# Quick Reference: Law Review Footnotes

This table gives examples of commonly used citation forms printed in the typefaces used in law review footnotes (as explained in rule 2). The last page and inside back cover present these examples in the typefaces used in court documents and legal memoranda (as explained in the Bluepages).

## CASES rule 10

<table>
<thead>
<tr>
<th>Reporter</th>
<th>Citation/Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Herrick v. Lindley</strong></td>
<td>391 N.E.2d 729, 731 (Ohio 1979).</td>
</tr>
</tbody>
</table>

## CONSTITUTIONS N.M. CONST. art. IV, § 7.

## STATUTES rule 12

<table>
<thead>
<tr>
<th>Code</th>
<th>Citation/Description</th>
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## SESSION LAWS rule 12.4


## LEGISLATIVE MATERIALS rule 13

<table>
<thead>
<tr>
<th>Unenacted bill</th>
<th>Citation</th>
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<tbody>
<tr>
<td><strong>S. 516, 105th Cong.</strong></td>
<td>§ 2 (1997).</td>
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<tr>
<th>Hearing</th>
<th>Statement</th>
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<th>Report</th>
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## UNPUBLISHED MANUSCRIPTS rule 17.1.1

<table>
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<tr>
<th>Title</th>
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## LETTERS rule 17.1.3

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## PERIODICAL MATERIALS rule 16

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<th>Consecutively paginated journals</th>
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<tr>
<th>Nonconsecutively paginated journals</th>
<th>Citation/Description</th>
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<tbody>
<tr>
<td><strong>Barbara Ward, Progress for a Small Planet</strong></td>
<td>HARV. BUS. REV., Sept.–Oct. 1979, at 89, 90.</td>
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<table>
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<tr>
<th>Book review</th>
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<th>Interview</th>
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## FORTHCOMING PUBLICATIONS rule 17.2

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<th>Title</th>
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## INTERNET SOURCES rule 18.2

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## TREATIES rule 21.4

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## UNITED NATIONS OFFICIAL RECORDS rule 24.3

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<tr>
<th>Title</th>
<th>Citation/Description</th>
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</table>
Judge, Justice

Capitalize when giving the name of a specific judge or justice or whenever referring to a Justice of the United States Supreme Court:

- In one of the first decisions on point, Judge Cedarbaum rejected a group appointment.
- This era of constitutional noninterference ended when the Justices proclaimed a profound national commitment to the principle that debate on public issues should be uninhibited.
- The justices of the state's highest court will hear oral arguments on the issue of gay marriage at the end of the month.

State

Capitalize if it is a part of the full title of a state, if the word modifies is capitalized, or when referring to a state as a governmental actor or as a party to a litigation:

- The principal issue is whether the State of Kansas may impose its motor fuel tax. The State Commissioner adopted a broad-based policy.
- The State brought this action two years ago.

Term

Capitalize when referring to a Term of the United States Supreme Court:

- The United States Supreme Court considered this issue in this Term and in four other Terms since the 1978 Term.
- The central common law courts sat only four times a year, but customarily the year began with Michaelmas term.

9 TITLES OF JUDGES, OFFICIALS, AND TERMS OF COURT

(a) Justices and Judges. Justices are referred to as "Justice Ginsburg" and "Chief Justice Rehnquist." Judges are referred to as "Judge Surrick" and "Chief Judge Sirica." Parenthetical references are to "Brennan, J.," "Scalia, J.," and "Brennan & Scalia, JJ." Titles of judges and officials may be abbreviated as indicated in Table T.11. Capitalize "justice" and "chief justice" according to rule 8(b)(ii).

(b) Ordering. As a matter of etiquette, lists of judges should be in the order indicated at the beginning of each volume of the official reporter for the court. Justices of the United States Supreme Court are always listed with the Chief Justice first and then in order of seniority.

(c) Term of Court. A term of court currently in progress may be referred to as "this term." The immediately preceding term, no longer in progress at time of publication, should be referred to as "last term." Any term may be indicated by year:

- the 1999 term

The Supreme Court Term should be indicated by the year in which the Term began, not the year it ended. Capitalize "term" according to rule 8(b)(ii).

