

Introduction

The “Vermont Uniform System of Citation” attempts to apply the rules of sometimes byzantine complexity and draconian formality recommended by *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 18th ed. 2005), commonly known as “*The Bluebook*,” to the full spectrum of Vermont authorities and sources.

In the twenty years since the publication of the first edition of the “Green Book,” 14 VT. L. REV. 315 (1989), there have been a number of changes in *The Bluebook* and the “Greenbook,” as it has come to be referred to as today. In the early 1990s, the Green Book and the “Vermont Uniform Citations” were two separate manuals. In the intervening years, they emerged as one document, becoming, simply, the Greenbook. This edition is an attempt to update and highlight the citation system used by *Vermont Law Review*. The separation of the two manuals will allow staff members to more easily access the rules mandated by the *Vermont Law Review* by separating style and convention requirements from more general information about the Note process, the bylaws, and Law Review method.

The Appendices following the two chapters are the newest innovation to what will now be called the “Vermont Uniform System of Citation.” The Appendices began as memoranda to the 2L staff members of Volume 33 from Senior Managing Editor Damon Amyx. The Senior Staff of Volume 34 elected to gather these useful documents into one place for the use of future staff members and editors.

As we noted in the first edition, frequent users of this manual will no doubt discover omissions. We therefore continue to welcome suggestions for additions and changes with an eye toward publication of future editions.

—Albert Vanderlaan, Senior Managing Editor, Volume 34, 2009–2010

Writing and Style Tips

This does not replace The Bluebook or The Redbook.

You may find Law Review work to be tedious at times or feel that the editors are overly picky. We ask that you follow the guidelines in Chapters 1 and 2 of the Vermont Uniform System of Citation, *The Bluebook*, and *The Redbook* because consistency makes everyone's job easier.

Common Bluebooking Issues



You will get to know your Bluebook intimately. Tab it, annotate it, or make yourself a cheat sheet. *The Bluebook* contains an amazing amount of information. Almost every style issue you will encounter will be in there. Use the index and consult the tables. The information is there!

Cases

1. Always abbreviate any word listed in table T.6 in the footnotes (not the text) (BB rule 10.2.2).
2. Always abbreviate countries and other geographical units as indicated in table T.10 (BB rule 10.2.2), unless it is the entire name of the party.
3. Cases (other than Supreme Court) must always indicate which court decided the case—give the name of the court and its geographical jurisdiction (see tables T.1, T.2, T.7 and T.10) (BB rule 10.4).
4. If an assertion is made about a case that is named in the same sentence, place a footnote at the *end* of the sentence. (Vt. Uniform Citation rule 1.4).
5. Short form for a case may be used if:
 - a. It clearly identifies a case that is already cited in the same footnote; or
 - b. The case is cited (in full or short form including *id.*) and readily locatable in one of the preceding five footnotes (BB rule 10.9).
6. Always refer to Appendix #1: Vermont Decisions when citing Vermont cases.

Electronic Media

1. For general information on Internet sources and applicable basic citation principles, see BB rule 18.2.

2. When a traditional source is accessible online, you should increase accessibility to the source by providing a parallel citation to the Internet with “*available at*”:
 - a. Am. Mining Cong v. U.S. Corps of Eng’rs, No Civ.A.93-1754-SSH (D.D.C. Jan. 23, 1997), *available at* <http://www.wetlands.com/fed/tulloch>.
3. However, if the material is found *only or exclusively* on the Internet, use the URL immediately after the citation separated by a comma. Do not use “*available at*.”
 - b. J.T. Westermeier, *Ethical Issues for Lawyers on the Internet and World Wide Web*, 6 RICH. J.L. & TECH. 5, 7 (1999), <http://www.richmond.edu>.
4. Remember, all Internet citations must include a date as they would under the regular citation rules for printed materials. Dates incorporated into PDFs, cases, news reports, and other sources control over the date of Internet publication. If there is no date available, then the term “last visited” should be used followed by the date the author last visited the site (BB rule 18.2.3(e)).
5. Do not forget to use pincites for Internet sources, if possible (BB rule 18.2.3(d)).

Place parenthetical information after the date of the information for that aspect of the citation to which the parenthetical pertains.

