

Show Me Citations

A Manual for Legal Citations in Missouri Courts

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Tenth Edition

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Introduction

Would you like to have a short list of basic citation forms for Missouri courts as a reference and reminder? I hope this manual is it.

Show Me Citations is a meat-and-potatoes manual for citations in legal writing. It is designed to help the lawyer who is working late in the evening or on the weekend to prepare a memorandum for the circuit court or a brief for an appellate court. I hope that lawyer can use *Show Me Citations* to make opposing counsel and the court think the lawyer has mastered the rules for legal citations.

I prepared this manual for lawyers and staff who have to file documents in Missouri courts. While serving as acting chairman of Missouri's Labor and Industrial Relations Commission, I read scores of briefs appealing decisions of administrative law judges to the Commission. There was a wide variety of citation forms used in the briefs. This manual suggests basic citation forms for cases, statutes, and other sources lawyers frequently use in Missouri practice.

I have relied on *The Bluebook*,¹ the GPO *Style Manual*,² opinions of the Missouri Supreme Court and Court of Appeals, and other reliable sources for the suggested citation forms in *Show Me Citations*. This manual is not intended to replace *The Bluebook* for its comprehensive discussion of citation forms.³

Show Me Citations attempts to solve two problems with using *The Bluebook*. First, appellate courts in Missouri don't follow the forms suggested in *The Bluebook* for citing to Missouri cases and statutes. Second, there is so much information in *The Bluebook*, it is hard find some of the

1

The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds., 20th ed. 2015) [hereinafter *The Bluebook*].

2

United States Government Printing Office, *Style Manual* (31st ed. 2016) [hereinafter *GPO Style Manual*].

3

The Bluebook is now in its twentieth edition, published in 2015. The twentieth edition has a thorough discussion of citations for the Internet and other nonprint sources.

details a lawyer needs to know for legal writing.

Why should we care about the correct citation form?

Citation form is a litmus test of your credibility. Judging a writer's credibility is hard. Readers draw large inferences from small clues, and citation form is one place they look. Like spelling, citation form is either right or wrong. Especially in citations to commonly-cited sources like cases and statutes, where a reader is likely to recognize an error, your citation form should be perfect.

Alan L. Dworsky, *The Little Book on Legal Writing* 75 (2d ed. 1992).

Deciding what is “perfect” form is not that easy. Sometimes *The Bluebook* changes its mind in a newer edition. The good news is that a citation does not have to be perfect to work. A citation works when it allows the reader to find the cited authority easily, whether in a book or journal in the law library or on the Internet. There is no reason why a citation cannot do that while, at the same time, make it look like the writer is an experienced and well-trained lawyer.

Show Me Citations gives preference to citation forms used by Missouri courts when those forms differ from those in *The Bluebook*. I determined the citation forms most commonly used by the Missouri appellate courts by reviewing opinions published on the Missouri judiciary's website,

<http://www.courts.mo.gov/>.

Sometimes I used the Missouri Supreme Court's search feature to analyze the frequency of use of particular citation forms.

A correct citation is one of the few things under a lawyer's control—unlike facts, case law, and witness testimony.

I printed this manual on letter-size paper for a reason. Use the extra space to make notes with your own examples of citation forms. I use this manual because I cannot remember all of the citation forms. When I have to cite to a source not covered in this manual, I check *The Bluebook* and add the

citation form to this manual.

I welcome your comments, criticisms, and suggestions. My e-mail address is pat@TPDeaton.com.

Patrick Deaton
February 2019

Addendum

I have attempted to keep this manual up to date. For example, this tenth edition incorporates the November 15, 2021, amendment to the Eighth Circuit's Plan to Expedite Criminal Appeals regarding section III B.2 "Form of Record References." See page 22.

TPD
January 2022

I. Missouri Cases

A. Supreme Court of Missouri

1. Decisions published in West's South Western Reporters:

State v. Washington, 10 S.W.3d 254 (Mo. banc 1999).

State v. Adams, 325 S.W.2d 789 (Mo. 1972).

Murphy v. Carron, 536 S.W.2d 30, 32 (Mo. banc 1976).

ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp., 854 S.W.2d 371, 380 (Mo. banc 1993).

State v. Storey, 40 S.W.3d 898, 908 (Mo. banc 2001)
(internal quotations omitted).

2. Decisions not yet published in South Western Reporters:

State v. Madison, No. SC23455, 2009 WL 123459, at *5
(Mo. banc Feb. 28, 2009).

Madison, 2009 WL 123459, at *3.

State v. Madison, No. SC23455 (Mo. banc Feb. 28,
2009).

State v. Madison, No. SC23455, slip op. at 4 (Mo. banc
Feb. 28, 2009).

Vance Bros., Inc. v. Obermiller Const. Services, Inc., __
S.W.3d __ (Mo. banc 2006) (No. 86668, decided
January 10, 2006).

B. Missouri Court of Appeals

1. Decisions reported in South Western Reporters:

State v. Monroe, 14 S.W.3d 654 (Mo. App. 2000).

State v. Monroe, 14 S.W.3d 654 (Mo. App. E.D. 2000).

State ex rel. Harrison v. Tyler, 987 S.W.2d 65 (Mo. App. 1990).

2. Decisions not yet published in South Western Reporters:

State v. Jackson, No. WD64378, slip op. at 4 (Mo. App. W.D. Feb. 14, 2006).

State v. Jackson, No. WD64378, 2006 WL 44444, at *3 (Mo. App. W.D. Feb. 14, 2006).

Comments on Missouri Cases

Many of the citations in *Show Me Citations* are fictitious for purposes of illustration. I used the names of U.S. presidents as parties for these fictitious cases.

