

Vermont Law Review Conventions

Use the following conventions for all articles and notes to promote continuity across issues. The intent of these conventions is to clarify ambiguities in *The Bluebook*. If you have any questions, please ask one of the Managing Editors.

CASE CITATIONS

1.1 Full Citation to a Case. Always include the full case name when a full citation is required by Bluebook rule 10 (hereinafter “BB rule ___”), even if the case name is included in the text.

Example: Text: The Supreme Court answered both questions in the affirmative in *California v. Cabazon Band of Mission Indians*.²³

FN: 23. *California v. Cabazon Band of Mission Indians*, 480 U.S. 202 (1987).

1.2 Abbreviation of Case Names. Case names in textual sentences should conform to BB rule 10.2.1. Except for the first word, case names in citations should be further modified to conform to BB rule 10.2.2, including abbreviation of all words contained in BB table T.6.

Correct: Text: This doctrine was first applied to environmental audit reports in *Reichhold Chemicals Corp. v. Textron, Inc.*⁵¹

FN: 51. *Reichhold Chems. Corp. v. Textron, Inc.*, 157 F.R.D. 522 (N.D. Fla. 1994).

Incorrect: Text: This doctrine was first applied to environmental audit reports in *Reichhold Chemicals Corporation v. Textron, Incorporated*.⁵¹

FN: 51. *Reichhold Chemicals Corporation v. Textron, Incorporated*, 157 F.R.D. 522 (N.D. Fla. 1994).

1.3 Short Citation to a Case. (BB rule 10.9)

1.3.1 Short Citation Format. When a short form citation is appropriate according to BB rule 10.9, use the name of one party followed by the short citation. This is the only appropriate short form, other than *id.*, even if the case name is mentioned in the text.

Example: *Chimel*, 395 U.S. at 755.

1.3.2 When Short Form Citation Used. According to BB rule 10.9(a), cases must be fully cited if they are not cited in the *previous five footnotes*.

1.4 Placement of Footnote Number. If an assertion is made about a case that is named in the same sentence, place a footnote at the end of the sentence only. This rule only applies in this particular situation. Footnotes may be placed in the middle of a sentence in other situations.

Correct: In *Gibbons v. Ogden*, plaintiff Gibbons was licensed to operate a ferry system between New York and New Jersey under a 1793 federal law.³²

Incorrect: In *Gibbons v. Ogden*,³² plaintiff Gibbons was licensed to operate a ferry system between New York and New Jersey under a 1793 federal law.³³

1.5 Vermont Case Citations

1.5.1 Parallel Citations—Before 2003. For Vermont case citations on or *before* December 31, 2003 **only**, include citations to both Vermont Reports and the Atlantic Reporter.

Example: *Harris v. Harris*, 149 Vt. 410, 418, 546 A.2d 208, 214 (1988).

Harris, 149 Vt. at 414, 546 A.2d at 211.

1.5.2 Parallel Citations—After 2003. For Vermont case citations on or *after* January 1, 2003, include citations to the public domain format, the Vermont Reports, and the Atlantic Reporter. For short citations, use only the public domain format.

Example: *State v. LeClaire*, 2003 VT 4, ¶ 9, 175 Vt. 52, 56, 819 A.2d 719, 723 (2003).

LeClaire, 2003 VT 4, ¶ 9.

1.5.3 Recent Vermont Cases. If the case is not available in Vermont Reports, use the public domain format and the Atlantic Reporter.

Example: *Mann v. Levin*, 2004 VT 100, 861 A.2d 1138 (2004).

NOTE: This is in contravention to the normal Bluebook rules—it is a *Vermont Law Review* specific format. See Appendix #1 for more details.

1.6 Recent U.S. Supreme Court Decisions. If a decision of the U.S. Supreme Court has not yet been published in United States Reports (U.S.), cite to the Supreme Court Reporter (S. Ct.). Do not leave a blank for future United States Report citation.

Correct: Dep’t of Revenue v. Kurth Ranch, 114 S. Ct. 1937 (1994).

Incorrect: Department of Revenue v. Kurth Ranch, U.S. , 114 S. Ct. 1937 (1994).

2.0 STATUTORY CITATIONS

2.1 Section Numbers. Do not abbreviate section numbers when citing multiple sections of a statute. (BB rule 3.4)

Correct: 24 U.S.C. §§ 1321–1326 (1988).

Incorrect: 25 U.S.C. §§ 1321–26 (1988).

2.2 Use of Ambiguous Dash. Do not use a dash to indicate consecutive sections where an ambiguity is created. Instead, use *to*.

Correct: IND. CODE ANN. §§ 13-10-2-1 to 12 (Burns 1994).

Incorrect: IND. CODE ANN. §§ 13-10-2-1–12 (Burns 1994).

