

# North Dakota Supreme Court Citation Manual

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## **INTRODUCTORY NOTE**

These rules are intended as a guide for Supreme Court and Court of Appeals opinions and could be used as a guide for attorneys submitting briefs to North Dakota state courts. Attorneys submitting briefs outside of this state or to the federal courts should ensure they are following that jurisdiction's rules, specifically the rule on parallel citations. More specific citation problems, or unanswered problems, should be solved based upon the Bluebook.

The following citation rules are primarily adapted from the Bluebook. Source materials authored by the American Bar Association, the American Association of Law Librarians, and the Wisconsin and South Dakota Supreme Courts were also used.

## I. FORMAT AND STYLE

### I. FORMAT AND STYLE

#### A. Font

All opinions should be in 13 point, Times New Roman font.

#### B. Typefaces (See Bluebook P. 1)

In Court documents, only regular roman type and underlining are used. Small capitals, bold type, and italics are not used. The general rule for each type of document is listed below. For specific examples, see the relevant citation section.

**Case names:** Underline all case names, including the “v.” and any procedural phrases such as “In re” and “Ex parte”, with one continuous underline.

**Introductory signals:** (See II.D.) Introductory signals are always underlined when they appear in citation sentences or clauses. Continuously underline combined signals. When an introductory signal is part of a textual sentence, however, it is not underlined.

**Explanatory phrases introducing prior or subsequent case history:** (See Bluebook T. 9) Explanatory phrases such as aff’d or cert. denied should always be underlined.

**Book titles:** (See III.G.) Always underline the title of a book or the title of an article appearing in a periodical. Authors’ names and periodical titles are not underlined. If an article or essay appears within a book, underline the title of the article or essay as well as that of the book. When referring to a publication in a textual sentence rather than citing to it, underline the name of the publication.

**Legislative history:** (See III.F.) Treat legislative materials (such as hearings, documents, and committee reports and prints) as books. Underline their titles and print the authors’ names (if given) in ordinary type. When congressional reports or documents are cited without author or title, do not underline.

**Words and phrases introducing related authority:** Underscore “in,” “reprinted in,” “quoted in,” “available in,” “translated in,” “microformed on,” and other similar words and phrases referring to related authority:

**Cross-references:** Always underline “supra” and “id.” (including the period).

## I. FORMAT AND STYLE

**Emphasis/Foreign words:** Underline words for emphasis, foreign words not commonly encountered in legal writing, and words italicized or underlined in the original of quoted matter.

**Everything else:** Print everything else—including reports, services, constitutions, statutory materials, restatements, model codes, rules, executive orders, administrative materials, unpublished sources, and treaties—in ordinary roman type.

### C. Long Quotations (See Bluebook R. 5.1)

Quotations of fifty or more words should be single spaced and both the left and right margins indented (Control, Shift, F7). Do *not* use quotation marks. Quotation marks within a block should appear as they do in the original. The citation should begin at the left margin on the line immediately following the quotation. (See I.D.)

### D. Paragraph Structure (See Bluebook Rs. 5.1, 5.4)

New paragraphs should be indented one-half inch. The paragraph structure of an indented quotation of fifty or more words should be further indicated by further indenting the first line of each paragraph. Indent the first sentence of the first quoted paragraph, however, only if the first word of the quoted passage is also the first word of the original paragraph; if language at the beginning of the first paragraph is omitted, *do not* indent the first line *and do not* use an ellipsis. To indicate an omission at the beginning of subsequent paragraphs, insert and indent an ellipsis. Indicate the omission of one or more entire paragraphs by inserting and indenting four periods (“...”) on a new line.

### E. Alterations in Quotations (See Bluebook R. 5.2)

When a letter in a quotation must be changed from upper to lower case, or vice versa, enclose it in brackets. Substituted words or letters and other inserted material should also be bracketed. Indicate the omission of letters with empty brackets. An ellipsis must be used to indicate omitted words. (See I.F.)

Significant mistakes in the original should be followed by “[sic]” and otherwise left as they appear in the original.

Indicate in a parenthetical clause, after the citation, any change of emphasis or omission of citations or footnote numbers. Do not indicate the omission of a citation or footnote number that follows the last word quoted. (See I.F.). Only parenthetically note changes in emphasis. Do not parenthetically note emphasis which appears in the original source.

## I. FORMAT AND STYLE

Whenever possible, a quotation should be attributed to its original source. Generally this will require citation to the case you are citing, and, in a parenthetical, use of “quoting” and the original cite.

### F. Omissions (See Bluebook R. 5.3)

Omission of a word or words is generally indicated by the insertion of an ellipsis. An ellipsis should *never* be used to begin a quotation, nor should it be used when individual words are merely altered. (See I.E.). Do not insert an ellipsis for an omitted footnote or citation. Indicate such omission with the parenthetical phrase “(footnote omitted)” or “(citation omitted)” immediately following the citation to the quoted source.

**Use of quoted language as a phrase or clause:** When using a quote as a phrase or clause, rather than as a full sentence, do not indicate omission of matter before or after the quoted clause. An ellipsis should be used to indicate omission of matter within a quoted phrase or clause.