The Bluebook would cite decisions from the courts of appeals as “Mo. Ct. App.,”⁴ but appellate courts in Missouri don’t use that form. Citations use “Mo. App.” or, for example, “Mo. App. S.D.” if the decision is from the Southern District. (It is not necessary to cite to the district of the court of appeals unless the district is relevant.)

There is one space between “Mo.” and “App.” There is no space in “E.D.” There is one space between “Mo. App.” and “E.D.” There are no spaces in “S.W.2d.”

West’s South Western Reporters are not reliable to determine the use of spaces because the text printing is justified at both margins. Note that West uses “Mo.App.” at the top of each page reporting a Missouri case. This lack of spacing violates *The Bluebook* rule against combining abbreviations of more than one letter.⁵ So, for example, “S.D.N.Y.” is the proper designation of the U.S. District Court for the Southern District of New York, but “F. Supp. 2d” and “S. Ct.” are the abbreviations for a current volume of the Federal Supplement and the Supreme Court Reporter.

⁴*The Bluebook*, table T1, at 274.

⁵*The Bluebook*, Rule 6.1, at 87.

Nearly all Missouri Supreme Court opinions have been en banc since 1983. Before that year, a three-judge panel heard the cases. Some of those cases were heard again en banc. Note that Missouri appellate courts do not use “en banc” as a parenthetical expression following the date of decision.

These sample citations include two citation forms for the same type of citation: an appellate decision reported in an electronic database. Compare the long forms using Westlaw citations for *Madison* and *Jackson*. I found both examples in reliable source materials. I prefer the *Jackson* citation form because it is shorter while still conveying the basic information (case number, court, Westlaw citation, and date of decision) without “__ S.W.3d __,” which is of little informational value.

Also compare the different long citation forms for *Madison* and *Vance Bros.*, which do not have a citation to a database such as Westlaw. I found the *Vance Bros.* citation form used in a Missouri Supreme Court dissenting opinion. In *Vance Bros.* the author did not use the “SC” prefix to the case number; he included “__ S.W.3d __;” and he used “decided” before the date. I prefer the simpler *Madison* form (with “SC34567” and without “decided”) that follows a citation form in *The Bluebook*.⁶

There are other citation forms for unreported and pending cases (for example, a citation to a decision by the court of appeals that is pending in the supreme court after transfer). Look in *The Bluebook* or another citation or legal style manual. The purpose of *Show Me Citations* is to cover the basics of most commonly used citation forms. When you prepare an additional citation form, write it in this manual in pencil for future reference.

Sometimes an otherwise trivial citation issue is interesting because it arises so often. For example, what is the correct type for the comma that follows the case name? Section 8.150 in the 2000 edition of the U.S. Government Printing Office *Style Manual* suggests the comma should also be in italics.⁷ Section 8.150 states, in part, “All punctuation marks, including parentheses, brackets, and superior reference figures, are set to match the type of the words which they adjoin.” *The Bluebook* has a different rule: “Italicize commas, semicolons, etc., only when they fall within italicized

⁶*The Bluebook*, R. 10.8.1, at 111–13.

⁷GPO *Style Manual*, § 8.153, at 220..

material, and not when they merely follow it.”⁸ I follow *The Bluebook* rule.

I included one *Madison* citation in a short form. I will discuss short forms of citation later.

II. Missouri Revised Statutes (in print)

section 287.020, RSMo 2016	section 287.020 RSMo 2016
section 92.830, RSMo Supp. 2002	section 92.830 RSMo Supp. 2002
§ 287.020, RSMo 2016	§ 287.020 RSMo 2016
§ 632.005(15), RSMo Cum. Supp. 2013	
§ 556.021, RSMo Noncum. Supp. 2014	

Comments on Missouri Revised Statutes

These statute citation examples are not in order of preference.

The Missouri Supreme Court’s preference seems to be to set off “RSMo 2016” by commas as shown above in the examples in the left column. Slip opinions from the appellate courts do not always set off “RSMo 2016” with commas.

The statutory citation forms shown above are for use in Missouri state courts. Section 1.070.1 states:

“RSMo” may be used as an abbreviation for the “Revised Statutes of Missouri” and “RSMo Supp.,” when followed by the number of the year, means the Supplement to the Revised Statutes of Missouri published by the state after final adjournment of the session of the general assembly held in that year.

⁸*The Bluebook*, R. 2.2(c), at 70.

The Bluebook suggests citing Missouri Revised Statutes as, for example, Mo. Rev. Stat. § 287.010 (2016).⁹ Missouri appellate opinions don't use this form. I recommend using *The Bluebook* form, however, when preparing memoranda and briefs for federal courts.¹⁰

Once a section is cited in full, subsequent references in the text may be to the section number without "RSMo." The Missouri Supreme Court frequently uses a footnote saying, "All statutory citations are to RSMo 2016 unless otherwise noted." If all references are to RSMo 2016, the footnote should say so.

Unlike in earlier years, a software glitch no longer prevents the Missouri Supreme Court from using the section symbol (§). There should be a space after the symbol and before the statute number.

The Bluebook says to spell out "section" and "paragraph" in the text (except when referring to provisions in the U.S. Code or a federal regulation) but to use the symbols in citations.¹¹

"Section" does not have to be capitalized unless it begins a sentence.

The Bluebook tells us not to use "*et seq.*" when citing to consecutive statute sections.¹² I would use it when citing to consecutive sections that comprise an act. Here is an example prepared from a Mo. App. E.D. 2005 opinion:

Buyers appeal the judgment dismissing their
claims pursuant to the Magnuson-Moss
Warranty Act, 15 U.S.C. sec. 2301 *et seq.*
("Warranty Act"), against Seller as untimely.

⁹See *The Bluebook*, table T.1, at 274.

¹⁰

Citation to a statute in a supplement would be in this form: Mo. Rev. Stat. § 287.020 (Supp. 2005). See *The Bluebook*, R. 3.1(c), at 71–72..

