

# THE YELLOWBOOK: VERMONT'S STYLE MANUAL

## **INTRODUCTION**

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

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

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## **SECTION 1: CITE-CHECK**

#### a. DEPARTURES FROM THE BLUEBOOK

#### 1. Newspapers

#### **BB** Rule 16.6

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

#### Example:

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

#### **Becomes**

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

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

#### 2. Vermont Cases Citations

# BB Rule 10, Table 1 (Vermont)

## (a) Parallel Citations—Before 2003.

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

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

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

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

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

For Vermont case citations on or *after* January 1, 2003, include citations to the public domain format, the Vermont Reports, and the Atlantic Reporter. For short citations, use only the public domain format. Remember that these citations don't require the year in parentheticals at the end; the year is clear from the first part of the citation after the case name.

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

*LeClaire*, 2003 VT 4, ¶ 9.

*Id.* ¶ 9.

#### (c) Recent Vermont Cases.

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

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

#### 3. Vermont Constitution

#### BB Rule 11

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

<u>Example 1</u>: Text: According to section seven, the Governor has the power to declare war on law students. <sup>95</sup>

<sup>95</sup> VT. CONST. ch. II, § 7.

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

<sup>187</sup> See Vt. Const. ch. I, art. 14

#### 4. Government Reports

#### **BB** Rule 14.2

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

Example:

#### Correct:

SUZANNE H. REUBEN, PRESIDENT'S CANCER PANEL, NAT'L CANCER INST., REDUCING ENVIRONMENTAL CANCER RISK: 2008-2009 ANNUAL REPORT 5, 16, 26 (2010), http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP\_Report\_08-09\_508.pdf.

#### Incorrect:

Suzanne H. Reuben, *Reducing Environmental Cancer Risk*, 2008-2009 President's Cancer Panel Ann. Rep. 5, 16, 26 (2010),

http://deainfo.nci.nih.gov/advisory/pcp/annualReports/pcp08-09rpt/PCP\_Report\_08-09\_508.pdf.

# b. CLARIFICATIONS OF THE BLUEBOOK

5. Page Ranges				
BB Rule 3.2(a)	Always use an en-dash (–) to indicate a page range even though the BLUEBOOK says that a hyphen or en-dash is appropriate.			
	Note: en-dashes are symbol code 2013 in Microsoft Word, and the shortcut is typically Ctrl-Alt-Minus (on the numpad). If you don't have a numpad, you might want to rebind that shortcut.			
6. Explana	tory Parentheticals			
BB Rule 1.5(a)	(a) Always use a parenthetical if the author uses a signal (unless the author is using a signal as the verb of a textual sentence, as permitted by Rule 1.2(e)).			
	(b) Your parenthetical should clarify to the reader how the source supports what the author is saying and what the source actually says: how much of the assertion a source supports, what specific facts are used, the thesis or conclusions developed in the source, and so on.			
BB Rule	(c) The present participle describes what the source is doing.			,
1.5(a)(i)	Note: The more descriptive the verb is, the better the parenthetical will be.			
	Examples include:			
	Adding	Adopting	Agreeing	Categorizing
	Charting	Chronicling	Clarifying	Concurring
	Criticizing	Denouncing	Describing	Detailing
	Disagreeing	Discussing	Dismissing	Emphasizing
	Enunciating	Expanding	Explaining	Finding
	Highlighting	Holding	Hypothesizing	Listing
	Mentioning	Noting	Outlining	Paraphrasing
	Praising	Predicting	Pronouncing	Prophesizing
	Quoting	Recounting	Stating	Summarizing
	force is co	onstitutionally unrea Tennessee v. Garne	r, 471 U.S. 1, 15 (1985) (asonable where the suspect, 471 U.S. 1, 15 (1985) (as where the suspect poses	use of deadly force is

	(d) A shorter parenthetical that does not begin with a participle phrase is acceptable if it provides enough information to the reader.				
	Example:				
	The United States Supreme Court has declared several constitutional rights as fundamental. <sup>1</sup>				
	<sup>1</sup> Roe v. Wade, 410 U.S. 113, 169 (1973) (right to choose to have an abortion); Eisenstadt v. Baird, 405 U.S. 438, 453 (1972) (right to choose to bear or beget children); Griswold v. Connecticut, 381 U.S. 479, 484–85 (1965) (right to use contraception).				
BB Rule 1.5(a)(ii)	(e) Remember that parentheticals directly quoting the authority start with a capital letter and end with appropriate punctuation.				
	<u>Correct</u> : See, e.g., Tennessee v. Garner, 471 U.S. 1, 15 (1985) ("Where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from tailing to apprehend him does not justify the use of deadly force to do so.").				
	Incorrect: See, e.g., Tennessee v. Garner, 471 U.S. 1, 11 (1985) (holding that "[t]he use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape.").				
	<u>Correct</u> : See, e.g., Tennessee v. Garner, 471 U.S. 1, 11 (1985). "The use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable. It is not better that all felony suspects die than that they escape." <i>Id.</i>				
	(f) Parentheticals may not contain quotations longer than 49 words; i.e., block quotations. If the author included a parenthetical longer than 49 words, make the quotation its own footnote sentence followed by appropriate citation.				
7. Citations	s to Cases				
BB Rule 10	Always include the full case name when a full citation is required by BLUEBOOK rule 10, even if the case name is included in the text.				
8. Citations	s to Case Briefs and Court Filings				
BB Rule 10.8.3					
9. Placeme	nt of Footnote Call Numbers				
BB Rule 1.1(a)	If an assertion is made about a case that is named in the same sentence, place the footnote at the end of the sentence only. This rule only applies in this particular situation. Footnotes may be placed in the middle of the sentence in other situations.				