CASES

Citation of a U.S. Supreme Court case:


Citation of a case decided by the U.S. Court of Appeals for the Fourth Circuit, later reversed by the U.S. Supreme Court, with parenthetical information about the Fourth Circuit decision:


parenthetical phrase describing decision of Fourth Circuit

Short form for the above case after it has been cited in full:

MacDonald, 531 F.2d at 197.

Basic Citation Forms

A full case citation includes the name of the case (rule 10.2); the published sources in which it may be found, if any (rule 10.3); a parenthetical that indicates the court and jurisdiction (rule 10.4) and the date or year of decision (rule 10.5); and the subsequent history of the case, if any (rule 10.7). It may also include additional parenthetical information (rule 10.6) and the prior history of the case (rule 10.7). Rule 10.8 includes special citation forms for pending and unreported cases (rule 10.8.1) and for briefs, court filings, and transcripts (rule 10.8.3). Rule 14.3 provides citation forms for administrative adjudications and arbitrations.
### Case Names

When a case name is used as part of a textual sentence, whether in the main text or in footnotes, it should conform to rule 10.2.1. When it appears as part of a citation, it should be further abbreviated according to rule 10.2.2. Thus:

- *Southern Pacific* also indicates the breadth of federal lawmaking power under the admiralty jurisdiction.


The only significant differences between case names in textual sentences and case names in citations are the italicization (rule 2) and the extent to which the case name is abbreviated. The provisions of rule 10.2.1 apply to every case name, in text or in citations, but case names in citations are abbreviated further, as set forth in rule 10.2.2.

Note that the examples throughout rule 10.2 employ the typeface conventions for law review citations. For an explanation of typeface conventions, see rule 2. For typeface conventions in court documents and legal memoranda, see Bluepages B13.

### Case Names in Textual Sentences

In textual sentences, use the case name that appears at the beginning of the opinion in the cited reporter as modified by the paragraphs below. If no name appears in the cited reporter, use a popular name or cite as:

- **Judgment of [full date]**

For ease of location in the index, always retain in full the first word in each party’s name (including a relator) except as provided below. In extremely long case names, omit words not necessary for identification; the running head (the short identifier printed at the top of each page of the case) may serve as a guide. In all case names, make the following modifications where applicable:

(a) **Actions and parties cited.** If the case is a consolidation of two or more actions, cite only the first listed:

- **Shelley v. Kraemer**
  

Omit all parties other than the first listed on each side. Do not omit the first-listed relator or any portion of a partnership name:

- **Fry v. Mayor of Sierra Vista**
  
  Not: Fry v. Mayor & City Council of Sierra Vista

But:

- **Massachusetts ex rel. Alison v. Pauly**
- **Eisen v. Spradlin, Lincoln & Amorosi**

Omit words indicating multiple parties, such as “et al.” Also omit alternative names given for the first-listed party on either side:

- **Cheng v. Seinfeld**
  
  Not: Cheng et al. v. Seinfeld d/b/a The Man, Inc.
Similarly, for in rem jurisdiction cases, omit all but the first-listed item or group of items:

- In re Three Pink Cadillacs
  
  Not: In re Three Pink Cadillacs, Two Turtle Doves, and a Partridge in a Pear Tree

Where real property is a party, use its common street address, if available:

- United States v. 6109 Grubb Road
  
  Not: United States v. Parcel of Real Property Known as 6109 Grubb Road, Millcreek Township, Erie County, Pennsylvania

In bankruptcy and similar cases, the case name might contain both an adversary and a nonadversary name. If both appear at the beginning of the opinion, cite the adversary name first, followed by the nonadversary name in parentheses. Include a procedural phrase such as "In re" or "ex rel." before the nonadversary name, followed by a descriptive or introductory phrase such as "estate of" or "interest of," if any. If only an adversary name or only a nonadversary name appears at the beginning of the opinion, cite the name supplied:

  
  

(b) Procedural phrases. Abbreviate "on the relation of," "for the use of," "on behalf of," "as next friend of," and similar expressions to "ex rel." Abbreviate "in the matter of," "petition of," "application of," and similar expressions to "In re." Omit all procedural phrases except the first. When adversary parties are named, omit all procedural phrases except "ex rel."