¹¹*The Bluebook*, R. 6.2(c), at 89.

¹²*The Bluebook*, R. 3.3(b), at 75.

RSMo in Print

The current hardcover edition has “2016” on the cover and has been followed by two annual softbound books called cumulative supplements. In order to find the current version of the state statutes, a researcher must check the 2016 hardbound volumes and the latest softbound cumulative supplement.

The printed versions of RSMo are available in the fall of each year. That timing follows the Missouri legislature’s schedule, which meets every year from January until May and again in September for up to ten days to consider vetoed legislation. Laws passed during a general assembly session become effective August 28 of the same year according to section 20(a), Article III, Constitution of Missouri, as amended in 1988. I assume the revisor of statutes does not publish until fall because the legislature might override any vetoes by the governor at its veto session in September.

RSMo on the Internet

The Revisor, who has an office in the State Capitol, compiles the Missouri Revised Statutes from laws passed by the state legislature and signed into law by the governor. The Missouri Revised Statutes exist in a multi-volume hardcover print edition and on the Internet.

The print and Internet versions are not the same because they are different compilations of statutes. The Revised Statutes in print (the 2016 books and their supplements) include statutes that have been repealed after the 2016 session of the legislature. The current edition of the Revised Statutes on the Internet does not include statutes that have been repealed as of the date of the Internet version.

An electronic copy of the Revised Statutes is available on the Internet at

<https://revisor.mo.gov/main/Home.aspx>

The statutes posted on the Revisor’s website are “uncertified and unofficial.” The Revisor’s Internet version of the Revised Statutes is a single compilation of all statutes in effect as of the date of the latest revision. In March 2019, for example, the Revisor’s current version at the Missouri General Assembly’s web page shows the text of statutes as of August 28, 2018. If a statute contained in the 2016 edition is no longer in effect in 2018, the

August 28, 2018, website version will not show the text of the repealed or superseded statute. Also, the website version will not show the text of a statute enacted after 2016 but no longer in effect as of the date of the update on the website.

I suggest that an appropriate citation form for the Revisor's version of Missouri statutes on the Internet would be as follows:

section 287.010, RSMo 2008,
<http://www.moga.state.mo.gov/statutes/C200-299/2870000010.HTM>.

this example is a citation to the Missouri General Assembly's web page version of the statutes. It is not a citation to the printed version with a parallel citation to the website version. This direct form of citation may be necessary after new Missouri statutes go into effect, but before the printed version of new statutes is available from the Revisor.

A Bit of RSMo History

You will sometimes read "RSMo Cum. Supp." for statute citations before publication of the 2016 Revised Statutes. This citation form referred to the separate softcover books the Revisor published each year to supplement the printed volumes before the 2016 edition. These annual supplements were books, not pocket parts. After the first annual supplement, the books were published as cumulative supplements. In the front of the supplement, the Revisor often told readers to cite the book as "RSMo Cumulative Supp." with the appropriate year. Sometimes the Revisor's instruction was to cite a section in a cumulative supplement as "RSMo Supp." with the year. "RSMo Cum. Supp.," therefore, was the commonly used form for citing to a statute in a cumulative supplement.

Here is a list of the Revisor's printed publications of RSMo since 2000:

- 2000 (RSMo hardcover, 20 volumes)
- 2013 (softcover cumulative supplement, 7 volumes)
- 2014 (softcover noncumulative supplement, 4 volumes)
- 2015 (softcover noncumulative supplement, 1 volume)
- 2016 (RSMo hardcover, 20 volumes)
- 2017 (softcover supplement, 2 volumes)
- 2018 (softcover cumulative supplement, 2 volumes)

V.A.M.S.

Some lawyers cite to “V.A.M.S.” (Vernon’s Annotated Missouri Statutes), a multi-volume compilation published in hardcover by West with annual pocket parts. Missouri appellate courts do not cite to “V.A.M.S.”

Practice Pointer

As a practice pointer, don’t put a year with RSMo without checking to make sure that version¹³ of the statute is the one you intend to rely on for a claim or a defense. “RSMo 2016” does not mean the Revised Statutes in effect in 2016. “RSMo 2016” refers to a collection of statute books published in hardcover books by the Revisor in October 2016. “RSMo 2016” tells the reader in what book he can find a copy of the statute to which the citation refers.

Simply adding the current year to “RSMo” as in “RSMo 2009” is dangerous because it does not refer the reader to a book, pocket part, or supplement published by the Revisor. New Missouri laws usually take effect in late August each year. In any calendar year, therefore, there might be different versions of the same statute in effect before and after August 28 or whenever new laws take effect.

A Cautionary True Story

Citing to “RSMo 2000” instead of “RSMo Supp. 2005” can make a big difference when a dispute arises later over which version of a statute applies to an event if the state legislature changed the law after 2000. If you incorrectly used “RSMo 2000” in a court memorandum instead of “RSMo Supp. 2005,” the court might compound the mistake or confusion by using “RSMo 2000” in its order, judgment, or award. What if there was a cap on workers’ compensation benefits in RSMo 2000 but not in RSMo Supp. 2005?

If you think this is an unlikely scenario, read *Barry v. Falk*, 217 S.W.3d 317 (Mo. App. 2007). What’s the difference between “RSMo 1978” and “RSMo Supp. 1980”?

13

In this paragraph, “version” refers to different versions of a statute as passed or amended by the legislature. “Version” does not refer to the electronic or print version of a statute.

In *Barry*, the administrative law judge prepared his award by citing to the 1978 version of section 287.240, which had no cap on death benefits, instead of to the 1980 version, which was in effect at the time of the accident and contained a cap on benefits. *Id.* at 318. Employer Barry never appealed the incorrect citation. *Id.* at 319.

