

THE YELLOWBOOK: VERMONT'S STYLE MANUAL

INTRODUCTION

This manual is intended to supplement THE REDBOOK: A MANUAL ON LEGAL STYLE and the Bluebook: A Uniform System of Citation (hereinafter "Master Manuals"). The Vermont Law Review follows the conventions in these two manuals unless explicitly stated in this manual. This manual is not a substitute for either of the Master Manuals.

This manual is separated into three sections. Section 1 details the Vermont Law Review's specific citation style. Use Section 1 when performing cite-check. Section 2 details the Vermont Law Review's specific grammatical and aesthetic style. Use Section 2 when performing Line-by-Line. Sections 1 and 2 are split between departures from the Master Manuals and clarifications of the Master Manuals. Reference Section 3: Table of Common Errors as needed.

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SECTION 1: CITE-CHECK

a. DEPARTURES FROM THE BLUEBOOK

1. Newspapers

BB Rule 16.6

All newspaper citations must be to the electronic version of the article (16.6(f)), not the hardcopy version. This means that the production staff member must find the online analog to the in-print article and replace the citation. The Bluebook now *permits* this; we require it.

Example:

See, e.g., Mike Lupica, Editorial, He Ain't Sweet, But I Like His Style, N.Y. DAILY NEWS, June 1, 2012, at 4.

Becomes

See, e.g., Mike Lupica, Editorial, Mayor Bloomberg Deserves Credit for Trying to do the Right Thing by Banning Big Sugary Drinks, N.Y. DAILY NEWS, June 1, 2012, http://www.nydailynews.com/new-york/mayor-bloomberg-deserves-credit-banning-big-sugary-drinks-article-1.1087905.

Note: The citation is to the same article, however, the editor changed the title for the online version.

2. Vermont Cases Citations

BB Rule 10, Table 1 (Vermont)

(a) Parallel Citations—Before 2003.

For Vermont case citations on or *before* December 31, 2002 **only**, include citations to both Vermont Reports and the Atlantic Reporter.

Example 1: Harris v. Harris, 149 Vt. 410, 418, 546 A.2d 208, 214 (1988).

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

Id. at 415, 546 A.2d at 212.

(b) <u>Parallel Citations—During & After 2003.</u>

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. Remember that these citations don't require the year in parentheticals at the end; the year is clear from the first part of the citation after the case name.

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

LeClaire, 2003 VT 4, ¶ 9.

Id. ¶ 9.

(c) 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.

3. Vermont Constitution

BB Rule 11

When referring to the Vermont Constitution, in the main text or in a footnote, material contained in Chapter 2 may not 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 1: Text: According to section seven, the Governor has the power to declare war on law students. 95

⁹⁵ VT. CONST. ch. II, § 7.

<u>Example 2</u>: Text: Because the statement was made on the floor of the Vermont Senate, it could not form the basis of a criminal prosecution. ¹⁸⁷

¹⁸⁷ See VT. CONST. ch. I, art. 14

4. Government Reports

BB Rule 14.2

Cite all annual government reports in accordance with BLUEBOOK Rule 15.

Example:

Correct:

SUZANNE H. REUBEN, PRESIDENT'S CANCER PANEL, NAT'L CANCER INST., REDUCING ENVIRONMENTAL CANCER RISK: 2008-2009 ANNUAL REPORT 5, 16, 26 (2010), http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf.

Incorrect:

Suzanne H. Reuben, *Reducing Environmental Cancer Risk*, 2008-2009 PRESIDENT'S CANCER PANEL ANN. REP. 5, 16, 26 (2010),

http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf.

