Michigan Supreme Court

Office of the Reporter of Decisions

Michigan Appellate Opinion Manual

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INTRODUCTION

The Office of the Reporter of Decisions works closely with the justices and judges and their staffs to ensure that opinions and orders published in the Michigan Reports and the Michigan Appeals Reports are relatively consistent in style, structure, and format and that quotations and citations of authority adhere to a common set of standards. The Michigan Appellate Opinion Manual sets forth those standards observed in the editing of opinions and orders for publication. It features expanded discussion of the rules for quotation of authority, updated "Frequently Suggested Corrections" and "Word List" appendixes, and a more liberal employment of examples. Most of the "rules" herein are unchanged from the longstanding practices recorded in previous versions, but we hope this presentation will be more accessible and that it will better reflect our years of editorial experience.

Some of the matters touched upon deal with mechanics of document preparation that are unique to the Courts' operations, but we expect the manual may also be of interest to those who prepare pleadings and filings for submission to the Courts. For the convenience of users of the online version, the manual is completely searchable and the entries in the table of contents and the cross-references are hyperlinked to the indicated text.

Because it is impossible for the manual to be comprehensive, we encourage users who confront usage, quotation, or citation issues to contact us for advice regarding them. Those exchanges can also assist us in identifying matters to be addressed in future updates of the manual.

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CHAPTER 1 – CITATIONS

A. CITATIONS IN GENERAL

Quick Reference Chart

Legal Source	Citation Format	Pg. No.
Mich Cases	*Hays v Lutheran Social Servs of Mich*, 300 Mich App 54, 56-59; 832 NW2d 433 (2013) *Hays*, 300 Mich App at 59 *Id*. at 60	7
US Supreme Court Cases	*Mincey v Arizona*, 437 US 385; 98 S Ct 2408; 57 L Ed 2d 290 (1978)	15
Fed Circuit Court	*Ierardi v Gunter*, 528 F2d 929 (CA 1, 1976)	18
Fed District Court	*Aetna Cas & Surety Co v PPG Indus, Inc*, 554 F Supp 290 (D Ariz, 1983)	18
Mich Constitution	Const 1963, art 6, § 1	29
US Constitution	US Const, art III, § 1 US Const, Am XIV	30
Mich Compiled Laws	MCL 776.20	31
Mich Public Acts	1974 PA 296	34
Mich Bills	2013 HB 4015 2013 SB 481	35
Fed Statutes	11 USC 29	35
Mich Court Rules	MCR 2.306	37
Mich Rules of Evidence	MRE 801	38
Mich Administrative Rules	Mich Admin Code, R 408.41863	40
Legal Treatises	13 Corbin, Contracts (rev ed), § 72.4(2), p 478	45
Restatements	3 Restatement Torts, 2d, § 520, p 41	47
Dictionaries	*Black's Law Dictionary* (9th ed) *Random House Webster's College Dictionary* (2005)	48
Legal Periodicals	Comment, *Prosecutorial Discretion in the Duplicative Statutes Setting*, 42 U Colo L Rev 455 (1971)	49

1:1 PLACEMENT

Cite authorities in embedded citations, citation sentences, citation clauses, or footnotes. For placement and formatting of citations indicating the source of a block quotation, please see § 2:12 on page 103.

Embedded Citations

Embedded citations are woven into the text of a sentence:

> This understanding is consistent with the Court of Appeals' opinion in *People v Albers*, 258 Mich App 578; 672 NW2d 336 (2003).
>
> In *Co Rd Ass'n of Mich v Governor*, 474 Mich 11; 705 NW2d 680 (2005), our Supreme Court held . . . .
>
> MCL 8.3a, the relevant statute, was added in 1959.

Citation Sentences

Citation sentences are typically used when the citation relates to the whole sentence that it supports:

> We review de novo a trial court's ruling on a motion for summary disposition. *Haynes v Neshewat*, 477 Mich 29, 34; 729 NW2d 488 (2007).
>
> The Court of Appeals previously reached the opposite conclusion. See *Ed Dev & Mgt Co v Brown*, 999 Mich App 444; 888 NW3d 777 (2015).
>
> "All words and phrases shall be construed and understood according to the common and approved usage of the language . . . ." MCL 8.3a.

Citation Clauses

Citation clauses are used when a citation relates to only part of a sentence. A citation clause should be set off by commas:

> This Court must consider whether the statute and the rule of evidence can be construed so that they will not conflict, *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999), and must not lightly presume that the Legislature intended a conflict, *People v Dobben*, 440 Mich 679, 697 n 22; 488 NW2d 726 (1992).

Footnotes

Footnotes may also be used for citations. When using footnotes for citations, include the name of the case with the citation in the footnote even if you have referred to the name of the case in the text:

> This understanding is consistent with the Court of Appeals' opinion in *People v Albers*.[1]
>
> We review de novo a trial court's ruling on a motion for summary disposition.[2]
>
> This Court must consider whether the statute and the rule of evidence can be construed so that they will not conflict,[3] and must not lightly presume that the Legislature intended a conflict.[4]

---

[1] *People v Albers*, 258 Mich App 578; 672 NW2d 336 (2003).

[2] *Haynes v Neshewat*, 477 Mich 29, 34; 729 NW2d 488 (2007).

[3] *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999).

[4] *People v Dobben*, 440 Mich 679, 697 n 22; 488 NW2d 726 (1992).

1:2 FULL AND SHORT CITATIONS

1:2.1 FULL CITATIONS

The first time that a citation is given, the full citation for that particular source should be used. If this manual does not contain an example citation for the source you are citing, cite by analogy. The full citation should permit the reader to identify and locate the source, and easily find the relevant information within the source. If a source is initially cited in a footnote, it must be cited again in full in the main text if it is referred to subsequently in the text.

1:2.2 SHORT CITATIONS

Short-Form Citations in General

Once cited in full in the text, a source need not be cited again in full in the text or a footnote. Rather, subsequent references in the text or a footnote may use a short-form citation. Note that when a source is first cited in full in a footnote, a short-form citation for that source may be used in a subsequent footnote. The short-form citation should still provide the reader enough information to identify the source. Examples of acceptable short-form citations are included in the discussions of specific sources in this manual.

Id.

"*Id*.," short for "*idem*," means "the same" and is the short form used to refer to the immediately preceding authority. The "i" in *id*. is only capitalized when it begins a citation sentence. *Id*. is always italicized with a Roman period following the "d." Used alone, *id*. indicates that the cited authority is exactly the same as the immediately preceding authority.

When the same source is being referred to, but at a different page, add "at" and the new jump page (e.g., "*Id*. at 8."). *Id*. may be used as a short-form citation for any source except internal cross-references (see § 1:38 on page 52 of this manual for additional discussion of cross-references).

Note: With regard to statutory citations, *id*. may only be used if the citation is exactly the same. Accordingly, the "*id*. at ___" format should not be used for statutes.

Note also: *Id*. may only be used when the preceding citation includes only one source. For purposes of this rule, sources included in explanatory clauses are considered intervening, and *id*. should not be used thereafter:

> " 'The powers of the courts with reference to such matters are derived from the statutes.' " *Cornell*, 466 Mich at 353, quoting *Piasecki*, 333 Mich at 143. "[M]atters of substantive law are left to the Legislature." *Cornell*, 466 Mich at 353.

However, *id.* may still be used when the text briefly refers to another citation if the use of *id*. will not cause confusion:

> The majority's reliance on *People v Jones*, 777 Mich App 30; 555 NW2d 666 (1996), is unavailing. In *Jones*, the Court examined the wording of MCL 768.29a, holding that it was unambiguous. *Id*. at 35.

1:3 INTRODUCTORY SIGNALS

Introductory Signals in General

Signals (see, but see, see also, cf., accord, compare . . . with, contra) should be used to provide the reader with additional information about the cited authority when the cited authority does not directly support the text. Signals should not be italicized, and a comma should not be placed after a signal unless it is used to set off a separate clause:

> See *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).

> See, e.g., *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> See, for example, *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> Cf. *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> Accord *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> See also *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> But see *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).
>
> Compare *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992), with *People v Oz*, 444 Mich App 333; 222 NW2d 111 (1993).

Separation of Signals

The signal carries through the citation sentence, so do not repeat the signal before subsequent authorities providing the same type and degree of support for the text. A semicolon should be used to separate different signals and their accompanying citations:

> See *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999); *People v Dobben*, 440 Mich 679, 697 n 22; 488 NW2d 726 (1992); cf. *People v Jones*, 999 Mich App 888; 777 NW2d 555 (1992).

When a citation sentence directly supports the whole sentence that it follows, additional citations set off by an introductory signal should be placed in a separate citation sentence:

> We review de novo a trial court's ruling on a motion for summary disposition. *Haynes v Neshewat*, 477 Mich 29, 34; 729 NW2d 488 (2007). See also *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999).

1:4 STRING CITATIONS AND THE NUMBER OF SOURCES TO CITE

A citation sentence or clause that contains multiple authorities concerning a single proposition is called a "string citation." Use of long string citations, even in footnotes, should be avoided. String citations "disrupt the flow of the text and burden readers." Cooney, *Stringing Readers Along*, 85 Mich B J 44 (Dec 2006).

Generally, string citations should be used only when it is necessary to cite multiple sources for a single point of law. For example, a string citation might be appropriate when noting that there is a split between federal circuit courts. When using a string citation in that situation, include a brief parenthetical explanation for each case cited.

1:5 EXPLANATORY PARENTHETICALS

Explanatory Parentheticals in General

Use explanatory parentheticals to help the reader understand the significance of a citation. They are particularly helpful when a signal is used to introduce the citation. The parenthetical should be placed after the source to which it relates, preceding any citation of subsequent history or related authority.

If the parenthetical contains a quotation that is a complete sentence and the quotation constitutes the totality of the parenthetical, final punctuation, such as a period, should be included in the parenthetical and the parenthetical should begin with either a natural or bracketed capital letter.

If a parenthetical is not just a quotation and is more than a few words in length, it is best to begin the parenthetical with a present participle (i.e., an active phrase such as "making . . . ," "stating that . . . ," "warning that . . . ," "emphasizing that . . . ," or "holding that . . ."):

> See also *Sanabria*, 437 US at 64 (stating that the "fundamental nature" of the rule barring review of a verdict of acquittal is "manifested by its *explicit extension to situations where an acquittal is 'based upon an egregiously erroneous foundation*' "), quoting *Fong Foo*, 369 US at 143 (emphasis added).
>
> *Klooster v Charlevoix*, 488 Mich 289, 296; 795 NW2d 578 (2011) ("The primary goal of statutory interpretation is to give effect to the Legislature's intent, focusing first on the statute's plain language.").
>
> See MCL 333.7403(2)(d) (making possession of marijuana a misdemeanor).
>
> Compare MCL 333.7403(2)(d) (possession of marijuana) with MCL 333.7403(2)(e) (possession of a prescription form).
>
> *White*, 25 Mich at 469 ("[A]s against a party receiving an account, and not objecting to it within a reasonable time, its correctness may be considered as admitted by him . . . .").

For parentheticals concerning quotations, e.g., (emphasis added), (alteration in original), (citation and quotation marks omitted), please see the relevant sections of the quotations chapter in this manual.

For parentheticals concerning the authorship of an opinion, e.g., (opinion by KELLY, J.), (KELLY, J., dissenting), (KELLY, J., concurring in part and dissenting in part), please see § 1:15 on page 25.

Nested Parentheses

When citing statutory subparts (or other materials using parentheses) within an explanatory parenthetical, use nested parentheses:

> See *Smith*, 999 Mich at 42 (explaining that a defendant convicted under MCL 750.520b(1)(a) is subject to consecutive sentencing under MCL 750.520b(3)).

1:6 STAR PAGING

In some materials, including reprints of early Michigan and United States Reports and later editions of several well-known treatises, the original page numbering is indicated by an asterisk in either the margin or the text. This is known as star paging. The star page should be used for the citation. Generally, note the use of star paging by including an asterisk or asterisks in the citation. For early Michigan and United States Reports, however, while the star page is the page that should be cited, the asterisk should not be included in the citation:

> 3 Blackstone, Commentaries on the Laws of England, p *117.
>
> 4 Blackstone, Commentaries on the Laws of England, pp **286-287.
>
> *Swift v Applebone*, 23 Mich 252, 255 (1871).

B. CASE CITATIONS

1:7 CASE NAMES

1:7.1 CASE NAMES IN GENERAL

Cite the name of the case as set forth in the official reports of the jurisdiction as fully as necessary for recognition. Omit the word "the" when it is the first word of a party's name. Abbreviate in accordance with the list of suggested abbreviations for captions in Appendix 5. Generally, citations should include only the first party's surname or corporate name and the first defendant's or respondent's surname or corporate name. Do not show *et al*, *et ux*, or like references to other parties in the case. In subsequent short-form citations for civil cases, generally use the name of the first listed party to identify the case:

> *Hays v Lutheran Social Servs of Mich*, 300 Mich App 54; 832 NW2d 433 (2013).
>
> *Hays*, 300 Mich App at 59.

In subsequent short-form citations for criminal cases, generally use the last name of the first listed defendant.

1:7.2 ITALICIZATION OF CASE NAMES

The title of the case must be italicized, but the comma and subsequent information following the case name should not be italicized:

> *Jones v Smith*, 340 Mich 82; 68 NW2d 52 (1955).
>
> *Mich Props, LLC v Meridian Twp*, 491 Mich 518; 817 NW2d 548 (2012).

1:7.3 LONG CASE NAMES

Long case names may be shortened when possible, but the ultimate case name used should be similar enough to the name used in the official reports to allow the reader to identify the case.

> **Original:** *Trout Unlimited Muskegon – White River Chapter v City of White Cloud*, 195 Mich App 343; 489 NW2d 188 (1992).
>
> **Shortened:** *Trout Unlimited v White Cloud*, 195 Mich App 343; 489 NW2d 188 (1992).
>
> **Original:** *Meyer & Anna Prentis Family Foundation, Inc v Barbara Ann Karmanos Cancer Institute*, 266 Mich App 39; 698 NW2d 900 (2005).
>
> **Shortened:** *Prentis Family Foundation, Inc v Karmanos Cancer Institute*, 266 Mich App 39; 698 NW2d 900 (2005).
>
> **Original:** *Serv Employees Int'l Union, Local 466M v City of Saginaw*, 263 Mich App 656; 689 NW2d 521 (2004).
>
> **Shortened:** *Serv Employees Union v City of Saginaw*, 263 Mich App 656; 689 NW2d 521 (2004).

In some instances, particularly with long union names, it is best to use the full name of a party the first time the case is cited, but use an abbreviation in subsequent citations. The abbreviation should be italicized and included in parentheses at the end of the initial citation:

> *Lansing Sch Ed Ass'n v Lansing Bd of Ed*, 487 Mich 349; 792 NW2d 686 (2010) (*LSEA*).
>
> *LSEA*, 487 Mich at 355.

Serv Employees Int'l Union, Local 466M v City of Saginaw, 263 Mich App 656; 689 NW2d 521 (2004) (*SEIU*).

SEIU, 263 Mich App at 659.

1:7.4 *IN RE* AND *IN THE MATTER OF*

Cases having *In re* or *In the Matter of* in their title should be cited in the following manner:

In re Lowe Estate, cite as *In re Lowe Estate*

In re Estate of Lowe, cite as *In re Lowe Estate*

In the Matter of the Annexation of Territory in Larkin Township, cite as *In re Annexation of Territory in Larkin Twp* or *In re Larkin Twp Territory Annexation*

In re Miller Osbourne Perry Trust, cite as *In re Perry Trust*

Short Form for *In re* and *In the Matter of* Citations

It is not necessary to retain *In re* in the short-form citation, but it is allowable. Using the previous examples for initial citations, the following short-form citations for those cases would be acceptable:

Lowe or *Lowe Estate* or *In re Lowe*

In re Annexation or *In re Larkin Twp* or *Larkin Twp* or *Larkin Twp Annexation*

Perry or *Perry Trust* or *In re Perry*

1:7.5 *EX REL*

Show *ex rel* and the relator's name:

Dep't of Civil Rights ex rel Forton v Waterford Twp Parks & Recreation Dep't, 425 Mich 173; 387 NW2d 821 (1986).

Short Form for *Ex Rel* Citations

Generally, the short-form citation should simply use the relator's name:

Forton, 425 Mich at 176.

1:7.6 MULTIPLE CASES REPORTED AT THE SAME CITATION

When the official reporter lists multiple cases as having been decided in the same opinion, the first title listed should be used in citations. For example, the opinion reported on page 153 of Volume 249 of the Michigan Appeals Reports reports the consolidated cases *Regan v Washtenaw Co Bd of Co Rd Comm'rs* and *Zelanko v Washtenaw Co Bd of Co Rd Comm'rs*. It should be cited as follows:

> *Regan v Washtenaw Co Bd of Co Rd Comm'rs*, 249 Mich App 153; 641 NW2d 285 (2002).
>
> *Regan*, 249 Mich App at 163.

Although only the first title should be used in citations, the other titles may be referred to when discussing those companion cases.

1:7.7 SECOND CASE NAMES

Do not give a second name for a case when the first will fully identify it. For example, the opinion reported on page 765 of Volume 447 of the Michigan Reports is titled *In re Certified Question (Fun 'N Sun RV, Inc v Michigan)*. It should be cited as follows:

> *In re Certified Question*, 447 Mich 765; 527 NW2d 468 (1994).
>
> *In re Certified Question*, 447 Mich at 777.

1:7.8 IDENTICAL CASE NAMES

Related Cases with Identical Names

If two or more of the cases cited in an opinion involve the same action or parties and have identical titles, an italicized identifier and Roman numeral should be placed in parentheses following the parentheses containing the date in an initial citation to differentiate the cases. The short form for subsequent citations uses the italicized identifier and Roman numeral:

> *People v Huston*, 288 Mich App 387; 794 NW2d 350 (2010) (*Huston I*).
>
> *Huston I*, 288 Mich App at 393.
>
> *People v Huston*, 489 Mich 451; 802 NW2d 261 (2011) (*Huston II*).
>
> *Huston II*, 489 Mich at 455.

Unrelated Cases with Identical Names

When two or more unrelated cases have the same title, it is usually not necessary to add an identifier to differentiate them:

> *People v Williams*, 288 Mich App 67; 792 NW2d 384 (2010).
>
> *Williams*, 288 Mich App at 70.
>
> *People v Williams*, 265 Mich App 68; 692 NW2d 722 (2005).
>
> *Williams*, 265 Mich App at 71.

When two or more unrelated cases have the same title under the standard rule and are reported in the same volume of an official reporter, the first name of a surnamed party or other identifying information such as a second case name should be included:

> *People v Stormy Collins*, 298 Mich App 166; 826 NW2d 175 (2012).
>
> *Stormy Collins*, 298 Mich App at 171.
>
> *People v Jesse Collins*, 298 Mich App 458; 828 NW2d 392 (2012).
>
> *Jesse Collins*, 298 Mich App at 464.
>
> *In re Certified Question (Ford Motor Co v Lumbermans Mut Cas Co)*, 413 Mich 22; 319 NW2d 360 (1982).
>
> *Ford Motor Co*, 413 Mich at 38.
>
> *In re Certified Question (Wickersham v John Hancock Mut Life Ins Co)*, 413 Mich 57; 318 NW2d 456 (1982).
>
> *Wickersham*, 413 Mich at 63.

1:7.9 STATE, CITY, OR VILLAGE AS A PARTY

Civil Cases Involving a State, City, or Village as a Party

In civil cases, when a state, city, or village is a party, use only the name of the state, city, or village in the citation. Do not include "State of," "Commonwealth of," etc. in the citation even if identified in that manner in the official reporter:

> *Smith v Michigan*

Jones v Royal Oak

Smith v Virginia

Note: If the name of a city, village, or state is also commonly used as a surname, include "*City of ___*," "*Village of ___*," or "*State of ___*" in the title:

Smith v City of Warren

Jones v City of Taylor

Watson v State of Washington

Criminal Cases Brought by a State

In criminal cases brought by a state, use "state," "commonwealth," or "people" to identify the plaintiff depending on the practice of the state:

People v Standifer, 425 Mich 543; 390 NW2d 632 (1986).

Commonwealth v Latimore, 378 Mass 671; 393 NE2d 370 (1979).

State v Starkey, 2012 Ohio 6219; 985 NE2d 295 (Ohio App, 2012).

1:7.10 COUNTY, TOWNSHIP, OR SCHOOL DISTRICT AS A PARTY

Place the name of the county, township, or school district first and then the designation *Co*, *Twp*, or *Sch Dist*:

Jones v Ingham Co

Smith v Golden Twp

Midland Sch Dist v Harper

Polkton Charter Twp v Pellegrom

1:7.11 RAILROAD NAMES IN CITATIONS

When names of railroads occur in citations, abbreviate all geographical words other than the first word of the railroad name unless the words complete the name of a state, city, or other entity begun by the first word. Use "R" instead of "Railroad," "Railway," "RR," or "Ry" in a railroad name:

New York, NH & H R Co v Smith

Grand Rapids & I R Co v Mich R Comm

Fletcher Paper Co v Detroit & M R Co

La Croix v Grand Trunk W R Co

1:7.12 CASES ON REHEARING, ON REMAND, OR AMENDED

If an opinion contains one of these designations or a similar designation as part of its title, the designation must be included, in parentheses and italicized, as part of the citation:

People v Jones (On Remand)

People v Jones (Amended Opinion)

People v Jones (After Remand)

Note: The abbreviations that may be used when giving the subsequent history of a case, see list on page 28 of this manual, are not to be used in the name of a case.

Correct: *People v Jones (On Rehearing)*

Incorrect: *People v Jones (On Reh)*

1:7.13 SUPPLEMENTAL OPINIONS

When a supplemental opinion has been issued in a case, the citation should appear as follows:

In re Ernst, 373 Mich 337, Supplemental Opinion, 349; 129 NW2d 430 (1964).

1:8 PUNCTUATION IN CASE CITATIONS

Punctuation in Case Citations in General

The official volume number, reporter abbreviation, page number, parallel citation(s), and year of decision are in nonrestrictive apposition with the case name and must be preceded by a comma and followed by a comma, semicolon, period, or other punctuation (except when a parenthetical matter postpones it). Only the case name is italicized. Punctuation following the title, including the comma, should not be italicized:

Ypsilanti Charter Twp v Kircher, 281 Mich App 251; 761 NW2d 761 (2008).

People v Huston, 489 Mich 451; 802 NW2d 261 (2011) (*Huston II*).

Badeen v Par, Inc, 300 Mich App 430; 834 NW2d 85 (2013).

Periods, Capitalization, and Spacing in Reporter Abbreviations

Do not use periods in abbreviations of reporter names, even if there are two or more words. Do not insert a space when single letters abbreviate the words:

NE, NW, NY, RI, US, ALR

Do insert a space when more than one letter is used to abbreviate individual words. Capitalize the first letter of each word:

Mich App, F Supp, US App DC, S Ct, L Ed

Insert a space between the reporter name and the series designation (2d, 3d) if the last word is abbreviated with more than one letter; otherwise do not insert a space.

Space: Wis 2d, So 2d, Misc 2d, L Ed 2d

No Space: F2d, NYS2d, ALR3d, A2d, NE2d

1:9 PARALLEL CITATIONS

1:9.1 PARALLEL CITATIONS IN GENERAL

In opinions, a parallel citation of the National Reporter System Regional Reports is to be given if one exists. Parallel citations are separated from official reporter citations and other parallel citations by semicolons. When a string of citations is not conjoined by the word "and," use semicolons to separate the complete citation of each case:

> *Guardian Photo, Inc v Dep't of Treasury*, 243 Mich App 270, 276; 621 NW2d 233 (2000); *Ammex, Inc v Dep't of Treasury*, 273 Mich App 623, 648; 732 NW2d 116 (2007); *TMW Enterprises, Inc v Dep't of Treasury*, 285 Mich App 167, 172; 775 NW2d 342 (2009).

When a string of citations is conjoined by the word "and," use commas to separate the complete citation of each case:

> *People v Beard*, 171 Mich App 538, 546; 431 NW2d 232 (1988), *Wayne Co Prosecutor v Recorder's Court Judge*, 406 Mich 374, 391; 280 NW2d 793 (1979), and *People v Dupree*, 486 Mich 693, 696; 788 NW2d 399 (2010).

Note: A case cited in an order, either in the body of the text or in a footnote, should include a citation of the official reporter only; parallel citations are not to be included. Similarly, when citing a published order of the Michigan Supreme Court or the Michigan Court of Appeals, cite only the official reporter.

1:9.2 PARALLEL CITATIONS FOR THE UNITED STATES SUPREME COURT

The order for United States Supreme Court parallel citations is US; S Ct; L Ed:

> *Mincey v Arizona*, 437 US 385; 98 S Ct 2408; 57 L Ed 2d 290 (1978).

1:9.3 PARALLEL CITATIONS FOR STATE CASES

Give a parallel citation if one exists:

> *People v Tebo*, 133 Mich App 307; 349 NW2d 172 (1984).
>
> *State v Collins*, 88 Ohio App 3d 291; 623 NE2d 1269 (1993).
>
> *State v Olin*, 111 Idaho 516; 725 P2d 801 (1986).
>
> *Swift v Applebone*, 23 Mich 252 (1871).

The citation format for some cases from other states requires the use of more than one parallel. Some of the more complicated citation formats—those for California, Illinois, New York, and Ohio—are described in detail as follows in this section.

California Cases

In addition to the appropriate Cal or Cal App citation, a California Reporter and a Pacific Reporter parallel citation must be given, if one exists, in the order Cal; Cal Rptr; P, or Cal App; Cal Rptr; P:

> *People v Bennetto*, 10 Cal 3d 695; 111 Cal Rptr 699; 517 P2d 1163 (1974).

Illinois Cases

In 2011, Illinois switched to the public domain format and stopped printing its own official reports. For cases published before the switch, in addition to the appropriate Illinois Reports or Illinois Appellate Court Reports citation, an Illinois Decisions and a North Eastern Reporter citation must be given, if one exists, in the order Ill (or Ill App); Ill Dec; NE:

> *People v Fleming*, 134 Ill App 3d 562; 89 Ill Dec 478; 480 NE2d 1221 (1985).

For cases released after the switch, the public domain format should be cited first, followed by the Illinois Decisions and North Eastern Reporter parallels, if they exist:

> *People v Domagala*, 2013 Ill 113688; 370 Ill Dec 1; 987 NE2d 767 (2013).
>
> *People v Jackson*, 2013 Ill App 110685; 370 Ill Dec 921; 989 NE2d 309 (2013).

Note: Although the public domain citation format for the Illinois Appellate Court as adopted by Illinois includes the judicial district number for the court, it is not necessary to include the judicial district number when citing an Illinois Appellate Court case in a Michigan opinion because it does not affect the precedential value of the case and it is not necessary for finding the case using the public domain citation.

New York Cases

For the New York Court of Appeals, in addition to the appropriate New York Reports citation, a New York Supplement and a North Eastern Reporter parallel citation must be given, if one exists, in the order NY2d; NYS; NE:

> *Donohue v Copiague Union Free Sch Dist*, 47 NY2d 440; 418 NYS2d 375; 391 NE2d 1352 (1997).

Note: The first series of NY does not require a parallel citation of NYS or NYS2d.

For the Appellate Division of the New York Supreme Court, cite the Appellate Division Reports and the New York Supplement:

> *In re Albany Police Officers Union*, 55 AD2d 346; 390 NYS2d 475 (1977).

For New York Supreme Court Cases, cite the New York Miscellaneous Reports and the New York Supplement:

Zabielski v Greyhound Lines, Inc, 117 Misc 2d 101; 457 NYS2d 369 (1982).

Ohio Cases

Ohio adopted the public domain system of citation in 2002. However, the official reporter for Ohio Supreme Court decisions remains the Ohio State Reports. Therefore, when citing decisions of the Ohio Supreme Court released after the switch to the public domain format, list the Ohio State Reports citation first, followed by the public domain and North Eastern Reporter citations:

State v Burnside, 100 Ohio St 3d 152; 2003 Ohio 5372; 797 NE2d 71 (2003).

For decisions of the Ohio Court of Appeals released after the switch to the public domain format, the public domain citation should be listed first, followed by the North Eastern Reporter citation. Include "Ohio App" with the year of decision in parentheses at the end of the citation:

State v Starkey, 2012 Ohio 6219; 985 NE2d 295 (Ohio App, 2012).

For a discussion of public domain citations, see § 2:12 on page 21.

1:10 JURISDICTION

1:10.1 MICHIGAN AND OTHER STATE COURTS

Jurisdiction is generally shown by the abbreviation of the title of the official reporter. When a separate official reporter is not published and a regional reporter is available, give the regional reporter citation and (in the parentheses at the end of the citation) identify the jurisdiction, followed by a comma and the year of decision. Note that the list of state name abbreviations in Appendix 4 should be employed. For the highest court of a state, only the name of the state or its abbreviation should be used. For intermediate appellate courts, the name of the state or its abbreviation should be used, followed by an abbreviated court name, followed by a comma and the date of the decision:

People v Tebo, 133 Mich App 307; 349 NW2d 172 (1984).

State v Olin, 111 Idaho 516; 725 P2d 801 (1986).

Green v Graves, 1 Doug 351 (Mich, 1844).

State v Gallion, 572 P2d 683 (Utah, 1977).

Miller v Stumbo, 661 SW2d 1 (Ky App, 1983).

Mobilisa, Inc v Doe 1, 217 Ariz 103; 170 P3d 712 (Ariz App, 2007).

1:10.2 FEDERAL CIRCUIT COURTS

Federal courts of appeals are shown in parentheses, followed by a comma and the date of decision. Use "CA" plus the circuit number and "CA Fed" for the Federal Circuit:

Ierardi v Gunter, 528 F2d 929 (CA 1, 1976).

Loveladies Harbor, Inc v United States, 28 F3d 1171 (CA Fed, 1994).

Do not show the Court of Appeals for the District of Columbia Circuit in parentheses because there is an official reporter, App DC or US App DC, that indicates the jurisdiction:

Kirkland v Preston, 128 US App DC 148; 385 F2d 670 (1967).

1:10.3 FEDERAL DISTRICT COURTS

The districts of federal district courts, but not the divisions, are shown in parentheses, followed by the state abbreviation (see the state abbreviation list in Appendix 4), followed by a comma and the date of decision. If a state has only one district, use "D" plus the state abbreviation:

Triangle Publications, Inc v Liberty Mut Ins Co, 703 F Supp 367 (ED Pa, 1989).

Aetna Cas & Surety Co v PPG Indus, Inc, 554 F Supp 290 (D Ariz, 1983).

1:10.4 EARLY UNITED STATES SUPREME COURT CASES

Cite early United States Reports, through 90 US, by the volume number in the US series; include parallel citations when available:

Sexton v Wheaton, 21 US 229; 5 L Ed 603 (1823).

The corresponding reporter's name or its abbreviation and the volume number may be added in parentheses:

Sexton v Wheaton, 21 US (8 Wheat) 229; 5 L Ed 603 (1823).

1:10.5 FEDERAL APPENDIX

Cases in the Federal Appendix have been reported, but are not considered published. Include the circuit number with the date in parentheses:

> *United States v Tando*, 68 F Appx 85 (CA 9, 2003).