**Use of quoted language as a full sentence:** When language beginning the original sentence has been deleted, capitalize the first letter and place it in brackets. If the sentence begins the quotation, do not otherwise indicate any omission.

Use an ellipsis where language from the middle of a quoted sentence is omitted. Omission of language at the end of a quotation should be indicated by an ellipsis between the last word quoted *and* the final punctuation of the sentence quoted.

Do not indicate deletions after the period or other final punctuation that concludes a final quoted sentence.

If language both at the end and after the end of a quoted sentence is deleted and followed by further quotation, use only one ellipsis to indicate both omissions.

**Quotation of material containing paragraph numbering:** When quoting text from a source with paragraph numbers, the paragraph numbers from the original source should not be included and the omission does not need to be parenthetically noted.

## II. CASE CITATION FORM

### II. CASE CITATION FORM (See Bluebook R. 10)

#### A. Full Citation Form

##### Generally:

*1997 to current:*     Wilson v. Siffer, 1998 ND 1, ¶ 22, 579 N.W.2d 200.  
*1954 to 1997:*       Ernst v. Young, 524 N.W.2d 675, 678 (N.D. 1995).  
*1890 to 1953:*       Roe v. Doe, 79 N.D. 395, 396, 60 N.W.2d 242, 243 (1953).

**Public domain/medium neutral citations:** For North Dakota Supreme Court and Court of Appeals opinions issued on or after January 1, 1997, use of the public domain citation is required, in addition to the Northwestern Reporter citation. After the case name, provide the year of the decision and the court abbreviation. For the Supreme Court use “ND” and for the Court of Appeals use “ND App”. With public domain cites, do not use periods with the state abbreviation and do not parenthetically insert the state abbreviation or year after the Northwestern Reporter citation. Next provide the sequential number of the case. Supreme Court and Court of Appeals opinions are numbered separately, and both begin with number 1 each January 1. Use a paragraph symbol for the pinpoint citation and *insert a space* between the paragraph symbol and the paragraph number. Finally, include the parallel cite to the Northwestern Reporter, but *do not* provide a pin cite to the Northwestern Reporter. Other jurisdictions are also beginning to use public domain/medium neutral citations. Use them where available. (See II.A.Parallel citations).

Roe v. Doe, 1997 ND 231, ¶ 23, 567 N.W.2d 235.  
Seim v. Reed, 1998 ND App 2, ¶ 5, 599 N.W.2d 124.

If the opinion is not yet available in the Northwestern Reporter, do not add a “blank” Northwestern Reporter citation.

*improper:*     Smith v. Jones, 1999 ND 123, ¶ 12, \_\_\_\_ N.W.2d \_\_\_\_.  
*proper:*       Smith v. Jones, 1999 ND 123, ¶ 12.

## II. CASE CITATION FORM

**Parallel citations:** (See Bluebook P. 3) In North Dakota state court opinions and briefs submitted to North Dakota state courts *only North Dakota* cases from 1890 to 1953 require parallel *reporter* citations. For other jurisdictions, use *only* the regional/primary reporter the case is reported in. *Do* use *public domain* citations for other jurisdictions when available in addition to the regional/primary reporter. When a parallel cite is used, the parenthetical state abbreviation is unnecessary because it is in the reporter's name.

Roe v. Doe, 79 N.D. 395, 396, 57 N.W.2d 242, 243 (1953).

*and:*

Thomas v. Reed, 628 S.E.2d 912 (Va. 1995).

*but not:*

Thomas v. Reed, 122 Va. 678, 628 S.E.2d 912 (1995).

*but:*

Wilson v. Sykes, 1999 SD 123, ¶ 9, 599 N.W.2d. 712.

**Parallel United States Supreme Court citations:** If a United States Supreme Court case is in the United States (U.S.) reporter, cite only to it. Parallel citations to the "S. Ct." reporter and to the "L. Ed." reporter are not necessary. (*West will add them in its publications*). If the case is not yet available in the "U.S." reporter, cite only to the "S. Ct" reporter.

*proper:* Smith v. Jones, 530 U.S. 125, 145 (1999).

*improper:* Smith v. Jones, 117 S. Ct. 1231, 1235, \_\_\_ U.S. \_\_\_ (1999).

*proper:* Smith v. Jones, 117 S. Ct. 1231, 1235 (1999).

### B. Short Citation Forms (See Bluebook P. 4)

Once a full citation is given, you may use a short form for cases, statutes, regulations, legislative materials, books, articles, and periodical materials *as long as* (i) it will be clear to the reader from the short form what is being referenced, (ii) the earlier full citation falls in the same general discussion, *and* (iii) the reader will have little trouble locating the full citation quickly.

Citation to a case that has been cited in full in the same general discussion may be shortened to one of the following forms if the shortened citation clearly identifies the case. Note that the short forms listed below give only one or neither of the parties. Generally, the first party's name should be used for the short form; however, avoid using the name of a governmental or other common litigant to identify the case. Short forms do not give the first page of the case or the court or year of decision. They do, however, include the word "at" to indicate the page on which the specific material appears.