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

#### 13. Spaces

# BB Rule 5.3, 3.3; RB Rule 1.45–1.50 (ellipses)

Insert hard (non-breaking) spaces (Ctrl-Shift-Space):

- (1) Between periods used in ellipses AND
- (2) After section symbols (§) and paragraph symbols (¶).

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

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

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

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

# **SECTION 2: LINE-BY-LINE**

#### a. DEPARTURES FROM THE REDBOOK

#### 14. Numbers

#### **RB** Rule 5.2(a)

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

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

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

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

#### 15. Section Headings

#### **RB** Rule 4.20

- (a) All headings should be formatted according the following rules:
  - (1) **TITLE**. The title should be centered, in bold, and in all caps.
  - (2) **Introduction and Conclusion.** The Introduction and Conclusion should be centered, in large and small caps. The Introduction and Conclusion are **not** numbered.

#### Example:

Introduction

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

Example: III. COMMON MISCONCEPTIONS ABOUT THE INSANITY DEFENSE

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

Correct: A. The Mediation Alternative

Incorrect: A. The Mediation Alternative

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

Example:

2. Screening by Mediators

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

	Correct: C. Disagreement with Harlan and Loathing Toward the Common Law		
	Incorrect: C. Disagreement With Harlan And Loathing Toward The Common Law		
	(b) Do not place a period at the end of any heading.		
16. Section Symbol (§) in Text			
RB 6.2	Follow Bluebook Rule 6.2(c) when referring to a specific section in main text and footnote text. Do not follow Redbook Rule 6.2.		

# b. CLARIFICATIONS OF THE REDBOOK

17. Spaces			
RB 4.12	Always use one space after punctuation.		
18. Quotations			
RB 2.4	(a) <u>Capitalization.</u> If the quote starts with a letter that is capitalized but the quote is in the middle of the sentence, alter it to lower case, but if it is preceded by a colon, preserve the original capitalization.		
	Example: Some scholars worry that rancor on the Court is on the rise, with phrases like "[t]he Court's next bit of interpretive jiggery-pokery " appearing in more dissenting opinions.		
	Example: Some scholars worry that phrases like this set a bad example to law students: "The Court's next bit of interpretive jiggery-pokery"		
RB 1.31	(b) Punctuation Placement in Relation to Quotation Marks.		
	Place quotation marks outside: periods and commas		
	Place quotation marks inside: semicolons and colons		
	Place question marks and exclamation points inside quotation marks if the question mark or exclamation point appears in the original quote.		
19. Em-Dasl	nes (—)		
RB 1.36; 1.51	Use em-dashes in place of parenthesis to set off appositive material unless doing so would clearly interfere with the author's voice—i.e., the author is clearly trying to minimize the material, not emphasize it.		
20. Author Biographical Material			
	(a) <u>Professional Authors</u>		
	A footnote should appear after the author's last name, marked "*", containing the author's biographical information, listed in reverse chronological order: Present position; PhD. and date, School; J.D. and date, School; B.A. and date, School.		
	Example: * Associate Professor of Law, Northeastern University School of Law; J.D. 1976,		

Harvard Law School; B.A. 1973, Yale University.

#### (b) Student Authors

Student authors sign their work at the end.

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

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

#### 21. Internal Cross-References

#### BB Rule 3.5

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

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

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

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

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

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

<u>Correct</u>: <sup>243</sup> See supra Part I.A.3

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

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

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

Correct: 541 See supra notes 135–41.

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

### 22. Use of Names

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

<u>Correct:</u> Although Murphy and Perez disagree with Brumley's argument, their blatant self-

interest casts doubt on their counter-argument.

Incorrect: Although Ms. Murphy and Mr. Perez disagree with Miss Brumley's argument, their

blatant self-interest casts doubt on their counter-argument.

<u>Correct:</u> Mrs. Moser and Mr. Schnabel brought suit against the alleged paramours Mr. Moser

and Mrs. Schnabel.