Ellipses

(BB rule 5.3)

1. Ellipses should never begin a quotation.
2. Do not use ellipses if a single word is merely altered or a footnote or citation is omitted. (For the latter two, use “(footnote omitted)” or “(citation omitted)”).
3. Use a three-period ellipsis with a hard space (CTRL + SHIFT + SPACE) between each period for omitted language from the MIDDLE of a quoted sentence.

“The General Counsel argued vigorously . . . against the severability of any portion of the statute.”
4. At the end of a sentence, use an ellipsis between the last word being quoted and the final punctuation of the sentence.

“Exercise and meditation have been determined to be the most likely cures for anxiety,”

5. If the author has omitted the end of a sentence in the middle of a quotation, use an ellipsis and the appropriate final punctuation.

“Why, then, are certain scholars advocating less . . . ? This seems counterintuitive.”

6. If the author omits a sentence or the beginning of a sentence in the middle of a quotation, use the three-period ellipsis and keep the period at the end of the previous sentence.

“The Duluth city council proposed a bicycle sharing program. . . . [I]t failed miserably.”

Hyphens

1. Always use an endash to indicate a page range even though *The Bluebook* says that a hyphen or endash is appropriate in these circumstances.

Quotations

1. Basic rule: quotations of fifty words or more should be justified and indented left and right without quotation marks (BB rule 5.1).
2. If any alterations are made in a quotation (e.g., a letter is changed from upper to lower case) the substituted word or words should be bracketed (BB rule 5.2).
3. An ellipsis indicates the omission of a word. An ellipsis is three periods separated by hard spaces and set off by a space (BB rule 5.3). Be aware that because we follow the Vermont Uniform System of Citation, you must always consult the Vt. Uniform Citation manual in addition to *The Bluebook* when dealing with an omission in quote. There are also different uses of ellipsis depending upon the placement of the omission (see above).
4. Changing the first letter of quoted text to a capital or lower case: Our adopted rule is that if the quote starts with a letter that is capitalized but the quote is in the middle of the sentence, alter it to lower case, but if it is preceded by a colon, preserve the original capitalization.

Short Citations

1. General *id.* rule: *id.* cannot be used to refer to any authority in a preceding footnote if the preceding footnote cites to more than one source (BB rule 4.1).
2. *Supra* and *hereinafter* should not be used to refer to cases, statutes, constitutions, legislative materials (other than hearings), or regulations except in very rare situations when the authority being cited is very long (BB rule 4.2).

Signals

1. When the author uses more than one signal in the same footnote, the signals should appear in the order in which they are listed in BB rule 1.2 (BB rule 1.3).
2. It is also important to realize that there is a particular order in which the authorities must appear within each signal (BB rule 1.4).
3. *See* is used when the author is requiring the reader to make an inferential step based on the source cited.
4. In almost all instances where the signals *See* or *See generally* are used, the citations should include explanatory parentheticals.
 - a. Explanatory parenthetical phrases begin with a present participle and should not begin with a capital letter (BB rule 1.5).
 - b. Parenthetical information that reads like a full sentence should begin with a capital letter (BB rule 1.5).

Spaces

1. Always use one space after a period. The outdated notion that two spaces should follow a period dates back to when type was set with monospaced font faces.
2. Each paragraph should be indented.
3. Hard spaces should be used in ellipses (CTRL + SHIFT + SPACE). These will appear as open circles (“°”) when Reveal Formatting is turned on in Microsoft Word. Hard spaces prevent ellipses from breaking across a line.

Statutes

1. The rules on citing statutes and other legislative materials need to be read very carefully. Also pay attention to Table 1 because each state and the federal government have their own unique citation form. You might want to look up the Bluebook rule before you make your copies so that you do not have to go back to copy necessary information missed the first time.
2. Year of the Code. (BB rule R. 12.3.2.)
 - a. A date must be included in the citation. The date can be found on the spine of the book, on the title page, or in the front of the supplement or Pocket Part. If the date on the spine of the book spans more than one year, put all years covered in the citation. If the volume is a replacement edition, use only the year of the replacement edition unless material is cited in both the main volume and the replacement edition or supplement.

