropriate analysis and consider the best location to reprint it, whether in the text of the article, in an endnote or in an appendix.

When citing to statutes, provide the specific statutory citations (e.g., RPL § 401(b)(3), not RPL§ 401). Please provide complete and accurate citations to both statutes and cases, which is particularly important relative to unreported cases or those found only in obscure reports. Also be sure to include pinpoint citations when quoting from a case.

Make sure the discussion accurately reflects the facts and holdings of the case and that the holding has not been overturned, reversed or otherwise modified by a higher court. Include only those facts necessary to illustrate the holding of the cases and, if need be, discuss both lower court and appellate court holdings.

For the purposes of electronic searches, please name the specific statute being discussed at least once per paragraph (e.g., RPL § 401, not simply § 401).

Cases

I. New York

- A. Court of Appeals—*Case name*, ___ N.Y.2d ___, ___ N.Y.S.2d ___ (20___).
- include N.E.2d citation only if article will be useful outside of New York. Insert N.E.2d cite after the N.Y.2d and N.Y.S.2d cites.
- B. Appellate Division—*Case name*, ___ A.D.2d ___, ___ N.Y.S.3d ___ (# Dep't 20___).
- include department # (1st, 2d, 3d, 4th).
- C. Miscellaneous—*Case name*, ___ Misc. 2d ___, ___ N.Y.S.2d ___ (____ Ct., ____ Co. 20___).
- include court and county.

II. Federal

- A. U.S. Supreme Court—*Case name*, ___ U.S. ___ (20___).
- don't include S. Ct., L. Ed. or U.S.L.W. when U.S. cite is available.
 - if there is no U.S. cite, then cite to S. Ct., or L. Ed., or U.S.L.W. in that order of preference (see *Bluebook* p. 165).
- B. U.S. Court of Appeals—*Case name*, ___ F.2d ___ (# Cir. 20___).
- the correct identification of the District of Columbia Court of Appeals is: (D.C. Cir. 20___).
- C. U.S. District Courts—*Case name*, ___ F. Supp. 2d ___ (S.D.N.Y. 20___).
- include the district and the state. The district is identified by southern, middle, eastern, northern (etc.) district and then the state.
 - district court of District of Columbia is cited as: (D.D.C. 20___).

III. Examples

- A. *City of New York v. Baker*, 46 N.Y.2d 790, 413 N.Y.S.2d 913 (1979).
- B. *James-Smith v. Rottenbert*, 32 A.D.2d 792, 302 N.Y.S.2d 355 (2d Dep't 1969).
- C. *Ungewitter v. Toch*, 31 A.D.2d 583, 294 N.Y.S.2d 1013 (3d Dep't 1969), *aff'd*, 26 N.Y.2d 687, 308 N.Y.S.2d 858, 257 N.E.2d 40 (1970).
- D. *Solarino v. Noble*, 55 Misc. 2d 429, 286 N.Y.S.2d 71 (Sup. Ct., Saratoga Co. 1967).
- E. *Markham v. Allen*, 326 U.S. 490 (1946).
- F. *Smith v. Jones*, N.Y.L.J., Feb. 28, 1983, p. 4, col. 2 (Sup. Ct., N.Y. Co.).

IV. Short Form

Using the short form entails shortening the case name and leaving out parallel cites and parenthetical information (i.e., court, dep't, date).

Examples of Short Forms:

Solarino, 55 Misc. 2d 429.

Id.

Examples of Short Forms with Pinpoint Cites:

Solarino, 55 Misc. 2d at 430.

Id. at 430.

Only short-form a case if the full cite is within 4 footnotes (assuming that the case citations will appear within a few pages of each other).

V. Use of Matter of

- Do not use “*Matter of*.” Use “*In re*” in its place. Do not use “*In re*” if there are adversarial parties. For example, *In re Smith v. Jones* would be incorrect. See *Bluebook* Rule 10.2.1(b).

VI. Dates

Include the date of every court of decision, but only include it in the last citation if the decisions were in the same year.

Examples: *Fagan v. Cataldo*, 111 Misc. 2d 111, 222 N.Y.S.2d 222, *aff'd*, 333 A.D.2d 333, 444 N.Y.S.2d 444 (3d Dep't 1991).

but

Fagan v. Cataldo, 111 Misc. 2d 111, 222 N.Y.S.2d 222 (1990), *aff'd*, 333 A.D.2d 333, 444 N.Y.S.2d 444 (3d Dep't 1991).

VII. Abbreviations

Abbreviate case names according to *Bluebook* Rule 10.2.2.

VIII. Unreported Cases

Case Name, Full Docket Number, Court, Date. See *Bluebook* Rule 10.8.1(a).

Example: *Groucho Marx Prods. v. Playboy Enters.*, No. 77 Civ. 1782 (S.D.N.Y. Dec. 30, 1977).

IX. Endnotes

When noting cases where the case name is used in the text, do not repeat the case name in the endnote.

Example: text— “The holding in *Smith v. Jones*³ was inconsistent...”
footnote— 3. 124 U.S. 697 (1987).

Constitution

N.Y. Const. art. __, § __. *Bluebook* Rule 11.