b. CLARIFICATIONS OF THE BLUEBOOK

5. Page Ra	nges			
BB Rule 3.2(a)	Always use an en-dash (–) to indicate a page range even though the BLUEBOOK says that a hyphen or en-dash is appropriate. We think en-dashes look prettier.			
	Note: en-dashes are symbol code 2013 in Microsoft Word, and the shortcut is typically Ctrl-			
		pad). If you don't ha	ive a numpad, you might	want to rebind that shortcut.
-	tory Parentheticals			
BB Rule 1.5(a)	(a) Always use a parenthetical if the author uses a signal (unless the author is using a signal as the verb of a textual sentence, as permitted by Rule 1.2(e)).			
	(b) Your parenthetical should clarify to the reader how the source supports what the auth saying and what the source actually says: how much of the assertion a source support what specific facts are used, the thesis or conclusions developed in the source, and so			assertion a source supports,
BB Rule	_		hat the source is doing.	
1.5(a)(i) Note: The more descriptive the verb is, the better the parenthetical will be			cal will be.	
	Examples include:			
	Adding	Adopting	Agreeing	Categorizing
	Charting	Chronicling	Clarifying	Concurring
	Criticizing	Denouncing	Describing	Detailing
	Disagreeing	Discussing	Dismissing	Emphasizing
	Enunciating	Expanding	Explaining	Finding
	Highlighting	Holding	Hypothesizing	Listing
	Mentioning	Noting	Outlining	Paraphrasing
	Praising	Predicting	Pronouncing	Prophesizing
	Quoting	Recounting	Stating	Summarizing
			r, 471 U.S. 1, 15 (1985) (hasonable where the suspec	nolding that the use of deadly t poses no threat).
Incorrect: See, e.g., Tennessee v. Garner, 471 U.S. 1, 15 (1985) (use of dead constitutionally unreasonable where the suspect poses no threat).		=		

	(d) A shorter parenthetical that does not begin with a participle phrase is acceptable if it provides enough information to the reader.		
	Example:		
	The United States Supreme Court has declared several constitutional rights as fundamental. ¹		
	¹ Roe v. Wade, 410 U.S. 113, 169 (1973) (right to choose to have an abortion); Eisenstadt v. Baird, 405 U.S. 438, 453 (1972) (right to choose to bear or beget children); Griswold v. Connecticut, 381 U.S. 479, 484–85 (1965) (right to use contraception).		
BB Rule 1.5(a)(ii)	(e) Remember that parentheticals directly quoting the authority start with a capital letter and end with appropriate punctuation.		
	<u>Correct</u> : 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 tailing 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.").		
	<u>Correct</u> : 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." <i>Id.</i>		
	(f) Parentheticals may not contain quotations longer than 49 words; i.e., block quotations. If the author included a parenthetical longer than 49 words, make the quotation its own footnote sentence followed by appropriate citation.		
7. Citations	s to Cases		
BB Rule 10	Always include the full case name when a full citation is required by BLUEBOOK rule 10, even if the case name is included in the text.		
8. Citations	s to Case Briefs and Court Filings		
BB Rule 10.8.3	Always include the court filing number assigned to the brief, motion, order, etc., set off with ECF No.		
9. Placemen	nt of Footnote Call Numbers		
BB Rule 1.1(a)	If an assertion is made about a case that is named in the same sentence, place the footnote at the end of the sentence only. This rule only applies in this particular situation. Footnotes may be placed in the middle of the sentence in other situations.		

10. Short Form Citations		
BB Rule 12.10(b)	(a) When short citing a United States Code (U.S.C.) provision, omit the date and name of the statute, but include the title number.	
	Example:	
	Administrative Procedure Act § 1, 5 U.S.C. § 551 (2006).	
	Becomes	
	5 U.S.C. § 551.	
BB Rule 14.4	(b) When short citing an administrative regulation, always include the title of the code.	
	Example:	
	Full Citation: 16 C.F.R. § 444.1 (2009).	
	Short Citation: 16 C.F.R. § 444.1.	
	Not: § 444.1.	
11. Using Id.		
BB Rule 1.2	(a) Id. is capitalized only when it begins a sentence	
BB Rule 3.3	(b) Do not use "at" when <i>id</i> . precedes a section or paragraph symbol as when citing a statutory section.	
	Example:	
	Administrative Procedure Act § 1, 5 U.S.C. § 551 (2006).	
	Id. § 553.	
BB Rule 4.1	(c) <i>Id.</i> may be used consecutively without limit.	
12. Internet Citations		
BB Rule 18.2.2(a)	(a) BLUEBOOK rule 18.2.2(a) should read: "If domain ownership is clear from the website's [main page] title, omit the name of the institutional author."	
BB Rule 18.2.1, 18.2.3	(b) Always include a citation to a URL even if the source is readily available in hard copy (if you have the URL—don't track down online versions of every source.) Remember that the Twentieth Edition does away with "available at," so just put the URL at the end after a comma.	