- Gorman v. Bruh
  
  Not: In re Gorman v. Bruh

But:

- Massachusetts ex rel. Kennedy v. Armbruster
  
  Ex parte Young

Include any introductory or descriptive phrases such as "Accounting of," "Estate of," and "Will of." Thus:

- In re Will of Holt
  
  Estate of Haas v. Commissioner

Procedural phrases should always be italicized, regardless of whether the rest of the case name is italicized. Thus, in law review text:

- Ex parte Young

(c) Abbreviations. In textual sentences, whether in main text or in footnote text, abbreviate only widely known acronyms under rule 6.1(b) and these eight words: "&","Ass'n","Bros.","Co.","Corp.","Inc.","Ltd.", and "No." If one of these eight begins a party's name, however, do not abbreviate it.

- Philadelphia Electric Co. v. Hirsch
  
  Not: PECO v. Hirsch

But: NAACP v. Kaminski

In citations, further abbreviate case names, including the first words, according to rule 10.2.2.

- In Penn Central Transportation Co. v. New York City, 366 N.E.2d 1271 (N.Y. 1977), the court could have granted Penn Central a property interest.


But in citations:


(d) "The." Omit "The" as the first word of a party’s name, except as part of the name of the object of an in rem action or in cases in which "The King" or "The Queen" is a party. Thus:

- Miami Herald v. Sercus

But:

- In re The Clinton Bridge
  
  The King v. Broadrup

Do not omit "The" in an established popular name, except when referring to the case textually. Thus:

Neither of the Civil Rights Cases opinions was correct.

Not: Neither of The Civil Rights Cases opinions was correct.


(e) Descriptive terms. Omit terms such as "administrator," "appellee," "executor," "licensee," and "trustee" that describe a party already named:

- Burns v. McMillen

Not: Burns v. McMillen, Administrator

But: Trustees of Dartmouth College v. Gardner

(f) Geographical terms. Omit "State of," "Commonwealth of," and "People of," except when citing decisions of the courts of that state, in which case only "State," "Commonwealth," or "People" should be retained:


Omit "City of," "County of," "Village of," "Township of," and like expressions unless the expression begins a party name:

- Mayor of New York v. Clinton

Not: Mayor of the City of New York v. Clinton

But: Butts v. City of Boston
This rule should be read narrowly, so the omission of the business firm designation is only appropriate if the name of the business could not possibly be mistaken for the name of some other entity, such as a natural person.

(i) Union and local union names. Cite a union name exactly as given in the official reporter. This general rule is subject, however, to the following exceptions:

(i) Only the smallest unit should be cited:
- NLRB v. Radio & Television Broadcast Engineers Local 1212
  Not: NLRB v. Radio & Television Broadcast Engineers Local 1212, IBEW, AFL-CIO

(ii) All craft or industry designations, except the first full such designation, should be omitted:
- Douds v. Local 294, International Brotherhood of Teamsters
  Not: Douds v. Local 294, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers
  But: International Union of Doll & Toy Workers v. Local 379

(iii) A widely recognized abbreviation of the union’s name (e.g., UAW) may be used in accordance with rules 6.1(b) and 10.2.1(c).

(iv) All prepositional phrases of location, including those of national or larger areas, should be omitted.

(j) Commissioner of Internal Revenue. Cite simply as “Commissioner” or, in citations, “Comm’t.”

(k) Common Names Different from Name in Reporter. For cases not known by the name that appears in the reporter, but known instead by a common name, the common name must either be substituted for the reporter name in its entirety, or indicated parenthetically in the same type as the case name in the reporter:

For cases known by the name in the reporter, but also commonly known by a short name different from that appearing in the reporter, the common name may not be substituted for the reporter name in its entirety in a full citation, but it may be indicated parenthetically in italics:
- Youngstown Sheet & Tube Co. v. Sawyer (Steel Seizure), 343 U.S. 579 (1952).
  Not: Steel Seizure, 343 U.S. 579 (1952).

Similarly, for mandamus actions against courts where the case is known by the name of the judge against whom the writ is sought, the name may be indicated parenthetically in italics:
And, for cases with multiple dispositions, a helpful identifier of the number of the decision may be indicated parenthetically in italics:

- Hamdi v. Rumsfeld (Hamdi III), 316 F.3d 450 (4th Cir. 2003).

