

Memorandum

TO: Authors

FROM: Editors of The Business Lawyer

DATE: April 5, 2007

RE: Preparing your manuscript for submission

To speed up the production process, we need all articles, reports, committee surveys and other items in the best possible shape before it is sent to the Faculty Editor for cite checking. The cite checker's job is to verify citations for accuracy in substance, request additional citation when needed, and conform the form of the citation to The Bluebook, A Uniform System of Citation (18th ed.) and the style conventions used by The Business Lawyer. If the source of the information can not be verified, the article can not be published unless revised to conform to the verification requirement. The purpose of these guidelines is to speed up the process of preparing issues of The Business Lawyer.

1. Make sure you have properly inserted citation in all places where it is required.

The cite checkers are not research assistants or law firm associates. They will not fill in the citations for you but send the article, report, committee surveys or other items back to you for you to complete the citation process. Needless to say, the more citation that gets filled in later, the longer the processing takes as once the item is returned with the citations filled in, the item must undergo the cite checking process again. That seriously lengthens the production process.

- a. *When is citation necessary?* Specific citation to a source is required when language is quoted, when another author's ideas are paraphrased or referred to, and when facts or reports of factual events are referenced. In essence, the only sentences that do not need citation is when the author's own ideas or analysis is presented, unless those ideas or analysis have been presented first in another published source. In that case, citation to the original source should be given.
- b. *Citation to facts from case reports.* If the facts from a case are quickly summarized in a paragraph of an article and the factual description in the case report is contained on a single page, then one citation at the end of the paragraph to the page of the case report where the facts are described is sufficient. Otherwise, pinpoint page citations are necessary.
- c. *Pinpoint page citations.* Pinpoint page citations must be provided when
 - i. language from a source is quoted; or
 - ii. if the source is more than one page long and an idea from that source is presented or paraphrased that does not appear on all pages in the source. For example, statements such as "the court held . . ."; "the court reasoned. . . ."; "the SEC maintains . . ." require pinpoint page citations to the page of the source where that idea is taken from. If in doubt, give a pinpoint page citation.

2. **Make sure you have accurately quoted material and that you have appropriately indicated the language with quote marks if 49 words or less, or block indented on both sides if more than 50 words.** Merely changing one word or two in a sentence or selection of sentences does not eliminate the need to show that the author is in essence quoting another's words. If the author is taking language in whole or part from a source, including cases, statutes, SEC releases, regulatory notices, etc, that language must be indicated as quoted. If you need to alter a quotation, such as to change verb tense, indicate the alteration with brackets around the altered words. Presenting another's words as the author's own without proper attribution is plagiarism.
3. **Citation format:** The general rule is follow The Bluebook citation form. For the usual sources, the following is intended to be a handy reference.
 - a. *Cases:* The Bluebook Rule 10. Cite to the official reports if published in an official reporter for the state.
 - i. Each jurisdiction's official reporter is listed in The Bluebook starting on page 193. Do not cite to unofficial sources or unpublished sources if published in an official reporter. The general cite form is Case Name, volume number, reporter abbreviation, page number (Court and jurisdiction and Year).
 1. Example: A v. B, 100 U.S. 2 (1983), not A v. B, 150 S.Ct. 25 (1983). The U.S Reports is the official reporter for the U.S. Supreme Court, not the West Supreme Court Reporter.
 2. Example: Cal. Rptr. is the official reporter for Cal. state court appellate decisions, not Cal. App.
 - ii. If a case is not published in an official reporter, cite to the case report as reported on Lexis or on Westlaw. The general cite form is Case Name, Case number, Lexis/Westlaw cite (court and jurisdiction and complete date of the decision –month, day and year). Thus the citation would be A v. B, Civ. No. 000-0000, 1990 WL 459809 (N.Y. App. Div. Jan. 3, 2000).
 - iii. If a case is not in an official reporter, Lexis or Westlaw, cite to a service reporter, such as USLW or SEC Reporter. Follow the citation form in The Bluebook for that type of service. Generally citation to internet urls for decided court cases is a citation of last resort. That type of citation is appropriate only if the case is not in an official reporter, is not on Westlaw or Lexis, and is not reported in ANY service reporter.
 - iv. **Make sure that you have shepardized (Lexis) or keycited (Westlaw) the case to show subsequent direct history and to confirm that the case has not been vacated or overruled.**
 - b. *Statutes:* The Bluebook Rule 12. Cite to the official codification for the jurisdiction. Each jurisdiction's official codification is listed in The Bluebook starting on page 193. The general cite form requires the year of the codification the author is citing to. **The year is the year of publication of**

the hard copy bound volume and year of the supplement (pocket part or free standing supplement).