2.3 Use of Et Seq. Never use et seq. (BB rule 3.4(b))

2.4 Use of a Hard Space. Use a hard space (CTRL + SHIFT + SPACE) between the section symbol (§) and the section number.

2.5 Short Citation Format. Use the acceptable short citation form for statutes (BB rule 12.9) only when the statute has been fully referenced within the previous five (5) footnotes.

2.6 Citing the Full Names of Statutes and Regulations. According to BB rule 12.9(c), statutes must be fully cited if they are not cited in the previous five footnotes. Refer to Table on page 113 of the 18th Edition. If the statute has a common name, the name needs to be in the full citation. The same rule applies to regulations under BB rule 14.2(a).

3.0 VERMONT CONSTITUTION

3.1 Text References to Sections and Articles. When referring to the Vermont Constitution, in the main text or in a footnote, material contained in Chapter 2 may be referred to by section only, and material in Chapter 1 may not be referred to by article only. A full citation is required.

Example: Text: According to section seven, the Governor has the power to declare war on law students.⁹⁵

FN: 95. VT. CONST. ch. II, § 7.

Text: Because the statement was made on the floor of the Vermont Senate, it could not form the basis of a criminal prosecution.¹⁸⁷

FN: 187. *See* VT. CONST. ch. I, art. 14

4.0 *Id.* CITATIONS

4.1 Use of *Id.* *Id.* may be used consecutively without any limit. (BB rule 4.1)

4.2 Italicization. *Id.*, including the period, should be italicized.

4.3 Capitalization. Capitalize *id.* only if it is the first word of a sentence. This is true even when there is a volume number in the citation.

Correct: 14. *See id.* § 551-2-2-13.

15. VI *id.* at 20.

Incorrect: 14. *See Id.* § 551-2-2-13.

15. VI *Id.* at 20.

4.4 Use of *Id.* with Page Numbers. Place the word *at* between *id.* and a page number.

Example: 103. *Id.* at 25,001.

4.5 Use of *Id.* with Other References. When referencing non-paginated materials, do not use *at* between *id.* and the reference. Such references include sections, parts, articles, chapters, paragraphs, and titles.

Correct: 23. *Id.* § 468.936(4)(b)

Incorrect: 23. *Id.* at § 468.936(4)(b)

5.0 PUNCTUATION

5.1 Quotation Marks

5.1.1 Quotation Mark Characters. All quotation marks should be “smart quotes” (“”).

5.1.2 Single Quotation Marks. When quotation marks are contained within quoted material, the quotation marks should be changed to single quotation marks. However, if the entire quotation is with quotation marks, indicate the quotation in the citation and drop the single quotation marks.

Correct: 24. The *Cooney* court noted that: “We are not so provincial as to say that every solution of a problem is wrong because we deal with it otherwise at home.” *Cooney*, 612 N.E.2d at 285 (quoting *Loucks v. Standard Oil Co.*, 120 N.E. 198, 201 (N.Y. 1927)).

Incorrect: 24. The *Cooney* court noted that: “We are not so provincial as to say that every solution of a problem is wrong because we deal with it otherwise at home.” *Cooney*, 612 N.E.2d at 285 (quoting *Loucks v. Standard Oil Co.*, 120 N.E. 198, 201 (N.Y. 1927)).

5.2 Colons. Place only one space after a colon.

5.3 Period Ending a Sentence. Always place one space after a period ending a sentence. This rule applies both to textual and citation sentences.

5.4 Commas.

5.4.1 Italics for Commas. Do not italicize commas following italicized words unless the comma is part of the italicized phrase. The comma after *See, e.g.*, is not italicized.

Correct: 304. *See, e.g., Swimmer*, 740 F. Supp. at 9.

Incorrect: 304. *See, e.g., Swimmer*, 740 F. Supp. at 9.

5.4.2 Use of Commas in a Series. In a series of three or more items, always use a comma before the conjunction. This is known as the Oxford comma.

Example: On the other hand, some view the production process as tedious, duplicative, and generally lacking any intellectual stimulus.

5.5 Ellipses (BB rule 5.2–5.4)

5.5.1 Ellipses Ending a Sentence. If quoted material is used as a full sentence, place an ellipsis at the end of the quoted language if required under BB rule 5.3. If the quoted material continues after the end of the sentence, use one space after the final period. If quoted material is not used as a full sentence, do not place an ellipsis at the end of the quoted language.

Examples: “The right of self-representation finds support in the structure of the Sixth Amendment . . . However the Sixth Amendment also ensures the right to counsel in criminal prosecutions.”³³

As noted in *Faretta*, “[t]he right to self-representation finds support in the structure of the Sixth Amendment.”⁸

5.5.2 Ellipses Following a Complete Sentence. If more than one sentence is quoted and material is deleted between sentences, the first period of the ellipse should be placed flush against the last word of the sentence. Use only one space between the ellipses and the start of a new sentence.

