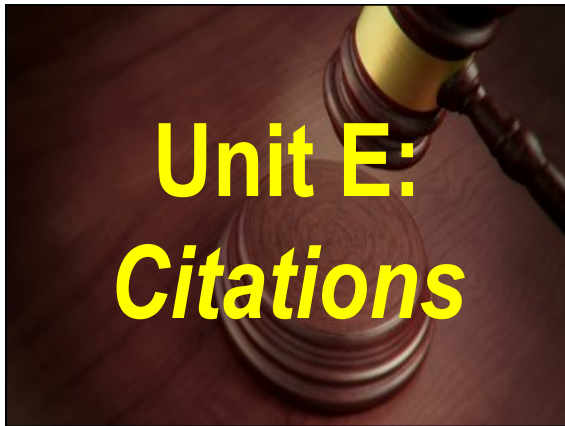




What are We Doing?

1. How to Read Citations from Law
2. Citation Manuals
 - a) Bluebook
 - b) ALWD
 - c) Tanbook
3. Writing Citations for the NY Style Manual (Tanbook)



Gideon v Wainwright, 372
US 335, 83 S Ct 792, 9 L Ed
2d 799 (1963)

But First . . .

SYMBOL/ABBREV.	MEANING
§	Section
v	Versus

What is a Citation?

- ✓ A citation (or cite) is a reference to a specific legal source:
 - ✓ Primary;
 - ✓ Secondary source of law; or
 - ✓ Other Documents and periodicals

Primary Law

- ✓ **Primary law:**
 - ✓ The constitution;
 - ✓ Statutes;
 - ✓ Rules and Regulations;
 - ✓ Case Law

Secondary Source of Law

- ✓ **Secondary source of law:**
 - ✓ a legal encyclopedia,
 - ✓ a treatise, or
 - ✓ a law review article

Other Documents & Periodicals

- ✓ Other Documents and periodicals:
 - ✓ A dictionary definition
 - ✓ A New York Times Article
 - ✓ A website

What Purpose do Cites Serve?

- ✓ It allows the reader to find the source (e.g., law) again.
 - ✓ For example, where can I find the case cited in a memorandum of law or a pleading?

For example

Furthermore, his conclusory denials of the factual allegations set forth in the complaint fail to establish a potentially meritorious defense to the plaintiff's claims of cruel and inhuman treatment (*Atwater v Mace*, 39 AD3d 573, 575; *Hergerton v Hergerton*, 235 AD2d 395, 396).

Official versus Parallel Cites

- ✓ For primary law only
- ✓ There are different entities that publish law.
- ✓ For example:
 - ✓ The United States government
 - ✓ Thompson/Reuters Publishing (West)
 - ✓ LexisNexis Publishing

Official versus Parallel Cites

- ✓ For example, if you want to read a United States Supreme Court case, you can go to three different books, called Reporters:

Reporter	Publisher
United States Reports	United States government
Supreme Court Reporter	West
Lawyers' Edition	LexisNexis

Official versus Parallel Cites

- ✓ For example, if you want to read a United States Supreme Court case, you can go to three different books, called Reporters:
 - ✓ United States Reports, published by the United States government
 - ✓ Supreme Court Reporter, published by West
 - ✓ Lawyers' Edition, published by LexisNexis.
- ✓ The government cite is the official cite

Official versus Parallel Cites

- ✓ All other cites (in this case, from West and LexisNexis) are parallel cites

SCOTUS: Official vs Parallel Cites

Reporter	Publisher	Cite
United States Reports	U.S. Government Printing Office	US
Supreme Court Reporter	West	S Ct
Lawyers' Edition	LexisNexis	L Ed

***Gideon v Wainwright*,
372 US 335,
83 S Ct 792,
9 L Ed 2d 799 (1963)**

Where to Find Statutes

FEDERAL	• United States Codes (USC), • United States Codes Annotated (USCA), • United States Codes Service (USCS)
NEW YORK	McKinney's Consolidated Laws of New York (e.g., Penal Law § 120.00)

Where to Find Statutes

FEDERAL	• United States Codes (USC), • United States Codes Annotated (USCA), • United States Codes Service (USCS)
NEW YORK	McKinney's Consolidated Laws of New York (e.g., Penal Law § 120.00)