Years later Barry stopped paying the weekly death benefits when Barry thought it had paid all the death benefits due. *Id.* Barry asked Missouri's Labor and Industrial Relations Commission to modify the award by correcting the citation to the 1978 version of the statute. *Id.* Litigation followed and the Missouri Court of Appeals determined the Commission had no jurisdiction to modify the award. *Id.* at 321. Barry had to continue paying death benefits to widow Falk until she remarried or died. *See id.* at 319.

III. Codes of State and Federal Regulations

15 CSR 30-200.030

45 C.F.R. § 123.45 (2007)

21 C.F.R. pt. 22 (2007)

Comments on Codes of State and Federal Regulations

“C.S.R.” would also be acceptable. I detected a trend toward using “CSR.” The Code of State Regulations uses “CSR” when referring to its regulations.

The Code of State Regulations is available at

<http://www.sos.mo.gov/adrules/csr/csr.asp>

on the Missouri Secretary of State's website. The website appears to be an exact copy in PDF format of the regulations printed on paper in looseleaf format.

If you want to cite to the Internet version of the CSR, do so as follows:

15 CSR 30-200.030, <http://www.sos.mo.gov/adrules/csr/current/15csr/15c30-200.pdf>.

“C.F.R.” cites to the Code of Federal Regulations. Cite to a particular section or part.

IV. United States and Missouri Constitutions

Mo. Const. art. IV, § 1.

U.S. Const. art. II, § 4.

U.S. Const. amend. XIV, sec. 2.

U.S. Const. amend. XIV, § 2.

U.S. Const. art. I, § 9, cl. 2.

U.S. Const. preamble.

Comments on Constitutions

Rule 11 in *The Bluebook* tells us we do not need to include a date in the citation for constitutional provisions currently in force.¹⁴

¹⁴*The Bluebook*, R. 11, at 118.

V. Jury Instructions and Rules of Procedure and Evidence

A. Missouri:

Rule 55.01

B. Federal:

Fed. R. Civ. P. 12(b)(6)

Fed. R. Crim. P. 42(a)

Fed. R. Evid. 410

8th Cir. R. 10A

C. Jury Instructions:

MAI 24.18 (5th ed.)

MAI-CR2d 15.05

MACH-CR 28.04

2 Kevin F. O'Malley, Jay E. Grenig & William C. Lee,
Federal Jury Practice and Instructions § 34 (5th
ed. 2000).

Comments on Rules of Procedure and Evidence

The Supreme Court of Missouri cites to its current Rules simply as “Rule 55.01,” for example, because there is only one procedural Rule 55.01. In contrast, there is a Rule 12 in both the Federal Rules of Civil and Criminal Procedure.

I have used *The Bluebook* forms for the Federal Rules of Civil Procedure, Criminal Procedure, and Evidence.¹⁵ Cite current rules without any date.

¹⁵*The Bluebook*, R. 12.9.3, at 130–31.

VI. Supreme Court of the United States

Strickland v. Washington, 466 U.S. 668, 687 (1984).

State v. Fillmore, 111 S.W.3d 222 (Mo. banc 2005), *cert. denied*, 654 U.S. 321 (2005).

Brown v. Sanders, 74 U.S.L.W. 4059, 4059 (U.S. Jan. 11, 2006).

Harding v. Cleveland, No. 05-1234, slip op. at 6 (U.S. Jan. 7, 2006).

Jones v. Clinton, No. 95-1050, 1995 WL 8765, at *4 (U.S. Sept. 24, 1995).

Comments on Supreme Court of the United States

The U.S. citation, if available, is enough. *The Bluebook* instructs us to (1) cite to S. Ct., L. Ed., or U.S.L.W. in that order of preference if the U.S. citation is not available¹⁶ and (2) omit denials of certiorari unless the decision is less than two years old or the denial is relevant.¹⁷

Unlike with Missouri case citations, including “__ U.S. __” is useful information, telling the reader the case is not yet in the official reporter. Don’t mislead the reader by using this form when you don’t know the U.S. citation.

The Supreme Court of the United States used the following citation forms in *Kimbrough v. United States*, 552 U.S. __ (2007):

Cunningham v. California, 549 U.S. __ , __ (2007) (slip op., at 14).

Rita v. United States, 551 U.S. __ , __ - __ (2007) (slip op., at 9-11).

In my opinion, it is helpful to include the case number in the slip opinion citation form. I often read new decisions in slip opinion format as published on the appellate court’s website through links from e-mail bulletins from the Missouri Bar or Illinois State Bar Association. If I want to cite to a slip

¹⁶*The Bluebook*, T1.1, at 233.

¹⁷*The Bluebook*, R. 10.7, at 109.

opinion in legal writing, using the case number in the appellate court will help the reader find the opinion at the court's Web site.

Note the U.S.L.W. cite to page 4059. If the cited authority is on the first page of the opinion, repeat the page number to help the reader find the authority.

VII. U.S. Courts of Appeals

Van Buren v. Garfield, 123 F.2d 456 (8th Cir. 1992).

Taylor v. Pierce, 123 F.3d 456 (8th Cir. 2004), *cert. denied*, 512 U.S. 789 (2005).

United States v. Grant, 222 F.3d 333 (3d Cir. 2006).

United States v. Polk, No. 03-9876, slip op. at 10 (4th Cir. Mar. 21, 2004).

Comments on U.S. Courts of Appeals

Word processing programs will put an ordinal (the “th” in “8th Cir.”) in superscript unless you change this default setting. In WordPerfect, go to Tools, select Quick Correct, select Format-As-You-Go, and uncheck the box for Quick Ordinals.

In legal writing, the ordinals for second and third are “2d” and “3d” instead of “2nd” and “3rd.” Consequently, correct citation forms use “2d Cir.” and “2d ed.”

The Bluebook tells us not to abbreviate “United States” when it is the name of a party.¹⁸

¹⁸*The Bluebook*, R. 10.2.2, at 102.