For cases with multiple dispositions, however, the parenthetical identifier is given only when a case is cited as the primary citation. Once given, the parenthetical identifier may be used when the case is cited again. Thus, the following examples are correct:

- 1 Fox Television Stations, Inc. v. FCC (Fox I), 280 F.3d 1027 (D.C. Cir.), modified on reh'g, 293 F.3d 537 (D.C. Cir. 2002).
- 2 Fox Television Stations, Inc. v. FCC (Fox II), 293 F.3d 537, 540 (D.C. Cir. 2002) (quoting Fox I, 280 F.3d at 1043).

In conformity with rule 2.1(f), when citing cases according to the above rule, the parentheses themselves should never be italicized in either main text or footnote text.

10.2.2 Case Names in Citations

Cite case names in citations according to the rules given above, but with the following further modifications:

Always abbreviate any word listed in table T.6:

- McLaugh v. Comm'r

Abbreviate states, countries, and other geographical units as indicated in table T.10 unless the geographical unit is the entire name of the party (as opposed to just a part thereof). This includes “United States.” Thus:

- In re W. Tex. Pepper Co.
- LeBeau v. Univ. of Md.
- But: Staub v. District of Columbia
- Ctr. for Nat'l Sec. Studies v. U.S. Dept. of Justice
- But: Alvarez-Machain v. United States

Abbreviate other words of eight letters or more if substantial space is thereby saved and the result is unambiguous.

10.3 Reporters and Other Sources

10.3.1 Parallel Citations and Which Source(s) to Cite

The federal and state tables (table T.1) indicate which reporters to cite for the decisions of most courts. Note that many state court decisions are published in two or more sources.

(a) Parallel citations in state court documents. In documents submitted to state courts, all case citations must be to the source(s) required by local rules. Many state rules require that citations to state court decisions include a citation to the official state reporter, followed by a parallel citation to a regional reporter. Thus, these local rules, and not the citation rules set forth in table T.1, govern state court filings. See Bluepages B5.1.3 and table BT.2 for further guidance concerning jurisdiction-specific citation rules.

(b) Case citations in all other documents. In all other documents, including ordinary legal memoranda and law review pieces, cite the relevant reporter if the decision is found therein. For example:


If the decision is available as an official public domain citation (also referred to as medium-neutral citation), that citation must be provided, as well as a parallel citation to the regional reporter, if available.

If the decision is not found in a regional reporter or available as a public domain citation, cite the other sources indicated in table T.1. Cite decisions of unlisted courts as you would those of courts listed in the tables. If a case is not available in an official or preferred unofficial reporter or as a public domain citation, cite another unofficial reporter, a widely used computer database (rule 18.1.1), a service (rule 19), a slip opinion (rule 10.8.1(b)), an Internet source (rule 18.2.2), or a newspaper (rule 16.5), in that order of preference:


For citation to administrative reporters, see rule 14.3.2.

Reporters

Bound publications that print only cases (or cases and annotations) are considered reporters and are cited in roman type. A citation to a reporter consists of a volume designation (rule 3.1), the abbreviated name of the reporter (as shown in table T.1), and the page on which the case report begins (rule 3.2):


Early American reporters were often named after their editors rather than after the courts whose cases they reported. Subsequently, official editor-named series have been combined into jurisdiction-named series with continuous volume numbering. Such reporters are now generally cited by the official series name and number only; the name of the reporter's editor is omitted:


Not: 3 Vroom 369
But for United States Supreme Court reporters through 90 U.S. (23 Wall.) and a few early state reporters (see table T.1), give the name of the reporter's editor and the volume of that series. If the pagination of the official jurisdiction-named reprints and the original reporters is the same, use the following form:


If the pagination differs, give parallel citations to the reprints and the original reporters:


Some very early Pennsylvania federal and state court decisions are reported in the initial volumes of the United States Reports. Where this occurs, include the cite to "U.S.", along with a parallel cite to the appropriate lower court reporter.

- Barnes's Lessee v. Irwin, 2 U.S. (2 Dall.) 199, 1 Yeates 221 (Pa. 1793) (mem.).

### 10.3.3 Public Domain Format

When citing a decision available in public domain format (also referred to as medium-neutral format), if the jurisdiction's format can be cited in the following form (see table T.1), provide the case name, the year of decision, the state's two-character postal code, the table T.7 court abbreviation (unless the court is the state's highest court), the sequential number of the decision, and, if the decision is unpublished, a capital "U" after the sequential number of the decision. When referencing specific material within the decision, a pinpoint citation should be made to the paragraph number at which the material appears. If available, a parallel citation to the appropriate regional reporter must be provided.