1:10.6 FEDERAL RULES DECISIONS

Cite the Federal Rules Decisions reporter if therein. Include the jurisdiction followed by a comma in parentheses with the date of decision:

> *Chaney v Slack*, 99 FRD 531 (SD Ga, 1983).

1:10.7 BANKRUPTCY DECISIONS

Cite the Bankruptcy Reports if therein. Include "Bankr" and the jurisdiction followed by a comma in parentheses with the date of decision:

> *In re Plastech Engineered Prod, Inc*, 418 BR 235 (Bankr ED Mich, 2009).
>
> *In re Raynard*, 354 BR 834 (Bankr CA 6, 2006).

1:11 DATE OF DECISION

Generally, the year a case is decided should follow any parallel citations and be placed in parentheses. When a Michigan Court of Appeals opinion that was originally unpublished is thereafter approved for publication, the year of approval for publication should be inserted in the parentheses, not the year that the case was decided. The precedential effect of the opinion is established on the date of approval for publication, not the date decided. See MCR 7.215(J). The date of decision for opinions from other jurisdictions should be determined by analogy. For example, the opinion per curiam in *Farrell v Auto Club of Mich (On Remand)* was decided on October 25, 1990, but was not approved for publication until January 16, 1991. Therefore, the correct citation is as follows:

> *Farrell v Auto Club of Mich (On Remand)*, 187 Mich App 220; 466 NW2d 298 (1991).

1:12 INITIAL CITATION OF CASES

Initial Citation of Cases in General

The first time a case is cited in an opinion, whether in the body of the text or in a footnote, include a full citation of the official reporter of the jurisdiction and include the parallel citation(s) from the appropriate regional reporter(s).

Cases First Cited in Footnotes

When a case is cited for the first time in a footnote and is subsequently cited in the body of the text, a full citation of the official reporter and parallel citation(s) must be repeated in the main text.

When a case has been cited for the first time in a footnote and is then cited in a subsequent footnote, an appropriate short-form citation may be used. It is not necessary to refer in the subsequent citation to the footnote containing the original citation. For example, if *Mayberry v Pryor*, 422 Mich 579; 374 NW2d 683 (1985), has been cited for the first time in a footnote of an opinion, it may be cited later in the same footnote or in a subsequent footnote of the opinion with an appropriate short-form citation (e.g., *Mayberry*, 422 Mich at 583).

Published Orders of the Michigan Appellate Courts

When citing a published order of the Michigan Supreme Court or the Michigan Court of Appeals, cite the official reporter only:

> *Detroit Free Press v Recorder's Court Judge*, 425 Mich 1203 (1986).

If the order was not published in the Michigan Reports or the Michigan Appeals Reports, but was published in the North Western Reporter, the North Western Reporter may be cited instead:

> *People v Doe*, 999 NW2d 777 (Mich App, 2008).

Unavailable Citations

Provide blanks for the appropriate volume and page numbers when the official reporter citation or parallel citation is not yet available. A citation of the slip opinion should be included when giving a pinpoint citation:

> *People v Bynum*, ___ Mich ___; ___ NW2d ___ (2013) (Docket No. 147261).

Perkins v Auto-Owners Ins Co, 301 Mich App 658; ___ NW2d ___ (2013).

Bev Smith, Inc v Atwell, ___ Mich App ___, ___; ___ NW2d ___ (2013) (Docket No. 308761); slip op at 3.

Bev Smith, ___ Mich App at ___; slip op at 3.

Id. at ___; slip op at 3.

Public Domain Citations

Several states have begun issuing opinions in the public domain format. See Appendix 6. Citation of cases from states that have implemented the public domain format should generally follow the format as adopted by the particular state. However, when possible, the citation should be altered to conform to the style preferred for Michigan cases, while ensuring that the unique identifier for that case is recognizable and that the reader is given sufficient information to identify and find the case using the public domain citation.

Typically, the public domain citation should be listed first because it is the official source, followed by any parallel citations (but see page 17 concerning Ohio Supreme Court opinions). A semicolon should be inserted (in place of a comma) between a public domain citation and a parallel regional reporter citation, and the periods that follow abbreviations should be omitted. When the abbreviation used to indicate the state in the citation is different from the abbreviation for the state contained in the list of state abbreviations in Appendix 4, the abbreviation from Appendix 4 should be used. Necessary information concerning the date of decision (as with Louisiana public domain citations) should be included in the parentheses following any parallels. If it is not obvious from the unique identifier for the case, the jurisdiction should also be included in the parentheses following any parallel citations (as with cases from Mississippi).

Wickham v Galetka, 2002 Utah 72; 61 P3d 979 (2002).

People v Domagala, 2013 Ill 113688; 370 Ill Dec 1; 987 NE2d 767 (2013).

People v Jackson, 2013 Ill App 110685; 370 Ill Dec 921; 989 NE2d 309 (2013).

State v Burnside, 100 Ohio St 3d 152; 2003 Ohio 5372; 797 NE2d 71 (2003).

State v Starkey, 2012 Ohio 6219; 985 NE2d 295 (Ohio App, 2012).

Siemens Fin Servs, Inc v MTG Guarnieri Mfg, Inc, 2012 Okla Civ App 1; 269 P3d 36 (2011).

Mathis v State, 2012 Okla Crim App 1; 271 P3d 67 (2012).

State v Jackson, La 2004-2863; 916 So 2d 1015 (November 29, 2005).

Pousson v Pousson, La App 2003-0111; 861 So 2d 920 (3d Cir, December 17, 2003). [**Note:** The number of the circuit court of appeal must be included in parentheses with the date of decision for opinions from the Louisiana Courts of Appeal because that information is necessary in order to find the case using the public domain citation.]

Univ of Mississippi Med Ctr v Lanier, 2011 CA 00163 SCT; 97 So 3d 1197 (Miss, 2012).

1:13 SUBSEQUENT CITATION OF CASES

Once a case has been cited in full in the main body of the opinion, a short-form citation may be used thereafter. Generally, for civil cases it is preferable to use only the name of the first listed party (or an easily identifiable shorter version of that party's name) to identify the case in the short-form citation. However, when that party is a frequent litigant, it might be preferable to use the name of the opposing party to identify the case. For criminal cases, it is generally preferable to use the last name of the first listed defendant. For well-known or high-profile cases, it is best to use the most commonly used short-form citation. Once used, the same short-form citation for a case should be used throughout the opinion.

Acceptable Short-Form Citations

Short-form citations may be used when referring to a case in general or to a specific part of the case. Taking *People v Buehler*, 268 Mich App 475; 710 NW2d 55 (2005), as an example:

Buehler, 268 Mich App at 479 [specific reference].

Id. at 480 [specific reference].

Buehler, 268 Mich App 475 [general reference].

Additional examples of acceptable short-form citations follow (full case names appear first; acceptable short-form citations are indented beneath them):

In re Stillwell Trust, 299 Mich App 289; 829 NW2d 353 (2013).

Id. at 293.

Stillwell, 299 Mich App at 299.

Stillwell Trust, 299 Mich App at 298.

Mich Head & Spine Institute, PC v State Farm Mut Auto Ins Co, 299 Mich App 442; 830 NW2d 781 (2013).

Id. at 445.

Mich Head Institute, 299 Mich App at 447.

Dep't of Environmental Quality v Worth Twp (On Remand), 299 Mich App 1; 829 NW2d 31 (2012).

Id. at 6.

Worth Twp, 299 Mich App at 7.

Dep't of Environmental Quality, 299 Mich App at 7.

Mich Props, LLC v Meridian Twp, 491 Mich 518; 817 NW2d 548 (2012).

Id. at 525.

Mich Props, 491 Mich at 527.

Titan Ins Co v Hyten, 491 Mich 547; 817 NW2d 562 (2012).

Id. at 554.

Titan, 491 Mich at 553.

Titan Ins, 491 Mich at 554.

Hyten, 491 Mich at 553.

Local Emergency Fin Assistance Loan Bd v Blackwell, 299 Mich App 727; 832 NW2d 401 (2013).

Id. at 736.

Blackwell, 299 Mich App at 737.

Loan Bd, 299 Mich App at 736.

Emergency Loan Bd, 299 Mich App at 738.

In re Receivership of 11910 South Francis Rd, 492 Mich 208; 821 NW2d 503 (2012).

Id. at 230.

In re Receivership, 492 Mich at 226.

South Francis Rd, 492 Mich at 231.

11910 South Francis Rd, 492 Mich at 229.

In re Francis Rd, 492 Mich at 226.

1:14 PINPOINT OR JUMP CITATIONS

Official Reporter Citation Available

To refer to an internal page of a case cited, refer to the appropriate page from the official reporter. Do not include a jump citation of a parallel reporter:

People v Crawford, 458 Mich 376, 382; 582 NW2d 785 (1998).

Crawford, 458 Mich at 383.

Id. at 383.

Wickham v Galetka, 2002 Utah 72; 61 P3d 979 (2002).

Wickham, 2002 Utah at ¶ 9.

Official Reporter Citation Unavailable

If the official reporter citation is not yet available, leave a blank for the appropriate jump page from the official reporter and, when available, refer to the jump page in the unofficial parallel reporter(s):

People v Jones, ___ Mich ___, ___; 582 NW2d 530, 531 (1998).

Jones, ___ Mich at ___; 582 NW2d at 531.

Id. at ___; 582 NW2d at 531.

Alleyne v United States, 570 US ___, ___; 133 S Ct 2151, 2160; 186 L Ed 2d 314, 327 (2013).

Id. at ___; 133 S Ct at 2161; 186 L Ed 2d at 328.

Alleyne, 570 US at ___; 133 S Ct at 2160; 186 L Ed 2d at 327.

1:15 CITATION OF DISSENTING, CONCURRING, AND SEPARATE OPINIONS

When a citation refers to an opinion identified as dissenting, concurring, or separate, the author of the opinion must be identified. The initial citation would appear as follows:

Usitalo v Landon, 299 Mich App 222, 231; 829 NW2d 359 (2013) (SHAPIRO, J., concurring).

Note: If the opinion of the Court has already been cited using a standard citation format, for the initial citation of the dissenting, concurring, or separate opinion, use the appropriate short-form citation and identify the author.

When there are no intervening citations and the subsequent citation is of the same opinion in the case, the short form would be as follows:

Id.

Id. at 232.

When there are no intervening citations and the subsequent citation is of a different opinion in the case, identify the opinion as that of the Court, or identify the author if citing a different dissenting, concurring, or separate opinion:

Id. at 230 (opinion of the Court).

When there are intervening citations, the author of the opinion must be identified again in later short-form citations:

Usitalo, 299 Mich App at 231 (SHAPIRO, J., concurring).

Usitalo, 299 Mich App at 230 (opinion of the Court).

When there is no majority opinion or opinion of the court, the citation must identify the author of the opinion:

> *Reed v Yackell*, 473 Mich 520, 538; 703 NW2d 1 (2005) (opinion by TAYLOR, C.J.).
>
> *Reed*, 473 Mich at 538 (opinion by TAYLOR, C.J.).
>
> *Id*. at 539.
>
> *Id*. at 549 (CORRIGAN, J., dissenting).

When citing more than one opinion in a case in support of a single assertion, identify the authors of the opinions:

> *Cedroni Assoc, Inc v Tomblinson, Harburn Assoc, Architects & Planners, Inc*, 290 Mich App 577, 590; 802 NW2d 682 (2010) (MURPHY, C.J.); *id*. at 621-624 (K. F. KELLY, J., dissenting).

1:16 CITING FOOTNOTES

Cite footnotes by referring to the page of the official reporter on which the footnote begins, followed by a space, followed by an "n," followed by a space, followed by the footnote number. This rule holds even if citing language appearing on a different page than the page on which the footnote begins. When the official reporter is not yet available, blanks should be inserted in the official reporter citation and the page and footnote number should be indicated in the unofficial reporter citation(s):

> *Grimm v Dep't of Treasury*, 291 Mich App 140, 149 n 4; 810 NW2d 65 (2010).
>
> *Grimm*, 291 Mich App at 149 n 4.
>
> *Davis v United States*, 564 US ___, ___ n 5; 131 S Ct 2419, 2431 n 5; 180 L Ed 2d 285, 299 n 5 (2011).
>
> *Davis*, 564 US at ___ n 5; 131 S Ct at 2431 n 5; 180 L Ed 2d at 299 n 5.
>
> *People v Cameron*, 291 Mich App 599, 611 n 17, 615 n 33; 806 NW2d 371 (2011).

Chen v Wayne State Univ, 284 Mich App 172, 203 nn 10 and 11; 771 NW2d 820 (2009).

In re MCI Telecom Complaint, 664 Mich App 664, 672 nn 20-22; 583 NW2d 458 (1998).

1:17 SUBSEQUENT HISTORY

When given, subsequent history should be indicated as follows. Any abbreviations used should not include periods. A comma should not be placed between the subsequent history (cert den, aff'g, etc.) and the citation of the subsequent history:

Bassil v Ford Motor Co, 278 Mich 173, 178; 270 NW 258 (1936), overruled in part on other grounds by *Serafin v Serafin*, 401 Mich 629, 634 n 2 (1977).

People v Merriweather, 201 Mich App 383; 506 NW2d 888 (1993), rev'd 447 Mich 799 (1994).

Citation of the denial of discretionary action such as rehearing, leave to appeal, certiorari, reconsideration, or the like should not be indicated unless jurisprudentially significant within the jurisdiction. In Michigan, denial of leave to appeal has no precedential effect on a case. See MCR 7.321. This is also true with regard to the denial of certiorari by the United States Supreme Court.

Note: Only the official report of subsequent action should be cited; however, when the only published report of the subsequent action is contained in a regional reporter, the regional reporter may be cited instead.

List of Subsequent-History Abbreviations

affirmed	aff'd
affirming	aff'g
amended	amended (no abbreviation)
appeal dismissed	app dis
certiorari denied	cert den
leave to appeal denied	lv den
leave to appeal granted	lv gtd
modified	mod
overruled	overruled (no abbreviation)
reconsideration denied	recon den
rehearing denied	reh den
rehearing granted	reh gtd
reversed	rev'd
reversed on other grounds	rev'd on other grounds
reversing	rev'g
vacated	vacated (no abbreviation)

1:18 UNREPORTED CASES AND ORDERS

Cite unpublished Michigan cases and orders as follows, and foreign cases and orders by analogy:

> *A v B*, unpublished opinion per curiam of the Court of Appeals, issued [month, day, year] (Docket No. ___), p ___.

A v B, unpublished order of the Court of Appeals, entered [month, day, year] (Docket No. ___).

A v B, memorandum opinion of the Court of Appeals, issued [month, day, year] (Docket No. ___).

A v B, unpublished opinion of the ___ Circuit Court, issued [month, day, year] (Docket No. ___).

Unpublished opinion of the Attorney General (No. ___, [month, day, year]).

Short-Form Citations for Unreported Cases

Cite as:

Id. at 6.

Adair, unpub op at 6.

1:19 OLDER ENGLISH CASES

English cases decided before 1865 were published in various reports. For ease of reference, most of those reports were included in the series "English Reports" (Eng Rep) after that time. The English Reports should be cited if the case appears therein and a parallel citation of any original reporters should be included:

Malcolm v O'Callaghan, 40 Eng Rep 844; 3 Myl & Cr 52; SC 1 Jur (OS) 838 (Ch, 1837).

Morison v Morison, 4 Myl & Cr 215 (Ch, 1838).

Gilbert v Dyneley, 133 Eng Rep 1038; 3 Man & G 12; SC 3 Scott, NR 364; 5 Jur 843 (1841).

C. CONSTITUTIONS, STATUTES, RULES, SECONDARY SOURCES, ETC.

1:20 CONSTITUTIONS

Michigan

Give the year of the Constitution (not the year of an amendment), article, and section number in Arabic numerals:

Const 1963, art 6, § 1.

Const 1963, sched § 1.

Const 1963, arts 6 and 7.

If the section has been amended since adoption, the reference is presumed to be to the current section unless otherwise indicated.

A constitutional convention may be cited as follows:

1 Official Record, Constitutional Convention 1961, p 652.

2 Official Record, Constitutional Convention 1961, p 2445.

The Address to the People by the elected delegates to the Constitutional Convention of 1961-1962 may be cited as follows:

2 Official Record, Constitutional Convention 1961, p 3357.

In running text, the Constitution may be referred to in the following ways:

The 1963 Michigan Constitution

Note: "the Constitution" and "the Michigan Constitution" are both acceptable after the first full reference if the short form will not cause confusion.

Michigan's 1963 Constitution

In Article 6, § 1 of Michigan's 1963 Constitution

the Equal Protection Clause of the Michigan Constitution, Const 1963, art 1, § 2

Under Const 1963, art 6, § 5

United States

Give the article or amendment number in Roman numerals and the section number or clause in Arabic numerals:

US Const, art III, § 1.

US Const, art VI, cl 2.

US Const, Am XIV.

US Const, Ams I and IV.

As with the Michigan Constitution, named clauses and amendments should be written out and capitalized in running text:

the Fourteenth Amendment

the Due Process Clause

the Due Process Clauses of the Michigan and United States Constitutions

For a discussion of capitalization in text, see § 3:14 on page 129.

Other States

Cite by analogy to the Michigan Constitution and United States Constitution.

1:21 STATUTES

1:21.1 MICHIGAN STATUTES

Michigan Statutes in General

Most often, citations of Michigan statutes will involve straightforward citations of the current (1979) version of the Michigan Compiled Laws. When citing, use MCL, not MCLA or MCLS:

MCL 776.20.

Citing Multiple Michigan Statutory Sections and Subparts

Cite as follows or by analogy:

The Michigan Penal Code, MCL 750.1 through MCL 750.568.

The Michigan Penal Code, MCL 750.1 to MCL 750.568. [**Note:** Both "to" and "through" are acceptable ways to identify a statutory range that includes the final section identified in the range. Hyphenation should not be used.]

The Michigan Penal Code, MCL 750.1 *et seq*.

MCL 769.1 through MCL 769.36. [**Note:** "MCL" should be repeated when giving a statutory range.]

MCL 769.1 to MCL 769.36.

MCL 691.1402(1) and (3).

MCL 691.1174(1), (2)(b), and (4).

MCL 750.520b(1)(a) and (c), (2)(a), and (3).

Citing Historical Michigan Statutes

Cite as follows or by analogy:

1857 CL 2.

1948 CL 566.140.

1970 CL 35.291.

2 How Stat 9068.

1846 RS, ch 151, § 1.

2 Territorial Laws, Act of March 30, 1827, § 19, p 325.

Indicating Versions of Michigan Statutes

To cite a former version of a current statute, use the current compilation citation followed by the public act number that amended, added, or enacted the language to which you are referring:

MCL 333.7403, as amended by 2010 PA 169. [**Note:** Subsequently, it would be sufficient in textual references to say "former MCL 333.7403."]

Parts of Michigan Statutes

The Legislature has a general hierarchical rule for naming the parts of a statutory section, with a general rule for numbering or lettering those parts:

Section (number)

Subsection (number)

Subdivision (lowercase letter, with the letter "*l*" usually italicized to distinguish it from the number "1")

Subparagraph (lowercase Roman numeral, usually italicized)

Sub-subparagraph (capital letter)

Sub-sub-subparagraph (capital Roman numeral)

Using MCL 257.625k(5)(a)(*iii*)(C)(II) as an example: The MCL citation is a compilation number. The statute is part of the Michigan Vehicle Code, 1949 PA 300, which is compiled in Chapter 257 of the Michigan Compiled Laws. The specific provision is § 625k of that act. The various subparts are Subsection (5), Subdivision (a), Subparagraph (*iii*), Sub-subparagraph (C), and Sub-sub-subparagraph (II).

The basic rule when referring to a part of a statute in a textual reference is to use the word for the first part of the statute that you are referring to. Thus, in a textual reference, it is correct to refer to MCL 257.625k(5)(a)(*iii*)(C)(II) as § 625k(5)(a)(*iii*)(C)(II) because § 625k is the first part of the statute cited. It is also acceptable, for example, to refer to Subdivision (a) when contrasting it with Subdivision (b). Similarly, one may refer to Subsection (5)(a), Subsection (5)(a)(*iii*), Subsection (5)(a)(*iii*)(C), and Subsection (5)(a)(*iii*)(C)(II).

There are, of course, exceptions to these general rules. Take, for instance, MCL 208.1433(9)(a)(*ii*)(B). This is § 433(9)(a)(*ii*)(B) of 2007 PA 36. For whatever reason, the compiler chose not to use the 400s when compiling statutes in Chapter 208. Thus, it is incorrect to say § 1433(9)(a)(*ii*)(B). Other statutes may not have subsection numbers, but skip straight to subdivisions, e.g., MCL 37.1103(d)(*i*)(d). For these and other reasons, we generally recommend that full citations be used even in textual references to avoid confusion or errors. Feel free to contact the Reporter's Office with questions about any particular statute.

Short Titles

If an act, or part of an act, has an official short title enacted as part of the act, capitalize the initial letters of the substantive words in the title. Often, but not always, when an act has an official short title, that short title is located at the beginning of the act. The year of enactment should be omitted even if it is given as part of the official short title. Similarly, omit the names of the act's sponsors when they are part of the official title. Many short titles begin with the word "Michigan," which should be included when the title is used. The word "Michigan" may also be added in front of a short title when it is necessary to distinguish a Michigan law from the law of another jurisdiction that has the same short title. If an act does not have an official title, a short title used in referring to it should not be capitalized unless it contains a word that is normally capitalized:

> Neither the teacher tenure act, MCL 38.71 *et seq*., nor the no-fault act, MCL 500.3101 *et seq*., has an official title.
>
> The Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq*., should be referred to as the Civil Rights Act (or the Michigan Civil Rights Act when an opinion also refers to the federal Civil Rights Act).
>
> The Revised Judicature Act of 1961, MCL 600.101 *et seq*., should be referred to as the Revised Judicature Act.
>
> Michigan's motor vehicle laws are contained in the Michigan Vehicle Code, MCL 257.1 *et seq*. (not the "motor" vehicle code).
>
> The official title of Chapter 10 of the Probate Code, MCL 710.21 to MCL 710.70, is the Michigan Adoption Code.

See also § 3:15 on page 130.

Public and Local Acts and Initiated Laws

Cite the year, "PA," "LA," or "IL" and the act or initiative number:

> 1974 PA 296.
>
> 1974 LA 1.
>
> 2008 IL 1.

When citing an enacting section or the title of an act, include that information at the end of the citation, following a comma:

> 2007 PA 52, enacting § 1.
>
> 1979 PA 53, title. [**Note:** Michigan acts do not have preambles, but each act has a textual title that describes the object of the act.]

For acts enacted at an extra session, the extra session designation follows the year in parentheses:

> 1912 (1st Ex Sess) PA 10, part 2, § 9.
>
> 1967 (Ex Sess) PA 3.

Michigan Legislative Materials

Cite as follows or by analogy.

Bills:

2013 HB 4015.

2013 SB 481.

Journals:

For bound volumes, cite the year of the session and the page number:

1965 House Journal 77-78.

1983 Senate Journal 2280.

For advance sheets, cite, in addition, the pamphlet number and the date of issue:

1986 House Journal 76 (No. 6, January 22, 1986).

1986 Senate Journal 449 (No. 26, March 6, 1986).

Legislative Analyses:

Bill analyses are drafted by the House Fiscal Agency and the Senate Fiscal Agency. Cite as:

House Legislative Analysis, HB 6037, September 29, 1980.

Senate Legislative Analysis, HB 4153, February 27, 2013.

1:21.2 FEDERAL STATUTES

Cite the title and section numbers of the official version of the United States Code without punctuation or a section symbol:

11 USC 29.

Although the official versions of federal statutes that have not been enacted into positive law are contained in the Statutes at Large, citation of the Statutes at Large is unnecessary except when

there is no corresponding USC citation or when the particular title of the USC has not been enacted into positive law *and* the wording of the USC is *materially* different from that of the Statutes at Large. Cite federal session laws as follows:

PL 96-123, § 109; 93 Stat 926.

1:21.3 OTHER STATES' STATUTES

Use the citation format found in The Bluebook for other states' statutes, but modify that format to fit our style; i.e., do not use periods and only use a section symbol if the citation includes a title or chapter:

Ga Code Ann 16-6-4(d).

Del Code Ann, tit 11, § 4205A(a)(2).

Or Rev Stat 65.654(1).

Tex Bus Orgs Code Ann 11.253(d).

1:22 MUNICIPAL CHARTERS AND ORDINANCES

1:22.1 CHARTERS

Cite the name of the municipality, the charter, and sufficient data to identify the particular section of interest uniquely, but not redundantly. For example, if all the sections of Chapter 6 of a charter are numbered as 6.1, 6.2, etc., and sections in no other chapter are so numbered, 6.2 is sufficient and "ch 6" should not be added to the citation:

Detroit Charter, tit VI, ch VII, § 11.

Lansing Charter, § 5-207.

1:22.2 ORDINANCES

Codified Ordinances

Cite the name of the municipality, the ordinance code, and sufficient data to identify the particular section of interest uniquely, but not redundantly:

Detroit Ordinances, § 38-5-7.

Uncodified Ordinances

Cite the name of the municipality and the ordinance number and section; the date is unnecessary for ordinances currently in force, but should be added in parentheses when necessary to distinguish from other versions:

Saginaw Ordinance D-511, § 203.

1:23 RULES

1:23.1 MICHIGAN COURT RULES OF 1985

Cite the Michigan Court Rules as MCR and the rule number:

MCR 2.306.

If the rule has been amended since adoption, the reference is presumed to be to the current rule unless otherwise indicated. To indicate a prior version of a rule, add the date that the rule referred to was adopted or amended and the Michigan Reports citation for the version of the rule cited:

MCR 2.306, as amended June 7, 1994, 445 Mich cv (1994).

Note: The pagination in the Michigan Reports for the court rules will change from the advance sheet to the bound volume. Accordingly, the Michigan Reports page number should be left blank until the bound volume has been released.

When citing multiple parts of the same court rule, do not repeat "MCR"; separate the parts with commas:

MCR 3.977(E)(3) and (4), (F)(1)(c), and (H)(4).

The parts of a court rule are called "subrules" and are referred to as follows:

Subrules (E), (F), and (H) of MCR 3.977.

Contrast Subrule (3) with Subrule (4).

When citing a court rule range, repeat "MCR":

MCR 3.901 through MCR 3.993.

1:23.2 MICHIGAN RULES OF EVIDENCE

Cite the Michigan Rules of Evidence as MRE and the rule number:

MRE 801.

1:23.3 LOCAL COURT RULES

Cite local court rules as [jurisdiction] LCR and the rule number:

30th Circuit LCR 2.119.

1:23.4 FORMER COURT RULES

General Court Rules of 1963

Cite as GCR 1963 followed by a comma and the rule number:

GCR 1963, 105.4.

Court Rules of 1945

Cite as Court Rule No. [rule number] followed by a comma, the section number, and (1945):

Court Rule No. 8, § 7 (1945).

Earlier Court Rules

Cite analogously to the Court Rules of 1945.

Former District Court Rules

Cite as DCR and the rule number.

Former Probate Court Rules

Cite as PCR and the rule number.

Former Juvenile Court Rules

Cite as JCR 1969 followed by a comma and the rule number:

JCR 1969, 12.

1:23.5 PROPOSED COURT RULES

Cite proposed court rules as proposed MCR and the rule number:

Proposed MCR 2.308.

A Michigan Reports citation may be included for ease of reference:

Proposed MCR 3.204, 490 Mich 1235 (2011).

1:23.6 RULES OF PROFESSIONAL CONDUCT

Cite the Michigan Rules of Professional Conduct as MRPC and the rule number:

MRPC 1.0.

1:23.7 CODE OF JUDICIAL CONDUCT

Cite the Code of Judicial Conduct as Code of Judicial Conduct followed by a comma and the canon number. Any subparts should be included in parentheses:

Code of Judicial Conduct, Canon 3(A)(1).

1:23.8 RULES CONCERNING THE STATE BAR OF MICHIGAN

Cite the Rules Concerning the State Bar of Michigan as SBR followed by the rule number, a comma, and the section number:

SBR 6, § 3.

1:23.9 RULES OF THE BOARD OF LAW EXAMINERS

Cite the Rules of the Board of Law Examiners as BLE followed by the rule number:

BLE 5.

1:23.10 MICHIGAN ADMINISTRATIVE RULES

Under MCL 24.259(2), the official version of the Michigan Administrative Code is the version published online. Annual supplements are now also published online. Both are available at <http://www.michigan.gov/lara>. Cite as Mich Admin Code followed by a comma, R, and the rule number:

Mich Admin Code, R 408.41863.

Subsequent textual references may be shortened:

Rule 408.41863.

For prior versions of a rule, cite the appropriate annual administrative code supplement:

1983 Annual Admin Code Supp, R 408.41863.

1:23.11 MICHIGAN CIVIL SERVICE RULES

Cite the Michigan Civil Service Rules as Civ Serv R and the rule number:

Civ Serv R 1-12.6.

1:23.12 MICHIGAN DEPARTMENT OF TREASURY REVENUE BULLETINS

Cite Michigan Department of Treasury Revenue Bulletins as Revenue Admin Bull and the bulletin number:

Revenue Admin Bull 1989-34.

1:23.13 FEDERAL RULES

Federal Rules of Civil Procedure

Cite as FR Civ P and the rule number:

FR Civ P 52(a).

Federal Rules of Criminal Procedure

Cite as FR Crim P and the rule number:

FR Crim P 11.

Federal Rules of Evidence

Cite as FRE and the rule number:

FRE 803(24).

1:23.14 RULES IN OTHER JURISDICTIONS

Use standard abbreviations to denote the jurisdiction and name of the relevant rules followed by the rule number. For the name of a state, use the abbreviations found in Appendix 4:

Ohio R Crim P 11.

Ohio R Evid 803.

Mass R App P 4.1.

Some standard abbreviations:

App = Appellate

Cir = Circuit

Civ = Civil

Crim = Criminal

Ct = Court

Dist = District

Evid = Evidence

P = Procedure

R = Rule

Sup = Supreme

1:24 MICHIGAN SUPREME COURT ADMINISTRATIVE ORDERS

Cite Michigan Supreme Court Administrative Orders as Administrative Order No. followed by the year, a hyphen, the order number, a comma, and the Michigan Reports citation:

Administrative Order No. 2009-6, 485 Mich xcv (2009).

Note: The pagination in the Michigan Reports for administrative orders will change from the advance sheet to the bound volume. Accordingly, the Michigan Reports page number should be left blank until the bound volume has been released.

Subsequent references may be shortened:

AO 2009-6.

1:25 JURY INSTRUCTIONS

Michigan Model Civil Jury Instructions

Cite as M Civ JI followed by the instruction number:

M Civ JI 3.02.

Michigan Model Criminal Jury Instructions

Cite as M Crim JI followed by the instruction number:

M Crim JI 1.9.

Former Criminal Jury Instructions

Cite as CJI or CJI2d followed by the instruction number:

CJI2d 1.1.

Former Standard Jury Instructions

Cite as SJI or SJI2d followed by the instruction number:

SJI 12.01.

1:26 ATTORNEY GENERAL OPINIONS

Cite opinions of the Michigan Attorney General as:

1 OAG, 1956, No. 3,010, p 407 (August 26, 1957).

OAG, 1947-1948, No. 146, p 217 (March 7, 1947).

1:27 ADMINISTRATIVE DECISIONS

Cite administrative decisions as follows or by analogy:

Michigan Employment Relations Commission

In re Detroit, MERC Decision & Order (Case No. C10 F-146), issued April 25, 2013.