VIII. U.S. District Courts

Buchanan v. Lincoln, 345 F. Supp. 990 (E.D. Mo. 1992).

Johnson v. Hayes, 125 F. Supp. 2d 789 (W.D. Mo. 2005).

Comments on U.S. District Courts

There is a space between “F.” and “Supp.” and a space between “Supp.” and “2d.”¹⁹

Designate the district court. The U.S. District Court in the Southern District of New York is “S.D.N.Y.” In a state with only one district, the court designation will be in the form “D. Wyo.” Don’t rely on state abbreviations used by the U.S. Postal Service. Check table T10.1 in *The Bluebook*.²⁰

¹⁹See *The Bluebook*, R. 6.1, at 87.

²⁰*The Bluebook*, table T10.1, at 502–03.

IX. Short Citation Forms for Cases

Short forms for *Williams v. Taylor*, 529 U.S. 362, 391 (2000):

Williams, 529 U.S. at 391.

529 U.S. at 391.

Id. at 391.

Comments on Short Citation Forms for Cases

The Bluebook does not recognize “*Williams* at 391” as an acceptable short form for the above citation.²¹

“*Id.*” would be the short form for another citation to page 391 if there were no intervening authority cited in the text.

Don’t capitalize “*Id.*” unless it begins a citation sentence or is used by itself. For example: *See id.* § 34.²²

The period following “*Id*” or “*id*” should also be in italics or underlined.²³

²¹

See The Bluebook, B10.2, at 16. (“B10.2” refers to a section in the Bluepages of *The Bluebook*.)

²²*Id.*

²³*Id.*

X. Federal Statutes

42 U.S.C. § 1983 (2018).

42 U.S.C. §§ 1485(a), 1486(b) (2012).

18 U.S.C. § 510(b) (Supp. I 1983).

Comments on Federal Statutes

Cite to the current printed edition of the United States Code unless referring to an earlier statute. A new edition of the Code is published every six years. The latest edition of the Code was published in 2018. The last parenthetical contains the date of the Code edition cited. That date is on the spine of the volume just like with the Missouri Revised Statutes. Supplements I–V to the Code are published in the intervening five years.

Do not use “at” before a section or paragraph symbol.²⁴ The correct form should be as follows: *Id.* § 5.

You will sometimes see citations to “USC” in court opinions. I recommend using the “U.S.C.” form.

XI. Books, Journals, Newspapers, Reports, and Annotations

A. Books:

American Heritage Dictionary 304 (3d ed. 1993).

Wayne R. LaFave, *Search and Seizure*, § 11.2(b), at 37-57 (3d ed. 1996) (discussing the burden of proof at a hearing on a motion to suppress).

13A Charles Alan Wright, Arthur R. Miller & Edward H. Cooper, *Federal Practice and Procedure*, § 3536, at 535 (2d ed. 1984).

²⁴*The Bluebook*, R. 3.3, at 75.

Doris Kearns Goodwin, *Team of Rivals* 104 (2005).

Restatement (Second) of Torts § 100 (1965).

Good-Faith Bargaining, Black's Law Dictionary (9th ed. 2009).²⁵

2 *Kings* 12:19 (King James)

B. Journals:

Paul J. Passanante & Dawn M. Mefford, *Cross-Examination*, J. Mo. B., Jan.-Feb. 2006, at 28, 30.

Naomi R. Cahn, *Civil Images of Battered Women: The Impact of Domestic Violence on Child Custody Decisions*, 44 Vand. L. Rev. 1041 (1991).

C. Newspapers:

Selena Roberts, *No Good-Conduct Medal for Ugly Americans*, N.Y. Times, Feb. 26, 2006, § 8, at 1.

D. Annotations:

Benjamin J. Vernia, *Tort Claim for Negligent Credentialing of Physicians*, 98 A.L.R.5th 533 (2002).

E. Reports:

United States Sentencing Commission, *Report to the Congress: Cocaine and Federal Sentencing Policy*, Appendix E (May 2007).

Comments on Books, Journal, and Newspapers

Use *The Bluebook*. On the last page and inside back cover, there is a

²⁵*The Bluebook*, R. 15.8, at 155. Note this *Bluebook* example does not include a page number.

helpful quick reference table of commonly used citation forms printed in the typeface and style lawyers use. The table will refer the reader to the rule with an explanation and more details. For example, Rule 16.5 for newspapers suggests designating “Editorial,” “Opinion,” or “Letter to the Editor” after the author’s name but before the title.²⁶

The examples for books use italics for the book titles. That is the recommended form in *The Bluebook*. Missouri appellate opinions use a variety of forms: italics, bold face type, large and small capital letters, and normal type without underlining. I could not determine a preferred form.

Show Me Citations does not have a recommended form for typing Restatement citations. I used *The Bluebook* form in the above example.²⁷ Large and small capital letters might be a good idea if your word processing program allows that.

Note that *Federal Practice and Procedure* instructs the reader in one of its front pages to “Cite as Wright, Miller & Cooper, *Federal Practice and Procedure: Jurisdiction 2d* § __.” Books often provide a citation form in the front. I recommend *The Bluebook* form²⁸ because it provides the volume number.

The citation for the Naomi Cahn journal article is from Peter W. Martin, *Introduction to Basic Legal Citation* § 2-810 (2007), <http://www.law.cornell.edu/citation/2-800.htm> (last visited Feb. 21, 2009). Martin’s work, which is available as an e-book on the Internet, has many examples of correct citation forms.

Martin’s *Introduction* is available for free at <https://www.law.cornell.edu/citation> (last visited Feb. 6, 2019). The date of the current online version is 2017. It includes citation forms for electronic sources.

²⁶*The Bluebook*, R. 16.6, at 163.

²⁷*The Bluebook*, B12.1.3, at 19.