## II. CASE CITATION FORM

Proper short forms for State v. Calandra, 510 N.W.2d 338, 343 (N.D. 1995), include:

Calandra, 510 N.W.2d at 343.

510 N.W.2d at 343. [Use *only* when case name is underlined in text of sentence, not when referring to party generally.]

Id. at 343.

For cases in which a parallel citation to the North Dakota Reports is required,

Roe v. Doe, 79 N.D. 120, 121, 57 N.W.2d 230, 231 (1953).

*becomes:*

Doe, 79 N.D. at 121, 57 N.W.2d at 231.

The id. form when a parallel citation to the North Dakota Reports is required is:

Id. at 121, 57 N.W.2d at 231.

For cases in which a parallel citation to a public domain source is required, short citation forms take a slightly different form. A parallel citation to the Northwestern Reporter is included, *but* only to the first page of the opinion because the paragraph number is found in both sources. Thus,

Smith v. Jones, 1997 ND 235, ¶ 34, 560 N.W.2d 890.

*becomes:*

Smith, 1997 ND 235, ¶ 34, 560 N.W.2d 890.

The id. form where a parallel citation to a public domain source is required is:

Id. at ¶ 34.

**“Supra,” “Infra,” and “Hereinafter”:** “Supra” or “infra” are *not* used as short forms for *cases*. “Supra” may, however, be used in short forms for books, treatises, etc. (See III.G.). The use of “Hereinafter” should be avoided. In a text sentence, a shortened version of a person’s or business’s name or other groups of words may be placed in parenthesis surrounded by quotation marks to identify how the person or business will subsequently be referred to. When citing books or treatises, but *not cases*, especially where there is no author and the title is long, a shortened version of the title may be placed in brackets and surrounded by quotations. (See III.F.)

## II. CASE CITATION FORM

**“Id.”:** “Id.” may be used as a short form, but only when it unambiguously refers to a source. If using “id.” would be ambiguous, use a short form that also uses part of the case name. For example:

Contract interpretation is a matter of law. Smith, 414 N.W.2d at 128. This Court has previously discussed the application of N.D.C.C. § 9-06-07 in Jones v. Johnson, 274 N.W.2d 123 (N.D. 1978). Id.

The use of “id.” would *not* be proper here, because “id.” might refer to Smith or to N.D.C.C. § 9-06-07 or to Jones. If the citation were to Smith, then Smith, 414 N.W.2d at 128, would be the proper citation. If the citation were to Jones, no further citation would be necessary, because the citation is in the text.

“Id.” should never be used to refer back to a string cite.

*improper:* The world is flat. Rider v. Johnson, 220 N.W.2d 123, 145 (N.D. 1965); Vespucci v. Columbus, 219 N.W.2d 12, 13 (N.D. 1964). The sky is blue. Id.

*proper:* The world is flat. Rider v. Johnson, 220 N.W.2d 123, 145 (N.D. 1965); Vespucci v. Columbus, 219 N.W.2d 12, 13 (N.D. 1964). The sky is blue. Rider, 220 N.W.2d at 145; Vespucci, 219 N.W.2d at 13.

When “id.” is used with a signal, the “I” is not capitalized and the underline is not continuous.

See id. at 129.

But see, e.g., id.

**Special short form—Where full form or full short form is in same paragraph:** Often, “id.” will not be available as a short form because another citation has been used in between the reference you wish to “id.” to. Where “id.” is not permissible, if—and only if—the full form or the full short form has previously been cited in the *same* paragraph, a short form, which retains only the first party’s name, a comma, and the pin cite preceded by “at”, may be used. Thus in the proper situation:

Smith v. Jones, 544 N.W.2d 123, 144 (N.D. 1994) *becomes:* Smith, at 144.  
*and:*

## II. CASE CITATION FORM

Abe v. Gabe, 1999 ND 11, ¶ 12, 599 N.W.2d 567 *becomes*: Abe, at ¶ 12.

The following example is correct:

Dogs are good pets. Fido, 1999 ND 123, ¶ 13, 600 N.W.2d 870. Snakes are not slimy. King, 487 N.W.2d at 356. Cats, however, make the best pets. Fido, at ¶ 15. Snakes are very easy to care for. King, at 357.

### C. General Citation Rules

**Order of authorities:** (See Bluebook R. 1.4) When citing multiple North Dakota cases, connect with semicolons in *reverse chronological* order. When citing multiple cases from several jurisdictions, first cite United States Supreme Court cases in reverse chronological order, then other federal appellate cases in reverse chronological order without regard to circuit, then federal district court cases in reverse chronological order without regard to district, and then state cases in alphabetical order by state. If one or more cases are of greater importance, they may be cited first. Ignore prior and subsequent history for the purpose of deciding the proper order of authorities.

Roe v. Doe, 524 N.W.2d 675, 678 (N.D. 1995); Steele v. Dawson, 231 N.W.2d 123, 140 (N.D. 1963).