A v B, 1978 MERC Lab Op 328.

In re Wayne Co Community College Dist, 20 Mich Pub Emp Rep 59 (2007) (Case No. C04 J-282).

Michigan Tax Tribunal

A v B, 1 MTTR 95 (Docket No. 3799), issued May 15, 1975. [**Note:** This citation style applies to published tribunal decisions released before January 1, 1983.]

A v B, 3 MTT 276 (Docket No. 416430), issued May 15, 1984. [**Note:** This citation style applies to published decisions of the tribunal issued on or after January 1, 1983.]

Michigan Compensation Appellate Commission Opinions

A v B, 1989 Mich ACO 1.

Public Service Commission Orders

In re Application of Consumers Energy Co, order of the Public Service Commission, entered May 12, 2009 (Case No. U-15645).

1:28 EXECUTIVE ORDERS

Cite executive orders as Executive Order No. followed by the year, hyphen, and order number:

Executive Order No. 1991-1.

Executive Order No. 2011-4.

Short-Form Citations for Executive Orders

Cite as:

Order 1991-1 or EO 1991-1.

1:29 FEDERAL REGULATIONS

Code of Federal Regulations

Cite the Code of Federal Regulations (CFR) rather than the Federal Register when possible. A title may be included before the citation, followed by a comma, if it would be helpful to the reader. The CFR is updated annually on a staggered basis (Titles 1-16 are revised as of January 1, Titles 17-27 are revised as of April 1, Titles 28-41 are revised as of July 1, and Titles 42-50 are revised as of October 1). The date included in the citation should be the year of the most current version of the title at issue, unless an historical regulation is being cited:

45 CFR 233.40(a)(1) (2012).

Radiation Protection Programs, 10 CFR 20.1101 (2013).

Federal Register

For items not included in the CFR, cite the Federal Register. A title may be included when it would be helpful to the reader.

Bureau of Indian Affairs, *Guidelines for State Courts; Indian Child Custody Proceedings*, 44 Fed Reg 67584, 67586, § B.1(c) (November 26, 1979).

Detariffing the Installation & Maintenance of Inside Wiring, 51 Fed Reg 8,498, 8,499 (March 12, 1986).

39 Fed Reg 5269 (February 11, 1974).

1:30 LEGAL TREATISES

Cite as follows or by analogy, but generally include volume number, author, title, edition or year in parentheses, section, and page number. For works with more than three authors or editors, use the name of the first listed author or editor and "et al":

3 ABA Standards for Criminal Justice (2d ed), Standard 18-4.1, commentary, p 18-240.

78 ALR2d 218, 220-221, § 2.

2 Am Jur 2d, Administrative Law, § 698, p 597.

Anno: *Fraud or Undue Influence in Conveyance From Child to Parent*, 11 ALR 735, 746, § V.

3 Blackstone, Commentaries on the Laws of England, p *117.

4 Blackstone, Commentaries on the Laws of England, pp **286-287.

3 Callaghan's Michigan Pleading & Practice (2d ed), § 16.23, p 564.

26 CJS, Declaratory Judgment, § 108, p 214.

1 Coke, The First Part of the Institutes of the Laws of England (Butler's 1st American ed), p 158b.

1 Cooley, Constitutional Limitations (2d ed), pp 10-11, 15.

2 Couch, Insurance, 2d (rev ed), § 15:57, pp 298-302.

13 Corbin, Contracts (rev ed), § 72.4(2), p 478.

1 Dobbs, Hayden & Bublick, Torts (2d ed), § 10, pp 18-19.

Fisher et al, Michigan Zoning, Planning & Land Use (2010), § 1.3, p 5.

1 Gillespie, Michigan Criminal Law & Procedure (2d ed), § 312, p 374.

Justinian, Institutes, book II, tit I, § 1, as translated in Thomas, *The Institutes of Justinian, Text, Translation and Commentary* (Amsterdam: North-Holland Publishing Company, 1975), p 65.

Lewis, Trusts (13th ed), p 91.

1 Longhofer, Michigan Court Rules Practice, p 467.

McCormick, Evidence (3d ed), § 72, p 171.

12 McQuillin, Municipal Corporations (3d ed, 1976 cum supp), § 32.133, p 141.

12 Michigan Law & Practice, Fraud, § 10, pp 409-410.

Prosser & Keeton, Torts (5th ed), § 4, p 21.

Rudden, *Economic Theory v Property Law: The Numerus Clausus Problem*, in Oxford Essays on Jurisprudence (Eekelaar & Bell eds, 3d ed), p 242.

3 Sands, Sutherland Statutory Construction (4th ed), § 62.01, p 113.

2 Weinstein & Berger, Evidence, ¶ 412[01], pp 412-10, 412-11.

1 Wharton's Criminal Procedure (14th ed, May 2005 update), § 1:5, pp 1-25 to 1- 26.

6 Wigmore, Evidence (Chadbourn rev), § 1747, p 195.

31 Williston, Contracts (4th ed), § 79.26, pp 389-390.

Short-Form Citations for Treatises

Once an authority has been cited in full, a short-form citation may be used when it will not result in confusion. For treatises, it is usually best to use the author's name to create the short-form citation:

Weinstein, ¶ 411.

Id. at ¶ 412.

Wigmore, § 1745.

Id. at § 1746.

Cooley, p 10.

Id. at 11.

1:31 RESTATEMENTS, MODEL CODES, AND UNIFORM LAWS

Cite as follows or by analogy:

Model Bus Corp Act, § 14.06 (1994).

Model Penal Code, § 2.02 (1995).

Restatement Contracts, 2d (tentative draft No. 8, 1973), § 267, pp 77-78.

2 Restatement Property, 3d, Wills & Other Donative Transfers, § 8.5, comment *c*, p 195.

1 Restatement Restitution & Unjust Enrichment, 3d, § 4, comment *a*, p 27.

2 Restatement Torts, 2d, Appendix (1966), § 344, p 237.

3 Restatement Torts, 2d, § 520, p 41.

1 Restatement Trusts, 3d, Introductory Note, p 3.

UCC § 2-314 (2013).

UCC § 2-608, official comment 4 (2013).

Note: The citation for Michigan's Uniform Commercial Code is MCL 440.1101 *et seq*. Use the UCC citation format only when citing the code promulgated by the National Conference of Commissioners on Uniform State Laws and the American Law Institute.

Short-Form Citations for Restatements, Model Codes, and Uniform Laws

Once an authority has been cited in full, a short-form citation may be used when it will not result in confusion:

Restatement, § 340.

But note: When a citation of the Restatement of Contracts intervenes after a citation of the Restatement of Torts, simply providing "Restatement, § 340," will not suffice because it could refer to either.

1:32 DICTIONARIES

Italicize the name followed by the year or edition in parentheses.

> *Black's Law Dictionary* (9th ed).
>
> *Webster's Third New International Dictionary, Unabridged Edition* (1966).
>
> *The Random House Dictionary of the English Language: Second Unabridged Edition*.
>
> *Random House Webster's College Dictionary* (2005).
>
> *The American Heritage Dictionary of the English Language* (1973).
>
> *Stedman's Medical Dictionary* (26th ed).

A page number should be included if the word referred to is listed under a different word. For example, if one searches for "de facto corporation" in *Black's Law Dictionary* (7th ed), under the entry for "de facto corporation" on page 427, the dictionary states, "See CORPORATION." Under the entry for "corporation," one finds a subentry for "de facto corporation," with the definition for that term on page 342. Therefore, the citation for the definition of "de facto corporation" would be "*Black's Law Dictionary* (7th ed), p 342."

1:33 OTHER BOOKS

Cite the author, editor or issuing institution, title in italics, and, in parentheses, the place of publication, colon, publisher, edition number, and year of publication, followed by, if appropriate, sufficient data to identify the matter of interest, such as the chapter and page number. For works with more than three authors or editors, use the name of the first listed author or editor and "et al":

> Cardozo, *The Nature of the Judicial Process* (New Haven: Yale University Press, 1921), pp 73-74.
>
> Greenfield & Sternbach, eds, *Handbook of Psychophysiology* (New York: Holt, Rinehart & Winston, Inc, 1972), ch 19, p 749.
>
> Yung-Ping Chen & The Technical Committee on Income, *Income: Background & Issues* (Washington, DC: White House Conference on Aging, 1971).
>
> United States Bureau of the Census, *Census of Population: 1970, Detailed Characteristics; Final Report PC(1)–D24 Michigan* (Washington, DC: United States Government Printing Office, 1972).

Bernstein, *The Careful Writer* (New York: Atheneum, 1973).

Follett, *Modern American Usage* (New York: Hill & Wang, 1966).

Short-Form Citations for Other Books

For other books, it is usually best to use the title to create the short-form citation:

Careful Writer, pp 25-26.

1:34 LEGAL PERIODICALS

Include the volume number, abbreviated name of the law review or journal (use The Bluebook to determine the correct abbreviation), page number or numbers, and, in parentheses, the year. Articles with named authors should be cited beginning with the surname of the author (unless more is needed for certainty), a comma, and the title in italics. For works with more than three authors or editors, use the name of the first listed author or editor and "et al." A comment or note should be cited as comment or note, comma, and italicized title. The name of the author should not be included for a comment or note. Matter in the nature of a regular department of a periodical having a number of contributors or anonymous contributors should be cited by the usual title, e.g., Current Law Notes, Recent Legislation, Recent Developments, and not italicized:

Comment, *Prosecutorial Discretion in the Duplicative Statutes Setting*, 42 U Colo L Rev 455 (1971).

Conyers, *The Politics of Revenue Sharing*, 52 J Urban L 61 (1974).

Crawford, *Local Zoning Control of Billboards—A Guide for Michigan Attorneys*, 1989 Det C L Rev 1473.

Kimble, *Protecting Your Writing From Law Practice*, 66 Mich B J 912 (1987).

Mears, *Amending the Michigan Tooling Lien Statutes*, 89 Mich B J 36, 40 (Nov 2010). [**Note:** Pagination of the Michigan Bar Journal changed in January 2001. Consequently, Michigan Bar Journal citations from that month forward require that the month of publication be included.]

Kutak & Gottschalk, *In Search of a Rational Sentence: A Return to the Concept of Appellate Review*, 53 Neb L Rev 463 (1974).

Moley, *The Use of the Information in Criminal Cases*, 17 ABA J 292 (1931).

Project, *Seventeenth Annual Review of Criminal Procedure*, 76 Geo L J 521, 925 (1988).

Richardson, 1983 Annual Survey of Michigan Law, *Natural Resources, Real Property and Trusts*, 30 Wayne L Rev 763, 769-772 (1984).

Short-Form Citations for Legal Periodicals

For legal periodicals, it is usually best to use the title of the article to create the short-form citation:

Protecting Your Writing, 66 Mich B J at 913.

1:35 INTERNET MATERIALS

Internet Materials in General

Cite the author (if available), a title, an Internet address, and the date on which the site was accessed (update the access date as close to publication as possible); do not use a hyperlink for the URL:

Legal Information Institute, *American Legal Citation* <http://www.law.cornell.edu/wiki/lexcraft/american_legal_citation> (accessed March 13, 2014).

Michigan State University College of Law, *Michigan Ordinances & Code* <http://www.law.msu.edu/library/substantive/local.html> (accessed March 13, 2014).

Note: Although the Reporter's Office now attempts to archive Internet materials cited in published opinions, some websites do not permit archiving and others cannot be archived because of technical limitations. In particular, avoid citation of any website that requires registration, subscription, or payment. Also avoid citation of websites with video. Websites that we are unable to archive may quickly change or vanish. The inability of future readers to view and learn more about the material cited in an opinion undermines the precedent—an opinion with a citation that cannot be examined in full may result in an incorrect understanding of the opinion. Accordingly, alternative sources should be cited when they are available.

Navigation Instructions

If the particular document or page referred to cannot be directly accessed using the URL, add the necessary navigation instructions to the citation:

> Charelston County, *Smith Judgment Details* <http://www3.charlestoncounty.org:82/captcha/default.asp?ref=COC> [complete CAPTCHA, click "Judgments," enter case number "1998" "DR 10" "005144"] (accessed September 20, 2013).

Blogs

For citations of weblogs (blogs), follow the general citation style, including the author's name, the name of the weblog, the title of the article or entry, the URL, the date of posting, and the date accessed:

> Mary Pat Dwyer, SCOTUSblog, *Petition of the Day* <http://www.scotusblog.com/2013/09/petition-of-the-day-480> (posted September 19, 2013) (accessed September 20, 2013).

Long URLs

When it is necessary to break a long URL into multiple lines, the break should be placed at a logical point, preferably before or after a backslash:

> Michigan Courts, *About the Court* <http://courts.mi.gov/courts/ michigansupremecourt/about-supreme-court/pages/default.aspx> (accessed October 1, 2013).

Multipage Articles

Be wary of citing a long article that has been split into multiple pages by a website. For citation purposes, it is preferable to cite a single webpage that contains all the relevant information. If you need to cite a long article that has been split into multiple pages, determine whether there is an available printable or single-page version of the article that contains all the relevant information; if there is, cite that page.

1:36 MICHIGAN CHILD SUPPORT FORMULA MANUAL

Cite the Michigan Child Support Formula Manual as [year] MCSF [section number]:

> 2013 MCSF 1.03(A).

1:37 NEWSPAPERS

Include the author's surname, the title of the article in italics, the name of the newspaper, the date of publication in parentheses, and the initial page number; it is not necessary to include a pinpoint citation for material appearing on subsequent pages:

> Muther, *Confessions of a Serial Exclamation Pointer*, Boston Globe (April 26, 2012), p G16.

Short-Form Citations for Newspapers

For newspapers, it is usually best to use the title of the article to create the short-form citation:

> *Confessions*, p G16.

1:38 CROSS-REFERENCES

Post and *Ante* Citations

Post and *ante* citations are used to refer to a portion of another opinion in the same case. They are disfavored because they are generally unnecessary, given that the other opinion is likely readily accessible to the reader and simply reading it will reveal the location and context of the material referred to. Even a direct quotation from another opinion in the same case does not require a citation.

Footnotes

When referring to an earlier footnote in the same opinion, use the following format:

> See note 4 of this opinion.

Other Parts of the Same Opinion

When referring to a different part of the same opinion, use the following format:

> See Part III(B)(2) of this opinion.

1:39 MISCELLANEOUS CITATIONS

Plays

Cite as:

> Shakespeare, The Tempest, act II, sc 1.

Supreme Court Administrative Office Reports

Cite as:

> SCAO, *Adoption Forum I Final Report* (May 27, 2009), pp 2-3.

CHAPTER 2 – QUOTATIONS

A. PRELIMINARY CONSIDERATIONS

Examples in This Part

This portion of the manual contains some actual examples from real sources, some made-up examples, and some examples that use text freely adapted from a real source by revising it to make the application of a rule clearer.

In the examples involving block quotations, attempts have been made to simulate how the final quotation would appear in an opinion. Material that would be in the text of the opinion has slightly indented margins, and block quotations are shown with margins that are more indented.

2:1 AVOIDING THE OVERUSE OF QUOTATIONS AND QUOTATION MARKS

Paraphrasing

Legal writing requires citation of authority for the propositions stated. Avoidance of plagiarism necessitates using quotation marks to give credit where credit is due.

That said, it is easy to fall into the habit of overquoting. For instance, there are only so many ways to state a standard of review, and direct quotation is probably unnecessary in most of those instances. Simple citation of a supporting case is likely adequate, and it also gives one the opportunity to edit out any awkwardness in the language that would have been quoted.

A common fear is that one will somehow mischaracterize the holding of a prior case by paraphrasing, leading instead to the use of quotations to avoid any hint of changing the meaning. Few statements in cases are so well-written or precise, however, that they must invariably be held inviolate through quotation.

Multiple Levels of Quotation

Another difficulty results from quoting an opinion that quotes a statement from an earlier opinion. If the process continues unchecked, multiple levels of quotation marks bloom forth. Consider the following synthesis of discussions on standing that have appeared in various forms:

> The rule for standing that ultimately came about was derived from the federal rule generally stated as follows:

> "First, the plaintiff must have suffered an 'injury in fact'—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) 'actual or imminent, not "conjectural" or "hypothetical." ' Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be 'fairly . . . traceable to the challenged action of the defendant, and not . . . the result [of] the independent action of some third party not before the court.' Third, it must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.' " [Citations omitted.]

Counting the blocking itself, there are three levels of quotation (four, if one counts words such as "conjectural" placed in quotation marks to set them off as words that are the subject of the discussion). In fact, however, one level of quotation got dropped during the course of the cases quoting the original, so there would actually have been five levels of quotation marks had the initial quotation been accurate. Should this passage be quoted one more time along with its lead-in material, up to five or six levels of quotation would result, producing a passage that is exceedingly difficult to read. Rather than quoting in a situation like this, consider explaining the rule as follows, with a simple citation of the original case or any case in the chain:

> This rule for standing has three parts. First, the plaintiff must have suffered an injury in fact: an invasion of a legally protected interest that is concrete and particularized and also actual or imminent, not conjectural or hypothetical. Second, a causal connection must exist between the injury and the conduct complained of: the injury must be fairly traceable to the challenged action of the defendant rather than the result of an independent action by a third party who is not before the court. Third, it must be likely—not merely speculative—that a favorable decision will redress the injury.

Block Quotations

Long block quotations can also prove problematic. The more densely typeset block material might be more difficult to read, which can be an invitation to the reader to skip over it. While few good options exist to replace long quotations of statutory text, it is nonetheless generally best to use block quotation sparingly, paraphrasing instead when appropriate.

Subsequent Use of Quotation Marks After Initial Use to Highlight a Phrase

Many opinions center on a discussion of a key concept initially embodied in a single word or short phrase, such as "proceeding" or "due process." In many instances, the word or phrase may come from a statute or court rule. After initially quoting the word or phrase with an appropriate citation, however, avoid continuing to use quotation marks to set off the word or phrase each time it is subsequently used. It is generally better not to make statements like the following:

> Thus, we conclude that what occurred was a "proceeding" for purposes of the court rule. Because it was a "proceeding," the defendant was entitled to notice of the "proceeding" before it happened.

Few readers will think that the discussion has switched to an entirely different concept or that the word or phrase suddenly has a different meaning if the word or phrase is not set off by quotation marks each time.

B. BASIC RULES FOR QUOTATION

2:2 QUOTATION MARKS

Always use smart (curly) quotation marks when quoting directly (" ") rather than straight (" ") quotation marks. Cutting and pasting material can import the wrong style of quotation marks (as well as apostrophes), so change them to smart style if necessary. Copying and pasting plain text helps avoid this problem.

In addition to their use in direct quotations, double quotation marks are used to set off words that are the subject of discussion:

> The definition of "firefighter" includes a person who dispatches the individuals who actually put out the fires.

2:3 EXACT QUOTATION

Replicate Formatting Exactly

Generally, reproduce material quoted in opinions exactly as it appears in the original source with respect to citation style, italicization, boldface, spelling, use of large/small capital letters, underlining, dash style, and punctuation. Change straight quotation marks and apostrophes to smart style, however, and use two spaces after the end of a sentence. With respect to the use of large/small caps, (1) change small caps in initialisms to large caps (the use of small caps was a common practice in older cases) and (2) convert to large and small caps the names of Michigan appellate judges if regular type was used in the original material. Replication of indentation style in block quotations is discussed in § 2:92 on page 77. See also § 2:6 on page 64, discussing the addition of missing citation information in brackets and the addition of cross-references or helpful explanatory material.

Example:

The United States Court of Appeals for the Ninth Circuit described the test as follows in *United States v Sandoval-Orellana*, 714 F3d 1174, 1178 (CA 9, 2013):

> To determine whether a criminal offense qualifies as an aggravated felony, we first apply the categorical approach set out in *Taylor v. United States*, 495 U.S. 575, 110 S.Ct. 2143, 109 L.Ed.2d 607 (1990). Under that approach, we "look only to the fact of conviction and the statutory definition of the prior offense and compare it to the generic definition of the offense." *Ramirez-Villalpando v. Holder*, 645 F.3d 1035, 1039 (9th Cir.2010) (internal quotation marks and citation omitted).

Nested Parentheses

For parenthetical quotations following citations, see § 1:5 on page 6, retain any parentheses in the quoted material. Do not change them to brackets because doing so could suggest that you altered the quoted material:

Incorrect: *Doe*, 599 Mich at 351 (concluding "that the situation was one to which MCL 769.34[4]" applied). [**Note:** The brackets suggest that the original text did not refer to Subsection (4).]

Correct: *Doe*, 599 Mich at 351 (concluding "that the situation was one to which MCL 769.34(4)" applied).

Incorrect: *Melville*, 524 Mich at 23 (agreeing with the trial court that "Bartleby [the culpable party] demonstrated no exception justifying his nonfeasance"). [**Note:** The brackets suggest that the author of the current opinion added the phrase.]

Correct: *Melville*, 524 Mich at 23 (agreeing with the trial court that "Bartleby (the culpable party) demonstrated no exception justifying his nonfeasance"). [**Note:** The parentheses indicate that the trial court used parentheses in its opinion. No terminal punctuation or ellipsis is necessary at the end of the quotation because the entire parenthetical is a dependent clause.]

Transcripts

Additional special rules apply to quotations from transcripts. See § 2:14 on page 106.

2:4 SOURCES

Use of Official Sources

To the extent practicable, quote *official* sources and *actual* documents. The Reporter's Office will check quotations against those sources and documents whenever possible. Do not rely on quotations found in the text of briefs or reports or what is quoted in earlier opinions. Be aware that online sources routinely change citation styles to match their own preferred formats (often to accommodate hyperlinks) and also change formatting styles, particularly in older opinions. Online materials also sometimes contain errors in the text.

Obscure or Hard-to-Find Materials

If you cite or quote a source that is difficult to obtain or is obscure in an opinion that will be published, retain copies of the title and copyright pages of the book or compilation, the initial page of the chapter or article (and the initial page of any section if the material is further subdivided), and the pages from which quotations are taken and send them to the Reporter's Office upon request. This is also a good practice for material quoted from transcripts and lower court records, but at a minimum please retain a record of the transcript dates and pages for those materials.

2:4.1 MICHIGAN CASES

The official opinions of the Michigan Supreme Court and the Michigan Court of Appeals are published in the Michigan Reports (Mich) and the Michigan Appeals Reports (Mich App), respectively, not the North Western Reporter (NW, NW2d) or the Michigan Reporter (a West product).

2:4.2 UNITED STATES SUPREME COURT CASES

The official opinions of the United States Supreme Court are published in the United States Reports (US), not the Supreme Court Reporter (S Ct), the United States Supreme Court Reports, Lawyers Edition (L Ed, L Ed 2d), or United States Law Week (USLW).

2:4.3 FEDERAL CASES

Except for the United States Court of Appeals for the District of Columbia, the federal courts of appeals and district courts do not publish official reports. For federal caselaw other than that of the D.C. Circuit, use the various West sources (F2d, F3d, F Supp, F Supp 2d, Bankruptcy Reports). The official opinions for the D.C. Circuit are found in App DC or US App DC.

2:4.4 OTHER STATES' CASES

While many states still publish official reports, a number of states use the West regional reporter for their official reports. In addition, several states have abandoned print publishing and now publish their official opinions online. Appendix 6 gives a list of what is currently the official version of case reports for each state.

2:4.5 MICHIGAN STATUTES

Official Version

The official version of current Michigan laws are those published in the 1979 Compiled Laws (see MCL 8.47(3)) or, for statutes enacted, added, or amended after that compilation, the version that appears in a volume of the Public and Local Acts of the Legislature of the State of Michigan (Public and Local Acts) published by the Legislative Service Bureau or the enrolled bill filed with the Secretary of State. Bound volumes (blue in color) of the Public and Local Acts exist for public acts through 2007. A 2008 volume and the enrolled bills for public acts in subsequent years may be found at the Legislature's website.

Section Numbers

Generally speaking, omit from a quotation any section number appearing at the beginning of a statute unless needed for clarity, e.g., if the sections of the act are not evident and will be used later in an opinion in short form for reference. Most often, however, a simple subsequent reference such as "§ 11 of the act, MCL 322.191" will suffice.

Catchlines and Other Editorially Added Material

The boldface catchlines found at the beginning of, and sometimes elsewhere in, statutes in the Public and Local Acts, the Michigan Compiled Laws Annotated (MCLA) published by West, the Michigan Compiled Laws Service (MCLS) published by LexisNexis, or any other service were inserted by an editor, not enacted by the Legislature. They are *not* part of the statute and should not be included when quoting a statute. (In fact, the text of these editorial additions often varies from service to service, sometimes markedly.) The statutory history that follows each statutory section is also *not* part of the legislative enactment and should *not* be included in quoted material.

For example, the MCLA (2000) sets forth the following information regarding MCL 691.1412:

691.1412. Defenses available

Sec. 12. Claims under this act are subject to all of the defenses available to claims sounding in tort brought against private persons.

Historical and Statutory Notes

Source:
P.A.1964, No. 170, § 12, Eff. July 1, 1965.
C.L.1948, § 691.1412.
C.L.1970, § 691.1412.

Law Review and Journal Commentaries

Civil Procedure. Edward H. Cooper, 13 Wayne L.Rev. 71 (1966).
Governmental tort liability. Luke K. Cooperrider, 72 Mich.L.Rev. 187 (1973).
Local government: Tort liability. Solomon Bienenfeld, 13 Wayne L.Rev. 236 (1966).

Library References

Counties ⚷214.
Municipal Corporations ⚷1023.
States ⚷184.6, 198.
Towns ⚷71.
C.J.S. Counties § 324.
C.J.S. Municipal Corporations § 2200.
C.J.S. States §§ 280 to 286, 312.
C.J.S. Towns § 190.

To quote MCL 691.1412, quote only the following text: "Claims under this act are subject to all of the defenses available to claims sounding in tort brought against private persons." The rest of the information included in the MCLA bound volume is not part of the statutory text and should be omitted.

Because the services differ, if it becomes necessary *in rare circumstances* to quote this editorially added material, *clearly indicate* that it is an editorial addition and cite the source (Public and Local Acts, MCLA, MCLS, etc.), including the year of publication.

Catchlines found in a statute following the section number, such as those in many sections of the Michigan Penal Code, 1931 PA 328, MCL 750.1 through MCL 750.568, while enacted as part of the original act, have been legislatively deemed to be not part of the statute and are not to be used when construing the statute. See MCL 8.4b. Accordingly, they should not be included in quotations either.

The article, chapter, part, and similar headings found in *some* statutes—e.g., the Michigan Penal Code and the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 through MCL 324.90106—are part of those acts. They do not appear in boldface. When in doubt, check the official version of the act.

2:4.6 MICHIGAN COURT RULES

The official version of the Michigan Court Rules of 1985 and other Michigan rules are found in the orders entered by the office of the Clerk of the Supreme Court and published in the Michigan Reports. Note that many of the rules have catchlines, but MCR 1.106 provides that they are not part of the rule and are not to be used to construe a rule more broadly or narrowly than the text indicates.

Although the West court rules publication uses boldface or italics for most catchlines, the rules were not adopted that way and if it is necessary to quote a court rule, it should be quoted as adopted.

2:4.7 MICHIGAN ADMINISTRATIVE RULES

The official version of the Michigan Administrative Code appears online: <http://www.michigan.gov/lara>.

2:4.8 FEDERAL STATUTES

The official version of federal law that has been enacted into positive law is that found in the United States Code (USC). For federal statutes not enacted into positive law, the official versions are found in the Statutes at Large, but quotation of the Statutes at Large may be unnecessary if the wording of the USC is not materially different from that in the Statutes at Large. Note that the text of federal statutes (particularly cross-references) found in the United States Code Service (a Lexis product) and the United States Code Annotated (a West product) sometimes differs from that in the official versions.

2:4.9 FEDERAL ADMINISTRATIVE RULES

Federal regulations are codified annually in the Code of Federal Regulations (CFR). Before codification, the official versions are those that appear in the Federal Register.

PDFs of many federal sources, including the CFRs and the Federal Register, can be found at the Government Printing Office website.

2:5 CORRECTING ERRORS IN THE SOURCE

Use the Latin word “sic” (meaning “so” or “thus”) in brackets to indicate an error in the text being quoted. In general, it is better to use “[sic]” sparingly. Using it for minor errors might create unnecessary distractions for the reader or make the quotation difficult to read. In

particular, do not use "[sic]" for accepted variations in spelling (e.g., 'wilful" rather than "willful" or "acknowledgement" for "acknowledgment") or alternative usages or grammar.

Insert "[sic]" immediately following the error. The form "[sic: ____]" (filling in the blank space with what is presumed to be the intended reference) may be used if it is helpful to show what the intended reference was, such as when the quoted material uses an obviously wrong word or refers to the wrong statute number.

In the alternative, use of an explanatory footnote might be helpful for errors that are not obvious (such as an incorrect citation or cross-reference in the material being quoted, the choice of one spelling of a name when two have appeared in the record, or similar mistakes that the author wishes to note unobtrusively).

While it is permissible to make a correction with brackets (such as replacing "supercede" with "[supersede]") or insert the intended word in brackets (such as replacing "order" with "[judgment]"), every bracketed alteration of this nature runs the risk of leaving the reader wondering exactly what was changed. It is generally preferable to avoid using this correction style unless necessary.

In the end, proper and helpful use of "[sic]" involves a judgment call, and the Reporter's Office often makes suggestions with that in mind.

2:5.1 STATUTES AND RULES

Use "[sic]" when it appears that the text of a statute or rule contains an error:

> MCL 333.7106(3), one of the controlled-substance provisions in the Public Health Code, provides, " 'Marihuana' means all parts of the plant Canabis [sic] sativa L., growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin."

> MCL 777.43(2)(f), part of the sentencing guidelines, provides that a court scoring Offense Variable 13 must
>
> > not count more than 1 crime involving the same 1 [sic] controlled substance. For example, do not count conspiracy and a substantive offense involving the same amount of controlled substances or possession and delivery of the same amount of controlled substances.

2:5.2 CASELAW AND OTHER MATERIALS

As noted, it is better to use "[sic]" sparingly when quoting caselaw and other materials. Reserve it for significant errors, errors that could cause confusion, or errors that a reader might be unlikely to believe were made in the original. Using it for minor errors can create unnecessary distractions for the reader, detract from readability, and highlight the errors disproportionately. When used in quotations of caselaw, articles, and similar sources, it might also be seen as excessive criticism of another's work or as pedantry.

Avoid using "[sic]" when the meaning is nonetheless clear despite the error or the error is insignificant, particularly in transcript quotations. Transcripts are prepared by fallible humans, and errors may simply reflect the witness's speech patterns or the court reporter's hearing or spelling ability. In particular, it is unnecessary to correct phrases like "gotta" used instead of "have got to," "I seen" instead of "I saw," or other common informal usages and grammatical errors.

2:6 ADDITIONS TO QUOTATIONS

2:6.1 ADDITION OF CITATION INFORMATION

While caselaw should be quoted exactly, add a parallel citation, year of decision, or similar information in brackets if it is missing from a citation in the quoted material and a full citation has not appeared earlier in the current opinion. Also, in brackets, change "*supra*" to the short-form citation using a volume and page number if the full citation has already appeared in the text of the opinion. If a full citation has not appeared earlier, the full citation must be added in brackets.

Citations in original text:

Brown v. City of Highland Park (1948), 320 Mich 108.