²⁸*The Bluebook*, B16, at 23.

XII. Internet Citations

Section 570.060, RSMo 2000,
<http://www.moga.state.mo.us/statutes/C500-599/5700000060.HTM>.

John Dickerson, *The Silence of Bush*, Slate, Mar. 2, 2006,
<http://www.slate.com/id/2137268/?nav=fo>.

St. Louis University School of Law, <http://www.lawlib.slu.edu/>
(last visited Mar. 6, 2006).

Comments on Internet Citations

Rule 18 in *The Bluebook* (20th ed. 2015) has an extensive discussion with examples of citation forms for Internet sources, including Facebook, Twitter, and Instagram. Due to the wide variety of material on the Internet, in electronic media, and in nonprint sources, using *The Bluebook* is essential. I have no shortcuts to offer.

The Bluebook's preference for materials on the Internet is to cite to the original source in print.²⁹ As a last resort when the material is only available on the Internet, you will have to make a direct citation to the Internet. Don't use the "available at" form. The Internet URL follows a comma at the end of the citation as in the following example:

John Dickerson, *The Silence of Bush*, Slate, Mar. 2, 2006,
<http://www.slate.com/id/2137268/?nav=fo>.

If the URL address of the actual source is too long, give the basic URL with directions to the source as in the following example:

<http://www.courts.mo.gov/sup/index.nsf/OrdersRules?OpenView>
(follow "Order dated December 5, 2005, re: Rules 14.06(e) and 14.07" hyperlink).

This address will direct the reader to an Order posted on the Supreme Court

²⁹

The Bluebook, R. 18.2.2, at 182.

of Missouri's website.

I included the St. Louis University Law School citation as an example of a citation to a website. This form of citation would work for the website of a corporation or some other business. This citation form frequently includes the "last visited" parenthetical date. This form of citation would be useful, for example, if a corporation has information on its website that contradicts an affidavit prepared by the CEO in support of a motion for summary judgment.

XIII. Transcript and Record References

A. Generally:

The supervisor testified that the air conditioning was not working. (Tr. 17.)

The supervisor testified that the air conditioning was not working (Tr. 17) and the windows were closed (Tr. 19).

The district court granted pro bono counsel's motion for leave to withdraw on January 4, 2019. (ECF No. 123.)

B. Eighth Circuit Criminal Appeal:

1. Reference to a document with a district court docket number: R. Doc. 11, at 7.
2. Transcript references: (TR., Vol.1, p. 123).
3. Exhibit references: (Government Exh. 1, page 3) or (Defense Exh. C, page 4).
4. References to the Presentence Investigation Report: (PSR, p. 17).

C. Short Form:

The supervisor testified that the air conditioning was not working. (*Id.*)

Comments on Transcript and Record References

The Bluebook abbreviation for transcript is “Tr.”³⁰

I am old school so I enclose the citation in parentheses when citing to the transcript and other court filings in the same case.³¹ The above examples would be appropriate for citing to the transcript while writing a statement of facts for an appellate brief.

There is a period after the page number when the transcript citation is a citation sentence between sentences of text.

According to *The Bluebook*, don’t use “p.” for page references and there is no need to use “at” before a page number when citing to a page in a court document.³²

The Bluebook makes an exception for an appellate record when the record is cited as “R.” The citation form would be (R. at 10) for a citation clause.³³

Other examples are

(Jones Aff. ¶ 14.)

(Comp. ¶ 10.)

The Bluebook allows the use of *id.* with record cites. Underline or italicize *id.* consistently with other cites in the document.³⁴

³⁰*The Bluebook*, table BT1, at 29 (showing abbreviations for court documents).

³¹

See *The Bluebook*, B10.2, at 20 (18th ed. 2005). The nineteenth edition of *The Bluebook* permits a writer to choose whether or not to enclose the cite in parentheses. By the twentieth edition, use of parentheses seems to be the second choice. *The Bluebook*, B17.1.1, at 25.

³²*Id.*, B17.1.2, at 25.

³³See *id.*, B17.1.1, at 25.

³⁴

“For court documents, *id.* should only be used if significant space will be saved.” *The Bluebook*, B17.2, at 26.

The Bluebook now allows the use of “id.” with for “any kind of authority,” which would include citations to the record.³⁵ Underline or italicize “id.” consistently with other record cites in the brief.

The forms of record references for criminal appeals in the Eighth Circuit come from the Eighth Circuit Rules of Appellate Procedure, Appendix III (Plan to Expedite Criminal Appeals), Section III.B.2 (effective December 1, 2021). The December 1 amendment means the Eighth Circuit will no longer allow the DCD record reference format in criminal appeals. The R. Doc. format has been in effect before December 1 for civil cases.

Note that the Eighth Circuit uses “TR.” in its example instead of “Tr.” Also note that in its examples in III.B.2, the Eighth Circuit encloses record references in parentheses.

XIV. Parenthetical Explanations

Daniels v. State, 70 S.W.3d 457, 461 (Mo. App. 2002) (quoting *State v. Taylor*, 929 S.W.2d 209, 217 (Mo. banc 1996)).

State ex rel. Cunningham v. Wiggins, 156 S.W.3d 473, 475 (Mo. App. 2005), quoting *Farmer v. Kinder*, 89 S.W.3d 447, 451 (Mo. banc 2002).

(Scalia, J., dissenting)

(per curiam) or (en banc)

(unpublished table decision)

(emphasis added)

(holding confession was not voluntary)

(citing *Murphy v. Carron*, 536 S.W.2d 30 (Mo. banc 1976))

(citations omitted) or (footnotes omitted)

³⁵

The Bluebook, B10.2(v), at 17.

Comments on Parenthetical Expressions

Leave one space between back-to-back parenthetical expressions.

I found two forms using “quoting” in the *Daniels* and *Cunningham* examples above. I prefer the *Daniels* form.