The following examples are representative of the recommended public domain citation format:


If a jurisdiction adopts a public domain format that differs from the above, the requirements of the jurisdiction's format should be observed (table T.1):

- Morton v. New Orleans Police Dept't., 96-1799 (La. App. 4 Cir. 2/5/97); 697 So. 2d 699.

### Court and Jurisdiction

Every case citation must indicate which court decided the case. In American and other common law citations, give the name of the court and its geographical jurisdiction (abbreviated according to tables T.1 or T.2 if included therein and according to tables T.7 and T.10 in all other cases) in the parenthetical phrase that immediately follows the citation and includes the date or year of decision:


For citations to foreign cases, see rule 20.3.

A more detailed court designation than those specified by the following paragraphs may be given if necessary.

(a) Federal courts. In citations to United States Law Week, the United States Supreme Court is indicated: "U.S." Cite a decision by a Supreme Court Justice sitting alone in his or her capacity as a Circuit Justice:


United States courts of appeals for numbered circuits, regardless of year, are indicated:

- 2d Cir.
- Not: C.C.A.2d
- Not: CA2

When citing the United States Court of Appeals for the District of Columbia Circuit and its predecessors, or when citing the Federal Circuit, use the following abbreviations:

- D.C. Cir.
- Fed. Cir.

For district court cases, give the district but not the division:

- D.N.J.
- D.D.C.
- C.D. Cal.

Not: C.D. Cal. E.D.

Cite the old circuit courts (abolished 1912):

- C.C.S.D.N.Y.
- C.C.E.D. Mo.

Cite the Judicial Panel on Multidistrict Litigation:

- J.P.M.L.

Cite the Foreign Intelligence Surveillance Court and Court of Review, respectively:

- FISA Ct., FISA Ct. Rev.

Cite decisions of bankruptcy courts and bankruptcy appellate panels:

- B.A.P. 9th Cir.
(b) State courts. In general, indicate the state and court of decision. However, do not include the name of the court if the court of decision is the highest court of the state:

  

Omit the jurisdiction (but not the court abbreviation) if it is unambiguously conveyed by the reporter title:

  
  

Thus, when a decision is rendered by the highest court in a particular jurisdiction and the name of the reporter is the same as the name of that jurisdiction, neither the name of the court nor the name of the state need be given:


Do not indicate the department or district in citing decisions of intermediate state courts unless that information is of particular relevance:

- Schiffman v. Corsi, 50 N.Y.S.2d 897 (Sup. Ct. 1944).

When the department or district is of particular relevance, that information should be indicated as follows:

- Schiffman v. Corsi, 50 N.Y.S.2d 897 (Sup. Ct. N.Y. County 1944).

10.5 Date or Year

(a) Decisions published in reporters. If possible, provide the year of decision; use the year of the term of court only if the year of decision is unavailable. In ambiguous cases, follow the year given in the running head at the top of each page in the reporter. Dates of early United States Supreme Court cases (volumes 2-107 U.S.), which usually are not given in the official reports, may be found in the Supreme Court's official compilation thereof, which is available on the Internet at http://www.supremecourts.gov/opinions/datesofdecisions.pdf.

(b) Decisions published in other sources. Give the exact date for all unreported cases and for all cases cited to a looseleaf service, a slip opinion, an electronic database, or a newspaper. Per rule 10.5(a), the exact date is not necessary for "unpublished" cases that are reported, including cases reported in the Federal Appendix and "unpublished" cases reported in the appropriate reporter for the jurisdiction.

(c) Pending cases and cases dismissed without opinion. Use the date or year of the most recent major disposition. "Major dispositions" include only: the initial filing, whether in the trial court or on appeal (e.g., "filed," "appeal docketed," "petition for cert. filed"), oral argument ("argued"), and, for cases dismissed without opinion, the dismissal ("dismissed"). Indicate the significance of the date within a parenthetical phrase, unless its significance is explained elsewhere:


Otherwise no special notation is necessary:


(d) Multiple decisions within a single year. When citing a case with several different decisions in the same year, include the year only with the last-cited decision in that year:

- United States v. Eller, 114 F. Supp. 284 (M.D. N.C., rev'd, 208 F.2d 716 (4th Cir. 1953)).