See Roe v. Wade, 542 U.S. 123, 145 (1999); Doe v. Dade, 124 F.3d 123, 145 (1st Cir. 1998); Coe v. Blade, 12 F.2d 321, 333 (9th Cir. 1946); Soe v. Cade, 666 F. Supp. 1234, 1239 (M.D. Tenn. 1980); Moe v. Hade, 915 P.2d 1200, 1207 (Ala. 1997); Roe v. Doe, 524 N.W.2d 675, 678 (N.D. 1995).

**Case names—Abbreviations:** Case names may be abbreviated according to the Bluebook. Always abbreviate any word listed in Bluebook T. 6, unless it is the first word of a party's name. Abbreviate states, countries, and other geographical units as indicated in Bluebook T. 10, unless the geographical unit is a named party. It is permissible to abbreviate other words of eight letters or more if *substantial* space is saved *and* the result is unambiguous. For example, North Dakota Workers Compensation Bureau may be abbreviated as North Dakota Workers Comp. Bureau.

**Case names—Geographical terms:** (See Bluebook R. 10.2.1(f)) 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" and like expressions *unless* the expression begins a party name.

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Omit all prepositional phrases of location not following “City,” or like expressions, unless the omission would leave only one word in the name of a party.

Include designations of national or larger geographical areas, but omit “of America” after “United States”:

Wilson v. First W. Bank of Fargo, 234 N.W.2d 123 (N.D. 1965).  
*would be:*

Wilson v. First W. Bank, 234 N.W.2d 123 (N.D. 1965).

Retain all geographical designations not introduced by a preposition:

Willey v. North Dakota Workers Comp. Bureau, 520 N.W.2d 123 (N.D. 1990).

**Case names—Business firm designations:** Omit “Inc.,” “Ltd.,” “N.A.,” “F.S.B.,” and similar terms *if* the name also contains words such as “Ass’n,” “Bros.,” “Co.,” and “R.R.,” clearly indicating that the party is a business firm.

**Footnotes:** When citing a footnote, use “n.” and the footnote number. There is no space between the “n.” and the footnote number.

If citing to *all* material contained in a footnote, cite to the page on which the footnote begins. If citing specific material in a footnote which covers more than one page, cite the page the material is on. When a public domain/medium neutral cite is used, provide both the paragraph number the footnote number is in and the footnote number.

Donte v. Jones, 345 N.W.2d 124, 132 n.2 (N.D. 1981).  
Wilson v. Smith, 1999 ND 12, ¶ 13 n.2, 599 N.W.2d 600.

**Multiple pages, footnotes, sections, and paragraphs:** When citing material that spans more than one page, give the inclusive page numbers, separated by a hyphen or dash. *Always* retain at least the last two digits, but drop repetitious digits.

<i>Proper:</i>	789-90.	<i>Improper:</i>	789-790.
<i>Proper:</i>	789-801.	<i>Improper:</i>	1012-3.
<i>Proper:</i>	1012-13.		

When citing multiple footnotes, sections, or paragraphs, use “nn.,” “§§,” or “¶¶”.

Johnson v. Johnson, 342 N.W.2d 123, 124 nn.2-4.

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State v. Erhard, 1999 ND 125, ¶¶ 5-7, 597 N.W.2d 123.  
Id. at ¶¶ 7, 9, 11-12.

**“Cert. denied”:** Only note “cert. denied” if certiorari was denied within the past *two* years or is particularly important.

**Subsequent history:** (See Bluebook T. 9) Always provide subsequent history when a case is cited in full. The year is dropped from the first citation if the year of the subsequent history is the same.

Wilson v. Reynolds, 49 F.3d 1347 (9th Cir.), cert. denied, 518 U.S. 924 (1998).  
Poe v. Ellis, 90 F.3d 1 (8th Cir. 1997), cert. denied, 523 U.S. 230 (1998).

**Court abbreviations:** When citing cases from other states, use the correct court abbreviation and provide any other necessary information listed in Bluebook T. 1.

**Ordinals:** When citing a circuit court opinion, the ordinals “st”, “d”, or “th” should not be superscripted. (If your computer does this automatically and you are using WordPerfect, you need to turn off “QuickOrdinals.” Go to “Tools,” “QuickCorrect,” “Options,” and make sure the “QuickOrdinals” box is not x’d out. If it is, click it to remove the x. You will need to manually change any previously typed ordinals by going into your reveal codes (Alt, F3) and deleting any “superscript” codes.)

### D. Signals (See Bluebook Rs. 1.2, 1.3)

When more than one signal is used, the signals should appear in the order listed below. Signals of the same basic type—supportive, comparative, contradictory, or background—must be strung together within a single citation sentence and separated by semicolons. Signals of different types, however, must be grouped in different citation sentences.

See Massachusetts Bd. of Retirement v. Murgia, 427 U.S. 307 (1976); cf. Palmer v. Ticcione, 433 F. Supp. 653 (E.D.N.Y. 1977) (upholding mandatory retirement age for kindergarten teachers). But see Gault v. Garrison, 569 F.2d 993 (7th Cir. 1977) (holding classification of public school teacher based on age violative of equal protection). See generally Comment, Application of Middle-Level Scrutiny to Old-Age Classifications, 127 U. Pa. L. Rev. 798 (1979) (advocating new approach).