Jones v. *Berkey*, 181 Mich. 472 (148 N.W. 375).

Johnson Corp., *supra* at 119.

IRC 501(c)(3).

Acceptable alternatives in a quotation:

Parallel citation added: *Brown v. City of Highland Park* (1948), 320 Mich 108 [30 NW2d 798].

Full citation substituted: *Brown v. City of Highland Park* [320 Mich 108; 30 NW2d 798 (1948)].

Year of decision added: *Jones* v. *Berkey*, 181 Mich. 472 (148 N.W. 375) [1914].

Full citation substituted: *Jones* v. *Berkey*, [181 Mich 472; 148 NW 375 (1914)].

Caption completed and citation added: [*United States v*] Johnson Corp., [879 F4th 104] 119 [CA 1, 2017].

Caption completed and full citation substituted: [*United States v*] Johnson Corp., [879 F4th 104, 119 (CA 1, 2017)].

Short-form citation substituted: Johnson Corp., [879 F4th] at 119.

Preferred citation given: [26 USC] 501(c)(3).

2:6.2 EXPLANATORY INFORMATION

Abbreviations, Shorthand References, and Added Information

If quoted material contains abbreviations or shorthand references that are not defined in the quotation or earlier in the opinion, substitute the full information in brackets. If the quotation contains an abbreviation or initialism that will be used later, you may define it in brackets within the quotation. Similarly, you may add the full text but retain the abbreviation for later use:

The trial court stated, "I conclude that the Department [of Community Health] has a duty to provide the information to persons in Plaintiff's position." [**Note:** The full name is completed after "Department" in the quotation.]

The trial court stated, "I conclude that the [Department of Community Health (DCH)] has a duty to provide the information to persons in Plaintiff's position." [**Note:** The full name replaces "department" in the quotation; "DCH" can now be used later in the opinion.]

"The [presentence investigation report] listed several prior offenses." [**Note:** The bracketed material replaces "PSIR," which will not be used later in the opinion.]

"The PSIR [presentence investigation report] listed several prior offenses." [**Note:** The bracketed material defines "PSIR," which had not previously been defined, and that abbreviation can be used later in the opinion.]

Similarly, it might be helpful to replace parties' names with designations such as "[plaintiff]" or "[the decedent]" or vice versa.

The Reporter's Office encourages the use of full names when persons are first mentioned in an opinion, and it is appropriate to do so in quotations when possible:

> "The jury additionally heard the testimony of Dr. [Gerald M.] Buchanan."

Cross-References

For statutes, rules, constitutional provisions, and the like that contain cross-references, it might be helpful to substitute a full citation in brackets:

> **Acceptable quotation of MCL 768.29a(1):**
>
> "If the defendant asserts a defense of insanity in a criminal action which is tried before a jury, the judge shall . . . instruct the jury on the law as contained in sections 400a and 500(g) of Act No. 258 of the Public Acts of 1974 and in section 21a of chapter 8 of this act."
>
> **More helpful alternative:**
>
> "If the defendant asserts a defense of insanity in a criminal action which is tried before a jury, the judge shall . . . instruct the jury on the law as contained in [MCL 330.1400a and MCL 330.1500(g)] and in [MCL 768.21a]."
>
> **Acceptable quotation:**
>
> "This is consistent with the rule set forth in IRC 503."
>
> **More helpful alternative:**
>
> "This is consistent with the rule set forth in [26 USC] 503."

Explanatory Marks and Editorial Interpolations

Brackets may be used to show other explanatory remarks or editorial interpolations:

> MCR 3.215(F)(2) provides, in relevant part:
>
> > The court may [during a de novo hearing], in its discretion:
> >
> > * * *
> >
> > (d) impose any other reasonable restrictions and conditions to conserve the resources of the parties and the court.

As an alternative, a footnote added to the quotation provides a means for lengthier explanations. A footnote added immediately to the right of the closing double quotation marks in text need not be in brackets. Any footnote added *within* a quotation, however, must be in superscript brackets to show that it is not part of the original text. See page 105 for footnotes added at the end of block quotations.

2:7 ALTERATION OF QUOTATIONS

Examples of specific considerations related to altering quotations in parentheticals following citations are shown in § 1:5 on page 6.

2:7.1 USE OF EMPTY BRACKETS

Empty brackets consist of opening and closing brackets with no space between: []. Use empty brackets to indicate the deletion of a letter or letters at the *end* of a word:

> The plural noun "actions" in the original becomes the singular noun "action[]."
>
> The verb "holds" in the original becomes "hold[]."

2:7.2 CHANGING CAPITALIZATION, NUMBER, OR TENSE

Use brackets to change capitalization or to change the number or tense of verbs:

> **Original text in police report:** Victim states she saw a dark car outside house on elm street.
>
> **Quotation:** In her interview with the police detective, the "[v]ictim state[d] she saw a dark car outside [a] house on elm street."

Do not use brackets to alter words internally, however. Instead, substitute the intended word in full in brackets: insert "[swam]" into the quotation rather than changing "swim" to "sw[a]m."

It is unnecessary and distracting to change capitalization in quotations simply to reflect the usage specified in this manual. For instance, transcripts and the opinions of lower or foreign courts often capitalize common terms like "Court," "State," or "Defendant."

It is similarly unnecessary and distracting to alter the capitalization of a defined word and include single quotation marks when merely discussing that definition:

> **Original in MCL 750.95a(6)(d):** "Person" means an individual, corporation, partnership, association, business trust, or other legal entity.
>
> **Acceptable but awkward quotation:** As used in MCL 750.95a, " '[p]erson' " means "an individual, corporation, partnership, association, business trust, or other legal entity."
>
> **Preferred quotation:** As used in MCL 750.95a, "person" means "an individual, corporation, partnership, association, business trust, or other legal entity."

2:7.3 PUNCTUATION

Do not add or alter punctuation in brackets (such as inserting a serial comma or replacing a comma with a semicolon) unless confusion would result without the added or altered punctuation:

> **Unnecessary change:** "The American flag stood out in glorious red, white[,] and blue."
>
> **Original text:** The defendant's notepad contained the phone numbers of two local drug dealers, a police officer and a city council member.
>
> **Helpful change in quotation:** "The defendant's notepad contained the phone numbers of two local drug dealers, a police officer[,] and a city council member."
>
> **Original text:** An action was also brought against Tom Jones, defendant's brother, Felicity Jones, defendant's mother, and Melissa Smith.
>
> **Helpful change in quotation:** "An action was also brought against Tom Jones, defendant's brother[;] Felicity Jones, defendant's mother[;] and Melissa Smith."

Note: A comma may always be added immediately before a closing quotation mark when grammatically correct, and periods may be added in certain instances. See § 2:8.2 on page 71.

2:7.4 REVISING TEXT

It is sometimes helpful to revise the text to fit the sense of the discussion more closely:

> The court specifically told defendant that she would be jailed until she purged herself of contempt. As in *People v Goodman*, 17 Mich App 175, 177; 169 NW2d 120 (1969), defendant therefore was able to "carry the 'keys of [the] prison in [her] own pocket' [so] the action is essentially civil." [**Note:** The words "[the]" and "[her]" replace the word "their" in two places and "[so]" replaces "and."]

Be careful, however, to avoid subtle changes to the meaning of the quotation by replacing words. Changing "Congress" to "[the Legislature]" in a federal caselaw quotation, for example, is discouraged.

2:7.5 INDICATING ALTERATIONS AND EMPHASIS

Alterations

For purposes of this rule, "alteration" means a change from the original text shown by brackets (including the use of "[sic]"). It does not include omissions shown by an ellipsis or a bracketed period.

It is assumed that the current opinion's author made any alterations found in quoted text. If an alteration appeared in the source material, however, indicate that fact in a parenthetical:

> (Alteration in original.)
>
> *Doe*, 599 Mich at 234, quoting *Smith*, 499 Mich App at 98 (first and third alterations in original).

Emphasis

Because exact quotation is required, it is also assumed that any emphasis in a quotation occurred in the original, so do not add the phrase "emphasis in original" in a parenthetical. When altering the emphasis in a quotation, indicate that fact as follows:

> (Emphasis added.)
>
> (emphasis omitted).

> (Emphasis changed [or altered].)
>
> (Second emphasis added.)
>
> (some emphasis omitted; third emphasis added).

Do not use a phrase like "emphasis supplied" or "emphasis deleted." Also, do not refer to "emphases" even if multiple words or phrases are altered.

Placement of the period depends on whether the parenthetical directly follows the citation (lowercase first letter and period outside closing parenthesis) or is freestanding following the quotation or the sentence containing the quotation (uppercase first letter and period inside closing parenthesis):

> "The rule applies to *both* intentional torts and negligence." *Jarndyce*, 576 Mich at 14 (emphasis added).
>
> Under the holding of *Jarndyce*, 576 Mich at 14, "[t]he rule applies to *both* intentional torts and negligence." (Emphasis added.)

Always use italics rather than bold or underlining to show emphasis. On *rare* occasions, additional emphasis may be necessary. In that case, render the *one or two words* needing additional emphasis in both italics and boldface; other than that, do not use more than one means of showing emphasis:

> What the majority ignores in its analysis is that *Algernon* identified two requirements for there to be a valid termination: "The party opting out must do so *on the original document* ***and*** *on the copy on file* with the agency."

In rare instances, text to be emphasized contained italicized words in the original. When quoting, show that fact by using reverse italics (that is, Roman type) in the quotation:

> The *Green* Court believed that "[a]ny other conclusion would *undermine both the inroads made before* Tiberius v Kirk *and all the valiant efforts afterward to extend that case*."

Most often, this happens when there are captions or foreign words in the original.

When altering text that is also being emphasized, italicize the altered text but not the surrounding brackets:

> "If the defendant asserts a defense of insanity in a criminal action which is tried before a jury, the judge shall . . . instruct the jury on the law as contained in [MCL 330.1400a and 330.1500(g)] *and in* [*MCL 768.21a*]." MCL 768.29a(1). [**Note:** Italicizing the brackets could miscue the reader that they were part of the original material rather than a subsequent alteration.]

C. FORMATTING QUOTATIONS

2:8 PUNCTUATION

Examples of specific considerations regarding punctuation of parenthetical quotations following citations are shown in § 1:5 on page 6.

2:8.1 COLONS AND SEMICOLONS

Place colons and semicolons that are not part of the original quoted material *outside* the closing quotation marks.

2:8.2 COMMAS AND PERIODS

Always place commas and periods *inside* quotation marks unless they appear otherwise in the material being quoted:

> **Original text:** This authority, however, does not support Lord Coke's unwarranted extension, which Stephen termed "astonishing", and "monstrous".
>
> **Quotation:** The Court stated, "This authority, however, does not support Lord Coke's unwarranted extension, which Stephen termed 'astonishing', and 'monstrous'."

A comma may always be added at the end of quoted material regardless of whether it occurs in the source material:

> **Original text:** A trial court must grant the motion in those circumstances and an appellate court will not reverse that ruling.
>
> **Quotation:** Because the "trial court must grant the motion in those circumstances," we "will not reverse that ruling." [**Note:** Do not use "[,]" after "circumstances."]

Do not add a period at the end of a quotation if it does not occur in the original except in the case of single words or short phrases. The following example shows a situation in which it is acceptable to add to the end of a quotation a period that does not occur in the original:

> **Original text:** A trial court must grant the motion in those circumstances and an appellate court will not reverse that ruling.
>
> **Quotation:** A ruling in plaintiff's favor was necessary because the trial court was required to grant plaintiff's motion "in those circumstances."

If the quotation is not a single word or a short phrase, however, follow the guidelines in § 2:10.4 on page 84 for adding periods or ellipses at the end of the quotation.

2:8.3 QUESTION MARKS, EXCLAMATION POINTS, AND DASHES

Placement of question marks and exclamation points depends on their relationship to the material quoted. Place the punctuation inside the quotation marks if it applies only to the material quoted and outside if it applies to the entire sentence:

> The witness responded, "I saw him do it!" [**Note:** The witness made the excited utterance.]
>
> Why did you respond, "I saw him do it"? [**Note:** The witness is being asked the question.]

In rare instances, quoted material (particularly in transcripts) may include a sentence that ends with a dash, usually to indicate an interruption or a speaker trailing off. Do not place a period before the closing quotation mark because the dash acts as the terminal punctuation:

> The witness responded, "I simply don't know, I—"

2:8.4 QUOTATIONS WITHIN QUOTATIONS

Enclose a quotation within a quotation (second-level quotation) in single quotation marks, putting one space between single and double quotation marks that are next to each other:

> "Unless the legislation creates a 'classification scheme,' or 'impinges upon the exercise of a fundamental right,' it is 'accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard.' " *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d 215 (1996), quoting *Doe v Dep't of Social Servs*, 439 Mich 650, 662; 487 NW2d 166 (1992).

For a third level of quotation, use double quotation marks again and so forth:

> *Brown*, 452 Mich at 361-362, observed that " '[u]nless the legislation creates a "classification scheme," or "impinges upon the exercise of a fundamental right," it is "accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard." ' " (Citation omitted.) [**Note:** See § 2:1 on page 55 for a discussion of multiple quotation levels and paraphrasing.]

For block quotations, the blocking itself serves as the first level of quotation marks.

2:8.5 PUNCTUATION BEFORE AND AFTER QUOTED MATERIAL

Use a comma, colon, or no punctuation before a quotation depending on how the quotation is introduced and whether it contains multiple sentences.

A comma followed by opening quotation marks and a capitalized first word is generally necessary for direct quotations preceded by "Smith said," "Defense counsel observed," "The Court noted," "As the witness stated," "The statute provides," "The prosecutor asked," and similar introductory clauses. A comma followed by opening quotation marks and a lowercase first word (with brackets if necessary) is generally used for quotations interwoven into the text that are preceded by introductory phrases like "Instead, . . ." and "Consequently, . . ." that grammatically require a comma.

A colon and an initial capital letter are generally necessary when the quoted material consists of two or more sentences or the introductory phrase is an independent clause such as "Jones noted the following," "The trial court reasoned as follows," or the like.

No punctuation or initial capital letter is generally necessary when the quoted material is directly interwoven into the text (often preceded by "that").

Note: For punctuation before block quotations, please see § 2:9.2 on page 77.

> **Original text:**
>
> Insanity by definition is an extreme of mental illness. When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach. To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane. So, just as a finding of no insanity is essential for an adjudication of guilt by trial, we hold such a finding to be equally essential for a plea of guilty. Such a finding was not made in the instant case and the plea for that reason is invalid.

Examples of punctuation before quotations of this material:

The Court stated, "Insanity by definition is an extreme of mental illness." (A comma is needed after the introductory clause ending with "stated.")

The Court stated that "[i]nsanity by definition is an extreme of mental illness." (No comma is needed because the quotation is interwoven, but alteration of the initial capital letter is necessary.)

On the other hand, "[i]nsanity by definition is an extreme of mental illness." (A comma is needed because of the introductory clause chosen, and alteration of the initial capital letter is necessary.)

As the Court observed, "[T]he statutes provide that all insane people are mentally ill but not all mentally ill people are insane." (A comma is needed after the introductory clause ending with "observed," and alteration of the initial capital letter is necessary.)

When a person is found to be insane, "the law provides that criminal responsibility does not attach." (A comma is needed after introductory clause, but no alteration is needed.)

The Court stated that "all insane people are mentally ill but not all mentally ill people are insane." (No comma or alteration is needed.)

The Court stated, "[A]ll insane people are mentally ill but not all mentally ill people are insane." (A comma is needed after the introductory clause ending with "stated," and alteration of the initial lowercase letter is necessary.)

The Court stated, "[N]ot all mentally ill people are insane." Conversely, however, "all insane people are mentally ill . . . ." (Commas are needed in both sentences and alteration of the initial lowercase letter is needed for the first quotation.)

The Court noted: "Insanity by definition is an extreme of mental illness. When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach." (A colon is needed when quoting more than one sentence.) [**Note:** A single space follows the colon.]

The Court stated the following: "Insanity by definition is an extreme of mental illness." (A colon is needed after the independent introductory clause.)

The Court reasoned as follows: "[A]ll insane people are mentally ill but not all mentally ill people are insane." (A colon is needed after the independent introductory clause, and alteration of the initial lowercase letter is necessary.)

Use caution when interweaving more than one sentence into a quotation. Both of the following quotations are acceptable:

> The Court observed that for an extreme of mental illness such as insanity, "the law provides that criminal responsibility does not attach. To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane."
>
> The Court stated that "[i]nsanity by definition is an extreme of mental illness. When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach."

The following examples, however, show some alternative ways to recast these quotations that are worth considering:

> The Court observed that for an extreme of mental illness such as insanity, "the law provides that criminal responsibility does not attach"; that is, "the statutes provide that all insane people are mentally ill but not all mentally ill people are insane."
>
> The Court observed in *Land*, 587 Mich at 375, that for an extreme of mental illness such as insanity, "the law provides that criminal responsibility does not attach." "[T]he statutes provide that all insane people are mentally ill but not all mentally ill people are insane." *Id*.
>
> The Court stated: "Insanity by definition is an extreme of mental illness. When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach."
>
> The Court stated that "[i]nsanity by definition is an extreme of mental illness" and that "[w]hen a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach."

Generally, the use of ellipses to join two or more sentences together so they appear to have been one sentence in the original should be avoided because it might give a false impression about the source material:

> **Original text:** When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach. To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane. So, just as a finding of no insanity is essential for an adjudication of guilt by trial, we hold such a finding to be equally essential for a plea of guilty.

> **Avoid:** "[T]he law provides that . . . all insane people are mentally ill but not all mentally ill people are insane . . . , [and] just as a finding of no insanity is essential for an adjudication of guilt by trial, we hold such a finding to be equally essential for a plea of guilty."

In particular, avoid joining sentences in this fashion when the quoted material spans more than one paragraph. That situation occurs commonly with statutes or the like having subparts only one of which is of interest. Use block quotation instead.

No comma is needed when a phrase or complete sentence is woven into the sentence as a quotation:

> The defendant said "I didn't do it" immediately after witnesses arrived on the scene and before anyone asked questions.
>
> The Legislature's use of the language "any alternative means of effecting a transfer" demonstrated its intent that the result could be reached in more than one fashion.

Quotation marks around the words *yes* or *no* are not needed when those words are given as answers unless it is necessary to emphasize that the reply is an exact quotation.

Although the style is not as common in opinions, quotations may be followed by a clause indicating who said the words. In those cases, a comma inside the closing quotation mark is necessary. An exception occurs for quotations ending with a question mark or an exclamation point:

> "You will find the underground pipeline about 5 feet to the left of that tree," the contractor said.
>
> "I didn't do it" is all defendant said to the officer.
>
> "What do you call this device?" defense counsel then asked the witness.

2:9 FORMATTING BLOCK QUOTATIONS

2:9.1 IN GENERAL

A block quotation is formatted as single-spaced text with margins indented on both sides. The blocking itself takes the place of opening and closing double quotation marks. Generally use block quotations (1) when the quoted material contains 50 or more words (counting ellipses, section symbols, individual abbreviations in citations, and the like as single words), (2) when the block will take up 4 or more lines on the page, or (3) regardless of the length, when you want to highlight a passage, you want to compare or contrast important passages, or the material quoted has an internal structure or subparts (such as a statute or a contract). In particular, avoid collapsing two or more parts of a statute or rule into a quotation that has no paragraph structure.

If the block quotation ends a paragraph of the opinion, indent the following line of text to show a new paragraph. If textual material would otherwise directly follow the block quotation as part of the same paragraph had the quotation not been blocked, justify the first line of that material all the way to the left. If a long quotation occurs in the middle of a sentence, do not block the quotation; leave it as a textual quotation instead.

Block quotations can be cumbersome to read. It is generally best to use block quotations sparingly and consider the effectiveness of the style before doing so.

2:9.2 INDENTATION IN BLOCK QUOTATIONS

The following basic rules apply rigorously to quotations of caselaw, statutes, treatises, articles, and similar authorities. Some modifications might be necessary when quoting documents such as contracts, notices, reports, and the like. See § 2:15 on page 108.

Basic Rules for Indenting Block Quotations:

1. Indent the first line of the first paragraph of a block quotation if the *first word* is the first word of a paragraph in the original source (regardless of whether paragraphs in the original are indented).

2. Do *not* indent the first line of the first paragraph if either of the following applies:

a. The first word of the block quotation is not the first word of a paragraph in the original.

b. The quotation is interwoven with the introductory material in the text preceding the block.

3. Indent all subsequent paragraphs of the block quotation.

Application of the Indentation Rules

Note, in § 2:8.5 on page 73, that certain quotations must be separated from the introductory clause by a comma or colon and begin with a capital letter, either a natural capital or one in brackets. (These quotations are often preceded by words like "stating," "asked," or "noted.") For quotations of this nature that are formatted as a block, use a *colon* (not a comma) at the end of the text preceding the block. Then, apply Rules 1, 2(a), and 3 as appropriate.

Original text:

Because of the differences in philosophies among the states, the states have various statutory approaches to first-degree murder. Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.

Instead, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

Quotation starting with first sentence (Rules 1 and 3):

The Court stated:

> Because of the differences in philosophies among the states, the states have various statutory approaches to first-degree murder. Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> Instead, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

Quotation starting with second sentence (Rules 2(a) and 3):

The Court stated:

> Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> Instead, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

As noted in the examples in § 2:8.5 on page 73, quotations interwoven smoothly with a sentence begin without a capital letter. If the first part of the block quotation can be similarly interwoven smoothly with the textual material that begins it, do not use a colon at the end of the text, do not indent the first paragraph of the block, and use a lowercase letter to begin the block (altering with brackets if necessary). This follows Rule 2(b). If grammatically necessary, however, a comma must follow the end of the text. Then, use Rule 3 if necessary.

No Punctuation (Rule 2(b)):

When a sentencing court scores Offense Variable 18 (operator's ability affected by alcohol or drugs), MCL 777.48(2)(b) requires the court to disregard

> [a]ny presence of alcohol within an individual's body resulting from . . . the consumption of alcoholic or intoxicating liquor as part of a generally recognized religious service or ceremony.

Comma Necessary (Rules 2(b) and 3):

Unlike some states,

> this state does not have a statutory felony-murder doctrine that designates as murder any death occurring in the course of a felony without regard to whether it was the result of an accident, negligence, recklessness, or willfulness.
>
> Rather, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the felonies enumerated a first-degree murder.

2:9.3 FREESTANDING BLOCK QUOTATIONS

Generally, it is better to avoid blocking a long quotation unless it is set up by means of an introductory clause before the quoted material. A freestanding block quotation can be visually distracting and may create confusion about the paragraph structure before and after the block. If possible, it is often more desirable to break the text into a series of smaller quotations.

2:9.4 QUOTING BLOCK QUOTATIONS

In General

When quoting material that itself contains a block quotation, the internal block is rendered as a second block quotation with greater margin indentations. As with the first block, no initial quotation marks need be added:

Original text:

> Michigan does not have a statutory felony-murder doctrine which designates as murder any death occurring in the course of a felony without regard to whether it was the result of accident, negligence, recklessness or willfulness. Rather, Michigan has a statute, MCL 750.316; MSA 28.548, which makes a murder occurring in the course of one of the enumerated felonies a first-degree murder:
>
> > Murder which is perpetrated by means of poison, lying in wait, or other wilful, deliberate, and premeditated killing, or which is committed in the perpetration, or attempt to perpetrate arson, criminal sexual conduct in the first or third degree, robbery, breaking and entering of a dwelling, larceny of any kind, extortion, or kidnapping, is murder of the first degree, and shall be punished by imprisonment for life.
>
> The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania, the statute we have today.

Quotation in new opinion:

> The Court found it necessary to examine both the common-law and statutory felony-murder doctrines. With respect to the latter, the Court stated:
>
> > Michigan does not have a statutory felony-murder doctrine which designates as murder any death occurring in the course of a felony without regard to whether it was the result of accident,

negligence, recklessness or willfulness. Rather, Michigan has a statute, MCL 750.316; MSA 28.548, which makes a murder occurring in the course of one of the enumerated felonies a first-degree murder:

> Murder which is perpetrated by means of poison, lying in wait, or other wilful, deliberate, and premeditated killing, or which is committed in the perpetration, or attempt to perpetrate arson, criminal sexual conduct in the first or third degree, robbery, breaking and entering of a dwelling, larceny of any kind, extortion, or kidnapping, is murder of the first degree, and shall be punished by imprisonment for life.

The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania, the statute we have today.

Quoting Block Quotations Within Block Quotations

No further block indentations are possible. If it is necessary to quote material that has a block within a block, indicate the further block quotation using quotation marks and change internal double quotation marks to single quotation marks and single quotation marks to double quotation marks. Note that opening double quotation marks are added at the *beginning* of each paragraph in the block and that closing double quotation marks are added only at the *end* of the last paragraph in the block.

Original text of *Jones* (which quoted *Doe*):

Having reached this point in its consideration of the issue, the *Doe* Court closed its opinion with the following observation:

> To permit such a course of action would effectively abrogate the constitutional limitations on taxation and public spending imposed by the Headlee Amendment, a constitutional provision ratified by the people of this state. In fact, the imposition of mandatory "user fees" by local units of government has been characterized as one of the most frequent abridgments "of the spirit, if not the letter," of the amendment:
>
> > The danger to the taxpayer of this burgeoning phenomenon [the imposition of mandatory user fees] is as clear as are its attractions to local units of government. The "mandatory 'user

> fee' " has all the compulsory attributes of a tax, in that it must be paid by law without regard to the usage of a service, and becomes a tax lien of the property.
>
> However, it escapes the constitutional protections afforded voters for taxes.

Quotation of *Jones* in new opinion:

Concluding that it was necessary to discuss the *Doe* decision in some detail, the *Jones* Court quoted it extensively. Among the many salient points emphasized was the following:

> Having reached this point in its consideration of the issue, the *Doe* Court closed its opinion with the following observation:
>
> > To permit such a course of action would effectively abrogate the constitutional limitations on taxation and public spending imposed by the Headlee Amendment, a constitutional provision ratified by the people of this state. In fact, the imposition of mandatory "user fees" by local units of government has been characterized as one of the most frequent abridgments "of the spirit, if not the letter," of the amendment:
> >
> > "The danger to the taxpayer of this burgeoning phenomenon [the imposition of mandatory user fees] is as clear as are its attractions to local units of government. The 'mandatory "user fee" ' has all the compulsory attributes of a tax, in that it must be paid by law without regard to the usage of a service, and becomes a tax lien of the property.
> >
> > "However, it escapes the constitutional protections afforded voters for taxes."

2:10 DELETIONS FROM QUOTATIONS

2:10.1 DELETIONS IN GENERAL

An ellipsis (three periods separated by spaces: . . .) is used to denote the deletion of words in a sentence. An ellipsis without internal spaces (...) is always wrong unless it is spaced that way in the material quoted.

No ellipsis is necessary at the beginning or end of quoted material interwoven into a sentence:

> **Original:** To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane.
>
> **Incorrect:** The court reiterated that " . . . all insane people are mentally ill" when it discussed the distinction.
>
> **Incorrect:** The court reiterated that "all insane people are mentally ill . . ." when it discussed the distinction.
>
> **Correct:** The court reiterated that "all insane people are mentally ill" when it discussed the distinction.

Material may sometimes be deleted without the use of an ellipsis by substituting a bracketed change for the deleted language. This technique runs the risk of subtly altering the meaning or leaving the reader wondering what was changed (or not even aware that language was deleted) and should be avoided in all but exceptional circumstances.

2:10.2 DELETIONS AT THE BEGINNING OF A SENTENCE

When deleting material from the *beginning* of a quoted sentence, no ellipsis is needed, but an alteration of the capitalization of the beginning word of the quoted material might be necessary:

> The Court stated that "all insane people are mentally ill but not all mentally ill people are insane." [**Note:** No alteration is necessary because "all" is lowercase in the original.]
>
> When a person is found to be insane, "the law provides that criminal responsibility does not attach." [**Note:** No alteration is necessary because "the" is lowercase in the original.]

> The Court stated, "[A]ll insane people are mentally ill but not all mentally ill people are insane." [**Note:** The lowercase "all" must be changed to "[A]ll" because the introductory clause ends with "stated." See § 2:8.5 on page 73.]
>
> "[A]ll insane people are mentally ill but not all mentally ill people are insane." [**Note:** The quotation stands as a complete sentence, so "all" must be changed to "[A]ll."]

2:10.3 DELETIONS WITHIN A SENTENCE

To delete material *within* a sentence, insert an ellipsis with spaces on both sides:

> "Insanity is . . . an extreme of mental illness."

Do not use empty brackets to show the deletion of punctuation or words:

> **Original text:** The man who was wearing the Armani suit then turned and ran.
>
> **Incorrect:** The man who was wearing the [] suit then turned and ran.
>
> **Correct:** The man who was wearing the . . . suit then turned and ran.

2:10.4 DELETIONS AT THE END OF A SENTENCE

To delete material at the *end* of a sentence, generally insert an ellipsis *before* the terminal punctuation:

> "To put it alternatively, the statutes provide that all insane people are mentally ill . . . ."
>
> Defense counsel asked, "Well, what do you call this device . . . ?"

Do not retain punctuation between the last word and the ellipsis:

> **Original text:** Please tell us what you call this device, the one that I am holding.
>
> **Incorrect:** Defense counsel stated, "Please tell us what you call this device, ..."
>
> **Correct:** Defense counsel stated, "Please tell us what you call this device . . . ."

If a colon, semicolon, dash, or similar punctuation followed the quoted material in the original and served to end a complete thought, a bracketed period may be used instead:

> **Original text:** In her deposition, the witness described a bright, almost blinding flash; she did not hear a loud noise.
>
> **Quotation:** The witness said that she had not "hear[d] a loud noise," but she did "describe[] a bright, almost blinding flash[.]"

When a sentence ends with a quotation that is a short phrase from within a sentence, it is not necessary to use a terminal ellipsis or a bracketed period:

> **Original text:** The defendant told me he had only been in the building about five minutes before he went back outside and ran home.
>
> **Quotation:** Moreover, we find it significant that according to defendant, he was only present for "about five minutes."

Special care must be exercised when deleting material from a source that itself contains quotations:

> **Original text:** Unless the legislation creates a "classification scheme" or "impinges upon the exercise of a fundamental right" it is "accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard."
>
> **Quotation:** Thus, the reviewing court must apply rational-basis review "[u]nless the legislation creates a 'classification scheme' or 'impinges upon the exercise of a fundamental right' . . . ."

2:10.5 DELETIONS FOLLOWING A SENTENCE OR BETWEEN SENTENCES

To delete material *after* a complete sentence or *between* complete sentences, insert an ellipsis *after* the terminal punctuation:

> "Insanity is by definition an extreme of mental illness. . . . To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane." [**Note:** The entire second sentence was deleted.]
>
> "Insanity is by definition an extreme of mental illness. . . . [T]he law provides that criminal responsibility does not attach." [**Note:** Material at the beginning of the second sentence was deleted.]

Do not use ellipses in simple quotations to show that unquoted material exists *after* the sentence ending the quotation:

> **Incorrect:** "To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane. . . ."
>
> **Correct:** "To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane."