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

#### 23. Numerals in Text

RB 1.38(b)

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

# **Examples**

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

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

#### 24. Quotation Marks

RB 1.29–1.34; 3.4(a)

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

# **Examples**

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

#### 25. Capitalization

RB § 2; BB 8

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

#### Always capitalize the words:

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

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

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

# **SECTION 3: TABLE OF COMMON ERRORS**

Description	Master Manual Rule Number	Rule Explanation
Internet	BB Rule	All internet citations must include a date. If there is no publication date
Dates	18.2.2	available, then the term "last visited" should be used followed by the date the
		author last visited the site.
Omissions	BB Rule	When language <i>after the end</i> of a quoted sentence is deleted and is followed by
of	5.3(b)(v)	further quotation, retain the punctuation at the end of the quoted sentence and
Quotations		insert an ellipsis before the remainder of the quotation.
Case Names	BB Rule	If a case name is within an article title in a citation, do not italicize.
in Titles	2.1(a)	
Abbreviating	BB Rule	Do not abbreviate United States in case citations unless United States is not the
United	10.2.2	entire name of the party:
States		
		Old Chief v. United States.
		Smith v. U.S. Dep't of Justice.
Using Short	BB Rule 10.9	Do not short cite a case unless the author fully cites the case in one of the
Cites		previous five footnotes.
Hard Spaces	BB Rule 12	Insert hard (non-breaking) spaces adjacent to section symbols (§) in statutory
Surround the		citations.
Section		
Symbol		Hard Spaces are inserted by pressing:
		CTRL + SHIFT + SPACE
Hard Spaces		Insert hard (non-breaking) spaces adjacent to periods in ellipses.
Surround the		
Ellipses		Hard Spaces are inserted by pressing:
		CTRL + SHIFT + SPACE
Using <i>Id</i> .	BB Rule 3.3	When referencing non-paginated materials, do not use at between id. and the
		reference.
		<i>Id.</i> § 468.936(4)(b)
		NOT
		<i>Id.</i> at § 468.936(4)(b)
Spacing,	RB Rule 4.12	Only once space is used between all sentences and all types of punctuation,
Generally		except for EM-DASHES (—) which have no spaces on either side of them.

# **ADDENDUM: AMENDING THE YELLOWBOOK**

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

- 1. In late January or early February, the newly elected Senior Managing Editor (SME) forms a YELLOWBOOK Revision Committee consisting of the Managing Editors (MEs) and SME as chair of the committee.
- 2. The Committee determines the purpose of the YELLOWBOOK and if the VERMONT LAW REVIEW still requires its own style manual. The purposes of this revision of the YELLOWBOOK are detailed in the INTRODUCTION, *supra*, and the NOTE ON THE VOLUME 38 AMENDMENTS, *infra*.
- 3. After agreeing on an overall purpose, the Committee should set a schedule to periodically meet to revise the Yellowbook. The Committee should set a date to finish revisions that allows the SME to train production staff prior to the start of the next production cycle. Ideally, the Committee should complete all revisions by the end of April of their 2L year.
  - 4. In each of the meetings, the Committee reviews each rule and determines:
- a. Whether the rule is already covered by a BLUEBOOK or REDBOOK provision, and, correspondingly, if the rule is unnecessarily duplicative;
  - b. Whether a unique rule is necessary;
- c. Whether a unique rule should be changed. For example, several YELLOWBOOK rules choose between conflicting Bluebook and Redbook rules. The Committee should determine which rule is best;
  - d. Whether the organization of the YELLOWBOOK is effective or should be changed.
- 5. After the Committee agrees on suggested revisions, the SME collates all the comments and amends the existing YELLOWBOOK in track changes.
- 6. The SME distributes the track changed YELLOWBOOK to the Committee to ensure the SME incorporated all changes correctly.
  - 7. The Committee meets as necessary to finalize the draft Yellowbook.
- 8. The Committee presents the amended Yellowbook to the current SME and Editor-in-Chief, as well as the incoming Editor-in-Chief for final review.

#### NOTE ON THE VOLUME 38 AMENDMENTS

The YELLOWBOOK REVISION COMMITTEE for Volume 38 elected to completely rewrite the YELLOWBOOK. The former YELLOWBOOK was a collection of memoranda that production coordinators used to remind staff of important rules. In practice, this format proved more harmful than helpful because staff could not find important unique VERMONT LAW REVIEW conventions. The Volume 38 revisions strike a balance between simply clarifying or modifying existing BLUEBOOK and REDBOOK rules (Sections 1 & 2) and providing staff with helpful references (Section 3: Table of Common Errors). Future Committees may find that this organization is more harmful than helpful and are free to revert to the older method.

#### VERMONT LAW REVIEW YELLOWBOOK REVISION COMMITTEE

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