## II. CASE CITATION FORM

### Signals indicating support:

[no signal] Cited authority (i) identifies the source of a quotation, or (ii) identifies an authority referred to in text.

Accord “Accord” is commonly used when two or more cases clearly support the proposition but the text quotes only one; the others are then introduced by “accord.” Similarly, the law of one jurisdiction may be cited as being in accord with that of another.

See Cited authority directly states or clearly supports the proposition.

See also Cited authority constitutes additional source material that supports the proposition. “See also” is commonly used to cite an authority supporting a proposition when authorities that state or directly support the proposition already have been cited or discussed. The use of a parenthetical explanation of the source material’s relevance is encouraged.

Cf. Cited authority supports a proposition different from the main proposition but sufficiently analogous to lend support. Literally, “cf.” means “compare.” The citation’s relevance will usually be clear to the reader only if it is explained. Parenthetical explanations, however brief, are therefore strongly recommended.

### Signal suggesting a useful comparison:

Compare . . .

[and] . . .

with . . .

[and] . . .

Comparison of the authorities cited will offer support for or illustrate the proposition. The relevance of the comparison will usually be clear

## II. CASE CITATION FORM

to the reader only if it is explained. Parenthetical explanations following each authority are therefore strongly recommended. If citing only one case use Cf.

Compare Richardson-Merrell Inc. v. Koller, 472 U.S. 424 (1985) (discussing products liability law) with Firestone Tire & Rubber Co. v. Risjord, 449 U.S. 368 (1981) (applying Restatement of Torts) and Cobbledick v. United States, 309 U.S. 323 (1940) (holding manufacturer liable).

### Signals indicating contradiction:

But see Cited authority directly states or clearly supports a proposition contrary to the main proposition. “But see” is used where “see” would be used for support.

But cf. Cited authority supports a proposition analogous to the contrary of the main proposition. The use of a parenthetical explanation of the source material’s relevance is strongly recommended.

### Signal indicating background material:

See generally Cited authority presents helpful background material related to the proposition. The use of a parenthetical explanation of the source material’s relevance is encouraged.

### Combining a signal with “e.g.”:

“E.g.” can be used by itself, or in combination with any other signal, to indicate that other authorities also state, support, or contradict the proposition but that citation to them would not be helpful or is not necessary. A comma should always follow “e.g.”. The comma is not underlined. If “e.g.” is used in combination, a comma should also follow the preceding signal. This comma is underlined, and the “e” is lower case.

E.g.,

## II. CASE CITATION FORM

See, e.g.,

But see, e.g.,

### Signals used as verbs:

Signals may be used as the verbs of ordinary sentences, in which case they are not underlined. When signals are used as verbs, information that would be included in a parenthetical explanation should be made part of the sentence itself. “Cf.” becomes “compare” and “e.g.” becomes “for example” when used in this manner.

Dogs may get one free bite. E.g., Cat v. Dog, 550 S.E.2d 123, 125 (Ga. 1990) *becomes:*

Some cases, for example, Cat v. Dog, 550 S.E.2d 123, 125 (Ga. 1990), have allowed dogs one free bite.

### E. Parenthetical Explanations (See Bluebook R. 1.5)

Information may be enclosed in parentheses after the basic citation when useful or when recommended because of the signal used. Brackets are not to be used. Explanatory parenthetical phrases should begin with a present participle, should not begin with a capital letter, and a period should be placed outside of the parenthetical explanation.

See Flanagan v. United States, 565 U.S. 259, 264 (1999) (explaining final judgment rule).

If the parenthetical information quotes one or more full sentences or a portion of material that *reads* as a full sentence, it should begin with a capital letter and include appropriate closing punctuation.

See id. at 267 (“A final judgment is not present in this case.”).

Parentheticals should immediately precede any citation to subsequent history or other related authority. Thus, in the following example, the Eighth Circuit, not the Supreme Court, was discussing potential mootness:

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Flanagan v. United States, 124 F.3d 128, 132 (8th Cir. 1998) (discussing potential mootness), aff'd, 465 U.S. 259 (1999).

Brief explanatory parentheticals may not always require present participles. (See I.E., I.F.).

“Drugs are deadly.” Johnson v. Duer, 528 U.S. 192, 198 (1999) (per curiam) (emphasis added).

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Except where specifically noted, the following forms are for end-of-sentence citation. The use of abbreviations in text sentences should be limited to instances where the usage is not ambiguous. Generally, the spelled-out form of the authority should be used before using the short form in the text.

#### A. North Dakota Century Code (See Bluebook T.1 for other state codes).

Use the form “N.D.C.C.”, followed by the section “§” symbol and the numbered code section. Parenthetical notation of the year of the statute, for example (1969) or (Supp. 1997), is not generally necessary. Context may require noting the year, however, in cases involving statutes that have since been amended or repealed.

General references to acts, such as the “Administrative Agencies Practice Act” (do not abbreviate to ambiguous acronym such as A.A.P.A.) should always be accompanied with a citation to the Code. Where the Code has codified a uniform law, a parenthetical reference may be made to the uniform law section, after citing the N.D.C.C. section.