Federal Statute Cite Example

Title	United States Code	Section
18	USC	§ 3161

New York Statute Cite Example

Title	Section
Penal Law	§ 120.00

Finding Rules & Regulations

FEDERAL	Code of Federal Regulations (CFR)
NEW YORK	New York Codes, Rules and Regulations (NYCRR)

Federal Rules & Regulations Example

21 CFR § 20.24

Title	Code Of Federal Regulations	Section
21	CFR	§ 20.24

New York Rules & Regulations Example

15 NYCRR 1614.44

Title	NY Codes, Rules And Regulations	Section
15	NYCRR	1614.44

Finding Federal Court Opinions

Court	Reporter	Cite
Supreme Court	United States Reports	US
	Lawyer's Edition	LEd, LEd2d
	Supreme Court Reporter	SCt
Court of Appeals	Federal Reporter	F, F2d, F3d
District Courts	Federal Supplement	F Supp, F Supp 2d

Finding New York Court Opinions

Court	Reporter	Official Cite		
Court of Appeals	New York Reports	NY	NY2d	NY3d
Appellate Division	Appellate Division Reports	AD	AD2d	AD3d
Trial Courts	Miscellaneous Reports	Misc	Misc 2d	Misc 3d

New York Court Opinions

Court	Reporter	Cite	
All Courts	New York Supplement	NYS	NYS2d

Citation Components

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier
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Parties: The two parties in the action:

- Plaintiff and Defendant
- Petitioner and Respondent

Citation Components

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier
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Parties: The two parties in the action on the **trial level**:

- Plaintiff and Defendant
- Petitioner and Respondent

Citation Components

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier
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Parties: The two parties in the action on the **appellate level**:

- Appellant and Appellee; or
- Appellant and Petitioner;
- Appellant and Respondent

Federal Case Citations

United States Supreme Court Citation Example

Addington v Texas, 441 US 418 [1979]

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

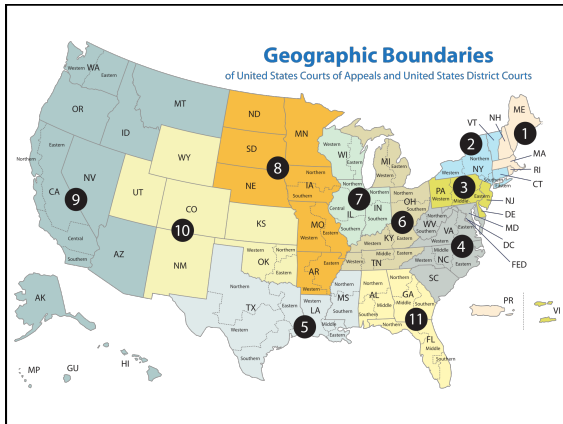
Which of the Following are US Supreme Court Citations?

- ✓ *Bloate v U.S.*, 559 US 196 (2010)
- ✓ *Illinois v Caballes*, 125 S Ct 834 (2005)
- ✓ *Devenpeck v Alford*, 160 L Ed 2d 537 (2004)
- ✓ *United States v Patane*, 304 F3d 1013

United States Court of Appeals Citation Example

Dennis v Warren, 779 F2d 245 [5th Cir 1985]

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier



Circuits?

- ✓ **There are 13 Circuits**
 - ✓ 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, DC, Federal
 - ✓ **GEOGRAPHIC:** First through Eleventh and DC Circuits
 - ✓ **SUBJECT MATTER:** Federal Circuit

Which of the following are US Court of Appeals Citations?

- ✓ *United States v Patane*, 304 F3d 1013 (10th Cir 2010)
- ✓ *Kachalsky v County of Westchester*, 701 F3d 81 (2d Cir 2012)
- ✓ *Kachalsky v Cacace*, 817 F Supp 2d 235 (SDNY 2011)
- ✓ *Schrader v Holder*, 704 F3d 980 (DC Cir 2013)

United States District Court Citation Example

Schultz v Frisby, 619 F Supp 792 (ED Wis 1985)

1st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

ED Wis?

