

**INTERACTIVE CITATION  
WORKBOOK FOR *THE BLUEBOOK:  
A UNIFORM SYSTEM OF CITATION***

**and**

**INTERACTIVE CITATION  
WORKBOOK FOR  
*ALWD GUIDE TO LEGAL CITATION***

**Louisiana**

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# LOUISIANA PRACTITIONER RULES FOR CITATION TO LEGAL AUTHORITIES

Louisiana has no single source of citation rules to govern citation in practitioner and court documents. Thus, different citation formats are available for citing to Louisiana authorities in these documents. Each format may be grounded in part by some citation authority be it the *Louisiana Law Review Streamlined Citation Manual (SCM)*, *The Bluebook*, the *ALWD Guide to Legal Citation*, court rules, or local court custom, which custom often varies from judge to judge.

The *SCM* provides rules for scholarly submissions to the Louisiana Law Review; thus, it is not aimed at the Louisiana legal practitioner. It defaults to *The Bluebook* for matters not addressed in the *SCM*. Similarly, *The Bluebook* is targeted at scholarly writing, not at practice-based writing; however, the current 20th edition is designed to be more user-friendly for the legal practitioner. *The Bluebook* is divided into two main sections. The first section, the Bluepages, contains rules governing citations in practitioner documents. The second section contains *The Bluebook* rules governing citations in academic publications. The *ALWD*, currently in its 6th edition, applies to ALL forms of legal writing, practice-based and scholarly writing. *ALWD* identifies any changes that scholarly writing requires. Therefore, it is organized by legal source, rather than by type of publication. However, neither *The Bluebook* nor *ALWD* adequately fill the void for the Louisiana practitioner, as neither addresses Louisiana's body of jurisprudence, or its codal and statutory provisions, with adequate detail or in accordance with Louisiana court custom.

Additionally, there is a Louisiana Supreme Court rule governing citation of post-1993 Louisiana appellate court decisions in documents submitted to Louisiana courts. La. Sup. Ct. Gen. Admin. R. § 8. However, the rule is very brief in substance, and it provides few examples. Moreover, some aspects of the format used in the supreme court rule's examples are not followed by the appellate court justices and judges when citing to Louisiana appellate court opinions in their own decisions. Thus, there are variations in court custom regarding the application of this supreme court citation rule.

Clearly, there is a need for consistency and uniformity in the manner in which legal authorities should be cited by the Louisiana practitioner in court documents. Consequently, these Louisiana practitioner citation rules are intended

to simplify the citation of Louisiana authorities in practitioner and court documents. They reflect Louisiana court rules as well as court custom where those rules or the custom differ from *The Bluebook* and *ALWD*.

For a deeper understanding, sidebars to these practitioner rules provide information about the sources of the particular citation format suggested by these practitioner rules. Additionally, these sidebars sometimes explain how the citation form would differ based on other citation sources. These particular rules were created relying first on Louisiana court rules and custom, and then on the principles underlying *The Bluebook* or *ALWD*.

## **RULE 1: LOUISIANA APPELLATE COURT DECISIONS**

### **Rule 1.1 Louisiana Supreme Court and Courts of Appeal Opinions and Actions Issued BEFORE January 1, 1994**

The full citation to these authorities consists of the following:

*Case name*, •reporter volume•reporter•initial page, •pincite page if necessary•(court•year), •subsequent history if applicable.

### **Examples of citation to Louisiana Supreme Court decisions issued before January 1, 1994:**

*Rosell v. ESCO*, 549 So. 2d 840, 842 (La. 1989).

*Bazley v. Tortorich*, 397 So. 2d 475, 482 (La. 1981).

**Sidebar 1.1** The above format for citing to Louisiana Supreme Court cases is consistent with the *SCM*, *The Bluebook*, and *ALWD*.

### **Examples of citation to Louisiana Courts of Appeal decisions issued before January 1, 1994:**

*Armstead v. Boh Bros. Constr. Co.*, 609 So. 2d 965, 967 (La. App. 4th Cir. 1992).

*Barnett v. Jabusch*, 607 So. 2d 1007, 1008-09 (La. App. 3d Cir. 1992), *writ denied*, 610 So. 2d 820 (La. 1993).

### **1.1(a) Case Name**

Not all parties are included in the case name portion of a citation. Follow the rules of *The Bluebook* and/or *ALWD* for formulating a case name in a citation. Note that the use of abbreviations in a case name depends on whether the citation is in a citation sentence or a textual reference. Abbreviations of words set forth in *Bluebook* table 1.3 or *ALWD* appendix 3(E) are required in citation sentences and are restricted in textual references.

### **1.1(b) Reporter Volume**

The volume of the reporter in which the cited case is published follows the case name part of a citation.

### **1.1(c) Reporter Abbreviation**

The Southern Reporter, Second Series is abbreviated as So. 2d.