Citation Examples for Statutes and Legislative Materials

1. Unfortunately, the National Environmental Policy Act (NEPA) imposes no substantive requirements and instead only requires that federal agencies follow certain procedures when reviewing environmental impacts of major federal actions.¹

BB Rules 12.2 and 12.3.1(a): first citation to a specific section of a statute that is commonly referred to by its name.

2. Congress passed the National Environmental Policy Act (NEPA) in 1969 in order to address escalating concerns over the environmental impacts of federal agency actions.²

BB Rule 12.2.2(b): citation to the date of historical enactment of a statute, but not to any particular section of that statute. Such a citation must include reference to the enacting session law.

3. Section 102 of NEPA requires that all federal agencies fully review any adverse environmental effects which cannot be avoided should the proposal be implemented; alternatives to the proposed action; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and; any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented³

4. Almost thirty years ago, Congress amended the Federal Water Pollution Control Act (FWPCA) in an effort to improve the regulation of water pollution in the United States.⁴

BB Rules 12.2.2(b), 12.6.2, and 12.7: Citation to date of historical enactment where statute cited has since been amended (must indicate in parenthetical).

5. In the Water Quality Act of 1987, Congress specifically addressed stormwater pollution by significantly amending the CWA to include section 402(p).

BB Rules 12.2.2(b), 12.6.2, 12.7: citation to historical enactment of a

¹ National Environmental Policy Act of 1969 § 102, 42 U.S.C § 4332 (1994).

² National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1970).

³ 42 U.S.C. § 4332(D) (1994).

⁴ Federal Water Pollution Control Act of 1948, Pub. L. No. 80-845, 62 Stat. 1155 (codified as amended at 33 U.S.C §§ 1251–1376 (1994 & Supp. 1997)).

specific section of a statute where statute is amending prior statute (must indicate parenthetical).

Subdivision

1. When citing material that spans over one page, give the page numbers separated by an endash. Always retain the last two digits, but drop other repetitious digits.
 - a. For example, 201–15, not 201-215 (BB rule 3.2).
2. “*Et seq.*” is not used when citing to multiple sections or subsections in a statute or regulation, give inclusive numbers instead. (BB rule 3.3(b)).

Typeface Conventions for Footnotes (BB rule 2.1)

1. Case names:
 - a. Use ordinary roman type for case names in full citation.
 - b. If a case name is within an article title in a citation, do not italicize.
 - c. Italicize the case if it is part of a sentence in the text or footnote (BB rule 2.2).
 - d. In a short citation, the first party of the case name is italicized.
2. Books:
 - a. Use small caps for the book author and title.
 - b. Capitalize first letters of words in the title. However, articles, contractions, and prepositions of four or fewer letters are not capitalized unless they begin the heading or title or immediately follow a colon (BB rule 8).
3. Periodicals:
 - a. Italicize article titles.
 - b. Use large and small capitals for the name of the periodical.
 - c. Author’s name appears in roman type.
4. Introductory signal:
 - a. Italicize all introductory signals, including “*e.g.*,” when they appear within citation sentences or clauses.
 - b. Do not italicize a signal word (even those normally used as signals, such as “see”) when it serves as the verb of an ordinary sentence.

Style Issues

1. Dollar and percent symbols should be used wherever numerals are used, but the words should be spelled out whenever the numbers are spelled out (BB rule 6.2).
2. Generally speaking, spell out numbers zero to ten in both the text and footnotes. Redbook rule 5.2(a). Note that this is in contravention to the Bluebook rule. The rest of the exceptions apply as stated in Bluebook rule 6.2.
3. There are also very specific rules dealing with capitalization (BB rule 8). The word Court means different things depending upon its capitalization. For example:
 - a. The Court (refers to the U.S. Supreme Court)
 - b. The supreme court (refers to state supreme courts)
 - i. The following list also indicates other commonly used words that may or may not be capitalized in legal writing: *Constitution, Federal, Judge, Commonwealth, Circuit, and Act.*

Writing an Effective Parenthetical

This information is meant as a supplement. Please refer to Bluebook rule 1.5 and Vermont Uniform Citations rule 6.1.