- ✓ D = District
 - ✓ D = District (entire State)
 - ✓ ___ D means that the state is divided into Geographic Districts

ED Wis?

- ✓ D = District
 - ✓ D = District (entire State)
 - ✓ ED = Eastern District
 - ✓ SD = Southern District
 - ✓ WD = Western District
 - ✓ ND = Northern District
 - ✓ MD = Middle District
 - ✓ CD = Central District

Which of the following are US District Court citations?

- ✓ *Schrader v Holder*, 831 F Supp 2d 304 (D DC 2011)
- ✓ *Matter of Shannon B.*, 70 NY2d 458 (1987)
- ✓ *Schwapp v Town of Avon*, 118 F3d 106 (2d Cir 1997)
- ✓ *Yerry v Pizza Hut of Southeast Kansas*, 186 F Supp 2d 178 (ND NY 2002)



**New York Court of Appeals
Citation Example**

O'Connell v Corcoran, 1 NY3d 179 (2003)

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

Which Of The Following Are NY Court Of Appeals Citations?

- ✓ *People v Miranda*, 19 NY3d 912 (2012)
- ✓ *Anonymous v Anonymous*, 27 Misc 3d 351 (Sup Ct, Orange County 2010)
- ✓ *People v Marsh*, 20 NY2d 98 (1967)
- ✓ *Matter of Shannon B.*, 70 NY2d 458, 522 NYS2d 488 (1987)
- ✓ *People v Wyatt*, 788 NYS2d 362 (1st Dept 2005)

New York Appellate Division Citation Example

Cornell v Beer, 16 AD3d 890 (3d Dept 2005)

1 st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

3d Dept 2005?

- ✓ Dept = Department
 - ✓ 1st Dept
 - ✓ 2d Dept
 - ✓ 3d Dept
 - ✓ 4th Dept



**Which of the following are
NY Appellate Division Citations?**

- ✓ *Matter of Thomas L.*, 52 AD3d 716 (2d Dept 2008)
- ✓ *Figueroa-Corser v Town of Cortlandt*, 107 AD3d 755 (2d Cir 2013)
- ✓ *Genesee Brewing Co., Inc. v Village of Sodus Point*, 126 Misc 2d 827 (Sup Ct, Wayne County 1984), *affd. for reasons stated* 115 AD2d 313 (4th Dept 1985)
- ✓ *Weilert v Weilert*, 167 AD2d 463 (2d Dept 1990)

**New York Appellate Term
Citation Example**

People v Diaz, 10 Misc 3d 9 (App Term, 1st Dept 2005)

1st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

**Which of the following are
NY Appellate Term Citations?**

- ✓ *315 East 72nd St. Owners, Inc. v Siegel*, 22 Misc 3d 10 (App Term, 1st Dept 2008)
- ✓ *People v Vagenas*, 21 Misc 3d 135(A) (App Term, 9th and 10th Jud Dist 2008)
- ✓ *Anonymous v Anonymous*, 27 Misc 3d 351 (Sup Ct, Orange County 2010)

New York Supreme Court Citation Example

People v Bellamy, 26 Misc 3d 1210(A) (Sup Ct, Queen County 2010)

1st Party	Versus	2d Party	Volume	Reporter	Page	Identifier

Which of the following are NY Trial Court citations?

- ✓ *Botti v Botti*, 55 Misc 2d 269 (Sup Ct, Kings County 1967)
- ✓ *Black v Black*, 108 AD3d 842 (3d Dept 2013)
- ✓ *People v Vagenas*, 21 Misc 3d 135(A) (App Term, 9th and 10th Jud Dist 2008)
- ✓ *Anonymous v Anonymous*, 27 Misc 3d 351 (Sup Ct, Orange County 2010)



What You Need To Know

- ✓ Federal Case Cites:
 - ✓ US Supreme Court cites
 - ✓ US Court of Appeal cites
 - ✓ US District Court cites

What You Need To Know

- ✓ New York Case Cites:
 - ✓ New York Court of Appeals cites
 - ✓ NY Appellate Division Cites
 - ✓ NY Appellate Term Cites
 - ✓ New York Supreme Court cites