*proper:* N.D.C.C. § 29-19-01.  
N.D.C.C. ch. 29-19.  
N.D.C.C. tit. 29.  
N.D.C.C. § 41-01-11 (U.C.C. § 1-201).

*improper:* § 29-19-01, N.D.C.C.

Multiple sections may be cited by using double section symbols. Do not use “et. seq” when citing multiple sections, although you may cite to the chapter or title. Where multiple sections are inclusive, they may be separated by “to”. Multiple sections that are not inclusive may be separated by commas.

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N.D.C.C. §§ 29-18-17 to 29-18-19.

N.D.C.C. §§ 1-01-01 to 1-02-01.

N.D.C.C. §§ 11-01-09, 11-01-11, 11-01-15 to 11-01-19.

**Text sentences:** Do not begin *text sentences* with a section symbol or other symbol or abbreviation. Spell out the first word. If the N.D.C.C. form has been used in earlier sentences, the N.D.C.C. may be dropped in subsequent textual references when the context permits. The following forms are permissible in *text sentences*, depending on the context.

Under N.D.C.C. § 29-19-01, gambling is permissible.

Under § 29-19-01, N.D.C.C., gambling is permissible.

Section 29-19-01, N.D.C.C., permits gambling.

Under § 29-19-01, gambling is permissible.

Section 29-19-01 permits gambling.

**North Dakota Revised Code:** The North Dakota Revised Code may be cited as “N.D.R.C.” The N.D.R.C. may be cited in the same way as the N.D.C.C., *except* a reference to the year should always be provided.

#### **B. Laws of North Dakota**

1997 N.D. Sess. Laws ch. 564, § 8.

#### **C. North Dakota Administrative Code**

N.D. Admin. Code § 45-05-09-03.

N.D. Admin. Code ch. 45-05-09.

N.D. Admin. Code art. 45-05.

N.D. Admin. Code tit. 45.

The same multiple section and text sentence rules applicable to the N.D.C.C. are applicable to the N.D. Admin. Code. (See III.A.)

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#### D. North Dakota Constitution

N.D. Const. art. VI, § 8.

N.D. Const. art. VI, §§ 2, 6.

#### E. Court Rules

When citing to parts of rules, use the sub letter or number provided. Always put references to subdivisions in parenthesis, even if not provided. Use the case indicated.

**North Dakota Rules of Appellate Procedure:**

N.D.R.App.P. 35.1.

**North Dakota Rules of Civil Procedure:**

N.D.R.Civ.P. 54(b).

**North Dakota Rules of Criminal Procedure:**

N.D.R.Crim.P. 5.1.

**North Dakota Rules of Evidence:**

N.D.R.Ev. 409.

**North Dakota Rules of Court:**

N.D.R.Ct. 11.1.

**Rule on Procedural Rules, Administrative Rules, and Administrative Orders of the North Dakota Supreme Court:**

N.D.R.Proc.R. § 8.

**North Dakota Rule on Local Court Procedural Rules and Administrative Rules:**

N.D.R. Local Ct. P.R. § 3.

**North Dakota Supreme Court Administrative Rules and Administrative Orders:**

N.D. Sup. Ct. Admin. R. 1.

N.D. Sup. Ct. Admin. Order 5.

**Local Court Procedural and Administrative Rules:** Cite to the specific district and rule, for example:

East Central Judicial District, Local R. 1.

**North Dakota Code of Judicial Conduct:**

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N.D. Code Jud. Conduct Canon 5(A)(1)(a).

**Rules of the Judicial Conduct Commission:**

R. Jud. Conduct Comm. 4.

**North Dakota Rules of Professional Conduct:**

N.D.R. Prof. Conduct 1.2.

**North Dakota Standards for Imposing Lawyer Sanctions:**

N.D. Stds. Imposing Lawyer Sanctions 2.1.

**North Dakota Rules for Lawyer Discipline:**

N.D.R. Lawyer Discipl. 3.4(f)(2).

**North Dakota Rules for Continuing Legal Education:**

N.D.R. Continuing Legal Ed. 5.

**Admission to Practice Rules:**

Admission to Practice R. 5.

**Rule on Limited Practice of Law by Law Students:**

R. Ltd. Practice of Law by Law Students VI.

In text the following forms are permissible:

Rule 409, N.D.R.Ev., makes evidence concerning the payment of medical expenses inadmissible.

Under N.D.R.Ev. 409, offers to pay medical expenses are inadmissible.

#### F. Statutory, Rule, and Constitutional History

**North Dakota Legislative History:** Underline the name/title of the hearing, the bill abbreviation and number (if any), the subcommittee name (if any), and the committee name. Subcommittee and committee names may be abbreviated according to tables T. 6 and T. 10 in the Bluebook. In regular type add the number of the legislative session and, if available, the page number (North Dakota legislative history is generally not bound and as such is generally not consecutively paginated). In parenthesis add the date and year. Parenthetically note the name and position or title of the person giving the written or oral testimony.

There are several types of bills:

House Bills (1xxx):	H.B.
Senate Bills (2xxx):	S.B.
House Concurrent Resolutions (3xxx):	H.C.R.
Senate Concurrent Resolutions (4xxx):	S.C.R.