**Sidebar 1.2** Court custom varies on the spacing in the abbreviation of the Southern Reporter, with some judges using So. 2d and others using So.2d as the abbreviation. However, the general spacing rules found in both *Bluebook* rule 6.1(a) and *ALWD* rule 2.2(a) and (d) require a space between So. and 2d.

### **1.1(d) Initial Page Number**

The page number in a citation is to the initial page of the decision in the Southern Reporter. It is followed by a comma ONLY if a pincite is necessary.

### **1.1(e) Pincite, if Necessary**

A pincite identifies the particular page(s) of the cited case on which the proposition or information for which the case has been cited in the legal document can be found. A pincite is not needed where the cited case is being referred to generally. A pincite helps the reader locate the proposition or information in the cited case. If a pincite is necessary, the pincite follows the initial page number of the case, separated by a comma and a space. If a pincite references material on consecutive pages, indicate the page numbers by including the first page of the pincite followed by a hyphen and the last page of the pincite. Two digits are always retained, but other repetitive digits are dropped.

### **1.1(f) Court Identifier**

The deciding court is identified in the court and year parenthetical of the citation. The Louisiana Supreme Court is abbreviated in this parenthetical as “La.” The Louisiana Courts of Appeal are abbreviated as “La. App.” Additionally, the circuit of the deciding court of appeal is indicated in the parenthetical using an ordinal contraction and “Cir.”

#### **Examples of court abbreviations in the court and year parenthetical:**

La.

La. App. 1st Cir.

La. App. 2d Cir.

La. App. 3d Cir.

La. App. 4th Cir.

La. App. 5th Cir.

**Sidebar 1.3** The court of appeal parenthetical information format used above is consistent with court custom. Minor changes would occur if it was based on the *SCM*, *The Bluebook*, or *ALWD* (La. Ct. App.), but this would NOT accurately reflect court custom in Louisiana. Contrary to table 1.3 of *The Bluebook* and Appendix 2(B) of *ALWD*, in Louisiana, it is customary to indicate the circuit of the deciding appellate court. It is also customary to omit the abbreviation of the word “court” in the court and year parenthetical. The ordinal contractions (1st, 2d, 3d, 4th, 5th) used are consistent with the *SCM*, *The Bluebook*, and *ALWD*. Do NOT put only the numeral (1, 2, 3, 4, 5) to refer to the different circuits of the Louisiana Courts of Appeal. Thus, use “(La. App. 3d Cir.),” not “(La. App. 3 Cir.)” Use the spacing rules located in *Bluebook* rule 6 and *ALWD* rule 22.

### **1.1(g) Date of Decision**

In a citation to a Louisiana appellate court published decision issued before January 1, 1994, the date of decision includes only the year in which the case was



decided. This year appears in the court and year parenthetical after the court identifier.

### **1.1(h) Subsequent History**

Relevant subsequent history about a cited case is included in a full citation. Follow *The Bluebook* or *ALWD* for what to include in the placement of the subsequent history with the following two exceptions regarding denials of certiorari.

Pursuant to court custom in Louisiana, use *writ denied* and NOT *cert. denied* to indicate the denial of a writ of certiorari. Also, contrary to *Bluebook* rule 10.7 and *ALWD* sidebar 12.5, in Louisiana, ALWAYS include a writ of certiorari denial as subsequent history, even if the cited authority is more than two years old. This conflicts with *The Bluebook* and *ALWD*; however, these practitioner rules require inclusion of all writ denials in the subsequent history.

**Example of full citation to Louisiana decision issued before January 1, 1994, with subsequent history taking place in different year than year in which cited case was decided:**

*Talley v. Enserch Corp.*, 589 So. 2d 615 (La. App. 3d Cir. 1991), *writ denied*, 592 So. 2d 1342 (La. 1992).

Omit the year in the first parenthetical when the subsequent history occurred in the same year.

**Example of full citation to Louisiana decision issued before January 1, 1994, with subsequent history taking place in same year in which cited case was decided:**

*Goodwin v. Goodwin*, 618 So. 2d 579, 583 (La. App. 2d Cir.), *writ denied*, 623 So. 2d 1340 (La. 1983).

### **Rule 1.2 Louisiana Supreme Court and Courts of Appeal Opinions and Actions Issued AFTER December 31, 1993**

The full citation in court documents to appellate court authorities issued after December 31, 1993 is governed by a Louisiana Supreme Court rule. La. Sup. Ct. Gen. Admin. R. § 8(A)(1). This rule requires citations to Louisiana Supreme Court

and Courts of Appeal opinions and actions issued after December 31, 1993, according to a uniform public domain citation form, with a parallel citation to West's Southern Reporter. *Id.* § 8(A)(1)(a). Note that this public domain citation rule does not apply to federal cases or to cases from courts outside of the State of Louisiana, even when those cases are cited within Louisiana court documents.