2:10.6 INTERNAL PUNCTUATION IN ORIGINAL

When deleting words from a sentence, an ellipsis may be used to delete punctuation on either side of those words. Retain internal punctuation, however, as needed for clarity:

> **Original text:** When a person's mental illness reaches that extreme, the law provides that criminal responsibility does not attach.
>
> **Quotation:** "When a person's mental illness reaches that extreme, . . . criminal responsibility does not attach." [**Note:** Retain the comma in the original.]
>
> **Original text:** Defendant, who testified at his own trial, admitted doing the particular act, but also stated that he was insane.
>
> **Quotation:** "Defendant . . . admitted doing the particular act, but also stated that he was insane." [**Note:** Don't retain punctuation surrounding the deleted material.]
>
> **Original text:** If the defendant asserts a defense of insanity in a criminal action which is tried before a jury, the judge shall, before testimony is presented on that issue, instruct the jury on the law as contained in sections 400a and 500(g) of Act No. 258 of the Public Acts of 1974 and in section 21a of chapter 8 of this act.
>
> **Quotation:** "If the defendant asserts a defense of insanity . . . , the judge shall . . . instruct the jury on the law as contained in sections 400a and 500(g) of Act No. 258 of the Public Acts of 1974 and in section 21a of chapter 8 of this act." [**Note:** Words are deleted before the first comma, which is retained so that it continues to perform its grammatical function.]

2:10.7 OMISSION OF CITATIONS

Citations may be omitted from quoted material in two ways: (1) simple elimination of the citation(s) with a parenthetical indicating that one or more citations were omitted or (2) use of an ellipsis without an accompanying parenthetical referring to the omission of one or more citations. It is generally better to indicate the omission of citations parenthetically instead of deleting them with ellipses. An ellipsis used only to show the omission of a citation might nonetheless lead a reader to conclude that, or wonder whether, other material was also deleted.

When citations are omitted without the use of an ellipsis, show their omission by using one of the following phrases as appropriate:

> (Citations omitted.)
>
> (citation omitted).
>
> (some citations omitted).

Do not use "citation deleted" or "internal citation omitted."

When a citation is omitted through the use of an ellipsis, it is not necessary to also use a parenthetical to indicate *that* omission. It is also not necessary to use a consistent omission style throughout the opinion. Both ellipses and parentheticals may be used to show the omission of different citations from the same quotation as long as the rules for both ellipses and parentheticals are followed. Given the risk of confusion, however, it is usually best to use only one omission style for each quotation.

It is generally not necessary to indicate the omission of a citation that followed the quoted material in a separate citation sentence:

> **Original text in *Doe v Doe*:**
>
> This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict. *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999).

Quotation of *Doe* in new opinion:

"This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict." *Doe v Doe*, 501 Mich 203, 206; 999 NW2d 29 (2019).

You must, however, indicate the omission of a citation when the quotation itself contains a quotation:

Alternative original text in *Doe v Doe*:

"This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict." *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999).

Quotation of *Doe* in new opinion:

" 'This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict.' " *Doe v Doe*, 501 Mich 203, 206; 999 NW2d 29 (2019) (citation omitted).

It is necessary to indicate the omission of a citation between sentences in the quoted material:

Original text in *Doe v Doe*:

This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict. *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999). We must not lightly presume that the Legislature intended a conflict. *People v Dobben*, 440 Mich 679, 697 n 22; 488 NW2d 726 (1992).

Quotation of *Doe* in new opinion:

"This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict. We must not lightly presume that the Legislature intended a conflict." *Doe v Doe*, 501 Mich 203, 206; 999 NW2d 29 (2019) (citation omitted). [**Note:** It is only necessary to show omission of the *McDougall* citation.]

Show the omission of citations within sentences as follows:

> **Alternative original text in *Doe v Doe*:**
>
> This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict, *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999), and must not lightly presume that the Legislature intended a conflict, *People v Dobben*, 440 Mich 679, 697 n 22; 488 NW2d 726 (1992).
>
> **Quotation of *Doe* in new opinion:**
>
> "This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict and must not lightly presume that the Legislature intended a conflict." *Doe v Doe*, 501 Mich 203, 206; 999 NW2d 29 (2019) (citations omitted). [**Note:** Because the *Dobben* citation is part of the quoted sentence, it is necessary to indicate its omission. Also note that commas may be omitted before and after the *McDougall* citation because they are effectively part of the citation and unnecessary in the final sentence.]
>
> **Alternative original text in *Doe v Doe*:**
>
> This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict, *McDougall v Schanz*, 461 Mich 15, 24; 597 NW2d 148 (1999), and we do so in this case.
>
> **Quotation of *Doe* in new opinion:**
>
> "This Court must consider whether the statute and the rule of evidence can be construed so as not to conflict, and we do so in this case." *Doe v Doe*, 501 Mich 203, 206; 999 NW2d 29 (2019) (citation omitted). [**Note:** The comma before the *McDougall* citation must be retained to make the final sentence grammatically correct.]

It is permissible to omit a citation of the Michigan Statutes Annotated (MSA) and the accompanying semicolon using only a reference to the omission of a citation and without using an ellipsis or brackets:

Original text in *People v Roe*:

> Defendant was charged with first-degree murder, MCL 750.316; MSA 28.548, which defines the crime as including "[m]urder . . . which is committed in the perpetration, or attempt to perpetrate . . . criminal sexual conduct in the first or third degree . . . ." His underlying offense, however, was second-degree criminal sexual conduct.

Quotation of *Roe* in new opinion:

> Like the defendant in *Roe*, however, defendant here "was charged with first-degree murder, MCL 750.316, which defines the crime as including '[m]urder . . . which is committed in the perpetration, or attempt to perpetrate . . . criminal sexual conduct in the first or third degree' " even though "[h]is underlying offense . . . was second-degree criminal sexual conduct." *People v Roe*, 607 Mich App 743, 746; 989 NW2d 112 (2019) (citation omitted).

For purposes of omitting citations, a parenthetical following a citation is treated as part of the citation even if it also contains or consists of a quotation.

2:10.8 OMISSION OF QUOTATION MARKS

When material being quoted itself contains one or more levels of quotation marks, it may often be the better practice to paraphrase. See § 2:1 on page 55.

In the alternative, retain all quotation marks and add a citation that begins with "quoting . . ." or a parenthetical indicating that one or more citations has been omitted after the citation of the quoted material. See Alternatives 1 and 2. Depending on the number of levels of quotation marks, more than one citation beginning with "quoting . . ." might be necessary.

If it appears necessary or more helpful to omit some or all quotation marks from the quotation, add an appropriate parenthetical after the primary citation. See Alternatives 3 and 4. When both quotation marks and one or more citations are omitted, the order of information in the parenthetical may indicate the omissions in any order (citations or quotation marks first) as long as the same form is used consistently throughout the opinion.

> **Alternative 1 (full quotation):** "Unless the legislation creates a 'classification scheme,' or 'impinges upon the exercise of a fundamental right,' it is 'accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard.' " *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d

215 (1996), quoting *Doe v Dep't of Social Servs*, 439 Mich 650, 662; 487 NW2d 166 (1992).

Alternative 2 (full quotation with citation omitted): "Unless the legislation creates a 'classification scheme,' or 'impinges upon the exercise of a fundamental right,' it is 'accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard.' " *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d 215 (1996) (citation omitted).

Alternative 3 (original quotation marks omitted): "Unless the legislation creates a classification scheme, or impinges upon the exercise of a fundamental right, it is accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard." *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d 215 (1996), quoting *Doe v Dep't of Social Servs*, 439 Mich 650, 662; 487 NW2d 166 (1992) (quotation marks omitted).

Alternative 4 (original quotation marks and citation omitted): *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d 215 (1996) stated, "Unless the legislation creates a classification scheme, or impinges upon the exercise of a fundamental right, it is accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard." (Citation and quotation marks omitted.)

Always refer to "quotation marks omitted" rather than "quotation(s) omitted." Do not use "internal quotation marks omitted" or "quotation marks deleted."

When the quoted material includes ellipses and alterations in addition to multiple levels of quotation marks, omitting some or all of the quotation marks (even when noted in a parenthetical) can produce a confusing or visually distracting result. It is better to retain all quotation marks and address citations appropriately. Examples are shown in Alternatives 5 and 6.

Original text: Unless the legislation creates a "classification scheme," or "[i]mpinges upon the exercise of a fundamental right," it is "accorded a presumption of constitutionality, and is . . . reviewed by applying a rational basis standard."

Distracting Alternative 5: "Unless the legislation creates a classification scheme, or [i]mpinges upon the exercise of a fundamental right, it is accorded a presumption of constitutionality, and is . . . reviewed by applying a rational basis standard." *Doe*, 599 Mich at 12 (quotation marks and citation omitted) (alteration in original). [**Note:** While the reader knows the alteration was made in the original text, the bracketed "i" in the middle of the sentence is visually distracting.]

Better Alternative 6: "Unless the legislation creates a 'classification scheme,' or '[i]mpinges upon the exercise of a fundamental right,' it is 'accorded a presumption of constitutionality, and is . . . reviewed by applying a rational basis standard.' " *Doe*, 599 Mich at 12 (citation omitted) (alteration in original). [**Note:** It is probably better yet to give a citation for the case *Doe* quotes, however.]

2:10.9 OMISSION OF FOOTNOTES

When footnotes appear in the original source, but are not material to the purpose for which the text is quoted, delete footnote numbers in the text without ellipses. Do *not* add "(footnotes omitted)" at the end of the citation, but add "(citations omitted)" if the footnotes are citations that would have appeared in the text had textual citations been used instead of footnote citations.

2:11 DELETIONS IN BLOCK QUOTATIONS

Most of the rules that apply to simple quotations also apply to block quotations. In addition, special rules apply to certain deletions from lengthy material.

2:11.1 DELETIONS AT THE BEGINNING OF A PARAGRAPH

Additional Rules for Paragraphs in Block Quotation

In addition to Rules 1 through 3 for *indenting* block quotations (repeated here for convenience), several rules govern the *deletion* of material at the beginning of paragraphs in block quotations:

1. Indent the first line of the first paragraph of a block quotation if the *first word* is the first word of a paragraph in the original source (regardless of whether paragraphs in the original are indented).

2. Do *not* indent the first line of the first paragraph if either of the following applies:

a. The first word of the block quotation is not the first word of a paragraph in the original.

b. The quotation is interwoven with the introductory material in the text preceeding the block.

3. Indent all subsequent paragraphs of the block quotation.

4. Do not use an ellipsis at the beginning of the first paragraph.

5. Use a bracketed capital letter to begin the first paragraph of the block if words at the beginning of the first sentence quoted have been deleted and the first word quoted was lowercase in the original.

6. For subsequent paragraphs, insert an ellipsis at the beginning of the paragraph if any words have been deleted from the beginning of the paragraph.

7. In subsequent paragraphs use a bracketed capital letter at the beginning of the paragraph in addition to the ellipsis if words have been deleted and the first word quoted was lowercase in the original.

Application of the Additional Rules

Original text:

> Because of the differences in philosophies among the states, the states have various statutory approaches to first-degree murder. Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> Instead, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

Quotation examples:

(1) Words are deleted at the beginning of the first sentence (Rules 2(a), 4, and 5):

The Court stated:

> [T]he states have various statutory approaches to first-degree murder. Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness.

(2) No deletion at the beginning of the first paragraph, but words are deleted at the beginning of the second paragraph (Rules 1, 3, 6, and 7):

The Court stated:

> Because of the differences in philosophies among the states, the states have various statutory approaches to first-degree murder. Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> . . . [S]ince 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

(3) A sentence is deleted from the first paragraph, and words are deleted from the beginning of the second paragraph (Rules 2(a), 3, 4, 6, and 7):

The Court stated:

> Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> . . . [S]ince 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

(4) Full sentences and part of a sentence are deleted from the first paragraph (Rules 2(a), 3, and 4):

Noting that not all states have felony-murder statutes that criminalize a death during the course of any felony, the Court stated:

> Michigan similarly does not have such a statute.
>
> Instead, since 1837 Michigan has had a statute that makes a murder occurring in the course of one of the enumerated felonies a

> first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

(5) Full sentences are deleted from the first paragraph, and words are deleted from the beginning of the second paragraph (Rules 2(a), 3, 4, and 6):

Noting that not all states have felony-murder statutes that criminalize a death during the course of any felony, the Court stated:

> Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> . . . Michigan has . . . a statute that makes a murder occurring in the course of one of the enumerated felonies a first-degree murder. The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

(6) A full sentence is deleted from the first and second paragraphs (Rules 2(a), 3, 4, and 6):

The Court described the relationship of the two statutes:

> Many jurisdictions have a felony-murder statute that designates as first-degree murder any death that occurred in the course of a felony regardless of whether the death was the result of accident, negligence, recklessness, or willfulness. Pennsylvania is an exception, and Michigan similarly does not have such a statute.
>
> . . . The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania.

2:11.2 DELETIONS AT THE END OF A PARAGRAPH

If material is deleted at the *end* of a paragraph *and* the next paragraph follows immediately, insert an ellipsis after the terminal punctuation of the first paragraph:

> Furthermore, defendant's account of what transpired was clearly in accord with the psychiatric evaluation in that defendant admitted committing the act but stated that he could not help what he was doing. . . .
>
> The record is clear. Given all that transpired below, we have no choice but to vacate defendant's plea and remand this case for further proceedings that are consistent with this opinion.

When deleting material at the end of the last paragraph of a block quotation, do not use an ellipsis:

Incorrect:

The *Doe* Court stated:

> Furthermore, defendant's account of what transpired was clearly in accord with the psychiatric evaluation in that defendant admitted committing the act but stated that he could not help what he was doing. . . .

In light of its analysis, the *Doe* Court vacated the defendant's plea. It is necessary to do the same in the case before us. Accordingly, we vacate Smith's plea.

Correct:

The *Doe* Court stated:

> Furthermore, defendant's account of what transpired was clearly in accord with the psychiatric evaluation in that defendant admitted committing the act but stated that he could not help what he was doing.

In light of its analysis, the *Doe* Court vacated the defendant's plea. It is necessary to do the same in the case before us. Accordingly, we vacate Smith's plea.

Block quotations in the original should be treated the same as any other sentence or series of sentences within the paragraph that contains them. For purposes of deletion, do not treat them as separate paragraphs. If the quoted material contains a block quotation and that block is deleted (with or without the additional deletion of material before the block), use an ellipsis:

Original text:

Galloway is particularly noteworthy. The defendant there requested that an instruction be given which would require the jury to find that he shot the victim *with malice aforethought* while attempting to perpetrate the crime of robbery. The trial court refused to give the instruction and the Iowa Supreme Court reversed, stating:

> Under the rule at common law the instruction given by the trial court would have been correct. . . .
>
> But the Iowa statute differs from the common law and differs from the statutes of many other states.

Quotation in new opinion:

The Supreme Court described a situation similar to the predicament faced by the trial court in this case:

> *Galloway* is particularly noteworthy. The defendant there requested that an instruction be given which would require the jury to find that he shot the victim *with malice aforethought* while attempting to perpetrate the crime of robbery. The trial court refused to give the instruction and the Iowa Supreme Court reversed . . . .

2:11.3 DELETIONS BETWEEN PARAGRAPHS

When deleting one or more paragraphs *between* quoted paragraphs, insert three asterisks (centered with three spaces between the asterisks) and two blank lines between the paragraphs quoted:

> So, just as a finding of no insanity is essential for an adjudication of guilt by trial, we hold such a finding to be equally essential for a plea of guilty. Such a finding was not made in the instant case and the plea for that reason is invalid.
>
> * * *
>
> Lastly, as we find the plea to be invalid for the aforestated reasons, it is unnecessary to address the claim of ineffective assistance of counsel.

When the material quoted (1) contains a block quotation, (2) the block is followed by textual material justified fully to the left (that is, is part of the same paragraph), and (3) only the block quotation or the block quotation and some text preceding or following it are being deleted, treat the block as sentences within the paragraph rather than a separate paragraph and show the deletion by an ellipsis rather than asterisks:

Original text:

> Michigan has a statute, MCL 750.316; MSA 28.548, which makes a murder occurring in the course of one of the enumerated felonies a first-degree murder:
>
> > Murder which is perpetrated by means of poison, lying in wait, or other wilful, deliberate, and premeditated killing, or which is committed in the perpetration, or attempt to perpetrate arson, criminal sexual conduct in the first or third degree, robbery, breaking and entering of a dwelling, larceny of any kind, extortion, or kidnapping, is murder of the first degree, and shall be punished by imprisonment for life.
>
> The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania, the statute we have today.

Quotation in new opinion:

> The Court found it necessary to examine both the common-law and statutory felony-murder doctrines. With respect to the latter, the Court stated:
>
> > Michigan has a statute, MCL 750.316; MSA 28.548, which makes a murder occurring in the course of one of the enumerated felonies a first-degree murder . . . . The Michigan Legislature adopted verbatim the first-degree murder statute of Pennsylvania, the statute we have today.

In more complex situations involving blocks within the quoted material, it may be necessary to use more than one of these deletion rules, as well as the other rules concerning block quotations:

Original text:

> *Galloway* is particularly noteworthy. The defendant there requested that an instruction be given which would require the jury to find that he shot the victim *with malice aforethought* while attempting to perpetrate the crime of robbery. The trial court refused to give the instruction and the Iowa Supreme Court reversed, stating:
>
> > Under the rule at common law the instruction given by the trial court would have been correct. [Citation omitted.]

But the Iowa statute differs from the common law and differs from the statutes of many other states:

> The effect of the Iowa statute is to make murders which occur in connection with the perpetration of the named felonies first-degree murder. This has been our rule for many years:
>
> > Under this rule it was error for the trial court not to include the language requested. "Malice aforethought" is a necessary element for murder. And murder must be committed in order to implement our felony-murder rule. [Citations omitted.]

Many of the authors of treatises are in accord. In fact, the venerable Professor Perkins has stated as follows:

> If the homicide meets the requirements of murder in general, and is shown to have been committed in any of these ways, then the statute applies and makes the killing murder in the first degree. If the death would not otherwise be murder at all, this statute does not make it first degree murder, because it speaks of all "murder" so perpetrated—not all "homicide." Perkins, Criminal Law (2d ed), p. 90.

Thus, we conclude that Michigan has not codified the common-law felony-murder rule. The use of the term "murder" in the first-degree statute requires that a murder must first be established before the statute is applied to elevate the degree.

Complex quotation in new opinion:

That case described a foreign case involving a situation similar to the predicament faced by the trial court in this case and agreed with the result:

> [D]efendant there requested that an instruction be given which would require the jury to find that he shot the victim *with malice aforethought* while attempting to perpetrate the crime of robbery. The trial court refused to give the instruction and the Iowa Supreme Court reversed . . . . But the Iowa statute differs from the common law and differs from the statutes of many other states:
>
> > The effect of the Iowa statute is to make murders which occur in connection with the

> perpetration of the named felonies first-degree murder. This has been our rule for many years:
>
> "Under this rule it was error for the trial court not to include the language requested. 'Malice aforethought' is a necessary element for murder. And murder must be committed in order to implement our felony-murder rule." . . .
>
> * * *
>
> . . . [W]e conclude that Michigan has not codified the common-law felony-murder rule. The use of the term "murder" in the first-degree statute requires that a murder must first be established before the statute is applied to elevate the degree.

2:11.4 QUOTING FOOTNOTES IN BLOCK QUOTATIONS

When quoted material contains one or more footnotes that are to be included in the quotation, there are two options. In general, the quoted footnotes should be placed together at the end of the entire block quotation. Use the same footnote numbering as the original and separate the footnote(s) from the block by lines from block margin to block margin above *and* below the footnotes. It is not necessary to quote all the footnotes found in the original material, and they need not be addressed when omitted unless they contain citations whose omission would otherwise be noted:

> The Court began its consideration of felony murder with a detailed consideration of the history of the felony-murder doctrine:
>
> > The first formal statement of the doctrine is often said to be *Lord Dacres'* case, Moore 86; 72 Eng. Rep. 458 (KB, 1535). Lord Dacres and some companions agreed to enter a park without permission to hunt, an unlawful act, and to kill anyone who might resist them.[12] While Lord Dacres was a quarter of a mile away, one member of his group killed a gamekeeper who confronted him in the park. Although Lord Dacres was not present when the killing occurred, he, along with the rest of his companions, was convicted of murder and was hanged.
> >
> > Contrary to the construction placed on this case by those who see it as a source of the felony-murder rule, the holding was not that Lord Dacres and his companions were guilty of murder because they had joined in an unlawful hunt in the course of which

> a person was killed, but rather that those not present physically at the killing were held liable as principals on the theory of constructive presence. Moreover, because they had agreed previously to kill anyone who might resist them, all the members of the group shared in the mens rea of the crime.[16] Thus, because Lord Dacres' case involved express malice, no doctrine finding malice from the intention to commit an unlawful act was necessary or in fact utilized.
>
> ---
>
> [12] "*Le Seignor Dacres & auters accord de enter en un pke & de hunter la, & de tuer touts que eux resisteront:* & accordant al ceo ils entront en le Park, & un vient al un de eux, Et demand, que il avoit de faire la; & l'auter luy occide, le seignor esteant un quarter dun mile de cest leiu, & rien scavoit de ceo: uncore ceo fuit adjudge murder en luy, & en touts ses companions. Et auxi un auter vient en un Orchard, pur gatherer pears & un a luy vient & rebuke luy, & il luy tua, le quel fuit adjudge murder."
>
> [16] Kaye, *The Early History of Murder and Manslaughter, Part II*, 83 L. Quarterly Rev. 569, 578-579, 593 (1967); see, also, *King v. Borthwick*, 1 Doug. 207, 212; 99 Eng. Rep. 136, 138-139 (KB, 1779).
>
> ---

Note that the new opinion did not quote the thirteenth through fifteenth footnotes of the original, which contained only explanatory text. As noted in § 2:10.9 on page 92, it is accordingly unnecessary to comment on their omission.

In the alternative, if keeping each footnote near the text containing the material to which the footnote relates is important (to highlight that material, for example), add each footnote at the end of the paragraph of quoted material that contained it, again separated from the block paragraphs (and text) by lines extending from block margin to block margin above and below the footnote(s):

> The Court began its consideration of felony murder with a detailed consideration of the history of the felony-murder doctrine:
>
> > The first formal statement of the doctrine is often said to be *Lord Dacres'* case, Moore 86; 72 Eng. Rep. 458 (KB, 1535). Lord Dacres and some companions agreed to enter a park without permission to hunt, an unlawful act, and to kill anyone who might resist them.[12] While Lord Dacres was a quarter of a mile away, one member of his group killed a gamekeeper who confronted him

> in the park. Although Lord Dacres was not present when the killing occurred, he, along with the rest of his companions, was convicted of murder and was hanged.
>
> ---
>
> [12] "*Le Seignor Dacres & auters accord de enter en un pke & de hunter la, & de tuer touts que eux resisteront:* & accordant al ceo ils entront en le Park, & un vient al un de eux, Et demand, que il avoit de faire la; & l'auter luy occide, le seignor esteant un quarter dun mile de cest leiu, & rien scavoit de ceo: uncore ceo fuit adjudge murder en luy, & en touts ses companions. Et auxi un auter vient en un Orchard, pur gatherer pears & un a luy vient & rebuke luy, & il luy tua, le quel fuit adjudge murder."
>
> ---
>
> Contrary to the construction placed on this case by those who see it as a source of the felony-murder rule, the holding was not that Lord Dacres and his companions were guilty of murder because they had joined in an unlawful hunt in the course of which a person was killed, but rather that those not present physically at the killing were held liable as principals on the theory of constructive presence. Moreover, because they had agreed previously to kill anyone who might resist them, all the members of the group shared in the mens rea of the crime.[16] Thus, because Lord Dacres' case involved express malice, no doctrine finding malice from the intention to commit an unlawful act was necessary or in fact utilized.
>
> ---
>
> [16] Kaye, *The Early History of Murder and Manslaughter, Part II*, 83 L. Quarterly Rev. 569, 578-579, 593 (1967); see, also, *King v. Borthwick*, 1 Doug. 207, 212; 99 Eng. Rep. 136, 138-139 (KB, 1779).
>
> ---

As noted in § 2:6.2 on page 65 and in § 2:12 on page 105, footnotes added to a block quotation must be in superscript brackets. If added to a block quotation that also quotes footnotes, the added footnotes must continue the numbering begun in the text before the block quotation (regardless of the footnote numbers for the footnotes quoted) and must appear at the bottom of the page in the same fashion as any other footnote inserted in the text of an opinion.

2:12 PLACEMENT OF CITATIONS FOR BLOCK QUOTATIONS

Short Citations Placed at Beginning

Generally, put *short* citations indicating the source of a block quotation in the text *preceding* the quotation:

> We begin by noting that the Equal Protection Clause, US Const, Am XIV, § 5, provides:
>
> > The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Place any parenthetical information regarding emphasis or the like at the *end* of the block in brackets, however:

> MCL 500.3143, part of the no-fault act, which is in turn part of the Insurance Code, provides in part:
>
> > An agreement for assignment of a right to benefits payable in the future is *void*. [Emphasis added.] [**Note:** The brackets take the place of parentheses in this situation.]

Citations Following a Block

If the citation follows the quotation in the block, place it at the end of the block (along with any parenthetical information), followed by a period and enclosed in brackets:

> The no-fault act, which is part of the Insurance Code, MCL 500.100 *et seq*., provides in part:
>
> > An agreement for assignment of a right to benefits payable in the future is void. [MCL 500.3143.]
>
> Further, with respect to legislative acquiescence, this Court has stated:
>
> > "When, over a period of many years, the Legislature has acquiesced in this Court's construction of a statute, the judicial power to change that interpretation ought to be exercised with great restraint. On more than one occasion our Court has quoted

> with approval the statement that stare decisis 'is especially applicable where the construction placed on a statute by previous decisions has been long acquiesced in by the legislature, by its continued use or failure to change the language of the statute so construed, the power to change the law as interpreted being regarded, in such circumstances, as one to be exercised *solely by the legislature*.' " [*Boyd v W G Wade Shows*, 443 Mich 515, 525-526; 505 NW2d 544 (1993), quoting *Dean v Chrysler Corp*, 434 Mich 655, 664; 455 NW2d 699 (1990), quoting *Consumers Power Co v Muskegon Co*, 346 Mich 243, 251; 78 NW2d 223 (1956), quoting 21 CJS, Courts, § 214, pp 388-390 (emphasis added). See also *In re Clayton Estate*, 343 Mich 101, 107; 72 NW2d 1 (1955).]

Because the Legislature has not reacted to this Court's interpretation of § 4 in the nearly 20 years since *Hobbes v Calvin* was decided, we conclude that the Legislature has acquiesced in our interpretation of the statute.

Alternative Placement of Signals

Regardless of whether the citation comes before or after the block quotation, additional citations signaled by "see also," "but see," or another signal *may* be placed on the first textual line after the block, but other parentheticals must still be placed in brackets at the end of the block:

> We begin by noting that the Equal Protection Clause, US Const, Am XIV, § 5, provides:
>
> > The Congress shall have power to enforce, *by appropriate legislation*, the provisions of this article. [Emphasis added.]
>
> Cf. Const 1963, art 1, § 2.
>
> Further, with respect to legislative acquiescence, this Court has stated:
>
> > "When, over a period of many years, the Legislature has acquiesced in this Court's construction of a statute, the judicial power to change that interpretation ought to be exercised with great restraint. On more than one occasion our Court has quoted with approval the statement that stare decisis 'is especially applicable where the construction placed on a statute by previous decisions has been long acquiesced in by the legislature, by its continued use or failure to change the language of the statute so construed, the power to change the law as interpreted being

> regarded, in such circumstances, as one to be exercised *solely by the legislature*.' " [*Boyd v W G Wade Shows*, 443 Mich 515, 525-526; 505 NW2d 544 (1993), quoting *Dean v Chrysler Corp*, 434 Mich 655, 664; 455 NW2d 699 (1990), quoting *Consumers Power Co v Muskegon Co*, 346 Mich 243, 251; 78 NW2d 223 (1956), quoting 21 CJS, Courts, § 214, pp 388-390 (emphasis added).]

See also *In re Clayton Estate*, 343 Mich 101, 107; 72 NW2d 1 (1955). Because the Legislature has not reacted to this Court's interpretation of § 4 in the nearly 20 years since *Hobbes v Calvin* was decided, we conclude that the Legislature has acquiesced in our interpretation of the statute.

As noted in § 2:6.2 on page 65, footnotes may be used for citing the source of block quotations. Place the footnote number at the end of the block with superscript brackets to indicate that the footnote has been added and is not part of the original material:

Further, with respect to legislative acquiescence, this Court has stated:

> "When, over a period of many years, the Legislature has acquiesced in this Court's construction of a statute, the judicial power to change that interpretation ought to be exercised with great restraint. On more than one occasion our Court has quoted with approval the statement that stare decisis 'is especially applicable where the construction placed on a statute by previous decisions has been long acquiesced in by the legislature, by its continued use or failure to change the language of the statute so construed, the power to change the law as interpreted being regarded, in such circumstances, as one to be exercised *solely by the legislature*.' "[5]

Because the Legislature has not reacted to this Court's interpretation of § 4 in the nearly twenty years since *Hobbs* was decided, we conclude that the Legislature has acquiesced in our interpretation of the statute.

---

[5] *Boyd v W G Wade Shows*, 443 Mich 515, 525-526; 505 NW2d 544 (1993), quoting *Dean v Chrysler Corp*, 434 Mich 655, 664; 455 NW2d 699 (1990), quoting *Consumers Power Co v Muskegon Co*, 346 Mich 243, 251; 78 NW2d 223 (1956), quoting 21 CJS, Courts, § 214, pp 388-390 (emphasis added). See also *In re Clayton Estate*, 343 Mich 101, 107; 72 NW2d 1 (1955).

Similarly, parenthetical information may be put in footnotes if the citation precedes the block:

> We begin by noting that the Equal Protection Clause, US Const, Am XIV, § 5, provides:
>
> > The Congress shall have power to enforce, *by appropriate legislation*, the provisions of this article.[4]

---

[4] Emphasis added. [**Note:** Parentheses around "Emphasis added." are not needed in this situation.]

2:13 ORDER OF PARENTHETICAL INFORMATION

Parentheticals related to authorship of an opinion must be placed immediately following the citation. When both quotation marks and citations are omitted, those facts should be stated in the same parenthetical. The order for listing actions related to citations, alterations, and emphasis is otherwise immaterial as long as a consistent order is maintained throughout the opinion. Parenthetical information involving more than one type of action may be placed in separate parentheticals for each type or placed in one parenthetical with clauses separated by semicolons.

In general, parenthetical information concerning emphasis, alteration, and omission of quotation marks or citations that is related to a *parenthetical quotation* should follow the parenthetical containing the quotation in a separate parenthetical. See § 1:5 on page 6 for an example of parenthetical information concerning a parenthetical quotation for which the citation of the original source is included.

D. QUOTING PARTICULAR SOURCES

2:14 TRANSCRIPTS

Always use a block quotation for transcript quotations involving more than one party or containing more than one paragraph. In block quotations of trial or other transcripts, italicize the following:

(1) "*Q*." and "*A*." (Do *not* use: "*Q*:" or "*A*:")

> *Q*. Were you on Oakland Avenue on the date in question?
>
> *A*. No, sir.

(2) Names or titles of the speakers:

The Court:

Mr. Smith:

The Defendant:

Mr. Smith [defense counsel]:

Note: "*Court*" or "*Defendant*" alone may be used instead if those are the references in the original.