Statutes

I. New York

- A. The first cite to a statute should be spelled out in full, as in note 1 below (do *not* spell out N.Y.). Do not include “hereinafter” in parentheses in text or footnote. If the same statute is frequently cited thereafter, it may be abbreviated further by using the generally accepted short forms listed in B. below, **or**, if a statute has no generally accepted short form, use *Bluebook* abbreviations.

Examples: 1. N.Y. Criminal Procedure Law § 100 (CPL).

2. CPL § 300.

3. CPL § 309(a).

4. *Id.*

- B. Following is a list of generally accepted abbreviations for N.Y. statutes. The list is not exhaustive.

BCL—Business Corporation Law

CPL—Criminal Procedure Law

CPLR—Civil Practice Law & Rules

DRL—Domestic Relations Law

ECL—Environmental Conservation Law

EPTL—Estates, Powers & Trusts Law

FCA—Family Court Act

GBL—General Business Law

GOL—General Obligations Law

MHL—Mental Hygiene Law

PHL—Public Health Law

PL—Penal Law

SAPA—State Administrative Procedure Act

SCPA—Surrogate’s Court Procedure Act

SSL—Social Services Law

RPAPL—Real Property Actions & Proceedings Law

RPL—Real Property Law

RPTL—Real Property Tax Law

UCC—Uniform Commercial Code

VTL—Vehicle & Traffic Law

WCL—Workers’ Compensation Law

- Do *not* use periods when using these abbreviations.
- Do *not* include section sign when citing to CPLR, EPTL or SCPA.

- C. Statute names within textual sentences generally may be abbreviated, but always use the full statute name where it begins a sentence.

D. N.Y. Codes, Rules & Regulations: use the *Bluebook* version for the first cite and the short form thereafter.

Examples: First time—N.Y. Comp. Codes R. & Regs. tit. __, § __ (N.Y.C.R.R.).

Thereafter—__ N.Y.C.R.R. § __.

- Note that periods are used in the N.Y.C.R.R. short form.

E. N.Y. session laws: 20__ N.Y. Laws ch. __, § __.

F. New York City Administrative Code: N.Y.C. Admin. Code §§ __ - __.

- include background information as a parenthetical following the cite to the Code:

Example: N.Y.C. Admin. Code §§ __ - __ (enacted pursuant to N.Y. Tax Law § 111).

- include updated information preceding the cite to the Code:

Example: 1986 N.Y.C. Local Law No. 71, N.Y.C. Admin. Code §§ __ - __.

G. Unenacted Bills—A.8403-A, 216th N.Y. Leg. Sess. § 1.

II. Federal

A. U.S.C.— __ U.S.C. § __.

B. C.F.R.— __ C.F.R. § __. Do *not* include the date.

- If the cite is to a part, it should read: __ C.F.R. pt. __ (instead of § __).

C. Federal Rules of Civil Procedure (Fed. R. Civ. P.).

- Do *not* include section sign when citing to Fed. R. Civ. P.

III. Miscellaneous Cites

A. Warren's Weed—cite as: Warren's Weed, title of book, "section name," § number.

Example: Warren's Weed, New York Real Property, "Descent," § 1.01.

B. Practice Commentaries—cite as: Author's last name, McKinney Practice Commentary, statute name and section (year of the commentary, if there is one).

Example: Scheinkman, McKinney Practice Commentary, DRL § 111 (1991).

C. Code of Professional Responsibility (New York)—cite as: *The Lawyer's Code of Professional Responsibility*, [EC, DR, Canon] section number (hereinafter "*Code*").

- do not include the date.

D. *New York Law Journal*—cite as: *Case Name*, N.Y.L.J., date, p. __, col. __ (____ Ct., ____ Co.).

Example: *Smith v. Jones*, N.Y.L.J., Oct. 28, 1994, p. 1, col. 1 (Sup. Ct., N.Y. Co.).

E. New York City Criminal Cts.—cite as: (Crim. Ct., ____ Co. 20__).

IV. Dates

Do *not* include date information in *any* statutory cites—NEW YORK **and** FEDERAL.

V. “Section” Usage

A. Use section *spelled out* (no abbreviations):

- ONLY at beginning of sentence.

B. Use section symbol (§):

- in text.
- in endnotes (including explanatory text in endnotes).
- in citations in text (separated by commas and/or periods).

There is a space between the section sign and number.

VI. “Article,” “Title,” etc., Usage

A. In text, use “article,” “title,” etc., spelled out, lower case (unless it begins a sentence).

B. In cites, use abbreviations “art.,” “tit.,” etc.

VII. Endnotes

Cites should be included as endnotes, rather than citation sentences. Multiple cites are separated by semicolons.

VIII. NYSBA Cites

A. Ethics Opinions—cite as: NYSBA Comm. on Professional Ethics, Formal Op. [number and date] (hereinafter “NYSBA Op.”).

B. Bar Journal: Author’s name, *Title*, N.Y. St. B.J., vol. __, no. __, at (p. #) (date/year).

C. State Bar News: *State Bar News*, NYSBA at (p. #) (date/year).

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