Parenthetical expressions are useful to convey factual information in short order about a case. “A parenthetical explanation should (1) begin with a present participle (holding, affirming, reversing, overruling, etc.), (2) consist of a direct quotation, or (3) be a combination of both.”³⁶ There is no period inside the parenthetical unless it contains a complete sentence.

The Bluebook has a rule for the order of parenthetical expressions in a citation: “(I) weight of authority parentheticals; (ii) ‘quoting’ or ‘citing’ parentheticals; (iii) explanatory parentheticals.”³⁷ Be careful about exceptions and check examples in *The Bluebook*.

The Missouri Supreme Court does not use “en banc” for its decisions. The parenthetical is (Mo. banc 20XX).

Here is *The Bluebook’s* order for parenthetical expressions:³⁸

(date)
[hereinafter short name] Note use of brackets here.
(en banc)
(Lastname, J., concurring)
(plurality opinion)
(per curiam)
(alteration in the original)
(emphasis added)
(footnote omitted)
(citations omitted)
(quoting another source)
(citing another source)

³⁶Bryan A. Garner, *The Redbook: A Manual on Legal Style* § 8.19(e) (2002).

³⁷*The Bluebook*, R. 1.5, at 65.

³⁸*The Bluebook*, R. 1.5, at 65.

XV. Introductory Signals

See Restatement (Second) of Torts §§ 336, 337, and 339 (1965).

See Restatement (Second) of Torts §§ 336, 337, and 339 (1965)
for a more detailed discussion of this issue.

Comments on Introductory Signals

Citations without introductory signals directly state the proposition, identify the source of the quotation, or identify an authority referred to in the text.

The Bluebook form is to italicize or underscore introductory signals unless the signal is part of a regular sentence of text (as in the second example above).³⁹

There is no comma after “*See*” unless “*See*” is followed by “*e.g.*”

I avoid using signals. I only use one signal, “*See*,” in legal writing to tell the reader that the citation implicitly supports what I have written.

The Bluebook explains signals in Rule 1.2, “Introductory Signals,” and in its Bluepages, B1.2.

XVI. Citations to Footnotes

Dewey v. Truman, 23 S.W.3d 789, 782 n.34 (Mo. banc 2003).

Cleveland v. McKinley, 67 S.W.2d 221, 225 nn.155 & 159 (Mo. 1981).

78 Harv. L. Rev. 141, 147 & n.11 (1998).

Comments on Citations to Footnotes

There is no space between “n.” or “nn.” and the page number.⁴⁰

³⁹*The Bluebook*, R. 1.2, at 60.

⁴⁰*The Bluebook*, R. 3.2(b), at 73.

Cite multiple footnotes with “nn.”⁴¹

XVII. Multiple Pages

Hampton v. Big Steel Erection, 121 S.W.3d 220, 222-23 (Mo. banc 2003).

Comments on Multiple Pages

Rule 3.2 in *The Bluebook* explains how to cite to multiple pages:

When citing material that spans more than one page, give the inclusive page numbers, separated by an en dash (–) or hyphen (-). Always retain the last two digits but drop other repetitious digits.⁴²

You probably knew this rule, but remember I chose topics for *Show Me Citations*, in large part, on mistakes I saw submitted to the Labor and Industrial Relations Commission while I was there. (Other topics came from citation details I never can remember.)

Matthew Butterick prefers using an en dash to indicate a range of values such as page numbers.⁴³ The Windows command for an en dash is ALT 0150.

⁴¹*Id.* at 74.

⁴²*The Bluebook*, R. 3.2, at 73.

⁴³

Matthew Butterick, *Typography for Lawyers* 48 (2010).

XVIII. Symbols

\$24 \$24.00 24% #64
§ 24 §§ 24-32 ¶ 24

Comments on Symbols

There is no space between the number and the \$, %, and # symbols.⁴⁴
There is one space between the number and § and ¶ symbols.⁴⁵

The plural of § is §§.⁴⁶

In order to keep § 24 from separating because of a line break, Windows users can use a command, control + space bar, to insert a non-breaking space after §.

XIX. Dates

February 14, 2006

14th day of February 2006

February 2006

January, February, and March 2006 (or January, February
and March 2006)

Labor Day 2005

Rain began falling on March 1, 2006, and continued falling for
three weeks.

Comments on Dates

I relied on § 8.56 in the GPO *Style Manual* to prepare these examples.

⁴⁴*The Bluebook*, R. 6.2(d), at 89; GPO *Style Manual*, § 10.6, at 263.

⁴⁵*The Bluebook*, R. 6.2(c), at 89.

⁴⁶*The Bluebook*, R. 3.3(b), at 75–76.

Note that § 8.42 in the GPO *Style Manual* says to use a comma “after each member within a series of three or more words, phrases, letters, or figures used with *and*, *or*, or *nor*.”

Abbreviations for the Months

January	Jan.	July	July
February	Feb.	August	Aug.
March	Mar.	September	Sept.
April	Apr.	October	Oct.
May	May	November	Nov.
June	June	December	Dec.

XX. Capitalization

A. Courts⁴⁷

Use “Court” when referring to the Supreme Court of the United States or when referring to any other court by its full name.

Use “Court” when referring to the court that will receive the document.

B. Litigation Roles⁴⁸

Capitalize litigation designations when referring to parties in the case under submission. Use litigation roles without an article.

After talking with his supervisor, Claimant resigned.

Don’t capitalize litigation roles in a cited case.

⁴⁷See *The Bluebook*, R. 8, at 91–93.

⁴⁸See *id.*

The defendant in *Miranda* had a prior criminal record.

Capitalize litigation designations (plaintiff, defendant, etc.) when referring to the parties in the matter at hand.

Witnesses testified that Defendant Jones did not stop.

Capitalize “Government” or “State” when referring to a litigation party such as United States of American or State of Missouri.