What You Need To Know

- ✓ Federal Court Identifiers
 - ✓ You always need the year
 - ✓ After that you need to look at the reporter:
 - ✓ US
 - ✓ F
 - ✓ F Supp

WHAT YOU NEED TO KNOW

- ✓ Federal Court Identifiers
 - ✓ You always need the year
 - ✓ After that you need to look at the reporter:
 - Can you tell you the location of the court? ✓ US (Only need year)
 - ✓ F (Need circuit and year)
 - ✓ F Supp (Need Districts and year)

What You Need To Know

- ✓ New York Identifiers
 - ✓ You always need the year
 - ✓ After that you need to look at the reporter:
 - ✓ NY
 - ✓ AD
 - ✓ Misc

What You Need To Know

- ✓ New York Identifiers
 - ✓ You always need the year
 - ✓ After that you need to look at the reporter:
 - Can you tell you the location of the court? ✓ NY (Only need year)
 - ✓ AD (Need Department and year)
 - ✓ Misc (Need court, location and year)

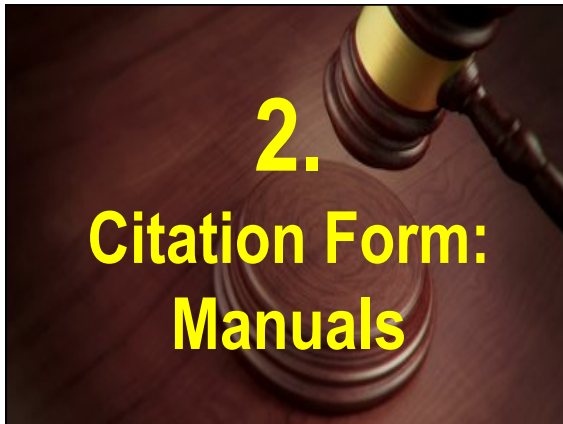


Unofficial Cites

- ✓ You will see unofficial (or parallel) cites:
 - ✓ 18 USCA § 1222
 - ✓ *US v Wade*, 123 S Ct 42
 - ✓ *Miranda v Arizona*, 65 L Ed2d 987
 - ✓ *People v Smith*, 875 NYS2d 248

Unofficial Cites

- ✓ The law you read will be the same as the official cites.
 - ✓ Okay to read
 - ✓ Not proper to cite



Citation Form

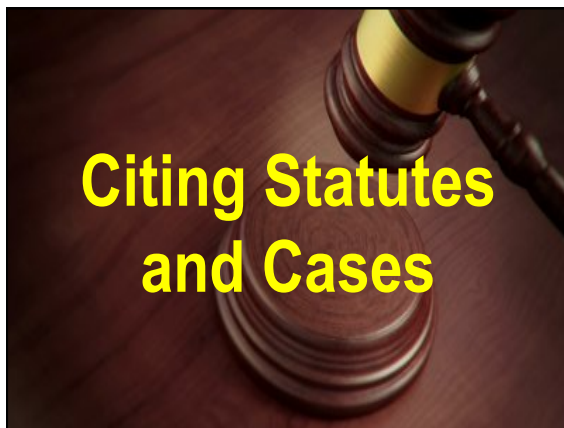
- ✓ There are two well known style manuals for citation form:
 - ✓ **The Blue Book**
 - ✓ **The ALWD Book**
 - ✓ Association of Legal Writing Directors

We Will Use . . .

- ✓ The New York Style Manual (The Tanbook)

The Tanbook

- ✓ Easier to use
- ✓ New York requires it
- ✓ Blue Book tells you to use it
- ✓ Blue Book and ALWD can be learned by looking up the thing you need to cite.





When to Use a Legal Cite

- ✓ Every single time there is a legal statement, there must be a legal cite to support that in that statement.
- ✓ **Wrong:**
 - ✓ A person who intentionally causes "physical injury," without the use of a dangerous instrument or a deadly weapon commits only misdemeanor assault.