- i. *U.S. Code.* The last official publication of U.S.C. is dated 2004. The government printing office is a bit behind it seems. Thus citations to the U.S.C. is to the main volume (2000) and either Supp. III which was printed in 2003 and is the last printed supplement for several of the U.S. Code titles or Supp. IV which was printed in 2004. *Example:* 15 U.S.C. § 1681 (2000 & Supp. IV 2004). To cite to a codified section of the U.S. Code for public laws codified after 2004, the citation is to the U.S.C.A. The date of the **hard copy** U.S.C.A. volume and pocket part or supplement where the codified section is found must be given. *Example:* 15 U.S.C.A. § 1685 (West 2003 & Supp. 2006). EACH hard copy volume of the West series has its OWN publication date. Thus each of the volumes encompassing title 15 of the U.S. Code, for example, may have been published in different years. YOU MUST go look at the date on the hard bound volume.
 - ii. *State statutes:* Many of the official state statute codifications are actually published by a commercial publisher instead of by the relevant state government. Thus citations to a version of the official state statutes published by West or Lexis/Nexis, must indicate that fact in the parenthetical that contains the year of publication of the **hard copy** volume and the year of the pocket part or supplement. As with the U.S.C.A., each volume of the state statutes may have been published on a different date. YOU MUST go look at the date on the hard bound volume.
- c. *Public laws:* The Bluebook Rule 12.4. If citing to an act or session law, the citation must be to the act, not to the codified section of the relevant code. The relevant codified section can be placed in a parenthetical after the citation. The popular name or actual name of the act should also be given. *Example:* Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. No. 109-8, § 102, 119 Stat. 23, 25 (codified at 15 U.S.C.A. § 301 (2005 & Supp. 2006)).
- The year of the session law is given in the parentheses only if it is not part of the title of the act. State session laws should follow a similar format. The session law citations for each jurisdiction are given in the lists in the Bluebook starting on page 193.
- d. *Regulations and other administrative material:*
- i. *United States.* If citing to a release or notice, cite to the Federal Register if contained therein [volume Fed. Reg. page number (Month, day, year)]. If citing to the regulation as codified, cite to the Code of Federal Regulation [volume C.F.R. § ____ (year)]. Citation to the year of the C.F.R. is required as it is reissued every year. See The Bluebook Rule 14. The Business Lawyer also requires that SEC releases be cited with the number of the release (ex. SEC Release No. 33-XXXX).

- ii. *States*: Each state's administrative sources are listed in the jurisdiction list in The Bluebook starting on page 193.
 - e. *Et seq.* When citing to multiple sections of a statute, do not use et seq. Give the beginning and end section number with an en dash in between. *Example*: 11 U.S.C. §§ 101–05 (2000 & Supp. IV 2004).
 - f. *Newspapers and magazines*: Follow the citation form for periodicals as described in The Bluebook Rule 16.
 - g. *Websites*: Give valid URLs that are not in protected sites (except for Westlaw and Lexis citations). If it is in a protected database other than Westlaw or Lexis, a copy of the source must be provided to the cite checkers. The goal should be to give the reader the ability to find the source. The source is not findable if the url is invalid or points to a protected database.
 - h. *Complaints and settlements*: If not publicly available, copies must be provided to the cite checkers. Thus if the author got the information from PACER or other source (other than Westlaw or Lexis) that requires a subscription to access, copies must be provided.
4. **Unavailable sources.** In general, any source that is not publicly available must be provided in electronic or hard copy form to the cite checkers.