Always use a Roman colon, titlecase, and italics, *regardless of* the font and capitalization used in the original. If the original refers to "Mr. Smith," it may be changed as follows:

[*Defense Counsel*]:

Note that the brackets are not italicized.

2:15 CONTRACTS, NOTICES, AND SIMILAR DOCUMENTS

In cases involving contracts, insurance policies, signs, handouts, or the like, adequacy of notice or some similar concern regarding what a person saw or should have been aware of might be an issue. In those instances (or if it is helpful for the reader to have the sense of what was before the parties), it might be best to disregard some of the formatting rules for block quotations discussed in this manual and reproduce the appearance of the original material as closely as practicable, including indentation style, layout, boldface, and other formatting features. The following is an example from *State Farm Mut Auto Ins Co v Enterprise Leasing Co*, 452 Mich 25, 30 (1996):

Rental, which is self-insured. The rental agreement required the renter to select between two choices regarding insurance coverage:

[X][1] This vehicle is *not covered* for bodily injury or property damage insurance by Snappy and coverage *shall* be provided by renter or renter's existing insurance.

Renter's Initials R E D[2]

[ ] This vehicle *is covered* for bodily injury and property damage insurance by Snappy with limits of coverage equal to the minimum statutory requirements for financial responsibility for the state of rental.

Renter's Initials ____

Daniel was then involved in an accident while driving the rental car, resulting in two tort actions against him and Snappy. Snappy refused to defend, and tendered the defense of the actions to ACIA. ACIA filed a declaratory action, seeking a determination that Snappy was the primary insurer.

---

[1] The box next to this option had been checked.
[2] Daniel placed his initials in the space provided.

The following is an example from *Royal Prop Group, LLC v Prime Ins Syndicate, Inc*, 267 Mich 708, 710 (2005), that uses a footnote for explanation, acknowledging that it is not an exact reproduction:

I. BASIC FACTS AND PROCEEDINGS

Royal, through its agent, defendant Whitcomb & Company, Inc., applied for commercial property insurance from Prime to cover three apartment buildings that Royal owned and operated in the city of Detroit. The coverage for "Building 2" is at issue in this case. In regard to Building 2, the policy application contains the following section:[1]

SUBJECT OF INSURANCE	AMOUNT	COINS %	VALUATION	CAUSES OF LOSS	INFLATION GUARD %	DEDUCTIBLE	FORMS AND CONDITIONS TO APPLY
Bldg	**600,000**	**80**	**ACV**	**Special**		**1500**	**Excl theft**
Loss of Rents	**156,000**	**12 months**	**ACV**	**Special**		**1500**	**Excl theft**

Prime later issued a policy to Royal. The declarations page of the policy contains a section titled, "COVER-

[1] This is not an actual reproduction of the table contained in the policy application, though it reflects its form and content. The handwritten entries on the policy application are emphasized in bold.

Another similar example follows on page 711 of the opinion.

Finally, an example from *People v Nunley*, 491 Mich 686, 690 (2012). Note the handling of typed and handwritten material:

> I CERTIFY THAT I AM EIGHTEEN YEARS OF AGE OR OLDER AND THAT ON THIS DATE NOTICE OF THE ORIGINAL ORDER OF SUSPENSION OR RESTRICTED LICENSE WAS GIVEN TO EACH OF THE PERSONS NAMED BELOW BY FIRST–CLASS UNITED STATES MAIL AT LANSING, MICHIGAN AS PROVIDED IN SECTION 212 OF MICHIGAN VEHICLE CODE (MCL 257.212).
>
> DATE 6–22–09 [handwritten] OFFICER OR EMPLOYEE F. BUETER [typed]

Quoting short portions (no more than a few words) of a boldface or all-capped section of the document exactly can be unnecessarily distracting. Rather than

> Defendant stated the final issue in her brief as "**DUE PROCESS WAS DENIED**."

it might be better to render it in some fashion similar to the following, with an explanation of the change in boldface and capitalization (1) interwoven into the introductory clause, (2) included in a parenthetical, or (3) noted in a footnote:

> Defendant stated the final issue in her brief as "Due Process Was Denied."

Note that some statutes contain forms for various documents. Care should be taken to render the forms in an accurate manner, paying careful attention to signature lines, blanks for dates, and the like.

The quotation of complex materials is rife with formatting difficulties and generally requires making some judgment calls. The Reporter's Office is always available to help when you prepare opinions.

2:16 HANDWRITTEN MATERIALS

Quoting handwritten or handprinted materials presents special problems. In general, an attempt should be made to reproduce the sense of the original as closely as practicable. Accordingly, if the original capitalizes the first letter of each word or has all capital letters, do the same in the quotation. If the result is visually distracting, however, it may be necessary to exercise some

judgment and alter the quotation style as necessary, generally noting the nature of the changes in the text, an explanatory parenthetical, or a footnote. Moreover, as with contracts and similar materials, it may be necessary to disregard some of the formatting rules for block quotations found in this manual.

2:17 SENTENCING GUIDELINES

The sentencing guidelines are found at MCL 777.1 through MCL 777.69. When quoting the provisions covering offense variables and prior record variables, care must be taken to justify the point scores with the right side of the block. For each possible score, there is a tab leader (line of dots) between the end of the text and the point value. Place a space between the text and the tab leader (first dot) and between the end of the tab leader (last dot) and the number:

> MCL 777.40 governs the score for exploitation of a vulnerable victim and provides as follows:
>
> > (1) Offense variable 10 is exploitation of a vulnerable victim. Score offense variable 10 by determining which of the following apply and by assigning the number of points attributable to the one that has the highest number of points:
> >
> > (a) Predatory conduct was involved ..... 15 points
> >
> > (b) The offender exploited a victim's physical disability, mental disability, youth or agedness, or a domestic relationship, or the offender abused his or her authority status ..... 10 points
> >
> > (c) The offender exploited a victim by his or her difference in size or strength, or both, or exploited a victim who was intoxicated, under the influence of drugs, asleep, or unconscious ..... 5 points
> >
> > (d) The offender did not exploit a victim's vulnerability ..... 0 points
> >
> > (2) The mere existence of 1 or more factors described in subsection (1) does not automatically equate with victim vulnerability.

2:18 TEXT MESSAGES, INSTANT MESSAGING, AND CHATS

Treat these exchanges in a manner similar to transcripts. In particular, try to replicate the style of the communication as closely as possible.

Most text messages, instant messages, or exchanges in a chat room contain numerous abbreviations and take great liberty with the rules of grammar. Do not use "sic" to highlight this usage. In general, it is also not necessary to use brackets to alter the language or correct it or to insert explanatory information unless the meaning is obscure or difficult to understand or elaboration or context is necessary for the reader to understand what was being said and how it relates to the issue.

A good example of quoting an exchange in a chat room may be found in *People v Kowalski*, 489 Mich 488, 491-493 (2011). *In re McCree*, 495 Mich 51, 57-59, 64-67 (2014), demonstrates quotation of text messages. Similar treatment is appropriate for instant messaging.

2:19 CITATIONS OF TRANSCRIPTS AND DOCUMENTS IN THE RECORD

It is generally unnecessary and distracting to give citations in opinions for transcripts, briefs, and similar documents that are part of the record, so they should be avoided. To speed up the editing of Supreme Court draft opinions, however, it is extremely helpful to include bracketed or otherwise highlighted citations in the early drafts to assist the Reporter's Office during quotation checking. The citations will be removed afterward.

2:20 PROFANITY, OBSCENITIES, AND ETHNIC SLURS

Many cases, particularly criminal ones, require the quotation of language that might be deemed offensive. Whether to quote that language exactly should be left to the author's discretion, but the following are some general considerations and rules.

If the language is peripheral or unrelated to any issue, deleting it is acceptable. In many cases, however, the words spoken bear an important relationship to the underlying case, including ethnic-intimidation cases, incidents like an assault in which a defendant's intent or the justification for self-defense is at issue, and situations in which the overall tone of an exchange is important. In those cases, it is best to quote faithfully.

If you choose to delete the language, complete deletion with ellipses is usually not the best option. Instead, give the first letter of the word and use hyphens or asterisks to represent each following letter. Another common style is to give both the first and last letters of the word with intervening hyphens or asterisks.

CHAPTER 3 – STYLE

Style in General

The job of the Reporter's Office is to prepare the opinions of Michigan's appellate courts for publication. In addition to checking the factual and legal content of these opinions against the available authoritative sources, we also help ensure that the final product meets the stylistic and grammatical standards explained in this section. Our goal is to make the opinions clear, consistent, concise, and accurate while preserving the author's unique voice and style.

Many of the changes our editors suggest involve:

- Summarizing facts, eliminating unnecessary citations, adding explanatory material, rephrasing to avoid ambiguity, and paraphrasing awkward quotations.

- Suggesting use of active voice rather than passive, English rather than Latin, and lay words rather than legal jargon when appropriate. For an overview of other plain-language principles, see Kimble, *The Elements of Plain Language*, 81 Mich B J 44 (Oct 2002).

- Eliminating references to race, gender, religion, economic status, and brand names if they are irrelevant.

- Rephrasing when possible to avoid unnecessary gender-specific pronouns. For example, instead of "A judge may issue a cautionary instruction if he believes one is warranted," we might suggest:

  Judges may issue a cautionary instruction if they believe one is warranted.

  A judge may issue a cautionary instruction if the judge believes one is warranted.

  A judge may issue a cautionary instruction if he or she believes one is warranted.

  A judge may issue a cautionary instruction if the circumstances warrant one.

- Eliminating unnecessary internal cross-references indicated by *post*, *ante*, *supra*, or *infra*.

A. GRAMMAR

In suggesting grammatical changes, we strive to apply currently accepted grammatical conventions, which are far too numerous to list.

This section addresses many subjects that frequently cause confusion, organized by the type of punctuation with which the subject is associated, and Appendix 1 contains an alphabetical list of frequently suggested corrections that are not easily categorized by topic. For further guidance and explanations, we recommend consulting Sabin, *The Gregg Reference Manual* (New York: McGraw-Hill, 2011).

3:1 COMMAS

While comma use will vary to some degree by author, in the following situations, our office follows these conventions:

Identifying Parties

When using a name to identify a party in a case, set the name off with commas if it describes the only party with that party designation. Otherwise, do not set the name off with commas.

> "The charges against defendant, John Doe, were dropped" indicates that John Doe was the only defendant in the case.
>
> "The charges against defendant John Doe were dropped" indicates that there were other defendants in the case.

Occasionally, rephrasing may be necessary to avoid ambiguity.

> The charges against defendant, John Doe, and his wife were dropped (unclear whether defendant and John Doe are the same person).
>
> The charges against defendant—John Doe—and his wife were dropped.
>
> The charges against defendant~~, John Doe,~~ and his wife were dropped.

Introductory Phrases

It is now considered acceptable to begin sentences with "and," "but," "or," and "so." When used in this manner, these words generally should not be followed by a comma.

Participial Phrases

When using a participial phrase followed by a comma, be sure that the subject following it is the one intended:

> **Incorrect:** Having committed a series of unspeakably heinous crimes, the trial court sentenced defendant to the maximum allowable term of imprisonment.
>
> **Correct:** Having committed a series of unspeakably heinous crimes, defendant was sentenced to the maximum allowable term of imprisonment.
>
> **Correct:** The trial court sentenced defendant to the maximum allowable term of imprisonment in light of the fact that his crimes were unspeakably heinous.

Serial ("Oxford") Commas

Use commas to separate *all* elements of a series in order to avoid ambiguity:

> **Unambiguous:** The party was attended by two clowns, the defendant, and his wife.
>
> **Ambiguous:** The party was attended by two clowns, the defendant and his wife.

Two Clauses Joined by a Conjunction

Generally, commas should separate independent clauses joined by a coordinating conjunction. Commas should not be used to separate dependent clauses linked by a subordinating conjunction ("that" clauses) if there are only two such clauses. If the sentence is confusing or unwieldy without commas, consider breaking it into two sentences instead:

> **Incorrect:** Defendant was drunk for several hours that evening and he should not have attempted to drive himself home.
>
> **Incorrect:** The witness testified that defendant was drunk and rambling incoherently, and that he should not have attempted to drive himself home.
>
> **Correct:** Defendant was drunk for several hours that evening, and he should not have attempted to drive himself home.

> **Correct:** The witness testified that defendant was drunk and rambling incoherently and that he should not have attempted to drive himself home.

> **Correct:** The witness testified that defendant was drunk and rambling incoherently. She further opined that he should not have attempted to drive himself home.

Abbreviations

Use commas to set off abbreviations—but not numerals—that follow proper names:

> John Doe, Jr., brought an action in the Ingham Circuit Court against Precision Painting, Inc., James Smith III, and others.

However, if the named person's preference to the contrary is known, honor that preference. In other words, "John Doe Jr. sued Precision Painting Inc., James Smith, III, and others" is acceptable if the parties themselves style their names in that manner.

Use semicolons as follows when other phrases requiring commas intervene:

> John Doe, Jr., sued Precision Painting, Inc.; its employee, James Smith III; and others in the Ingham Circuit Court.

For proper use of commas when introducing or ending direct quotations, see § 2:8.5 on page 73.

3:2 DASHES

Dashes with Phrases

To set off a grammatically nonessential element that requires more emphasis or separation than commas provide—for example, this clause—use long dashes with no spaces. Avoid using more than one set of dashes in a given sentence; otherwise, it will be unclear which elements are set off and which are part of the main sentence. In quoted material, retain whatever style dash appears in the original.

Items in a Range

To express items in a range, use a word instead of a dash or a hyphen if possible:

> Defendant was sentenced to 12 *to* 15 years' imprisonment.

They complied with §§ A *through* D of the contract.

He made between eight *and* nine dollars an hour.

3:3 HYPHENS

Generally, most compound modifiers are hyphenated (e.g., common-law rules) and most prefixes are not (e.g., codefendants). However, subrules and exceptions abound. *The Gregg Reference Manual* devotes nearly 20 pages to compound modifiers alone. The following condensation, while incomplete, sets forth the general rules.

Compound Modifiers

For compound modifiers, when in doubt, hyphenate *unless*:

- The first element is an adverb ending in *-ly* (newly discovered evidence).
- The modifier is a well-established, familiar compound noun that is easily recognized as a unit without the aid of a hyphen (income tax return; life insurance policy; real estate agent; high school graduate).
- The modifier consists of a proper name (a Supreme Court decision; an Antonin Scalia dissent).

Relatedly, note that hyphenation is not required in constructions naming people who held titles at particular times, such as "then President, later Chief Justice, William Howard Taft."

Prefixes and Suffixes

For prefixes and suffixes, when in doubt, do not hyphenate *unless*:

- The word begins with the prefix *all*, *quasi*, or *self* (but note that "self" is sometimes the base word and not a prefix; e.g., selfless and selfhood).
- The prefix is followed by a number or a capital letter (post-Mesozoic, pre-1939).
- The prefix ends in an "i" and is followed by an "i" (anti-inflammatory).
- A hyphen is necessary to avoid confusion (resign from office vs. re-sign a document).

For additional rules, exceptions, and examples, see § 3:7 on page 120, and Appendix 2.

3:4 APOSTROPHES

Formation of Possessive Nouns

Generally, possessive nouns are formed by adding an apostrophe + s (the man's testimony; Congress's powers). For more detailed rules and examples, see § 3:10 on page 122.

Separate and Joint Possession

To indicate *separate* possession, add an apostrophe + s to each individual not represented by a possessive pronoun. To indicate *joint* possession, add an apostrophe + s to the final name only.

> Amy, Becky, and Charles's attorneys (all three have the same attorneys)
>
> Amy's, Becky's, and Charles's attorneys (each of the three has one or more different attorneys)

Inanimate Possessive Nouns

Many common expressions that refer to time or measurement require a possessive form:

> one dollars' worth
>
> five years' imprisonment

If a phrase is descriptive rather than possessive, no apostrophe is required (e.g., a five-year term of imprisonment).

Possessive Forms with Gerunds

A possessive form may be required for nouns or pronouns that modify a gerund. A gerund is a word that is based on a verb, ends in *-ing*, and functions as a noun.

> **Incorrect:** Defendant was convicted without the victim having to testify.
>
> **Correct:** Defendant was convicted without the victim's having to testify.

If the result sounds awkward, the sentence may be rephrased to avoid the noun + gerund construction altogether:

> Defendant was convicted even though the victim did not testify.

Note that using the possessive form with gerunds can alter a sentence's meaning:

> The judge's presiding over the case was unwise. (The judge's decision to preside was unwise.)
>
> The judge presiding over the case was unwise. (The judge was not a wise person.)

3:5 QUOTATION MARKS

Double quotation marks should be used around a word or phrase the first time it is defined. They should generally be omitted from subsequent mentions:

> As MCL 289.7115 explains, "sausage" is defined as consisting of skeletal meat. This provision further specifies that sausage may contain butylated hydroxytoluene, but it may not contain variety meats.

Double quotation marks may also be used to indicate that a term is being used in a sense that is technical, ironic, or not one the author would use:

> The execution of an oil and gas lease does not necessarily constitute a "sale" of the mineral content of the soil for tax purposes.
>
> There are those who say that variety is the spice of life. The meats described in MCL 289.7113(f) are probably not the "variety" they have in mind.

The proper use of quotation marks with direct quotations is addressed in Chapter 2.

B. SPELLING

3:6 AUTHORITIES

To promote consistency, our office uses the first-listed entry in *Merriam-Webster's Collegiate Dictionary* (11th ed) as the official authority for the spelling and italicization of lay words and *Black's Law Dictionary* (7th ed or later) for legal words. Because some words are spelled differently or not included in these sources, we have developed a list of our own preferred

spelling, hyphenation, and italicization. That list is found in Appendix 2. If there is a conflict between that list and other authorities, follow the list.

In addition, we also have a collection of other dictionaries and reference materials (such as *Stedman's Medical Dictionary* and the *Physicians' Desk Reference*) in our office on the fourth floor of the Hall of Justice. Court staff is welcome to consult these resources for definitional purposes.

When drafting a document that our office will review, if you cite a source that is not readily available (e.g., one from an outside library or your personal collection), please send our office a copy of the title page, copyright page, and the page(s) on which the material appears, either in hard copy or by e-mail to one of our staff, and indicate the case to which the material corresponds.

3:7 PREFIXES AND SUFFIXES

As a general rule, prefixes and suffixes do not require hyphenation (e.g., posttrial, codefendant, statewide). A brief guide to the rules that govern common prefixes and suffixes follows. For the spelling of specific words that often raise hyphenation questions, see Appendix 2.

Prefixes

Words that begin with these prefixes are generally unhyphenated:

anti	counter	meta	non	pre	sub
bi	extra	mis	out	re	under
co	hyper	multi	post	semi	

This rule does **NOT** apply if

- the prefix is followed by a number or a capital letter (post-Mesozoic, pre-1939)
- the prefix ends in an "i" and is followed by an "i" (anti-inflammatory)
- a hyphen is necessary to avoid confusion (resign from office/re-sign a document)

Words that begin with the prefixes *all*, *quasi*, and *self* are hyphenated. When *self* is not a prefix but a base word connected to a suffix, do not hyphenate (selfless, selfhood).

Suffixes

Words that end with the suffixes *ward*, *wide*, and *wise* are unhyphenated.

Family members take hyphenation as follows:

stepparent	great-grandparent
stepchild	great-grandchild
grandparent	parent(s)-in-law
grandchild	half sibling

3:8 SLASHES

Do not use slashes except in direct quotations.

Avoid: d/b/a; his/her; A and/or B

Use: doing business as; his or her; A or B or both

3:9 ABBREVIATIONS

Use of Periods

Generally, use periods with abbreviated words such as Inc., Co., and Corp. Do not use periods with acronyms and initialisms such as FBI and RICO. Also, do not use periods with PC, LLC, or PLLC, regardless of how the firm styles its suffix. Likewise, when referring to a person by his or her initials, do not use periods after the letters.

Use of Articles

Some initialisms—which are abbreviations pronounced letter by letter—should be preceded by "the" (the FBI, the CIA, the BBC, the DOT); others, by convention, should not (GM, PBS). However, no acronyms (FICA, RICO, PERA, MDOT, ERISA)—which are pronounced as words rather than as a series of letters—should be preceded by "the."

When it is not clear which category a given set of letters falls into (such as SCAO or FOIA, which may be either pronounced letter by letter or as a word), use the entity's own preference or the most common usage, if this can be determined. If not, choose either and employ that choice consistently.

The pronunciation of the abbreviation, not the word it represents, dictates whether it will be preceded by "a" or "an" (*an* FBI report, not *a* FBI report).

3:10 POSSESSIVE NOUNS

Singular Nouns

For most singular nouns—including those ending in the letter "s" or an "s" sound—add an apostrophe + s:

Nora's house	the witness's testimony
Charles's wife	the testatrix's intent
Congress's duties	Agassiz's theories
the syllabus's accuracy	Lopez's bakery

There are some exceptions—chiefly historical names ending in "s"—that, by convention, take an apostrophe only:

Achilles' heel	Jesus' teachings
Eurypides' tragedies	Moses' sons

Note: Do not confuse possessive forms, which require an apostrophe, with adjectival forms, which do not:

> All of Kansas's appellate opinions are available online.
>
> The Supreme Court was persuaded by various Kansas appellate opinions on the subject.
>
> Achilles' heel lacked the benefit of submersion in the river Styx.
>
> Her Achilles heel was her gullibility.

If the noun is a proper name that is already styled in the possessive form, add neither an apostrophe nor an s:

> McDonald's labor practices
>
> Macy's new locations

Italicize only the case name when using its possessive form.

> *Miranda*'s departure from prior Fifth Amendment jurisprudence was highly significant.

Under the following three circumstances, *rephrase* to avoid using apostrophes:

(1) Numbers

> **Awkward:** She was charged with violating MCL 750.413's prohibition on driving away a motor vehicle belonging to another.
>
> **Better:** She was charged with violating the prohibition in MCL 750.413 on driving away a motor vehicle belonging to another.
>
> **Better:** She was charged with violating MCL 750.413, which prohibits driving away a motor vehicle belonging to another.

(2) Multiple Possessive Modifiers

> **Awkward:** The star witness was defendant's neighbor's tenant.
>
> **Better:** The star witness was the tenant of defendant's neighbor.

(3) Long Noun Phrases

> **Awkward:** The Bureau of Alcohol, Tobacco, Firearms, and Explosives' agents searched the property.
>
> **Better:** Agents from the Bureau of Alcohol, Tobacco, Firearms, and Explosives searched the property.

Plural Nouns

For plural nouns that end in s, add an apostrophe after the s:

> The syllabuses' accuracy was uncontested.
>
> The Biggleses' testimony that Biggles was at home with his family on the day of the murder resulted in Biggles's acquittal.
>
> The Hodgeses' property abutted that of the Welleses.
>
> Consumers' proposed utility-rate increase was approved.
>
> The Court of Appeals' reasoning was adopted in full.

Again, take care not to confuse these possessive forms with adjectival forms, which do not require an apostrophe:

> The Court of Appeals panel vacated the order.
>
> **But:** The Court of Appeals' panel system employs three judges for most cases.

For plural nouns that do not end in s, add an apostrophe + s:

> the women's testimony
>
> the cacti's needles
>
> the people's choice
>
> the children's guardian

C. CAPITALIZATION

3:11 COURTS AND ADMINISTRATIVE TRIBUNALS

Capitalize "court" when naming a specific court in full or when referring to the Michigan Supreme Court, the Michigan Court of Appeals, or the United States Supreme Court. Otherwise, "court" should be lowercase.

Examples of initial references are given first; suggested subsequent references follow beneath and are indented.

State Courts

the Michigan Supreme Court

- the Supreme Court
- our state's Supreme Court
- the *Ginther* Court
- the Court

the Iowa Supreme Court

- Iowa's supreme court

the New York Court of Appeals

- New York's highest court

the Maryland Court of Appeals

- Maryland's highest court

the Michigan Court of Appeals

- the Court of Appeals
- the *Buie* Court
- the *Buie* panel
- the Court
- the Court of Appeals panel
- the panel

the Ingham Circuit Court

the 54th District Court

the 45A District Court

- the district court

the Washtenaw County Probate Court

- the probate court

the Court of Claims

Federal Courts

the Supreme Court of the United States

the United States Supreme Court

the Supreme Court

the *Miranda* Court

the Court

the United States Court of Appeals for the Fourth Circuit

the Fourth Circuit Court of Appeals

the Fourth Circuit

the *Padilla* court

the court

the United States Court of Appeals for the District of Columbia Circuit

the D.C. Circuit Court of Appeals

the D.C. Circuit

the United States Court of Appeals for the Federal Circuit

the Federal Circuit Court of Appeals

the United States District Court for the Eastern District of Michigan

the federal district court

the Eastern District

Administrative Tribunals

the Michigan Compensation Appellate Commission (formerly the Workers' Compensation Appellate Commission; see Executive Order No. 2011-6, effective August 1, 2011)

the commission

the Michigan Tax Tribunal

the Tax Tribunal

the tribunal

the Michigan Public Service Commission

the Public Service Commission

the commission

the Wisconsin Public Service Commission

Wisconsin's public service commission

the Public Utilities Commission of Ohio

Ohio's public utilities commission

3:12 LEGISLATIVE BODIES

State

Capitalize the word "legislature" if it refers to Michigan's Legislature, whether "legislature" is modified or standing alone. When referring to other states' legislative bodies, capitalize only when giving the full name.

the Michigan Legislature; Michigan's Legislature; the Legislature

the Nebraska Legislature; Nebraska's legislature; the legislature

the Illinois General Assembly; Illinois's legislature

the General Court of Massachusetts; Massachusetts's legislature

Note: The word "legislative" should never be capitalized except in direct quotations.

Federal

Capitalize "Congress" when it refers to the United States Congress, whether it is modified or standing alone.

Note: The word "congressional," like "legislative," should not be capitalized except in direct quotations.

3:13 GOVERNMENTAL OFFICERS AND TITLES

In general, official titles should be capitalized when they directly modify the officeholder's name. This rule applies only to official titles that can modify a last name standing alone (e.g.,

Judge Jones; President Smith), not to untitled positions or names of occupations (e.g., federal judge Jane Jones; board member Smith).

When referring by name to a person who held an office at a particular time, no hyphenation is required. For example:

> President Lyndon Johnson appointed then Chief Justice Earl Warren to head the commission that investigated President Kennedy's assassination.

With regard to specific titleholders, our office adheres to the rules that follow.

Judicial

The names of current and past members of Michigan's appellate courts should appear in large and small caps if they are mentioned in their judicial capacity.

> T. JOHN LESINSKI's judicial service in the Court of Appeals overlapped with that of JOHN SWAINSON in the Michigan Supreme Court.
>
> Justice COOLEY's majority opinion is still persuasive.

But:

> T. John Lesinski served as John Swainson's lieutenant governor.
>
> Thomas M. Cooley wrote a well-respected treatise on constitutional law.

The names of all other judges and justices should appear in regular type, even those of United States Supreme Court justices.

Note: When referring to judges and justices generally, do not capitalize "judge" or "justice," whether state or federal.

Legislative

When referring to a member of a state legislature or the United States Congress, capitalize the title if it modifies the officeholder's name, but not if it stands alone:

> State Senator John Smith; Senator Smith; the senator
>
> United States Representative Mary Jones; Representative Jones; the representative

Executive

When referring to a current or former official in the executive branch of the Michigan or United States government, capitalize the title whether it modifies the officeholder's name or stands alone:

> President George Washington; the President
>
> Vice President John Adams; the Vice President
>
> Governor Stevens T. Mason; the Governor
>
> Lieutenant Governor Matilda Dodge Wilson; the Lieutenant Governor
>
> Secretary of State Kintzing Pritchette; the Secretary of State; the Secretary of State's office
>
> Attorney General Frank Kelley; the Attorney General
>
> Solicitor General Robert Derengoski; the Solicitor General
>
> Auditor General Alpheus Felch; the Auditor General

However—with the exception of president, if it refers to the President of the United States—do not capitalize these titles when they are being used as general terms of classification:

> When he retired, Frank Kelley was the longest serving state attorney general in United States history.
>
> Franklin Delano Roosevelt was the only President to serve more than two terms.

3:14 CONSTITUTIONS

Capitalize the word "constitution" if it refers to a Michigan Constitution (current or past) or to the United States Constitution. Do not capitalize it if referring to another state's constitution.

> Defendant's conduct was protected by the state and federal Constitutions.
>
> Defendant's conduct was prohibited by Michigan's Constitution, but it would have been protected by Ohio's constitution.
>
> Defendant's conduct was protected by neither the Michigan nor the United States Constitution.

Capitalize named or numbered parts of constitutions when referring to them in text. (Note that this rule differs from that governing capitalization in citations in § 1:20 on page 29.)

> Standing under Article III requires an injury in fact that the court can redress.
>
> Plaintiff alleged that the Equine Activity Liability Act violated the Title-Object Clause of the state Constitution.
>
> Although the opinion mentioned the Due Process Clause, it failed to analyze the alleged violation of defendant's due process rights.

3:15 STATUTES

Textual references to state or federal statutes follow the same rules set forth in § 1:21.1 on page 33, to wit:

- The statute's name should be capitalized only if it is codified as an official part of the law (often called the "short title"), and years and names of sponsors within the short title should be omitted.

- Unofficial common, popular, or descriptive names (such as the teacher tenure act and the governmental tort liability act) should be left lowercase.

3:16 GOVERNMENTAL PROGRAMS

Names of governmental programs should generally be capitalized:

> Social Security; Social Security numbers
>
> Medicaid; Medicaid recipients
>
> MI Bridges
>
> Supplemental Nutrition Assistance Program

3:17 GEOGRAPHICAL UNITS

Proper Names of Places

Capitalize the proper names of places, taking care to use the official capitalization and spacing conventions (which are sometimes counterintuitive or inconsistent, as the following list demonstrates):

Center Line
Clarklake
De Tour Village
Detour Township
Harsens Island
L'Anse
Leroy Township, Ingham County
Le Roy Township, Osceola County
St. Johns

Governmental Units and Geographical Regions

Capitalize the category of a governmental unit or geographical region—e.g., state, county, city, village—only when it is part of the proper name. The following examples provide guidance on these and related geographical issues:

New York State

the state of Michigan

- the state
- the people of Michigan

the commonwealth of Pennsylvania

the Midwest; the North

- Midwesterners; Northerners
- up North; out West; down South
- **But:** she drove north on Grand, then west on Ottawa

the province of Ontario

Oakland County

the county

county government

city of Detroit

the city

The type of political subdivision can often be omitted, particularly when it is contained in the name itself—e.g., "This case involves a property dispute in ~~the city of~~ Traverse City."

Relatedly, be aware that place names may be misleading: Lathrup Village, for example, is a city, while Mackinac City is a village.

3:18 NUMBERED AND LABELED ITEMS

When used in text (as opposed to citations) most nouns should be capitalized if they are followed by a number or a letter that indicates sequence:

Act 3	Part III
Appendix B	Prior Record Variable 6
Article 10	Scene 1
Chapter 4	Subsection (5)
Count 1	Title IX
Exhibit A	Volume II
Lot 9	

However, the following seven words are exceptions to the rule and should not be capitalized when preceding a sequential number or letter:

footnote	sentence
line	size
note	verse
page	

3:19 TRADEMARKS AND BRAND NAMES

Avoid using trademarked terms or brand names if possible by using a generic term instead (e.g., cotton swab for Q-tip).