When to Use a Legal Cite

- ✓ Every single time there is a legal statement, there must be a legal cite to support that in that statement.
- ✓ **Right:**
 - ✓ A person who intentionally causes "physical injury," without the use of a dangerous instrument or a deadly weapon commits only misdemeanor assault (*People v White*, 44 Misc 3d 1228[A] [Supt Ct, NY County 2014]).

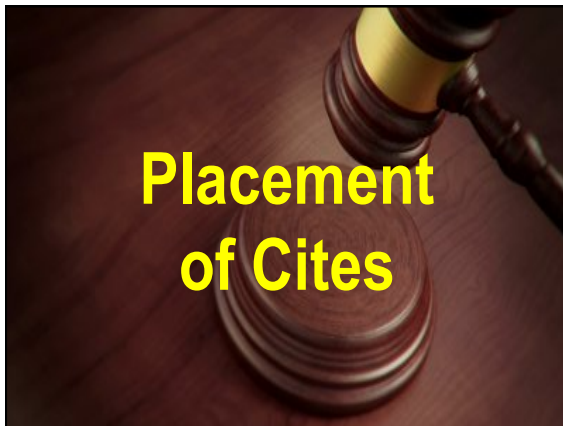
Cite it Immediately

- ✓ **WRONG**
 - ✓ Where the credibility of a witness is essential in determining guilt, the appellate court must give great deference to the jury's opportunity to view witnesses, hear their testimony and observe their demeanor. While a finding that defendant did not have the requisite intent would not have been unreasonable, "it cannot be said that the jury failed to give the evidence the weight it should be accorded" (*People v McMillon*, 77 AD3d 1375, 1376 [4th Dept 2010]).

Cite it Immediately

✓ RIGHT

- ✓ Where the credibility of a witness is essential in determining guilt, the appellate court must give great deference to the jury's opportunity to view witnesses, hear their testimony and observe their demeanor (*People v McMillon*, 77 AD3d 1375, 1376 [4th Dept 2010]). While a finding that defendant did not have the requisite intent would not have been unreasonable, "it cannot be said that the jury failed to give the evidence the weight it should be accorded" (*id.*).



1.2 PLACEMENT OF CITATIONS

1.2 (a) Where to Place

Citations in the traditional format of the Official Reports are embedded in the text of the opinion using citations in running text (§ 1.2 [b]) or within parentheses (§ 1.2 [c]). In this format, citations in footnotes, if any, are styled as provided in section 1.2 (d).

As an alternative to the traditional format, citations may be placed exclusively in footnotes using the citational footnote style (§ 1.2 [e]).

Unless otherwise indicated, the examples in this Manual are shown as citations within parentheses.

1.2 (b) Citations in Running Text

The term "citation in running text" indicates an authority referred to in the text of a sentence, as in the examples below:

The situation in *Rogers v Rogers* (63 NY2d 582 [1984], *rev'd* 98 AD2d 999 [2d Dept 1983]) mirrors the situation in this decision.

CITATION STYLE IN GENERAL
1.2

The clear and convincing evidence standard discussed in *Solomon v. State of New York* (146 AD2d 639, 440 [1st Dept 1989], quoting *Addington v. Texas*, 441 US 418, 427 [1979]) was not met here.

Plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5302 (b).

1.2 (c) Citations within Parentheses

The term "citation within parentheses" refers to any citation that appears entirely within parentheses.

(1) How to Reference

Citations within parentheses may be referenced as in the examples below:

The clear and convincing evidence standard was not met here (see *Solomon v. State of New York*, 146 AD2d 639, 440 [1st Dept 1989], quoting *Addington v. Texas*, 441 US 418, 427 [1979]).

The facts in this decision are not unusual (see *George C. Miller Br&B Co., Inc. v. Shark Corporation, Inc.*, 9 Misc.3d 151 [Sup Ct, Monroe County 2005, Fisher, J.]).

Plaintiff did not sustain a serious injury (Insurance Law § 5302 (b)).

(2) Punctuation

Place the final period in a sentence ending with a parenthetical as follows:

Such is the law (*People v. Moran*, 2 AD3d 216 [1st Dept 2003]).

or

Such is the law (*People v. Moran*, 2 AD3d 216 [1st Dept 2003]).

not

Such is the law (*People v. Moran*, 2 AD3d 216 [1st Dept 2003]).