C. Litigation Documents⁴⁹

Capitalize the full title of litigation documents, but don’t capitalize informal references to the document.

Plaintiff failed to respond to the Request for Production of Documents.

Plaintiff failed to respond to Defendant’s document requests.

Comments on Capitalization

These are *Bluebook* rules. I would also capitalize “Court” (and “Supreme Court”) when referring to the Supreme Court of Missouri. I capitalize “Court” and “District Court” when referring to the court handling the instant case.

“In headings, capitalize the initial word, any word that immediately follows a colon, and all other words except articles, conjunctions, and prepositions of four or fewer letters.” Eumi Lee & Julie Teperow, *Everything You Wanted to Know that The Bluebook Does Not Tell You Clearly* (rev. 2011), https://www.law.georgetown.edu/wp-content/uploads/2018/07/everything_bluebook.pdf (last visited Feb. 6, 2019).

⁴⁹See *The Bluebook*, B8, at 9–10.

XXI. Punctuation of Quotations

Periods go inside quotation marks at the end of sentences. It does not matter whether the quoted material is a sentence, phrase, or word.

He said, “Strike up the band.”

Commas also go inside quotation marks.

Letters marked “Exhibit A,” “Exhibit B,” and “Exhibit C” were included in the record on appeal.

Semicolons and colons always go outside quotation marks.

The court asked, “Does counsel have an objection?”; “What is the objection?”; and “Does your objection go to both exhibits?” before making its ruling.

In the case at bar, two facts justify the supervisor’s request to submit to a drug test according to the administrative regulation allowing for a drug test based on “reasonable suspicion”: the smell of beer on Smith’s breath and his slurred speech.

Question marks and exclamation points go inside or outside quotation marks depending on whether they are part of the quotation. Question marks go outside the quotation marks if the entire sentence, not just the quote, asks a question.

Did you find the letter marked “Exhibit A”?

The supervisor asked, “Are you quitting your job?”

The officer yelled, “Drop your gun!”

The expert answered the fingerprints were “not identical”! (if the surprise and incredulity belong to the writer and not the witness)

Quotation marks should precede footnote reference numbers.

The company claimed the award was “unjustified.”¹

Comments on Punctuation of Quotations

I found general agreement on these suggested rules. See GPO *Style Manual* §§ 8.51, 8.138, at 203, 218; Dworsky, *The Little Book on Legal Writing* at 87-88; Garner, *The Redbook* § 1.32.

XXII. Ellipses

An ellipsis is a series of three periods used to show omissions. (I am going to use the term “dot” instead of “period” to avoid confusion in the following discussion.) *The Bluebook*, Rule 5.3, tells us to separate each of the three dots with a space before, after, and between each dot.⁵⁰ In contrast to that rule, *Typography for Lawyers* says to use the ellipsis character and not put spaces between the dots.⁵¹

“We the people of the United States . . . do ordain and establish this Constitution for the United States of America.” U.S. Const. preamble.

Here are some other rules in *The Bluebook* for using an ellipsis:

- Do not use an ellipsis to begin a quotation.

“[O]ur fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal.”

- Do not use an ellipsis when individual words are merely altered.

Use brackets [] for substitution of letters or words.

- Do not use an ellipsis for an omitted footnote or citation.

⁵⁰*The Bluebook*, R. 5.3, at 85.

⁵¹Matthew Butterick, *Typography for Lawyers* 53 (2010).

Instead, end the citation with “(citations omitted)” or “(footnotes omitted).”

“Where the federal courts now use *discovery* to identify the triable issues, such has always been the role of the *pleadings* in Missouri.” *ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp.*, 854 S.W.2d 371, 380 (Mo. banc 1993) (citation omitted).⁵²

Comments on Ellipses

The use of an ellipsis is more complicated than the four rules I have given you so far. *Show Me Citations* isn’t intended to be a summary of all punctuation rules. There is a detailed discussion about using ellipses with examples in *The Bluebook*, Rules 5.1-5.3. You can also check other sources such as

Alan L. Dworsky, *The Little Book on Legal Writing* 86-89 (2d ed. 1992)

or

Bryan A. Garner, *The Redbook: A Manual on Legal Style* §§ 1.43-1.48 (2002).

Much confusion in legal writing arises over the use of an ellipsis because the three dots are sometimes used with a period. All four are identical marks, but the difference is in the spacing at the beginning or at the end. If the four dots are a period followed by an ellipsis, there is no space before the first period, which follows the last word of the sentence. On the other hand, if the four dots are an ellipsis followed by a period, there is no space after the last dot, which is followed by quotation marks.

Bryan Garner disagrees with *The Bluebook* on whether to use three or four dots to show the omission of a paragraph.⁵³ He recommends to center three dots on a separate line with seven spaces between the dots.⁵⁴

⁵²*The Bluebook*, R. 5.3, at 85–86.

⁵³*The Redbook* § 1.44(b).

⁵⁴*Id.*

The GPO *Style Manual* shows three asterisks (* * *) separated by en spaces as an alternative form for an ellipsis instead of dots (periods).⁵⁵

I don't think anybody cares whether or not you follow *The Bluebook* rule that says not to set off quotations of fewer than fifty words from the rest of the text. Do what is necessary to help the reader understand the quotation and your argument.

About the Author

Patrick Deaton is a solo practitioner in St. Louis. He graduated from St. Louis University School of Law (1980), but he was not on the law review. He has been an assistant public defender, public defender, and law firm associate. He served as a circuit judge in the Thirty-First Judicial Circuit (Greene County) in 1998 and as acting chairman of Missouri's Labor and Industrial Relations Commission from 2003–04. His wife describes him as somewhat old-fashioned with progressive ideas but who is not any good at making home repairs.

⁵⁵GPO *Style Manual* § 8.76, at 208.