

A few notes on citing legal documents

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This is meant to provide some basic guidance to my students who need to cite legal documents in their papers, in an effort to fill an apparent gap in APA and MLA guidance. I would appreciate questions and comments that might help me produce a better guide for future classes. Note that my suggestions for citation format do not match the Bluebook, which is what you will have to learn if you go to law school. The desire here is to create citation formats that are harmonious with the citations that will appear elsewhere in your paper.

Court cases

Always *italicize* case names – in your prose, in the in-text citations, and in the works cited list. However, do not italicize the names of the parties when you are referring to the people rather than to the case. Thus: “The Brown family was interviewed for an emotionally charged PBS special on the fiftieth anniversary of *Brown v. Board of Education*.”

Works cited list

List the name of the case, the official publication, the court, and the year the decision was issued, as below. If you retrieved it from an online source, adjust your entry as you would for any other type of document retrieved from a database.

MLA:

Tinker v. Des Moines. 393 U.S. 503. U.S. Supreme Court, 1969.
LexisNexis Academic. Gelman Library, George Washington University.
5 April 2007 <<http://www.lexisnexis.com.proxygw.wrlc.org/universe>>.

APA:

Tinker v. Des Moines. 393 U.S. 503. U.S. Supreme Court, 1969.
Retrieved April 5, 2007, from LexisNexis Academic database.

In-text citations

Name the case in your prose. If you are citing a dissent or a concurring opinion, you need to make that clear in your prose as well. When quoting from or referring to a specific part of the opinion, include a parenthetical citation to the page number of the official reporter.

Like any other source, just a page number inside parentheses is sufficient provided that you have named the source in your prose, which is the better practice. However, if the case is not mentioned in your prose, include the first name of the case followed by the page number in your parenthetical citation. E.g.: (*Tinker* 511).

How do I find the page number in cases retrieved from Lexis?

Importantly, cases have “official publications.” Online sources like Lexis, legal anthologies that reprint truncated versions of the cases, and other reliable sources will reference the page number of the official publication. This allows everyone to turn to a specific page, no matter how they retrieved the case.

***Tinker v. Des Moines*. 393 U.S. 503. U.S. Supreme Court, 1969.**

The “official publication” in the above example is the United States Reports, abbreviated “U.S.” The case appears in volume 393, beginning on page 503.

So you might read the following on Lexis:

Instead, a particular symbol -- black armbands worn to exhibit opposition to this Nation's involvement [*511] in Vietnam -- was singled out for prohibition. Clearly, the prohibition of expression of one particular opinion, at least without evidence that it is necessary to avoid material and substantial interference with schoolwork or discipline, is not constitutionally permissible.

This means that page 511 in the official reporter begins in the middle of the first sentence quoted above. You should cite to the page number accordingly.

Other publication notes

Some cases are printed in multiple publications, and Lexis and other sources may list many of them. You can ignore these other parts of their cite. So a Lexis cite may look like this:

Tinker v. Des Moines, 393 U.S. 503; 89 S. Ct. 733; 21 L. Ed. 2d 731; 1969 U.S. LEXIS 2443; 49 Ohio Op. 2d 222.

Those are references to the volumes and page numbers of not only the US Reports, but also the Supreme Court Reports, the Lawyers Edition, a specific Lexis database, and Ohio Opinions (for some reason!). You do not need anything but the first publication, the US Reports.

It also is unnecessary to list more than one party on each side of the *v.* You also may shorten the name of a party, as long as it is clear. In this example, I shortened the name from Des Moines Independent Community School District.

Cases from other courts will be published in other official reporters (not the US Reports). The format is the same, however. So to take a state court example, ***Goodridge v. Dept. of Public Health*, 798 N.E.2d 941 (Mass. 2003)** is from volume 798 of the Northeast Reporter (second series) beginning on page 941.

The parenthetical information also indicates that the decision is from the highest court in Massachusetts. If something precedes the name of the state, it will

be an abbreviation for the name of a lower court (App. for appellate, Super, for superior, etc.), indicating that it is a decision of that lower court, not the highest court in the state. Lower federal court cases likewise will include the name of the court in parentheses (D. Md. for the District Court in Maryland, 4th Cir. for the Fourth Circuit, etc.).

Laws and legislative activity

Most federal law is printed in the United States Code, and you should cite to it if possible. The format is similar to court cases:

42 U.S.C. § 1983
(or 42 U.S.C. Sec. 1983)

refers to section 1983 of title 42 of the United States Code.

Some laws, however, do not make it into the US Code, such as appropriations bills and symbolic resolutions. These laws are printed in the Statutes at Large, abbreviated “Stat.” E.g.: 115 Stat. 224.

In your prose, you should refer to the name of the law, such as the Civil Rights Act of 1870 or the Authorization for the Use of Military Force. *This eliminates the need for a parenthetical cite in most instances.*

In the works cited list, list the name of the law and either the US Code title and section or the Statutes at Large title and section:

Authorization for the Use of Military Force, 115 Stat. 224 (2001).

Civil Rights Act of 1870, 42 U.S.C. § 1983.

All activity in Congress – including debates, introduction of bills, and committee meetings – is reported in the Congressional Record. It follows the same basic format as other legal sources, and is abbreviated Cong. Rec.

Many laws are made by administrative agencies like the EPA. Proposals for such laws are printed in the Federal Register (Fed. Reg.) and final, binding laws issued by agencies are printed in the Code of Federal Regulations (C.F.R.).

(In addition to Lexis, consider using HeinOnline. Retrieving legislative materials and laws can be easier through Hein, especially if you have a citation.)

When referring to Constitutional provisions, often your prose will make a citation unnecessary. So if you write that “This legislation is at odds with the First Amendment,” you do not need a parenthetical citation. If the prose does not name a specific provision, however, you should cite the appropriate article and section of the

Constitution. (Some sources will cite to the clause as well, but this is unnecessary.)
Thus:
The Constitution grants Congress broad authority over the District of Columbia
(Art. 1, Sec. 8).

Law review articles

A law review is a type of scholarly journal. *Cite law review articles exactly as you would any other journal article – do not retain the legal-style citation format.*

Thus, if Lexis lists an article as **Warren & Brandeis, The Right to Privacy, 4 Harv. L. Rev. 193 (1890)**, then you should cite it as:

MLA:

Samuel Warren and Louis Brandeis, "The Right to Privacy," Harvard Law Review 4 (1890): 193-220. LexisNexis Academic. Gelman Library, George Washington University. 5 April 2007
<<http://www.lexisnexis.com.proxygw.wrlc.org/universe>>.

APA:

Warren, S. and Brandeis, L (1890). The Right to Privacy. Harvard Law Review, 4, 193-220. Retrieved 5 April 2007, from LexisNexis Academic database.