Place the parenthetical within the sentence (as in first example above) if it relates to the sentence alone. Place it outside the sentence (as in second example above) if it relates to more than one preceding sentence.

Placement of Cites

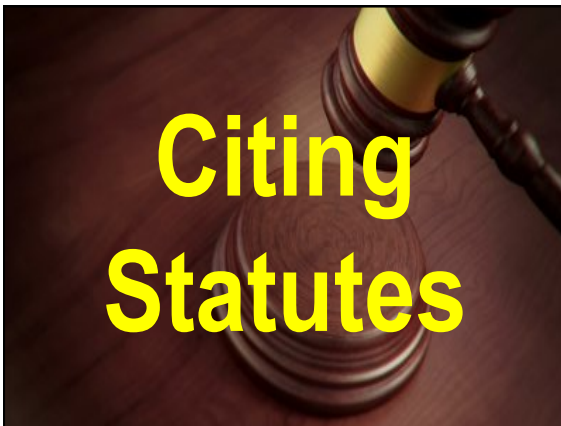
- ✓ Citations will either be in the running text or at the end as a cite.
- ✓ When it is at the end it will be in brackets.

In Running Text

- ✓ A person who intentionally causes "physical injury," without the use of a dangerous instrument or a deadly weapon commits only misdemeanor assault in New York under Penal Law § 120.00 (1)

At end of sentence

- ✓ The issue raised in the defendant's main brief regarding the post-summation colloquy between the Supreme Court and the prosecutor in this nonjury trial is not preserved for appellate review (CPL 470.05 [2]; *People v Caldwell*, 115 AD3d 870, 871 [2d Dept 2014]; *People v Wright*, 62 AD3d 916, 917 [2d Dept 2009]).



3.1 NEW YORK STATUTES AND LEGISLATIVE MATERIALS

3.1 (a) Statutory Abbreviation Style in General

The statute name abbreviations listed in Appendix 4 should be used for statutory citations within parentheses. Either the full name or the abbreviated name may be used in running text.

3.1 (b) Statutory Citation Style

Use the basic citation form below for the initial citation to a statute.

(1) Basic Citation Form

(a) Citations within Parentheses

Citations should appear within parentheses as follows:

(Penal Law art 80)

(Penal Law, art 80, § 80.05)

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What You Sometimes See on Westlaw

- ✓ McKinney's Penal Law § 120.07

Proper Cite

- ✓ Penal Law § 120.07

Chapter Title

- ✓ Use the title of the chapter that is found in the **Tanbook Appendix 4**, then add the full statute number.

APPENDIX 4
STYLE AND ABBREVIATION
OF PARTICULAR STATUTES

Contents

- A. Current New York Statutes
- B. Repealed or Superseded New York Statutes
- C. Federal Statutes

Use abbreviated form within parentheses. Either full or abbreviated form may be used in running text.

A. CURRENT NEW YORK STATUTES

A

Abandoned Property Law § __

Administrative Code of the City of New York § __, or Administra-
tive Code of City of NY § __ (when repeated may be shortened to
Administrative Code § __)

Agriculture and Markets Law § __

Alcoholic Beverage Control Law § __

Alternative County Government Law § __

Arts and Cultural Affairs Law § __

B

Penal Law

✓ **Cite:** Penal Law § 120.00

✓ **Example:**

- ✓ Assault in the third degree is found in
Penal Law § 120.00.

Penal Law

✓ **Cite:** (Penal Law § 120.00)

✓ **Example:**

- ✓ Assault in the third degree is ... (Penal
Law § 120.00).

CPLR

- ✓ **Cite:** CPLR 3211
 - ✓ **Example:**
 - ✓ Motions to dismiss are found in CPLR 3211

CPLR

- ✓ **Cite:** Civil Practice Laws and Rule § 3211
 - ✓ **Example:**
 - ✓ Civil Practice Laws and Rule § 3211 contains motions to dismiss

CPLR or Civil Practice Laws and Rule?

- ✓ **Look at Appendix 4**

Canal Law § __

Civil Practice Law and Rules § 3211 (a), *or* CPLR 3211 (a)

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C