13. Spaces

BB Rule 5.3, 3.3; RB Rule 1.45–1.50 (ellipses) Insert hard (non-breaking) spaces (Ctrl-Shift-Space):

- (1) Between and to the left of periods used in ellipses, AND
- (2) After section symbols (§) and paragraph symbols (¶).

Hard spaces prevent ellipses from breaking across the line. You can view the difference between a soft space and a hard space by clicking the "Show/Hide \P " button that should be in the "Paragraph" options.

As an example of (1), "..." should be "..." There are soft spaces next to and to the left of the ellipsis and hard spaces in the ellipsis.

As an example of (2), imagine you're reading an article that briefly mentions, let's say, § 13321 of the—see what just happened? How ugly! The hard space makes sure that the section symbol sticks to the section number, so even if you're perilously close to the end of the line, § 13321 sticks together.

Even if it's not close to the end of the line, put in hard spaces—you don't know where those section symbols are going to end up at the end of the production process.

SECTION 2: LINE-BY-LINE

a. DEPARTURES FROM THE REDBOOK

14. Numbers

RB Rule 5.2(a)

The number rule is one of those rules that only true nerds care about: do we spell out everything from zero to ninety-nine, or do we just spell out zero to ten? The REDBOOK says that seventy-seven is clearly harder to read than 77. The BLUEBOOK, by contrast, resolutely commands that we spell out "ninety-nine," even in the more modern Twentieth Edition.

In the past, we've stuck with BLUEBOOK Rule 6.2. For Volume 40, we're hitching our cart to Bryan Garner's star. So **only spell out zero through ten**, in accordance with REDBOOK Rule 5.3.

However, continue to follow the BLUEBOOK's other numeral rules in Rule 6.2. Do not spell out numbers included in percentages (45%), expressing currency (\$50.00), or included in ranges (... between 85 and 122...)

See REDBOOK rules 5.3, 5.6, and 6.4 for further guidance.

15. Section Headings

RB Rule 4.20

- (a) All headings should be formatted according the following rules:
 - (1) **TITLE**. The title should be centered, in bold, and in all caps.
 - (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

(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

(4) **SUBPARTS.** Subparts should be centered and italicized, and are preceded by italicized capital letters.

Correct: A. The Mediation Alternative

<u>Incorrect</u>: A. *The Mediation Alternative*

(5) **SUB-SUBPARTS.** These units should be centered and in normal roman type.

Example: 2. Screening by Mediators

(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	
	(b) Do not place a period at the end of any heading.	
16. Section Symbol (§) in Text		
RB 6.2	Follow Bluebook Rule 6.2(c) when referring to a specific section in main text and footnote text. Do not follow Redbook Rule 6.2.	

b. CLARIFICATIONS OF THE REDBOOK

17. Spaces		
RB 4.12	Always use one space after punctuation.	
18. Quotatio	ns	
RB 2.4	(a) <u>Capitalization.</u> 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.	
	Example: Some scholars worry that rancor on the Court is on the rise, with phrases like "[t]he Court's next bit of interpretive jiggery-pokery " appearing in more dissenting opinions.	
	Example: Some scholars worry that phrases like this set a bad example to law students: "The Court's next bit of interpretive jiggery-pokery"	
RB 1.31	(b) Punctuation Placement in Relation to Quotation Marks.	
	Place quotation marks outside: periods and commas	
	Place quotation marks inside: semicolons and colons	
	Place question marks and exclamation points inside quotation marks if the question mark or exclamation point appears in the original quote.	
19. Em-Dasl	nes (—)	
RB 1.36; 1.51	Use em-dashes in place of parenthesis to set off appositive material unless doing so would clearly interfere with the author's voice—i.e., the author is clearly trying to minimize the material, not emphasize it.	
20. Author Biographical Material		
	(a) <u>Professional Authors</u>	
	A footnote should appear after the author's last name, marked "*", containing the author's biographical information, listed in reverse chronological order: Present position; PhD. 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.