Example: “Conversations between suspects and undercover agents do not implicate such concerns. . . . When a suspect considers himself in the company of cellmates and not officers, the coercive atmosphere is lacking.”¹⁰⁴

5.5.3 Spacing within Ellipses. Ellipses may not run over from one line to the next. Place hard spaces between the periods (CTRL + SHIFT + SPACE) to prevent this from happening.

5.5.4 Ellipses Preceding Alterations. If bracketed language substitutes for omitted language, do not precede the bracketed language with an ellipsis. If, however, the bracketed language is not a substitute for all omitted language, insert an ellipsis accordingly.

Examples: Original: In reality, as I have noted elsewhere, this law should have been called the Attorney Full Employment Act.

Quote: “In reality, . . . [CERCLA] should have been called the Attorney Full Employment Act.”⁷⁴

Original: In reality, this law should have been called the Attorney Full Employment Act.

Quote: “In reality, [CERCLA] should have been called the Attorney Full Employment Act.”⁷⁴

5.6 Emdashes (—). Do not place a space either before or after an emdash.

Example: Irate members of the administration—with small, blue crooks in hand—rushed into the office.

5.7 Endashes (–). Use endashes to indicate a page range in a citation.

5.8 Repetitive Phrases. Phrases such as names and technical terms that are used more than once may be shortened for future use. Indicate the shortened form, within parentheses, after the first use of the phrase. Never use quotation marks.

Example: One example of this trend toward boutique legal training is the environmental law curriculum at Vermont Law School (VLS).

6.0 STYLE REQUIREMENTS

6.1 Use of Parentheticals. Unless the relevance of a citation is clear, a parenthetical or other explanatory sentence must follow a citation. An explanatory parenthetical should be used when explaining the relevance of the citation (BB rule 1.5).

6.1.1 Grammar within Parentheticals. Unless the parenthetical contains a complete sentence, such as a quotation, the parenthetical begins with a present participle. If the quoted material is more than one sentence, cite separately and not as a parenthetical, and follow with an appropriate citation.

Correct: *See, e.g., Tennessee v. Garner, 471 U.S. 1, 15 (1985) (holding that the use of deadly force is constitutionally unreasonable where the suspect poses no threat).*

Incorrect: *See, e.g., Tennessee v. Garner, 471 U.S. 1, 15 (1985) (use of deadly force is constitutionally unreasonable where the suspect poses no threat).*

Correct: *See, e.g., Tennessee v. Garner, 471 U.S. 1, 15 (1985) (“Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so.”).*

Incorrect: *See, e.g., Tennessee v. Garner, 471 U.S. 1, 11 (1985) (holding that “[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape.”).*

Correct: *See, e.g., Tennessee v. Garner, 471 U.S. 1, 11 (1985). “The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape.” *Id.**

6.1.2 Block Quotations in Parentheticals. Block quotations are not permissible in parentheticals. If a quotation is longer than 49 words, the quotation should be in a separate sentence with proper citation.

6.1.3 Ending Punctuation in Parentheticals. If the parenthetical contains a complete quoted sentence, appropriate closing punctuation should be placed both within the parenthetical and at the end of the citation. If the parenthetical does not contain a complete quoted sentence then place closing punctuation only at the end of the citation.

Example: 13. *Id.* at 7 (“If you are doing it through the lawyers, it takes a lot of time and slows down the compliance.”).

14. *See In re Continental Ill. Sec. Litig.*, 732 F.2d 1302, 1314 (7th Cir. 1984) (noting that “protection from disclosure is available only when the party asserting a privilege has maintained confidentiality”).

6.2 Block Quotations. In text, leave a “Vermont Normal” blank line both before and after the block quote. The block quote should be in “Text Block Quote” style. In footnotes, do not leave a blank line either before or after the block quote. The block quote should be in “Footnote Block Quote” style.

6.2.1 Indent of Block Quotes. Indent block quotes if the beginning of the paragraph is also the beginning of the quotation and even if there is only one paragraph. Follow BB rule 5.1(a)(iii) for further instruction on ellipses in multi-paragraph block quotes.

6.2.2. Quotes within Block Quotes. Quotes within a block quote should be done as they are in the original (either single or double quotation marks).

6.3 Author Biographical Information. Except for student-authored works, a footnote should appear after the author’s last name, marked “*”, containing the author’s biographical information, listed in reverse chronological order: Present position; Ph.D. and date, School; J.D. and date, School; B.A. and date, School.

Example: * Associate Professor of Law, Northeastern University School of Law; J.D. 1976, Harvard Law School; B.A. 1973, Yale University.