1. When do I need an explanatory parenthetical?

a. Signal

Whether to use a parenthetical depends primarily on the signal in front of the citation. First, you should determine that the correct signal is actually being used. If the source used does not directly support the author's assertion, but instead requires an inference, there should be a *See* signal. *The Bluebook* and the Vermont Uniform Citations strongly encourage the use of a parenthetical with a *See*, *See also* or *See generally* signal. Other signals that should usually have parentheticals include *Compare*, . . . *with*, *Cf.* and *But see*. Refer to Bluebook rule 1.2 for full details.

b. Context

Sometimes, even when the above signals are used, a parenthetical is not needed. If the author has already provided an explanation in the text or in the discussion following the citation, do not add a parenthetical. Use your judgment to determine when one will be necessary. If in doubt, err on the side of providing your Production

Coordinator with the maximum amount of information. They can then make the decision whether to include it.

2. Why am I writing a parenthetical?

a. Reader

The goal of a parenthetical is to make the article more understandable to the reader. Your parenthetical should clarify to the reader how the source supports what the author is saying and what the source actually says: how much of the assertion a source supports, what specific facts are used, the thesis or conclusion developed in the source, and so on. A parenthetical is useless if it simply repeats what the author has already said. After you write a parenthetical ask yourself if it adds anything to the piece. Does it help the reader to better understand the author’s assertion or what the cited source says? If not, try again.

b. Author

The author has information that they wish to impart to the reader. He or she wants people to be clear as to what is being said and why. Try to stay true to the author’s original thought and use the parenthetical as a way of expanding. Your parenthetical is the bridge linking the author’s assertion to the cited source.

3. What should I say?

a. Present Participle

Most parentheticals begin with a present participle and should not begin with a capital letter. The present participle describes what the source is doing. If it is a case you will use different language than for a fictional work. The more descriptive the verb is, the better the parenthetical will be. Get creative! Examples include:

- | | |
|--------------|-------------|
| Adding | Denouncing |
| Adopting | Describing |
| Agreeing | Detailing |
| Categorizing | Disagreeing |
| Charting | Discussing |
| Chronicling | Dismissing |
| Clarifying | Emphasizing |
| Concurring | Enunciating |
| Criticizing | Expanding |

Explaining	Praising
Finding	Predicting
Highlighting	Pronouncing
Holding	Prophesizing
Hypothesizing	Quoting
Listing	Recounting
Mentioning	Stating
Noting	Summarizing
Outlining	Underlining
Paraphrasing	

b. Quote Directly

Good parentheticals are sometimes direct quotations from the cited source. If a quotation is a full sentence, it should end with a period.

c. Short Phrases

A shorter parenthetical that does not begin with a participle phrase is acceptable if it provides enough information to the reader.

4. How much should I copy?

Copy and highlight enough material from the source for someone else to confirm that your parenthetical is an accurate assessment of the source material.

Active versus Passive Voice

(Redbook rule 10.27)

In passive voice, the verb is:

- A past participle of a transitive verb (a verb with a direct object).
- Often accompanied with a “by” prepositional phrase.
- Passive sentences often occur when the verb comes before the subject or there is no subject in the sentence.

Examples:

- Bob was run out of town by members of the Meadow Morals Society.
- The algebra textbooks were removed from the bunker.
- I heard it suggested that we raise our author.

Why Is Passive Voice Bad?

- It is wordy.

- It can be confusing. English sentences traditionally take the form Subject – Verb – Direct Object.
- It leaves the subject out.
- It obscures the meaning.
- It sounds awkward or stilted.

There May Be a Very Good Reason for Passive Voice

1. The actor is unknown or unimportant.

Passive: Dudley was seen crossing the street at 5:00 p.m.

Active: Someone saw Dudley cross the street at 5:00 p.m.

2. Emphasis is on the recipient of the action.

Passive: EPA regulations were pushed out in favor of Bush’s new “Lost Log Recovery Policy.”

Active: The administration pushed out EPA regulations in favor of Bush’s “Lost Log Recovery Policy.”

3. It may be the author’s intention to emphasize passivity.

Passive: The classification of Milquetoast as a national threat was passed from one agency to another until it was rejected by Bob.

Watch Out for Intransitives!

Examples: Someone was in the window.

Things are getting better all the time.