(b) Student Authors

Student authors sign their work at the end.

A footnote should appear after the author's last name, marked "*", containing the author's biographical information, listed in reverse chronological order:

Juris Doctor Candidate [Date], [School]; [Master's Degree Abbreviation] [Date], [Master's Degree School]; [Bachelor's Degree Abbreviation] [Date], [Bachelor's Degree School].

21. Internal Cross-References

BB Rule 3.5

(a) <u>Capitalization of Internal References</u>. Capitalize references to the work and its major parts.

<u>Example</u>: 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.

(b) <u>Use of "Part" and "Section</u>." Refer to subdivisions of a work in terms of parts only.

<u>Correct</u>: ⁴⁴ See infra Part II.C.

<u>Incorrect</u>: ⁴⁴ See infra Section II.C.

(c) <u>Use of "Subpart."</u> Do not refer to a subpart of the work.

Correct: ²⁴³ See supra Part I.A.3

<u>Incorrect</u>: ²⁴³ *See supra* subpart I.A.3.

(d) <u>Reference to Parts or Notes</u>. Internal references may be arranged according the examples in BB Rule 3.5. Within the same internal reference do not refer to both parts and notes.

<u>Correct:</u> ⁵⁴¹ See supra Part III.C.1.

Correct: 541 See supra notes 135–41.

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

22. 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.

<u>Correct:</u> 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. Moser

and Mrs. Schnabel.

<u>Correct:</u> In the trial court's judgment, "Miss Jones was adequately able to identify Mr. Clinton."

23. Numbers and Letters Used for Lists

RB 1.38(a)-(b)

When using numerals or letters in text to delineate items in a list, set off the numerals or letters with full parentheses.

Examples

The elements of negligence are: (1) duty; (2) breach; (3) causation; (4) harm.

Standing requires (a) an injury-in-fact, which was (b) caused by the defendant's actions, and is (c) redressable by a favorable ruling.

NOT: The elements of negligence are: 1) duty; 2) breach; 3) causation; 4) harm.

24. Quotation Marks

RB 1.29–1.34; 3.4(a)

In general, prefer the use of italics over quotations marks to emphasize defined terms. However, use of quotation marks is not limited to those uses delineated in Redbook rules 1.29–1.34. Quotation marks can be used as a rhetorical device to assist the reader in distinguishing a term or phrase (defined or not) from the rest of the sentence. Whatever device is used, remain consistent throughout the written work.

Examples

- 1. It is important to distinguish between "account stated" and "implied account stated" in order to follow their history.
- 2. When you write a constitution, a social contract, you take the power that belongs to the people and "vest" it in different parts of the new government you are creating.

25. Capitalization

RB § 2; BB 8

Save for Rule 2.6, follow Redbook § 2 on capitalization. Follow Bluebook Rule 8 on capitalizing proper nouns.

Always capitalize the words:

President: When referring to the Office of the President of the United States (such as a past, present or future President) or a former President of the United States.

Commander-in-Chief: When referring to the President of the United States

If you are unclear as to whether a specific noun is a proper noun, follow the conventions
displayed in Books and Journal Articles—in that order of preference—which contain subject
matter relevant to the article you are editing.

26. American English

RB § 7.26

American English spelling, commonly known as Oxford spelling, is required (unless it is part of a title, quoted material, etc.). This includes words that end with "-ise" or "-our" in British English; they should end with "-ize" or "-or" instead.

Correct American/Oxford English	Incorrect British English
Airplane	Aeroplane
Analyze	Analyse
Behavior	Behaviour
Color	Colour
Organization	Organisation
Program	Programme
Summarize	Summarise
Judgment	Judgement

Note that these are only examples, and many other similar spelling differences exist.