If the specific brand name is relevant, use the capitalization style preferred by the brand-name holder and omit the trademark symbol (Breathalyzer, Taser, OxyContin). Rephrase if necessary to avoid beginning a sentence with a lowercase word.

> **Avoid:** eBay is where defendant sold the stolen iPhones.
>
> **Correct:** Defendant sold the stolen iPhones on eBay.

Use generally accepted capitalization conventions if the trademark owner's preferred styling is distracting or requires special characters (e.g., REALTOR® and Toys Я Us should be Realtor and Toys "R" Us).

See also § 3:34 on page 138.

3:20 MULTIPLE PROPER NOUNS

When referring to multiple proper nouns of the same type, capitalize the plural noun and its modifiers:

> United States and Michigan Constitutions
>
> Eaton and Ingham Counties
>
> Allegan and Ottawa Streets

D. NUMBERS

3:21 GENERAL RULES

Spell out numbers from 0 through 9 and any number that begins a sentence unless one of the following rules counsels otherwise.

Use numerals for:

- Numbers 10 and above, unless the use is idiomatic rather than strictly quantitative (e.g., the judge must have told her a hundred times not to lead the witness).
- All numbers—including those from 1 through 9—with units of measure or labels:

  2 inches from the property line

  3% interest

  Count 4 of the complaint

  Volume 5 of the series

  Room 6 of the motel

- Numbers in a range, set, or series that straddles 9:

  She served 5 to 10 years in prison.

  There were 20 witnesses, 15 lawyers, and 5 defendants at the trial.

- Fractions ($3^7/_8$; $^5/_{64}$). However, use words if the precise amount is unknown or unimportant (e.g., the project was about a quarter complete).
- Numbers in a table.

3:22 CENTURIES

Express centuries as follows:

the nineteenth century

nineteenth-century customs

the twenty-first century

twenty-first-century literature

3:23 DATES

Use cardinal rather than ordinal numbers for dates and spell out the month (July 31, 2014, not July 31st, 2014).

When a date that is represented by a month, a day, and a year is followed by additional text within the same sentence, the year should be set off by a comma unless the date is being used as an adjective:

> She claimed to have sent the first check on December 25, 2008, and a second check on January 5, 2009, but he did not receive the December 25, 2008 check until the end of February.

3:24 TIMES

Hours of the day should be followed by "a.m." or "p.m." and should include a colon followed by the minutes:

> They arrived at the assessor's office at 5:00 p.m. on the day the taxes were due.

Note: If the time in question is 12:00 a.m. or p.m., we encourage the use of "midnight" or "noon," respectively.

3:25 ORDINALS

In text, ordinal numbers should be spelled out (e.g., first, second, twentieth, millionth). With numerals, suffixes should not appear in superscript and should follow this format: 1st, 2d, 3d, 4th.

3:26 AGES

Express ages as follows:

> The seven-year-old victim took the stand.
>
> The victim was 14 years old.
>
> The victim was a 14-year-old.
>
> The victim was a 14-year-old child.

3:27 DECIMALS

Generally, numbers less than one that are expressed in decimal format should have a zero preceding the decimal point to help ensure that the decimal point is not overlooked:

The city of Lansing levies an income tax of 0.5% on nonresidents.

Michigan law prohibits driving with a blood alcohol level of 0.08% or higher.

Exception: Use no zero when indicating firearm calibers (.357 Magnum; .45 Colt).

3:28 HIGHWAYS

Highways should be referred to as follows:

I-25 (interstate)

M-24 (state highway)

US-2 (federal highway)

3:29 CRIMINAL SENTENCES

Following is a list of acceptable forms for phrases that commonly occur in sentencing discussions:

a two-year sentence

imprisonment for two years

two years' imprisonment

a sentence of two years in prison

a sentence of 5 to 15 years

a 5- to 15-year sentence

a minimum sentence of 5 years and 11 months

5 years and 11 months' imprisonment

4 to 48 months' imprisonment

sentenced as a fourth-offense habitual offender to 20 years' imprisonment

For terminology issues related to Michigan's sentencing guidelines, see § 3:41 on page 145.

E. SYMBOLS

3:30 AMPERSAND

Ampersands should not be used in place of "and" except in citations and entity names (e.g., AT&T) and when they appear in quotations.

3:31 DOLLARS

The dollar sign should precede dollar amounts, which should generally be expressed in figures. Whole dollar figures should not display a decimal point and double zero for no cents except when quoting:

> $1.02
>
> $55
>
> $1,055
>
> $1 million
>
> $1.45 million (**But** $1,453,000)

3:32 PERCENT

The symbol % may be used in place of the word "percent" when referring to specific figures. If the reference is general or idiomatic, "percent" may be spelled out if the accuracy of the figure is not significant:

> He left 95% of his estate to his daughter and 5% to his cat.
>
> The judge found 95 percent of defendant's testimony not credible.

3:33 SECTION AND PARAGRAPH

Use the symbols rather than the words when discussing a particular section or paragraph within a sentence. When beginning a sentence with the word "section" or "paragraph," spell it out. When discussing multiple sections or paragraphs, use §§ or ¶¶:

> Sections 1 through 5 differ from §§ 6 through 10.

3:34 TRADEMARK AND COPYRIGHT

Do not use trademark and copyright symbols except when they appear in a quotation. For guidance in rendering brand names, see § 3:19 on page 133.

F. FORMATTING

When drafting documents that our office will review, follow these formatting guidelines.

3:35 HEADINGS

Opinion Subdivisions

If you subdivide your opinion into parts, use the template buttons to create headings, which will keep the headings properly formatted.

If the headings include text, use a period and capital letters after the number or letter designation. **Exception:** Retain the lowercase "v" separating the parties in case names, as well as any letters that must remain in lowercase to convey their meaning (as in references to statutes; e.g., MCL 750.520b).

If the headings have no text, do not use a period after the number or letter designation.

Only create a heading or subheading if there will be more than one element. In other words, there should be no I if there will be no II, II should not have an A without a B, and so on.

The preferred convention for designating headings follows the hierarchy in this example:

I. ANALYSIS

A. GOVERNING LAW

1. STATUTES

a. FEDERAL

i. CIVIL RIGHTS ACT

ii. AMERICANS WITH DISABILITIES ACT

If further subdivision is necessary, repeat this sequence of numerals and letters in parentheses. If more than 10 levels of subheadings are required, consider replacing some subheadings with clear contextual guidance (such as good transitions and strong topic sentences) or consult our office for assistance.

Internal Cross-References

When referring to previously or subsequently discussed subjects within an opinion, use "earlier" rather than "*supra*" or "above," and "later" rather than "*infra*" or "below," to indicate where the discussion is located. Alternatively, if the opinion has headings, you may name the specific part of the opinion, or consider omitting the signifier altogether if a description would be adequate or specificity is not important:

> I agree with Parts I, II, and III(C) of the opinion, but I dissent from Parts III(A) and (B).
>
> I agree with the majority's conclusion, but I disagree with its analysis of the standing issue.

3:36 LISTS

Numbered Lists

When presenting a list of numbered items, use one of these formats:

> **A.** The elements of negligence are (1) the existence of a duty, (2) a breach of that duty, (3) causation in fact, and (4) proximate causation. [**Note:** It is unnecessary to use semicolons to separate the numbered items.]
>
> **B.** The elements of negligence are as follows: (1) the existence of a duty, (2) a breach of that duty, (3) causation in fact, and (4) proximate causation.
>
> **C.** In order to establish negligence, a plaintiff must prove the following:
>
> > (1) Defendant owed plaintiff a duty.
> >
> > (2) Defendant breached that duty.

(3) The alleged harm would not have occurred but for the breach.

(4) The breach was the proximate cause of the harm.

Note: This is a list with each item indented, not a block quotation. For a published example of this format, see *Reed v Reed*, 265 Mich App 131, 138 (2005).

Unnumbered Lists in Text

A list that is not numbered should be presented and punctuated something like this:

> The elements of negligence are the existence of a duty, a breach of that duty, causation in fact, and proximate causation.
>
> A plaintiff alleging negligence must establish four elements: the existence of a duty, a breach of that duty, causation in fact, and proximate causation.

3:37 SPACING

Use one space after colons and two spaces after periods when they appear at the end of a sentence or after a number or letter that designates a heading with text.

3:38 FOOTNOTES

When presenting material in a footnote, the footnote number should generally be placed after the punctuation at the end of the sentence to which it applies. However, if the material in the footnote does not apply to the entire sentence—particularly if it is a citation—place the footnote number as near as possible to the word, concept, or quotation in the main text to which the footnoted material relates. Footnote numbers should be placed after any punctuation mark except a dash, which the footnote number should precede.

A single sentence may contain more than one footnote, and a single footnote may contain more than one discussion, but two or more footnotes may not appear in the same place (e.g., ". . . was denied." [1,2]).

When adding a footnote within quoted material, put the footnote number in superscript brackets. For additional guidance on footnotes with block quotations, see § 2:12 on page 105.

G. TERMINOLOGY

3:39 PARTICIPANTS IN PROCEEDINGS BEING APPEALED

Party Designations

When referring to the parties in a case, bear in mind that they are designated differently depending on the subject matter of the case and where the proceeding originated. While it may be second nature to refer to "plaintiff" in a civil case and "the prosecution" in a criminal case, it is common for us to see a petitioner or a respondent appealing an administrative tribunal's order inadvertently called a plaintiff or a defendant, respectively. The following situations in particular lend themselves to erroneous designations:

> **Delinquency proceedings.** Generally, proceedings against minors alleged to have committed crimes are civil, not criminal, even though they are brought by county prosecutors.
>
> **Forfeiture.** Use claimant/defendant.
>
> **Garnishment.** Use garnishor/garnishee.
>
> **Local ordinance violations.** Note that the prosecuting party is the political subdivision itself, not the people of that subdivision.
>
> **Michigan Employment Relations Commission (MERC).** Use charging party/respondent.

In some cases, such as an appeal of a lower court's denial of leave to bring a quo warranto action, the correct party designation will simply be "appellant" or "appellee."

If in doubt about how parties should be designated, check the court rule or statute governing the type of action in question or contact our office for help.

Use of Articles

When referring to a party in the case on appeal, do not precede it with the article "the." Use "the" to indicate parties in other cases under discussion.

> Unlike the defendant in *Jones*, defendant in this case was not in custody.

However, when directly quoting, it is not necessary to add a bracketed "the" in front of "plaintiff" or "defendant"; the quotation marks (or block format) will cue the reader that the reference is not to a party in the case at issue.

Names of Parties and Others

Names of parties and other relevant entities should be stated in full once in an opinion, but may be shortened or abbreviated once they have been stated in full. There is no need to so indicate if there is no risk of confusion—for example, you may use "Smith" if John Smith is the only Smith in the case, or "Farm Bureau" for Farm Bureau Insurance, without so noting. However, if the shortened name is not obvious, state the shortened name in parentheses with no quotation marks:

> Plaintiff brought an action against the township, the township supervisor, and the township zoning board (the township defendants), challenging their denial of a building permit.

Also avoid repetition of honorifics such as "Dr." or "Mr."

Minors

For cases involving minors, we suggest not using their full names in any situation that could cause the child embarrassment unless doing so is distracting or unavoidable. Instead, try referring to minors by their position in the case or their relationship to the parties (e.g., the older complainant; the youngest son; the minor victim; the eight-year-old witness). If a minor must be named, do so using his or her initial or initials, and do not use periods:

> Defendant was accused of sexually abusing his stepson ~~Jack~~.
>
> Defendant was accused of failing to pay child support for the three children he had with plaintiff.
>
> Defendant was convicted of physically abusing the complainant, AMB, and his sister, ACB, whose testimony defendant challenges on appeal.
>
> Defendant was charged with abusing A and B.

3:40 TRIAL COURT AND TRIBUNAL PROCEEDINGS

It is often desirable to make a distinction between actions taken by the court, the defense, the prosecution, and other entities (e.g., the Attorney General's office), and actions taken by the judge, defense counsel, the prosecutor, or the Attorney General. Generally, the latter forms should be used when the person's individual actions are at issue.

When referring to people as individuals, be careful to use personal pronouns to avoid inadvertently referring to a person as "it." While this may seem too obvious to bear mentioning, it is an error that occurs with surprising frequency (and that is surprisingly easy to overlook at the editing stage).

> The prosecutor argued that ~~its~~ her interpretation of *Miller* was correct.
>
> The prosecution carried its burden of proof.
>
> The judge erred because, under the applicable statute, ~~it~~ he was required to impose a life sentence.
>
> The court did not err when it imposed a $100 fine.

3:41 APPELLATE COURT OPINIONS

Types of Opinions

> A **majority opinion** is one that is joined by more than half the judges or justices who considered a given case.
>
> A **dissenting opinion** is one that disagrees with the decision reached by the majority.
>
> A **concurring opinion** is one that favors the judgment reached, often (but not necessarily) on grounds that differ from those expressed by the majority.
>
> A **plurality opinion** is one that lacked enough votes to constitute a majority but received more votes than any other opinion in the case.
>
> A **lead opinion** is one that appears before the others in a given case when the decision was not unanimous, typically because that opinion garnered the most support or because its author had seniority.
>
> A **separate opinion** can refer to any opinion that is written separately, but it can also denote a second opinion in a given case by the same judge or justice.

Dispositions

The dispositive opinion in a case must contain a specific and precise description of the action the Court is taking (reversing, affirming, vacating, remanding, granting injunctive relief, etc.).

If the Court is affirming in part and reversing in part, be sure to specify which parts of the opinion are being affirmed and which are being reversed.

If a case is being remanded, identify the court or tribunal to which it is being remanded (the trial court, the Court of Appeals, the Tax Tribunal, etc.).

If the Court is retaining jurisdiction, that fact must be included in the disposition.

Some sample disposition sentences follow:

> The Court of Appeals' decision is affirmed.
>
> The judgment is reversed and the case is remanded to the trial court for an award of reasonable attorney fees to defendant.
>
> Reversed and remanded to the trial court for entry of a judgment in favor of plaintiff.
>
> Judgment vacated; case remanded to the Court of Appeals for reconsideration in light of *People v Smith*, 111 Mich 222; 333 NW2d 444 (2000).
>
> Accordingly, we affirm the portion of the order granting judgment in favor of plaintiff and reverse the portion of the judgment awarding plaintiff punitive damages.
>
> We affirm the trial court's judgment in favor of plaintiff but reverse the award of attorney fees.

Findings of Fact and Conclusions of Law

Because factual findings and legal conclusions are subject to different standards of review and levels of deference, it is important to make sure that they are characterized correctly. A **finding** is a *factual* determination made by the trier of fact; a **conclusion** is a *legal* determination.

Given that appellate courts are only rarely called upon to make findings of fact, the phrase "The Court of Appeals found . . ." or "The Supreme Court found . . ." should seldom appear in a published opinion (unless "found" is used in the lay sense; e.g., "The Court of Appeals found defendant's argument unpersuasive.").

When in doubt about whether a particular court action constitutes a finding of fact or a conclusion of law and the distinction is not at issue, "ruling," "determination," "holding," or "decision" may be a better choice:

We defer to the trial court's ~~conclusion~~ finding that the witness was credible.

In *People v Smith*, the Court of Appeals ~~found~~ held that the statute at issue was unconstitutional.

Sentencing Guidelines

Use the following terminology when referring to matters concerning the sentencing guidelines:

The trial court *scores* the guidelines (or calculates the defendant's *score*) by *assessing* or *assigning* (NOT "scoring") points for each guidelines variable. The trial court then totals these points to determine a defendant's recommended minimum sentence range.

The trial court assessed 10 points for Offense Variable (OV) 7 and zero points (or no points) for OV 10.

Defendant's score for Prior Record Variable (PRV) 6 was 10 points.

3:42 AVOIDING JARGON

In explaining the factual background of a case, it may be tempting to adopt the verbiage of the documents from which the facts originated as faithfully and extensively as possible. Laudable motives notwithstanding, the temptation should be resisted and the facts rephrased in a manner that is succinct and consonant with the tone of a judicial opinion.

This admonition applies to the reports of doctors, financial analysts, and child-welfare agents, for example, but nowhere is it more necessary than in its application to the justly maligned and often lampooned police report. A rogues' gallery of cautionary examples follows, with suggestions for replacements.

advised→ told (unless actual advice was involved)

exited the vehicle→ got out of the car

in close proximity→ near

located→ found

male or female→ man or woman

Mirandized→ advised of his or her *Miranda* rights

observed→ saw

proceeded→ went

surveilled→ watched

transported→ drove

This category of words should not be confused with legitimate technical terms that may be unknown to the general reader. If specialized terms are necessary or helpful to understanding the issues involved in a case, we recommend explaining these terms briefly, either in the text or in a footnote.

APPENDIX 1 - FREQUENTLY SUGGESTED CORRECTIONS

Abeyance. A matter is "held in abeyance" rather than "abeyed."

Above/below. When referring to previously or subsequently discussed items, use earlier/later instead, or omit altogether. Specifically, replace "the above cases" and "the above-cited cases" with "these cases" or "the cases cited."

Accordance/Accord/Afford. "In accordance with" means "in conformity or compliance with." Do not confuse this phrase with "in accord," which means "in agreement with." Similarly, take care to *afford* (not "accord") deference where it is due.

Administrative law judge. Refer to people who conduct administrative proceedings by their statutory titles, if any: e.g., worker's compensation magistrate, MCL 418.206(2).

Amendments. Amendments should be referred to as being "of" a text, not "to" a text:

> The First Amendment of the United States Constitution protects free speech.
>
> The latest amendment of the statute changed the law significantly.

Appeal (~~from~~). It is the better practice to state that a party "appeals an order (or decision)," not "appeals *from* an order (or decision)," because the preposition is not necessary to convey the idea that the order or decision itself is the subject of the appeal.

Appeal in. While it is common to say that a party "appealed *to*" an appellate court, "appealed *in*" is preferred.

As/because/since. When expressing causation, "because" is preferred. Unlike "because," both "as" and "since" have temporal connotations that can create ambiguity.

> **Incorrect:** The court reversed defendant's conviction *as* defense counsel slept through the proceedings. (This could mean that the court effected the reversal for some unspecified reason while defense counsel was sleeping).
>
> **Correct:** The court reversed defendant's conviction *because* defense counsel slept through the proceedings. (This makes clear that defense counsel's somnolence was the reason for the reversal.)

As of. It is proper to say that a party appealed an order "as of right." However, it is generally preferable to say that something occurred *at* a given time or *on* a given date rather than "as of" a given time or date.

As such. This phrase does not mean "therefore" or "accordingly." Instead, it refers to the quality of a subject that has already been named. Therefore, it functions as a pronoun and, as such, requires an antecedent.

> **Incorrect:** The trial court committed an outcome-determinative error and, *as such*, a new trial is required.
>
> **Correct:** The trial court committed an outcome-determinative error and, *therefore*, a new trial is required.
>
> **Correct:** The trial court's error [subject] was outcome-determinative [quality] and, *as such*, required a new trial. ["Such" refers to the outcome-determinative error.]
>
> **Correct:** The defendant [subject] is innocent until proven guilty [quality] and should be treated *as such*. ["Such" refers to the innocent-until-proven-guilty defendant.]

Assure/ensure. "Assure" means to give someone confidence; "ensure" means "to make certain."

> The witness *assured* the jury that he was telling the truth; the judge *ensured* that this was so by threatening to hold him in contempt if he lied.
>
> See **ensure/insure**.

At large. This phrase is unhyphenated when used to mean "as a whole; in general" and hyphenated when used to mean "representing the whole rather than a part": The agenda Jones fought for as a councilman-*at-large* benefited the community *at large*.

Based on/on the basis of. Use "based on" if the phrase is being used in relation to a noun and "on the basis of" if the phrase is being used in relation to a verb.

> **Incorrect:** The jury convicted her *based on* the evidence.
>
> **Correct:** The jury *convicted* [verb] her *on the basis of* the overwhelming evidence.
>
> **Correct:** Her *conviction* [noun] was *based on* the overwhelming evidence.

Belie. This word is often misused and, therefore, often misunderstood. Accordingly, it should be deployed with caution and only when the meaning intended is "to show to be false, contradict; to give a false impression of." Specifically, it should not be confused with "betray," which has an opposite meaning.

> Her steady hands *belied* her abject terror.
>
> Her shaky hands *betrayed* her abject terror.

APPENDIX 1 – FREQUENTLY SUGGESTED CORRECTIONS

Best interests. This phrase and its variants should be used as follows:

> A court determines that a custody change is in the child's *best interests* by applying the *best-interest* factors in a *best-interest* analysis.

Cite/cite to/citation. Use "cite" as a verb, use "citation" as a noun, and avoid using "cite to" altogether.

Compose/comprise. "Comprise" means to contain or consist of; "compose" means to make up. So, for example, the Court of Appeals *comprises*—and *is composed of*—four districts. A handy tip: the phrase "is comprised of" is *always wrong*.

Concur/dissent. One may concur *with* the majority or concur *in* a majority opinion. "Dissent" should be followed by "from" or "in" rather than "to":

> Justice Brandeis's dissent *in Olmstead v United States* is probably more famous than the majority opinion; his dissent *from* the majority's view was vindicated decades later in *Katz v United States*.

Consistent(ly) with. Use "consistent with" when referring to a noun and "consistently with" when referring to a verb. If the result sounds jarring or unnatural, try rephrasing.

> *Consistently with* the law, the judge *granted* [verb] injunctive relief.
>
> The *grant* [noun] of injunctive relief was *consistent with* the law.

De novo. This phrase should follow the word it modifies, not precede it. It may be helpful to mentally substitute "anew" (or, less formally, "from scratch") in place of "de novo" to ensure the order is correct.

> **Incorrect:** This issue is subject to de novo review.
>
> **Correct:** This issue is subject to review de novo.
>
> **Correct:** This issue is reviewed de novo.
>
> **Correct:** The Court reviewed the issue de novo.

Different from/than. Generally, "different from" is preferred; however, "different than" may be employed to avoid awkward constructions.

> However, you might be surprised that my view is also different *from* the majority's.
>
> Given that I differ with you frequently, it should come as no surprise that I view this matter in a different way *than* you do. (This avoids the necessity of saying "I view the matter in a different way from the way in which you view it.")

Disc/disk. Use "disc" when referring to disc brakes and audiovisual media (e.g., "compact disc"). Use "disk" when the reference is anatomical or related to computers (e.g., "disk drive").

Dissent (from). See **concur.**

Due. "Due" means "owing or owed" and "rightful; proper."

> The Court of Appeals gave due deference to the trial court's factual determination.
>
> The Court of Appeals gave the determination all the deference it was due.

If it is unclear whether "due to" means "owed to" or "because of," rephrase:

> **Awkward:** All the credit was due to him, not her.
>
> **Better:** He, not she, deserved all the credit.

Due to. Although this phrase is commonly used to mean "because of," in formal usage it means "attributable to." If substituting "attributable to" for "due to" does not make sense, use "because of" instead.

> **Incorrect:** The innocent defendant was convicted *due to* his attorney's incompetence.
>
> **Correct:** The innocent defendant was convicted *because of* his attorney's incompetence.
>
> **Correct:** The innocent defendant's conviction was *due to* [attributable to] his attorney's incompetence.

Ensure/insure. Use "ensure" to mean "to make certain." Use "insure" to mean "to protect against loss by means of an insurance policy."

> See **assure/ensure**.

Equate with. Use "equate with" rather than "equate to."

Farther/further. Use "farther" when referring to greater physical distance and "further" when referring to additional actions or ideas.

> Let's walk a bit *farther*.
>
> Let's discuss this a bit *further*.

Felony-Firearm/Felon-in-possession. These crimes should be named in full once and may be shortened thereafter.

> Defendant was convicted of carrying a firearm during the commission of a felony (*felony-firearm*).
>
> Defendant was convicted of being a felon in possession of a firearm (*felon-in-possession*).

Felony murder. This crime may be referred to as "felony murder" on the first reference. It should be hyphenated only if it modifies another word:

> Defendant had previously been convicted of *felony murder*.
>
> Defendant had a previous *felony-murder* conviction.

Fewer/less. Generally, "fewer" refers to number and "less" refers to degree or quantity.

> Drinking and driving has become less common, and there are fewer car accidents as a result.
>
> The prosecution presented fewer truthful witnesses than the defense (i.e., the prosecution did not present as many witnesses).
>
> The prosecution presented less truthful witnesses than the defense (i.e., the prosecution's witnesses were less honest).

Use "less" with nouns referring to

> periods of time (e.g., less than 60 days)
>
> distance (e.g., less than 60 miles)
>
> amounts of money (e.g., less than 60 dollars)
>
> age (e.g., less than 60 years old)
>
> percentages (e.g., less than 60 percent)
>
> accepted idiomatic phrases (e.g., in a hundred words or less)
>
> See **more than/over**.

Forego/forgo. "Forego" means precede, and it takes the forms *forewent*, *foregone*, and *foregoing*. "Forgo" means abstain or refrain from, and it takes the forms *forwent*, *forgone*, and *forgoing*.

Goes to/went to. This phrase should not be used to mean "is/was relevant to":

> The trial court allowed testimony that the witness wrote bad checks because it ~~went to~~ was relevant to the witness's credibility.

Here. Avoid beginning sentences with "Here" if "In this case" can be substituted.

Historic/historical. As the late New York Times columnist William Safire put it, "any past event is historical, but only the most memorable ones are historic."

Hypothetical. Do not use "hypothetical" as a noun. Instead, when referring to a conjectural or imaginary state of events, use "hypothetical situation" or "scenario."

Identical (with). Use identical *with*, not identical *to*.

Impact. When used as a noun, "effect" is generally a better choice unless a heavier emphasis is required (or a literal physical impact is the subject).

> **Incorrect:** The *impact* of allowing the precedent to stand will be negligible.
>
> **Correct:** The *effect* of allowing the precedent to stand will be negligible.
>
> **Correct:** The *impact* of changing the law would be devastating.
>
> **Correct:** The *impact* of the collision sent the bus off the cliff.

When used as a verb, it is always preferable to substitute "affect" or "have an impact on."

> **Incorrect:** The Court's decision will *impact* everyone.
>
> **Correct:** The Court's decision will *affect* everyone.

Impinge (on)/infringe. "Impinge" means "to encroach or infringe"; "infringe" means "to commit a breach or infraction of; violate or transgress." These words are nearly synonymous and often interchangeable, but only "impinge" should be followed by "on":

> Defendant alleged that the officer's conduct *infringed* (OR *impinged on*) his constitutional rights.

Incentivize. "Encourage," "create an incentive for," and similar alternatives are preferred.

Infer/imply. "Infer" means to derive by reasoning; "imply" means to indicate or suggest without explicitly stating.

> According to the police report, defendant *implied* that she would not respond to the officer's questions without an attorney. The trial court *inferred* from this record that she was attempting to invoke her *Miranda* rights.

***In propria persona*.** Use the full phrase or "pro se," not "in pro per."

APPENDIX 1 – FREQUENTLY SUGGESTED CORRECTIONS

More than/over. Generally, use "more than" rather than "over" with all numerical figures except ages:

> The parties were married for more than 30 years.
>
> Plaintiff earned more than a million dollars a year.
>
> He objected to paying child support for the children who were over 18.

Of. This preposition should generally be omitted if it is unnecessary, particularly in phrases like these:

> All ~~of~~ the witnesses (but all *of* them)
>
> both ~~of~~ the witnesses (but both *of* them)
>
> the question/issue/determination ~~of~~ whether (unless preceded by an adjective: "the *threshold* question/issue/determination *of* whether" is correct)
>
> defendant raised ~~a~~ myriad ~~of~~ issues on appeal
>
> off/outside ~~of~~
>
> **But:** regardless *of* whether; a couple *of* thoughts

Period of time/time period/point in time. Avoid these phrases when possible.

> **Instead of:** During that period of time/During that time period/At that point in time/When . . .
>
> **Use:** During that time/During that period/At that point/At that time/When . . .

Per se. Means "by or of itself," not "as such."

Pleas. The preferred past tense of "plead" is "pleaded," not "pled." Sample forms for typical phrasings follow:

> Defendant pleaded not guilty.
>
> > entered a plea of not guilty
> >
> > entered a not-guilty plea
> >
> > pleaded no contest
> >
> > pleaded *nolo contendere*
> >
> > entered a plea of no contest
> >
> > entered a plea of *nolo contendere*
> >
> > entered a no-contest plea
> >
> > entered a *nolo contendere* plea

Point to. Avoid using this phrase in the following manner when a more formal choice will serve:

> **Avoid:** To bolster his case, the prosecutor *pointed to* the defendant's reputation for lying.
>
> **Preferred:** To bolster his case, the prosecutor *called attention to* the defendant's reputation for lying.
>
> **Preferred:** To bolster his case, the prosecutor *observed* that defendant had a reputation for lying.

Present with (symptoms). Refer to a patient as "having" or "describing" symptoms, not "presenting with" them.

Prior to/subsequent to. Before/after is preferred.

Reference. As a verb, use "refer to" instead.

> **Incorrect:** The court *referenced* a new treatise on the subject.
>
> **Correct:** The court *referred to* a new treatise on the subject.

Review de novo. Generally, use "review de novo" rather than "de novo review."

> See **de novo**.

Reversible error. "Error requiring reversal" is preferred.

Right to. When referring to specific constitutional rights, more than one preposition may be acceptable. However, avoid using the phrase "right against" when the meaning "right to be protected against" or "right to be free from" is intended. Further, take care that the chosen formulation is true to the applicable constitutional text, bearing in mind that state provisions sometimes differ from their federal analogues. When in doubt, consult the following formulations for guidance:

> The people have the right to be protected from/free from/protected against unreasonable searches and seizures.
>
> The Fourth Amendment prohibits unreasonable searches and seizures.
>
> Those accused of a crime have the right to be confronted with the witnesses against them.
>
> The right of confrontation is constitutionally guaranteed.
>
> A person's confrontation rights may not be abrogated.
>
> The Eighth Amendment prohibits cruel and unusual punishment.

The Michigan Constitution prohibits cruel or unusual punishment.

A person's constitutional protection against cruel and unusual punishment may not be violated.

The state may not deprive a person of life, liberty, or property without due process of law.

The state may not deny a person within its jurisdiction the equal protection of the laws.

A person has the right to due process of law.

A person has the right to equal protection of the laws.

A person has the rights of due process and equal protection.

Saving/savings. When modifying "clause" or "provision," use "saving."

Scenario. "Scenario" refers only to an imagined set of circumstances or events. When referring to a set of facts or events that actually occurred, use "situation" instead.

So . . . as to. Use this phrase to describe the extent of something, not as a synonym of "in order to."

Incorrect: He brought an expert *so as to* rebut the plaintiff's testimony.

Correct: He brought an expert *in order to* rebut the plaintiff's testimony.

Correct: The error was *so* egregious *as to* require reversal.

Statute of limitations. This phrase is commonly used to refer to both the law that gives rise to a period of limitations and to the limitations period itself. However, in formal legal writing, it should refer only to the former.

Incorrect: The *statute of limitations* for malpractice actions is two years.

Incorrect: The *statute of limitations* began to run when the action accrued.

Incorrect: The *statute of limitations* had already expired by the time he filed his complaint.

Correct: Most state *statutes of limitations* are found in Chapter 58 of the Revised Judicature Act.

Correct: The *statute of limitations* for malpractice actions is MCL 600.5805(6).