6.4 Caption Style

6.4.1 Title. The title should be centered, in bold, and in all caps.

6.4.2 Introduction and Conclusion. The Introduction and Conclusion should be centered, in large and small caps. The Introduction and Conclusion are **not** numbered.

Example: INTRODUCTION

6.4.3 Parts. Parts should be centered, in large and small caps, and are preceded by roman numerals. There is one space after a numeral or letter in a title. There are no tabs in the title.

Example: III. COMMON MISCONCEPTIONS ABOUT THE INSANITY DEFENSE

6.4.4 Subparts. Subparts should be centered and italicized, and are preceded by italicized capital letters.

Correct: *A. The Mediation Alternative*

Incorrect: A. *The Mediation Alternative*

6.4.5 Sub-Subparts and Beyond. These units should be centered and in normal roman type.

Example: 2. Screening by Mediators

6.4.6 Capitalization of Headings. Except for the first word of a part, subpart, etc., do not capitalize articles, conjunctions, prepositions of four or fewer letters, or *to* when used in an infinitive. However, capitalize the last word of a heading if that word would be the only lowercase word in the title.

Correct: *C. Disagreement with Harlan and Loathing Toward the Common Law*

Incorrect: C. *Disagreement With Harlan And Loathing Toward The Common Law*

6.5 Internal References

6.5.1 Capitalization of Internal References. Capitalize references to the work and its major parts.

Example: Finally, Part III.B of this Note argues that, because traditional tort remedies adequately address the problems associated with environmental contamination, CERCLA should be abandoned.

6.5.2 Use of "Part" and "Section." Refer to subdivisions of a work in terms of parts only.

Correct: 44. *See infra* Part II.C

Incorrect: 44. *See infra* Section II.C.

6.5.3 Use of "Subpart." Do not refer to a subpart of the work unless the reference is preceded by the word "this." Subpart is not capitalized when used.

Correct: 243. *See supra* Part I.A.3

Incorrect: 243. *See supra* subpart I.A.3.

Correct: Text: This subpart analyzed the policy implication of court ordered substance-abuse therapy.

6.5.4 Reference to Parts or Notes. Internal references may be either to parts or notes. However, the same reference should not refer to both parts and notes.

Correct: 541. *See supra* Part III.C.1.

Correct: 541. *See supra* notes 135–41.

Incorrect: 541. *See supra* Part III.C.1, notes 135–41.

6.6 Stylistic Emphasis. If the author wishes to emphasize a word or phrase, use italics or quotation marks. Quotation marks should be used only the first time the word or phrase is used. Do *not* underline words to show emphasis.

6.7 Use of Names. The first time a person is mentioned, give the first and last name. When referring to members of the United State House of Representatives, use “Representative.” Except within quotations or where the result would lead to an ambiguity, remove gender specific titles such as Mr., Mrs., and Miss.

Correct: Although Murphy and Perez disagree with Brumley’s argument, their blatant self-interest casts doubt on their counter-argument.

Incorrect: Although Ms. Murphy and Mr. Perez disagree with Miss Brumley’s argument, their blatant self-interest casts doubt on their counter-argument.

Correct: Mrs. Moser and Mr. Schnabel brought suit against the alleged paramours Mr. Mouser and Mrs. Schnabel.

Correct: In the trial court’s judgment, “Miss Jones was adequately able to identify Mr. Clinton.”⁹¹

6.8 Spacing Generally. Only one space is used between all sentences and all types of punctuation. RB rule 4.12.

6.9 Numbers Generally. Spell out numbers zero to ten in both the text and footnotes. RB rule 5.2(a). Note that this is in contravention to *The Bluebook* rule. The rest of the exceptions apply as stated in BB rule 6.2.

7.0 Internet Citations

7.1 Source Available Only on the Internet. If the source is only available on the Web, and it is not a periodical, report, or other “formal” document, use the following format (BB rule 18.2.1(a), 18.2.3):

- Use regular roman type for the entire citation.
- Do not put the title or description of the website in italics (this differs from BB rule 18.2.3(b)).

Examples: Bruno, <http://www.imdb.com/title/tt0889583/>.

Brian Warmoth, “Bruno” Now Banned in Ukraine, July 15, 2009,
<http://www.imdb.com/title/tt0889583/news#ni0879620>.

7.2 Institutional Authors. For institutional authors, abbreviate institutional author’s name according to BB rule 15.1.3(c), but do not put it in small caps. If for any reason the author is not obvious, however, spell out the entire name.

Example: Nat’l Oceanic and Atmospheric Admin., National Marine Sanctuaries – Welcome to the National Program, *at* <http://www.sanctuaries.nos.noaa.gov/natprogram/natprogram.html> (last visited Oct. 2, 2003).