SECTION 3: TABLE OF COMMON ERRORS

Description	Master	Rule Explanation
	Manual Rule	
	Number	
Internet	BB Rule	All internet citations must include a date. If there is no publication date
Dates	18.2.2	available, then the term "last visited" should be used followed by the date the
		author last visited the site.
Omissions	BB Rule	When language after the end of a quoted sentence is deleted and is followed by
of	5.3(b)(v)	further quotation, retain the punctuation at the end of the quoted sentence and
Quotations		insert an ellipsis before the remainder of the quotation.
Case Names	BB Rule	If a case name is within an article title in a citation, do not italicize.
in Titles	2.1(a)	
Abbreviating	BB Rule	Do not abbreviate United States in case citations unless United States is not the
United	10.2.2	entire name of the party:
States		
		Old Chief v. United States.
		Smith v. U.S. Dep't of Justice.
Using Short	BB Rule 10.9	Do not short cite a case unless the author fully cites the case in one of the
Cites		previous five footnotes.
Hard Spaces	BB Rule 12	Insert hard (non-breaking) spaces adjacent to section symbols (§) in statutory
Surround the		citations.

Section Symbol		Hard Spaces are inserted by pressing:
		CTRL + SHIFT + SPACE
Hard Spaces Surround and to the		Insert hard (non-breaking) spaces in between and to the left of ellipses. (<i>not</i> to the right of ellipses).
left of Ellipses		Hard Spaces are inserted by pressing:
		CTRL + SHIFT + SPACE
Using <i>Id</i> .	BB Rule 3.3	When referencing non-paginated materials, do not use <i>at</i> between <i>id</i> . and the reference.
		<i>Id.</i> § 468.936(4)(b)
		NOT
		Id. at § 468.936(4)(b)
Spacing, Generally	RB Rule 4.12	Only once space is used between all sentences and all types of punctuation, except for EM-DASHES (—) which have no spaces on either side of them.

ADDENDUM: AMENDING THE YELLOWBOOK

The newly elected managing editors may amend the YELLOWBOOK in any manner they deem necessary. The following process may assist the managing editors with amending the YELLOWBOOK in a timely and efficient manner.

- 1. In late January or early February, the newly elected Senior Managing Editor (SME) forms a YELLOWBOOK Revision Committee consisting of the Managing Editors (MEs) and SME as chair of the committee.
- 2. The Committee determines the purpose of the YELLOWBOOK and if the VERMONT LAW REVIEW still requires its own style manual. The purposes of this revision of the YELLOWBOOK are detailed in the INTRODUCTION, *supra*.
- 3. After agreeing on an overall purpose, the Committee should set a schedule to periodically meet to revise the YELLOWBOOK. The Committee should set a date to finish revisions that allows the SME to train production staff prior to the start of the next production cycle. Ideally, the Committee should complete all revisions by the end of April of their 2L year.
 - 4. In each of the meetings, the Committee reviews each rule and determines:

- a. Whether the rule is already covered by a BLUEBOOK or REDBOOK provision, and, correspondingly, if the rule is unnecessarily duplicative;
 - b. Whether a unique rule is necessary;
- c. Whether a unique rule should be changed. For example, several YELLOWBOOK rules choose between conflicting Bluebook and Redbook rules. The Committee should determine which rule is best;
 - d. Whether the organization of the YELLOWBOOK is effective or should be changed.
- 5. After the Committee agrees on suggested revisions, the SME collates all the comments and amends the existing YELLOWBOOK in track changes.
- 6. The SME distributes the track changed YELLOWBOOK to the Committee to ensure the SME incorporated all changes correctly.
 - 7. The Committee meets as necessary to finalize the draft Yellowbook.
- 8. The Committee presents the amended Yellowbook to the current SME and Editor-in-Chief, as well as the incoming Editor-in-Chief for final review.
 - VOLUME 41 VERMONT LAW REVIEW YELLOWBOOK REVISION COMMITTEE

Al M. Dean
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