For legislative history and other sources where it would be cumbersome to use the

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usual “supra” form, i.e., the author’s name followed by “supra”, put a shortened form of the title in brackets and surrounded by quotation marks following the full form. The shortened form can then be used in conjunction with “supra”. (See II.B., II.G.)

*full cite:*        Hearing on H.B. 1097 Before the House Judiciary Comm., 41st N.D. Legis. Sess. (Feb. 13, 1969) (testimony of Gene Krueger, Cass County State’s Attorney) [“Hearing on H.B. 1097”].

*short cite:*     Hearing on H.B. 1097, supra (testimony of Will Wonka, Assistant Cass County State’s Attorney).

**Interim Committee Minutes:** The form is similar to that shown above, but bill numbers are not available when interim committees are considering legislation. A common example is the work of the Committee on Judiciary “B,” which reviewed the criminal code during the 1971-73 legislative interim. Page numbers and the date(s) of the meeting should be provided. A parenthetical may be used if it would be helpful.

Minutes of Interim Comm. on Judiciary “B” 18 (Sept. 21-22, 1972) (noting Professor Lockney’s suggestion the language be broadened).

**Miscellaneous Rules Committee Minutes:** Minutes for other bodies, such as the Joint Procedure Committee, should be cited in the same form as Interim Committees.

Minutes of the Rules Comm. 4 (Feb. 20-23, 1973).

Minutes of the Joint Procedure Comm. 13 (Jan. 30, 1997).

**North Dakota Constitutional Convention History:** Citation is similar to the book form provided in part III.G.

The following are examples of bound histories of North Dakota Constitutional Conventions:

Official Report of the Proceedings and Debates of the First Constitutional Convention of North Dakota 152 (1889)

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Journal of the Constitutional Convention for North Dakota 171 (1889)

2 North Dakota Constitutional Convention of 1972 1205 (1972).

NOTE: The 1972 Constitution was rejected by the voters.

**United States Congressional History:** (See Bluebook R. 13.3)

Corporate Rights and Responsibilities: Hearings Before the Senate Comm. on Commerce, 94th Cong. 47 (1976).

Charles Davenport, Administrative Procedures of the Internal Revenue Service, S. Doc. No. 94-266, at 619-726 (1975).

S. Rep. No. 89-1319 (1966).

#### G. **Books** (See Bluebook R. 15)

Use regular type, not large and small capitals. Do not use “at” before the page number, *unless* the book uses section or paragraph divisions *and* reference to a specific page number would assist the reader. When a treatise has multiple volumes, the volume number should precede the authors name. The author’s name should be typed as indicated on the title page. Where an authority has more than two authors, give the full name of the first author, followed by “et al.”. Generally, use the date on the inside cover. If citing a looseleaf treatise use the date of the most recent set of supplementing pages as indicated at the front of the volume (do not use the date listed on the individual supplemented pages). If citing a separately paginated supplement or pocket part identify the supplement and the date of the supplement in parenthesis. For additional rules see Bluebook R. 15.

Deborah L. Rhode, Justice and Gender 56 (1989).

AIDS and the Law (Harlan L. Dalton et al. eds., 1987).

Black’s Law Dictionary 1190 (6th ed. 1990).

17 Am. Jur. 2d Contracts § 74 (1964 & Supp. 1997).

6 James Wm. Moore et al., Moore’s Federal Practice ¶ 56.07 (2d ed. 1985).

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21 Charles Alan Wright & Kenneth A. Graham, Jr., Federal Practice and Procedure § 5023 (4th ed. 1993).

If a page number would be helpful because the section is long, etc., this may be cited as:

21 Charles Alan Wright & Kenneth A. Graham, Jr., Federal Practice and Procedure § 5023, at 872 (4th ed. 1993).

**“Supra” and “Id.”:** “Supra” and “Id.” may be used as short forms for books (“infra” may never be used). When “id.” is used in conjunction with a multivolume treatise, the volume number must be retained and the “I” is not capitalized.

4 Richard R. Powell, Powell on Real Property ¶ 513[3], at 142 (Patrick J. Rohan ed., 1995).

*becomes*      2 id. ¶ 203, at 20.  
*or*              2 Powell, supra, ¶ 203, at 20.  
*also*            17 Am. Jur. 2d, supra § 74.

#### H. Shorter works in collection (See Bluebook R. 15.5)

Urvashi Vaid, Prisons, in AIDS and the Law 235, 237-39 (Harlon L. Dalton et al. eds., 1987).

Oliver Wendell Holmes, Law in Science, in Collected Legal Papers 210, 211 (1920).

Do not underline the name of an article or title of a document in a collection if the work has not been previously published except in collection. (See Bluebook R. 15.5.2.)

John Adams, Argument and Report, in 2 Legal Papers of John Adams 285, 322-35 (L. Kinvin Wroth & Hiller B. Zobel eds., 1965).

#### I. Consecutively paginated journals (See Bluebook R. 16.2)

Journal abbreviations can be found in Bluebook T. 13. “Supra” may be used for a short form.