Correct: The applicable *statute of limitations* provides that malpractice actions must be brought within two years.

> **Correct:** The *statutory period of limitations* began to run when the action accrued.
>
> **Correct:** The *statutory limitations period* had already expired by the time he filed his complaint.

The word "limitations" should always be plural regardless of the number of statutes or periods involved.

Taking/takings. When referring to the constitutional provision that prohibits the government from taking private property without just compensation, use "Takings Clause."

That/who. When referring to people, use "who" rather than "that": She is the one who confessed to the crime.

That/which. Generally, our office follows the convention of using "which" to introduce clauses that are not essential to the meaning or structure of the sentence and "that" to introduce essential clauses.

> **Avoid:** He pointed to the yellow car which had run him over.
>
> **Correct:** He pointed to the yellow car that had run him over.
>
> **Correct:** He pointed to the yellow car, which was the one that had run him over.
>
> **Correct:** He pointed to the yellow car, which had run him over, and swore profusely at its driver.

Therefore/therefor. Do not confuse "therefore," which means "for that reason," with "therefor," which means "in exchange for this or that."

Thus/therefore. Use "thus" to mean "in this way; in this manner" and "therefore" to mean "for that reason."

Well. When "well" is used with a participle to modify a noun, like most compound modifiers, it must be hyphenated. Confusingly, "well" and its participle sometimes require hyphenation even when they do not appear in front of a noun. Specifically, if the participle is not part of the verb but rather is essential to the meaning of the phrase, it should be hyphenated.

> well-defined criteria (but the criteria are well defined)
>
> well-established rule (but the rule is well established)
>
> well-recognized exception (but the exception is well recognized)
>
> well-behaved child (and the child is well-behaved)
>
> well-intentioned gesture (and the gesture was well-intentioned)

To determine which category a given "well" phrase belongs to, it may be helpful to try eliminating the word "well" to see whether the result makes sense. If it does—for example, "the

criteria have been defined"—then the phrase should only be hyphenated as a compound modifier. If it doesn't—for example, "the child is behaved"—then the hyphen should be retained regardless of where the phrase "well-behaved" appears in the sentence.

Where/when. Avoid using "where" when referring to a set of circumstances. Try substituting "when," "if," or "in which."

> **Avoid:** Summary disposition is appropriate where no factual questions have been presented.
>
> **Correct:** Summary disposition is appropriate when no factual questions have been presented.
>
> **Correct:** Summary disposition is appropriate if no factual questions have been presented.
>
> **Correct:** Summary disposition is appropriate for cases in which no factual questions have been presented.

Which/that. See **That/which**.

Who(ever)/whom(ever). Use the pronoun "whom(ever)" only if the person referred to is the object of the verb or preposition; otherwise, use the nominative form "who(ever)." A handy tip: Who/whom follows the same rules as I/me and he/him, so you can check your work by mentally substituting these familiar pronouns and choosing "who" or "whom" accordingly:

> *Who* was assigned to represent the accused? (*He* was assigned.)
>
> To *whom* was this case assigned? (It was assigned to *him*.)

APPENDIX 2 - WORD LIST

The following list contains the preferred spellings for some commonly used words and phrases. When these words appear in quotations with an acceptable alternative spelling (e.g., wilful, marihuana), retain that spelling and do not use [sic].

For lay words not listed here, use *Merriam-Webster's Collegiate Dictionary* (11th ed) to determine spelling, capitalization, and italicization.

For legal words not listed here, use *Black's Law Dictionary* (7th ed or later) for spelling, capitalization, and italicization.

General Rules

1. Words that begin with these prefixes are unhyphenated:

anti	counter	meta	non	pre	sub
bi	extra	mis	out	re	under
co	hyper	multi	post	semi	

Exceptions: This rule does not apply if

(a) the prefix is followed by a number or a capital letter (post-Mesozoic, pre-1939)

(b) the prefix ends in an "i" and is followed by an "i" (anti-inflammatory)

(c) a hyphen is necessary to avoid confusion (resign from office/re-sign a document)

2. Words that begin with the prefixes *all*, *quasi*, and *self* are hyphenated. When *self* is not a prefix but a base word connected to a suffix, do not hyphenate (selfless, selfhood).

3. Words that end with the suffixes *ward*, *wide*, and *wise* are unhyphenated.

4. Foreign phrases used as adjectives are not hyphenated (an ad hominem argument; a *nolo contendere* plea). **Exceptions:** laissez-faire economics, avant-garde ideas.

5. For verbs that may take one or two consonants when adding a suffix, use one (benefited, totaled, traveling).

6. If there is a discrepancy between these rules and the specific words in this list, follow the list.

A

ab initio

about-face

aboveboard

accessory after the fact

actus reus

ad damnum clause

additur

ad hoc

ad hominem

ad infinitum

ad nauseam

ad valorem

a fortiori

African-American (n., adj.)

after-acquired

afterborn

after-hours (adj.)

aftermarket (n., adj.)

agreed-upon (adj.)

airboat

airspace

à la carte

alongside

amicus curiae, amici curiae

animus

ante (as citation)

a priori

arguendo

arm's-length

as is

attorney-client privilege

attorney fees

attorney-in-fact

attorney of record

at-will employment

audiotape (n., v.)

audiotaped (past tense v., adj.)

audiovisual

avant-garde

B

babysit, babysitter

Bachelor of Arts (B.A.)

Bachelor of Science (B.S.)

bachelor's degree

back door (n.)

backdoor (adj.)

backed-up (adj.)

backhand (n., v., adj.)

backhanded (v., adj.)

back lot (n.), back-lot (adj.)

back-pedal, back-pedaled

backrest

back room (n.)

back-room (adj.)

backseat

backtrack

back up, backed up (v.)

backup (n., adj.)

backyard (but front yard)

bald-faced lie

barefaced lie

bargained-for (adj.)

baseline

battered woman syndrome

BB gun

bedrail

bedsheets

best interests (n.)

best-interest (adj.)

biblical

bind over, bound over (v.)

bindover (n., adj.)

blood alcohol level, test

blood sample

bloodstain

bloodstained

blood test

blood type

board-certified (adj.)

board certification (n.)

bold-faced lie

bona fide

bona fide purchaser

break down, broke down (v.)

breakdown (n.)

break in, broke in (v.)

break-in (n.)

break out, broke out (v.)

breakout (n.)

bright line (n.)

bright-line (adj.)

broken-down (adj.)

but-for cause

bylaw(s)

by-product

byway

by way of

C

C4, C5, etc. (abbr. for cervical vertebrae)

café

card-carrying

cardholder (n.)

cardholding (adj.)

cardiovascular

caregiver

caretaker

carjacking

carpal tunnel syndrome

carpool

case evaluation sanctions

caseflow

case-in-chief

caselaw

caseload

case-specific

caseworker, casework

cashbox

cashdrawer

CAT scan, CT scan

catchall

Catch-22

Caucasian (n., adj.)

cause in fact

certiorari

cell phone, cellular phone

cease-and-desist order

cesarean section

chain-link (adj.)

chairperson

check out (v.)

checkout (n., adj.)

checkup (n.)

cheekbone

childcare (n., adj.)

child custody hearing

child support order

chokehold

chose(s) in action

class action (not class action lawsuit)

clean up (v.)

cleanup (n.)

clear-cut (adj., n., v.)

clearheaded

clear-error standard

closed-circuit television

closed-door (adj.)

closed head injury

close-minded

close-knit

closemouthed

closely held corporation

close up (v.)

closeup (n.)

cochair

cocounsel

cognate offense (not cognate lesser included offense)

cold-blooded, in cold blood

Commerce Clause

common law (n.)

common-law (adj.)

common sense (n.)

commonsense (adj.)

concealed weapon licensing board

Confrontation Clause

congressional

contra proferentem

co-opt

co-organizer

co-owner

corpus

corpus delicti

corpus delicti rule

cost-effective

court(s)-martial (n., v.)

coworker

craigslist

cross-action

cross-appeal

crossbow

cross-check (n., v.)

cross-claim

cross-dress

cross-examination

cross-motion

cross over (v.)

crossover (n.)

cross-purposes

cross-reference (n., v.)

crossroad(s)

cross section (n.)

cross-section (v.)

cross-sectional (adj.)

CSC-I, CSC-II (abbr. for first-degree and second-degree criminal sexual conduct)

cul-de-sac

curriculum vitae

cut-and-dried

cut and paste (v.)

cut-and-paste (adj.)

cut off (v.)

cutoff (n., adj.)

cut out (v.)

cutout (n.)

D

database

DataMaster

daycare

day-to-day (adj.)

day to day (adv.)

deadbeat

debtors' prison

decision-maker

decision-making

de-emphasize

deep-seated

de facto

déjà vu

de jure

de minimis

de novo

deus ex machina

dictum, dicta (pl.)

DNA

D.O.

double-check

double-digit

double-dipping

double jeopardy

Double Jeopardy Clause

download

downsize

downtime

downturn

dramshop

drive by (v.)

drive-by (n., adj.)

driver's license

driver's seat

drive-through (n., adj.)

drive through (v.)

drugmaker

drumstick (chicken or percussion)

drunk driver, drunk driving

drunk-driving (adj.)

dry-clean (v.)

dry cleaner, dry cleaning

due process (n.)

due-process (adj.)

Due Process Clause

duty-bound

duty-free

E

11-carboxy-tetrahydrocannabinol (abbr. 11-carboxy-THC)

eastbound

echocardiogram

E. coli

e-filing

e.g.

ejusdem generis

electrocardiogram (EKG)

electroencephalogram (EEG)

e-mail

employment at will

en banc

end use(r)

Equal Protection Clause

etc.

et cetera (adj.)

etcetera (n.)

ethyl alcohol (ethanol)

et seq.

evenhanded

ever-changing

ex contractu

ex nihilo

ex officio

ex parte

ex parte communication

ex post facto

Ex Post Facto Clause

ex post facto law

expressio unius est exclusio alterius

ex rel. (*ex rel* in caption)

eyewitness

F

401(k) plan

501(c)(3) organization

Facebook

facedown

faceup

fact-finder

fact-finding (adj., n.)

fail-safe (n., adj.)

fair market value

fait accompli (sing.)

faits accomplis (pl.)

far-fetched

fast food (n.)

fast-food (adj.)

fast land (n.)

faux, faux pas

federal question

federal-question jurisdiction

felon-in-possession (name of crime; adj.)

felony-firearm (name of crime; adj)

felony murder (n.)

felony-murder (adj.)

fiber optics (n.)

fiberoptic (adj.)

field day

finder of fact

fine-tooth comb (not fine-toothed)

fingerprint

firefighter

first-degree

firsthand

fistfight

flesh out (v.)

floodgate(s)

flow chart

follow up (v.)

follow-up (n., adj.)

footprints

for-profit (adj.)

forum non conveniens

forum-shopping (n., v., adj.)

foster care

foster-care worker

founding fathers, founders (used generally)

Founding Fathers, Founders (Framers of the United States Constitution)

framers (legislative drafters)

Framers (drafters of the United States Constitution)

freeholder

freestanding

freewheeling

frequent flier (n.)

frequent-flier (adj.)

Freudian

front lot (n.)

front-lot (adj.)

front seat

front yard (but backyard)

full-blown

Full Faith and Credit Clause

full-service

full term (n.)

full-term (adj.)

full-time

fundraiser, fundraising

G

gatekeeping, gatekeeper

gender-based

gift *causa mortis*

good faith (n.)

good-faith (adj.)

Good Samaritan doctrine

good-samaritan law

goodwill (n.)

grandfathered

guardian ad litem

guardrail

gunpoint

gunshot

H

habeas corpus

habeas corpus review

halfhearted

half-hour

half-turn

halfway

halfway house

hamstring (n., v.)

handheld

handwringing

hard drive

hard hat (n.)

hard line (n.)

hard-line (adj.)

hard-liner (n.)

heads-up

healthcare (n., adj.)

heart rate

hereunder

higgledy-piggledy

high profile (n.)

high-profile (adj.)

high speed (n.)

high-speed (adj.)

high-stakes (adj.)

high-water mark

hit-and-run

home base

homebuilder, homebuilding

homemaker, homemaking

homeowner's policy

homeowner's insurance

house sitting, house sitter

I

I-beam

Id. (or *id*.)

i.e.

in absentia

inasmuch as

in camera

inclusio unius est exclusio alterius

in flagrante delicto

infra

in limine

in loco parentis

in pari materia

inpatient (n., adj.)

in personam

in propria persona (sing.)

in propriis personis (pl.)

In re

in rem

in rem jurisdiction

intensive care

intensive care unit

inter alia

Internet

in terrorem clause

inter vivos

inter vivos trust

in toto

in vitro

ironclad (n., adj.)

ipse dixit

IV (abbr. for an intravenous apparatus)

J

jail-credit statute

joint and several liability

joint venture

joyride, joyriding, joyrider

judge-shopping (n., v., adj.)

judgment notwithstanding the verdict (abbr. JNOV)

K

Kafkaesque

kilometer(s) (km)

kilowatt(s) (kW)

kilowatt-hour(s) (kWh)

kneecap (n., v.)

know-how

L

L6, L7, etc. (abbr. for lumbar vertebrae)

laissez faire (n.)

laissez-faire (adj.)

lamppost

landlocked

landowner

laptop

large-scale (adj.)

law-abiding

lawbreaker, lawbreaking

lawmaker, lawmaking

lawyer-guardian ad litem

lay off (v.)

layoff (n.)

layperson(s)

lead-in (n. or adj.)

learning disability (n.)

learning-disabled (adj.)

leave of absence

left hand (n.)

left-handed, left-hand (adj.)

legwork

lengthwise

lesser included offense (not "necessarily included lesser offense")

letterhead

lienholder

life insurance policy

lifelong

linchpin

line drawing (an artwork)

line-drawing (delineating a boundary)

line up (v.)

lineup (n.)

lipread

lis pendens

lock up (v.)

lockup (n.)

lodestar

long-arm statute

long gun

long-lasting

long-range

longstanding

long-suffering

long term (n.)

long-term (adj.)

longtime (adj.)

look out (v.)

lookout (n. adj.)

lug nut

lump sum (n.)

lying in wait

M

made-up (adj.)

magna cum laude

make up, made up (v.)

makeup (n.)

malum in se

malum prohibitum

mandamus

manhole

marijuana (spell as "marihuana" when quoting or naming the Michigan Medical Marihuana Act)

marketplace

mark up (v.)

markup (n.)

mason jar

Master of Arts (M.A.)

Master of Science (M.S.)

master's degree

M.D.

medical malpractice action

mens rea

microsurgery

middle age (n.)

middle-aged (adj.)

middleman

midtrial

milligram(s) (mg)

millimeter(s) (mm)

milliliter(s) (ml)

modus operandi

moneymaking

motor vehicle exception

MRI

mug shot

multivehicle

MySpace

N

911 operator

nanogram(s) (ng)

near miss

necessarily included offense (but "lesser included offense" is preferred)

nine-millimeter handgun

no-fault (insurance, divorce)

nolle prosequi, *nolle pros*

nolo contendere

no man's land

noscitur a sociis

note-taking, note-taker

northbound

nun-chucks, nunchaku(s)

nunc pro tunc

nurse practitioner

O

obiter dictum

oceangoing

off-duty (adj.)

offense variable(s) (OV or OVs)

offense variable level

offer of proof

offhand(ed)

officeholder

offline

off-load

off-ramp

off-road (adj.)

off-site

Old World (n.)

old-world (adj.)

one-year-back rule

ongoing

online

on-ramp

on-site

open-ended

outbuilding

outcome-determinative

out-of-pocket expenses

outpatient (n., adj.)

overinclusive

overnight (n., adj.)

overpass

overridden, override

over-the-counter (adj.)

P

Pandora's box

paraprofessional (n., adj.)

parking lot

parol evidence (n.)

parol-evidence rule

parts per million (ppm)

part-time

passenger compartment, seat

passerby, passersby

pass-fail (adj., n.)

pass-through

past president

pat down, patted down (v.)

pat-down (n., adj.)

people of Michigan, the (also "the people")

per capita

per diem

per se

per se rule

per se violation

per stirpes

phase out (v.)

phaseout (n.)

Ph.D.

physician's assistant

pickpocket

pickup truck

pickup (n., also for pickup truck)

pick up (v.)

piecemeal

piggyback (n., v., adj.)

Pledge of Allegiance

policyholder, policyowner

policymaker, policymaking

post (as citation)

post hoc

power of attorney

predate

predecessor(s) in interest

preempt

prima facie

prior record variable(s) (PRV or PRVs)

prior record variable level

pro bono

products liability (area of law)

products-liability (adj.)

profit sharing (n.)

profit-sharing (adj.)

pro forma

pro hac vice

property owner

pro rata share

prorate

pro se

pro tem

pro tempore

purse-snatcher

Q

Q-tip (or cotton swab)

quantum meruit

quasi corporation

quasi in rem

quasi-in-rem jurisdiction

qui tam action

quitclaim

quo warranto

R

raison(s) d'être

rape-shield statute

ratemaking, ratemaker

ratepayer

real time/real world (n.)

real-time/real-world (adj.)

rear end (n.)

rear-end (v.)

rearview mirror

recordkeeping, recordkeeper

relate back (v.)

relation back (n.)

relation-back doctrine

remittitur

res

res gestae

res gestae rule

res ipsa loquitur

res judicata

respondeat superior

rest area, rest stop

rest room

résumé

review de novo

rib cage

right hand

right-handed, right-hand (adj.)

right of first refusal (n.)

right of way

risk-benefit (adj.)

roadbed

roadblock

road map

road rage

roadside (n., adj.)

road test (n., v.)

roadway

role-play (v.)

role-playing (n.)

roll call vote

Roman numeral

round trip (n.)

round-trip (adj.)

rubber stamp (n.)

rubber-stamp (v.)

rulemaking, rulemaker

run down, ran down (v.)

rundown (n.)

run-down (adj.)

runner(s)-up

run off, ran off (v.)

runoff (n.)

run-of-the-mill

S

safe-deposit box, safety-deposit box

safeguard

safekeeping

sandbag, sandbagging

say-so

scuba

scuba-diving

seat belt

second-degree

second-guess (v.)

secondhand

selfhood

sentencing guidelines range

set back (v.)

setback (n.)

set off (v.)

setoff (n.)

sex offender registry (but Sex Offenders Registration Act)

sexually delinquent person

shaken baby syndrome

shoot out (v.)

shootout (n.)

short-barreled

shorthand (n., adj.)

short-handed (adj.)

show-cause hearing

shotgun (n., adj.)

shrink-wrap

sidebar

side step (n.)

sidestep (v.)

sideline (n., v.)

side street

sideswipe

sine qua non

Skype

skyrocket

slam-dunk (n., v., adj.)

small-scale (adj.)

snowbank

snowblower

so-called

Social Security benefits

southbound

space heater

speakerphone

spell-check (v.)

spell checker

spot check (n.)

spot-check (v.)

standalone

stare decisis

status quo

status quo ante

stopgap (n., adj.)

stoplight

stop sign

storekeeper

storeowner

strict-liability offense

stripped-down (adj.)

strip-search (v.)

strip search (n.)

stun gun

Styrofoam

sua sponte

subject-matter jurisdiction

sub nom (in citation)

sub silentio

successor(s) in interest

sui generis

summa cum laude

supermajority

supra

T

T1, T2, etc. (abbr. for thoracic vertebrae)

tailgate

taillight(s)

tape-record (v.)

tape recording(s) (n.)

tax-deductible

tax-free

taxpayer

tax shelter (n.)

tax-sheltered (adj.)

Taser

teenage (preferred over teenaged)

teetertotter

tenants (or tenancy) at will

tenants (or tenancy) in common

tenants (or tenancy) by the entirety (not entireties)

tête-à-tête

tetrahydrocannabinol (abbr. THC)

third-degree (adj.)

third party (n.)

third-party (adj.)

three-dimensional (adj.)

thumbs-up

tiebreaking

time and a half

time-barred

time frame

timekeeper, timekeeping

time line

time-out (n.)

time-price differential

timesaving

time-share

timetable

time-tested

time zone

tire iron

titleholder

Title-Object Clause

tollbooth

tortfeasor

touchstone

tractor-trailer

trapdoor

turnaround

T-shirt

two-way (adj.)

U

ultrasound

ultra vires

up-front (adj.)

up front (adv.)

upload

U-turn

V

veniremember, venireperson

veterans' benefits

vice-chair

vice president

vice versa

videoconference

videorecorder, videorecording

videotape

vis-à-vis

voice mail

voiceprint

voir dire

W

wage earner

warm up (v.)

warmup (n., adj.)

wasteland

wastewater

watchdog

watercourse

water line

water main

watermark

water park

waterproof(ing)

watershed

website

well-___, well ___ (see Appendix 1)

well-being

westbound

wide-ranging

workers' compensation (but Worker's Disability Compensation Act)

work force

workplace

work product (n.)

work-product privilege

work-related

work site

would-be (adj.)

wrongful-death action, statute

X

x-ray

Y

year-and-a-day rule

year-end (n., adj.)

yearlong

year-round (adj., adv.)

yes-or-no question, yes-no question

Z

zero-sum (adj.)

zeitgeist

zigzag (n., v, adj.)

zip gun

ziplock (adj.)

Ziploc (trademark)

APPENDIX 3 – PROOFREADER'S MARKS

Example	Marginal Mark	Meaning
Corporation Corporation all of the	✓	Delete
Cita omitted regardless the	✓	Insert the material at the caret
for the court The language of the	✓	Begin a new paragraph
¶ The language of ¶ The language of	✓indent	Indent the paragraph
No ¶ ← The language of	✓no indent	Unindent the paragraph
obscure ~~obscure~~ obscure	✓	Spelling error, delete "r"
Yu v *Wu* Yu v *Wu* Yu v *Wu* Yu v Wu	✓ital or underline	Italicize or add an underline to marked material
is *not* one is *not* one no no not	✓Rom or bold	Use Roman not italics, add bold, or remove underlining
One hundred five one hundred 100	✓	Write as numerals
6 6 six 6 six	✓	Spell out
U.S. U.S. United States	✓	Spell out
^,^	✓	Insert comma
^ or ^ ^ or ^ ^ or ^	✓	Insert other punctuation
"missing witness"	✓	Insert double quotation marks
"Oh no." Defendants' Plaintiffs'	✓	Insert single quotation mark or apostrophe
said she only said she only said	✓	Transpose: said she said only
off the record seatbelt	✓	Close up extra space or insert space
tort feasor	✓	Close up space to make one word
one year old child	✓	Insert hyphens
and - in that case and--in that case	✓long dash w/no spaces	Change to long (em) dash with no spaces
The Court found that	✓	Change to lowercase letter
The legislature	✓	Change to capital letter
The court concluded that the jury should have been sequestered.	✓block	Format as a block quotation
The statute provided for a two-step approval process: The governing body must first determine	✓block	Format as a block quotation within a block quotation
Murphy, C.J., and Jansen and Saad, JJ.	✓lg/sm cap	Use "caps and small caps" font MURPHY, C.J., and JANSEN and SAAD, JJ.

APPENDIX 4 – STATE ABBREVIATION LIST

Alabama	**Ala**	Montana	**Mont**
Alaska	**Alas**	Nebraska	**Neb**
Arizona	**Ariz**	Nevada	**Nev**
Arkansas	**Ark**	New Hampshire	**NH**
California	**Cal**	New Jersey	**NJ**
Colorado	**Colo**	New Mexico	**NM**
Connecticut	**Conn**	New York	**NY**
Delaware	**Del**	North Carolina	**NC**
Washington, D.C.	**DC**	North Dakota	**ND**
Florida	**Fla**	Ohio	**Ohio**
Georgia	**Ga**	Oklahoma	**Okla**
Hawaii	**Hawaii**	Oregon	**Or**
Idaho	**Idaho**	Pennsylvania	**Pa**
Illinois	**Ill**	Rhode Island	**RI**
Indiana	**Ind**	South Carolina	**SC**
Iowa	**Iowa**	South Dakota	**SD**
Kansas	**Kan**	Tennessee	**Tenn**
Kentucky	**Ky**	Texas	**Tex**
Louisiana	**La**	Utah	**Utah**
Maine	**Me**	Vermont	**Vt**
Maryland	**Md**	Virginia	**Va**
Massachusetts	**Mass**	Washington	**Wash**
Michigan	**Mich**	West Virginia	**W Va**
Minnesota	**Minn**	Wisconsin	**Wis**
Mississippi	**Miss**	Wyoming	**Wy**
Missouri	**Mo**		

APPENDIX 5 – ABBREVIATION LIST FOR CAPTIONS

Administration, Administrative	**Admin**	Independent	**Indep**
And	**&**	Industry(ies), Industrial	**Indus**
Assistant	**Ass't**	Information	**Info**
Associates	**Assoc**	Insurance	**Ins**
Association	**Ass'n**	International	**Int'l**
Authority	**Auth**	Limited	**Ltd**
Automobile, Automotive	**Auto**	Management	**Mgt**
Board	**Bd**	Manufacturer(s)	**Mfr**
Brothers	**Bros**	Manufacturing	**Mfg**
Building	**Bldg**	Marketing	**Mktg**
Casualty	**Cas**	Mechanic(al)	**Mech**
Center(s), Centre(s)	**Ctr(s)**	Medical, Medicine	**Med**
Chemical	**Chem**	Memorial	**Mem**
Commission	**Comm**	Metropolitan	**Metro**
Commissioner(s)	**Comm'r(s)**	Michigan (except when it is a party)	**Mich**
Committee	**Comm**	Mortgage(s), Mortgaging	**Mtg**
Company(ies)	**Co(s)**	Municipal	**Muni**
Condominium(s)	**Condo(s)**	Mutual	**Mut**
Consolidated	**Consol**	National	**Nat'l**
Construction	**Constr**	Number	**No**
Cooperative	**Coop**	Organization	**Org**
Corporation	**Corp**	Pharmaceutic(s), Pharmaceutical(s)	**Pharm**
County(ies)	**Co(s)**	Product(s), Production	**Prod**
Department	**Dep't**	Professional	**Prof**
Development	**Dev**	Property(ies)	**Prop(s)**
Director	**Dir**	Public	**Pub**
Distributor(s), Distributing	**Distrib**	Railroad, Railway	**R**
District	**Dist**	Rehabilitation, Rehabilitating	**Rehab**
Division	**Div**	Road	**Rd**
Education, Educational	**Ed**	Savings and Loan	**S&L**
Equipment	**Equip**	School(s)	**Sch**
Exchange	**Exch**	Service(s)	**Serv(s)**
Federal	**Fed**	Standard(s)	**Std(s)**
Finance, Financial, Financing	**Fin**	System(s)	**Sys**
General (not Attorney/Auditor	**Gen**	Telecommunication(s)	**Telecom**
Government	**Gov't**	Telephone, Telegraph	**Tel**
Heights	**Hts**	Township	**Twp**
Highway(s)	**Hwy(s)**	Transportation, Transport, Transporting	**Transp**
Hospital(s)	**Hosp(s)**	United States (except when it is a party)	**US**
Incorporated	**Inc**	University	**Univ**

APPENDIX 6 – OFFICIAL REPORTS BY JURISDICTION

State	Current Official Reports	Comments (Including the year state-published official reports ended and whether a public domain citation exists.)
Alabama	So	1976 with 295 Ala; 1974 with 57 Ala App.
Alaska	P	1958 with 17 Alas.
Arizona	Ariz	Ariz and Ariz App have been in the same reporter since 1976.
Arkansas	Online	February 13, 2009 with the adoption of a public domain citation. Before that, use Ark and Ark App. From 1979 to 1981, Ark and Ark App were in the same reporter.
California	Cal Cal App	
Colorado	P	1980 with 200 Colo and 44 Colo App. Public domain citation since January 1, 2002.
Connecticut	Conn Conn App	
Delaware	A	1966 with 59 Del. No intermediate appellate court.
District of Columbia	A	No intermediate appellate court.
Florida	So	1948 with 160 Fla.
Georgia	Ga Ga App	
Hawaii	Hawaii	Hawaii App ended in 1994. Since 1994, Hawaii and Hawaii App have been in the same reporter.
Idaho	Idaho	Idaho and Idaho App are in same reporter.
Illinois	Online	June 30, 2011, with the adoption of a public domain citation. Before that, use Ill and Ill App.
Indiana	NE	1981 with 275 Ind; 1979 with 182 Ind App.
Iowa	NW	1968 with 261 Iowa.
Kansas	Kan Kan App	

State	Current Official Reports	Comments (Including the year state-published official reports ended and whether a public domain citation exists.)
Kentucky	SW	1951 with 314 Ky.
Louisiana	So	1972 for La; 1935 with La App. Public domain citation since 1994.
Maine	A	1965 with 161 Me. Public domain citation since 1997. No intermediate appellate court.
Maryland	Md Md App	
Massachusetts	Mass Mass App	
Michigan	Mich Mich App	
Minnesota	NW	1977 with 312 Minn.
Mississippi	So	1966 with 254 Miss. Public domain citation since July 1, 1997.
Missouri	SW	1956 with 365 Mo; 1954 with 241 Mo App.
Montana	Mont	Public domain citation since January 1, 1998. No intermediate appellate court.
Nebraska	Neb Neb App	
Nevada	Nev	No intermediate appellate court.
New Hampshire	NH	No intermediate appellate court.
New Jersey	NJ NJ Super	NJ Super contains both appellate and lower court decisions. Use NJ App or NJ Super Ct as appropriate in date parenthetical.
New Mexico	NM	NM and NM App are in the same reporter. Public domain citation since January 1, 1996.
New York	NY AD Misc	
North Carolina	NC NC App	
North Dakota	NW	1953 with 79 ND. Public domain citation since January 1, 1997.

APPENDIX 6 – OFFICIAL REPORTS BY JURISDICTION

State	Current Official Reports	Comments (Including the year state-published official reports ended and whether a public domain citation exists.)
Ohio	Ohio St Online for Ohio App	Online publication as official reports for Ohio App began July 1, 2012. Before that, use Ohio App. Public domain citation since May 1, 2002.
Oklahoma	P	1953 with 208 Okla and 97 Okla Crim App. Public domain citation since May 1, 1997.
Oregon	Or Or App	
Pennsylvania	Pa A for Pa Super and Pa Commw	1997 for Pa Super; 1994 for Pa Commw. Public domain citation for Pa Super only since January 1, 1999.
Rhode Island	A	1980 with 122 RI. No intermediate appellate court.
South Carolina	SC	SC and SC App are in the same reporter.
South Dakota	NW	1976 with 90 SD. Public domain citation since January 1, 1997.
Tennessee	SW	1971 with 225 Tenn and 63 Tenn App; 1918 with 8 Tenn Civ App.
Texas	SW	1962 with 163 Tex; 1963 with 172 Tex Crim; 1911 with 63 Tex Civ App. Currently, use Tex, Tex Crim App, or Tex App in date parenthetical.
Utah	P	1974 with 30 Utah 2d. Public domain citation since January 1, 1999.
Vermont	Vt	Public domain citation since January 1, 2003. No intermediate appellate court.
Virginia	Va Va App	
Washington	Wash Wash App	
West Virgina	W Va	No intermediate appellate court.
Wisconsin	Wis	Wis and Wis App have been in same reporter since 1978. Public domain citation since January 1, 2000.
Wyoming	P	1959 with 80 Wy. Public domain citation since January 1, 2004. No intermediate appellate court.

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