However, if the exact date of decision is required in either case, include both dates:


Parenthetical Information Regarding Cases 10.6

Weight of Authority 10.6.1

(a) Generally. Information regarding the weight of the authority (e.g., en banc; in banc; 2-1 decision; mem.; per curiam; Brandeis, J.; unpublished table decision) may be added in a separate parenthetical phrase following the date of decision:


When a case is cited for a proposition that is not the single, clear holding of the plurality opinion of the court (e.g., alternative holding; by implication; dictum; dissenting opinion; plurality opinion; holding unclear), indicate that fact parenthetically:


Information regarding related authority (rule 1.6) or prior or subsequent history (rule 10.7) that can properly be indicated with an explanatory phrase (table T.8) should not be given parenthetically. Thus:

- Wersba v. Seiler, 393 F.2d 937 (3d Cir. 1968) (per curiam).


(b) "Mem." and "Per curiam." The abbreviation "mem." stands for the word "memorandum" and designates a court disposition issued without an opinion. The phrase "per curiam" refers to a decision issued "by the court" as an institution as opposed to a decision issued by a particular judge. "Per curiam" may be used in a parenthetical to describe an opinion so denominated by the court.
10.6.2 Quoting/Citing Parentheticals in Case Citations

When a case cited as authority itself quotes or cites another case for that point, a "quoting" or "citing" parenthetical is appropriate per rule 1.6(c). Within the parenthetical, the quoted or cited authority should be cited as if it were being cited directly; thus the same rules regarding font, typeface, pinicles, and short forms apply as if it were the direct source:


Note, however, that only one level of recursion is required. Thus, if a case quotes a case, which itself quotes another case, only one level of "quoting" or "citing" parentheticals is necessary, unless the additional level is particularly relevant.

10.6.3 Order of Parentheticals

Parenthetical phrases should be placed in the following order: (i) weight of authority parentheticals; (ii) "quoting" and "citing" parentheticals; (iii) explanatory parentheticals. Thus:


However, if an explanatory parenthetical contains text that itself requires a "quoting" or "citing" parenthetical, the two parentheticals should be nested:


Parenthetical information (weight of authority parentheticals as well as explanatory parentheticals) about a case should always directly follow the date of the cited case, before any citation of prior or subsequent history:


10.7 Prior and Subsequent History

Whenever a decision is cited in full, give the entire subsequent history of the case, but omit denials of certiorari or denials of similar discretionary appeals, unless the decision is less than two years old or the denial is particularly relevant. Omit also the history on remand or any denial of rehearing, unless relevant to the point for which the case is cited. Finally, omit any disposition withdrawn by the deciding authority, such as an affirmation followed by reversal on rehearing. Thus:


Give prior history only if significant to the point for which the case is cited or if the disposition cited does not intelligibly describe the issues in the case, as in a Supreme Court "mem." Give separate decisions of other issues in the case with their prior and subsequent history only if relevant.

Explanatory Phrases and Weight of Authority 10.7.1

A partial list of explanatory phrases (as abbreviated) appears in table T.8.

(a) Prior or subsequent history. Append the prior or subsequent history of a case to the primary citation. Introduce and explain each decision with italicized words between each citation:

- Cooper v. Dupnik, 924 F.2d 1520, 1530 & n.20 (9th Cir. 1991), rev'd en banc, 963 F.2d 1220 (9th Cir. 1992).

If subsequent history itself has subsequent history, append the additional subsequent history with another explanatory phrase. For example, in the following case the Supreme Court reversed the Second Circuit, which had reversed the Southern District of New York:


To show both prior and subsequent history, give the prior history first:


Citations to prior or subsequent history should follow any parenthetical information given for the primary citation (rule 10.6).

(b) Significance of disposition. Give the reason for a disposition if the disposition does not carry the normal substantive significance:

- vacated as moot,
- appeal dismissed per stipulation,

(c) Overruled, abrogated, and superseded cases. Per rule 1.6(b), also note cases that have been overruled, abrogated, or superseded by statute.

(i) Overruled cases are cases where a later decision by the same court explicitly repudiates its earlier decision and are indicated with the phrase "overruled by":