*article:*            Patricia J. Williams, Alchemical Notes: Reconstructed Ideals from Deconstructed Rights, 22 Harv. C.R.-C.L. L. Rev. 401, 407 (1987).

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*student*

*written*

*work:* Mei-lan E. Wong, Note, The Implication of School Choice for Children with Disabilities, 103 Yale L.J. 827, 830 n.10 (1993).

#### **J. Non-consecutively paginated journals (See Bluebook R. 16.3)**

“At” is used with the page number in this situation to eliminate confusion by separating the date and page number.

Lynn Hirschberg, The Misfit, Newsweek, Apr. 17, 1991, at 158.

#### **K. Newspapers (See Bluebook R. 16.4)**

Andrew Rosenthal, White House Tutors Kremlin in How a Presidency Works, N.Y. Times, June 15, 1990, at A1.

#### **L. Internet Sources (See Bluebook R. 17.3.3)**

Dan L. Burk, Trademarks Along the Infobahn: A First Look at the Emerging Law of Cybermarks, 1 Rich J.L. & Tech. 1, ¶ 12 (Apr. 10, 1995)  
<<http://www.urich.edu/~jolt/vlil/burk.html>>

## **Appendix A: List of Rules Requiring Amendment**

[This appendix contained transitional material and is obsolete.]

## **Appendix B: Creation of Court Citation Committee**

[This was intended for internal Court purposes and has not been implemented.]

## Appendix C: General Opinion Format

(Use the templates for the opinions and separates. The templates contain the appropriate formatting and important codes for posting to the website.)

### A. Font:

Use 13 point Times New Roman (the True Type, not the WordPerfect version, if you have both True Type and WordPerfect Times New Roman fonts on your computer), except “IN THE SUPREME COURT” and “STATE OF NORTH DAKOTA” should be in 15 point **bold** Times New Roman.

### B. Line spacing:

1 ½ spaces (except as noted).

### C. Margins:

One inch on the top. One-and-one-quarter inches on the sides. The bottom margin should measure one inch from the bottom of the paper to the text, not to the page number. To do this, the bottom margin should be set at one-half inch.

### D. Justification:

The text should be fully justified.

### E. Page Numbering:

The page number is on the bottom center of each page. The page number is suppressed on the first page.

### F. Disposition:

Whether the case is AFFIRMED, REVERSED, etc., should be in all capital letters.

### G. Attorneys' names:

Single-space the paragraphs listing the attorneys' names and addresses for each party. Double-space between each “attorney” paragraph. Only parenthetically note “argued,” “appeared,” or “on brief” if multiple attorneys were involved for a party.

**H. Authoring justice’s name:**

Should appear in upper and lower case letters.

**II. Page headers:**

The short case title and the supreme court case number should appear at the top of the first page of the opinion. Do not follow the case name listed in the caption, unless it follows the citation form explained in this citation manual or the Bluebook.

**J. Paragraph numbering:**

The paragraph numbers should be in brackets. Do not insert a space between the paragraph symbol and number. For example, [¶1]. Do not indent the paragraph symbol and number.

Each new paragraph in the text of an opinion should be numbered. The numbers should run consecutively throughout the opinion.

Where there are concurring or dissenting opinions, the paragraph numbering should continue with consecutive paragraph numbers.

The following items do not constitute a new paragraph or integral part of the text and, therefore, should not be numbered:

- Appeal/Review line;
- Headings, or single numerals or letters used as headings;
- Indented text quoted from judgments, statutes, books, etc.;
- Excerpts from transcribed oral testimony;
- Descriptions of exhibits;
- Lists of cases, statutes, or issues;
- Text of pleadings;
- Text immediately following quoted text, testimony, lists, etc.;
- Footnotes;
- Appendices;
- Mandate line.

If a supplementary opinion is issued on rehearing, and is available for printing with the original opinion, the paragraph numbering of the original opinion should be continued into the supplementary opinion. If a supplementary opinion is issued on rehearing, but is not available for printing with the original opinion, the supplementary opinion should be treated as a new opinion and the paragraphs numbered accordingly.

In the case of the insertion into the opinion of one or more paragraphs after the opinion was issued, the new paragraph should be numbered using the number of the paragraph immediately preceding the insertion in combination with letters, e.g., “11a”, “11b”.

**K. Footnotes:**

There should be no space between the superscripted footnote number and the footnote text. Footnotes should be single-spaced and fully justified.

**L. Indication of New Justice or Disqualification, Retirement, or Death of Justice:**

**Language when case is heard with 4 and a new Justice comes to the bench subsequent to oral argument.**

"The Honorable \_\_\_\_\_ was not a member of the Court when this case was heard and did not participate in this decision."

**Language when a Justice disqualifies subsequent to oral argument.**

"The Honorable \_\_\_\_\_ disqualified himself/herself subsequent to oral argument and did not participate in this decision."

**Language when a Justice resigns, retires or dies subsequent to oral argument.**

"The Honorable \_\_\_\_\_, a member of the Court when this case was heard, resigned/retired/died (effective) \_\_\_\_\_, (and did not participate in this decision)."