The components of the uniform public domain citation form are the case name, docket number excluding letters, court abbreviation, and month/day/year of issue. *Id.* The components of the parallel citation to West's Southern Reporter consist of the West reporter volume, abbreviation to the Southern Reporter, and initial page of the decision in the reporter. Where a pincite is necessary, the rule requires it to follow the docket number in the form of p. followed by the page number designated by the court (slip opinion page number). A parallel pincite to West's Southern Reporter may also be included. *Id.* § 8(A)(1)(b). Thus, this citation format consists of the following:

*Case name*, •docket number extract, •p. •pincite to slip opinion if necessary •(court and complete date), •reporter volume •reporter •initial page, •pincite to Southern Reporter if necessary, subsequent history if necessary.

**Examples of full public domain form citation to published Louisiana Supreme Court decisions issued after December 31, 1993:**

*City of New Orleans v. Bd. of Comm'rs*, 93-690, p. 2 (La. 7/5/94), 640 So. 2d 237, 241.

*Veroline v. Priority One EMS*, 09-1040 (La. 10/9/09), 18 So. 3d 1273.

**Examples of full public domain form citation to published Louisiana Courts of Appeal decisions issued after December 31, 1993:**

*Herff Jones, Inc. v. Girouard*, 07-393, p. 2 (La. App. 3d Cir. 10/3/07), 966 So. 2d 1127, 1130, *writs denied*, 07-2463, 2464 (La. 2/15/08), 976 So. 2d 185.

*Ruttley v. Lee*, 99-1130, p. 1 (La. App. 5th Cir. 5/17/00), 761 So. 2d 777, 780, *writ denied*, 00-1781 (La. 9/22/00), 768 So. 2d 1287.

## **1.2(a) Case Name**

See the rules of *The Bluebook* and/or *ALWD* for formulating a case name in a citation.

## **1.2(b) Docket Number**

In a public domain citation format, the case name is followed by extracts from the docket number assigned to the case by the deciding court. The complete docket number generally consists of a year (indicating the year of filing), letters (identifying the nature of the action being sought such as CA for Civil Appeal, KA for Criminal Appeal, or CW or KW for Civil or Criminal Writ), and a number reflecting the filing order of the action. In the public domain format, the docket number extract consists of the last two digits of the year followed by a dash and the filing order digits of the docket number. Thus, in the docket number extract part of a public domain citation, the letters are dropped from the docket number, leaving only the year, a dash, and the filing order number. *See* Sup. Ct. Gen. Admin. R. § 8(A)(1)(a). Thus, docket number 2004-CA-1580 becomes “04-1580” and docket number 1999-KA-2348 becomes “99-2348.” Additionally, zeroes that compose the first digits of the filing order part of the docket number are excluded as they are merely operating as place holders in the courts’ docketing systems. Thus, docket number 1998-CA-0030 becomes “98-30” pursuant to this practitioner rule; this aspect of the rule is based on court custom.

One exception to the general form of docket numbers exists in the Louisiana Second Circuit Court of Appeal. Its docket number system is different, so *for cases from the Second Circuit, the docket number will be a number without a year and dash*. Consequently, “33,328” exemplifies a docket number from the Second Circuit. Note that the Second Circuit docket number does NOT use a dash or hyphen in it.

### **Example of full public domain form citation to a published Louisiana Second Circuit Court of Appeal decision issued after December 31, 1993:**

*Campbell v. Webster Parish Police Jury*, 36,391, 36,392, p. 8 (La. App. 2d Cir. 9/18/02), 828 So. 2d 170, 175.

If a case has more than one docket number, do not repeat the year portion of the second docket number if it is the same as the first. Also, repeat only the filing order aspect of the second docket number, and separate the two numbers with a

comma and a space. Thus, 2010-CA-5847 and 2010-CA-5849 become 10-5847, 5849. If the years differ, also repeat the year. Thus, 1998-KW-0335 and 1999-KW-0003 become 98-335, 99-3.

**Sidebar 1.4** The section 8 rule’s *examples* are to a decision with a docket number in the 1990s, and these examples use a two-digit year format. Per court custom, some judges include a four-digit year in the docket number portion of the citation; others include a two-digit year when the docket number originated in the 1990s and a four-digit year when the docket number originated in the 2000s; others use a two-digit year for all docket numbers. For consistency, these rules require a two-digit year for all docket numbers.

### **1.2(c) Page Number**

The page number in the public domain part of the citation is only included if a pincite is necessary. This is because a slip opinion always begins on page one. When a pincite to the slip opinion is necessary, the abbreviation “p.” follows the comma that is located immediately after the docket number extract. Then, the slip opinion pincite follows the blank space after the p. abbreviation.

For consistency with the custom of including a space between the “p.” and the actual page number of the slip opinion, also include a space between the “n.” and the actual footnote number when citing to matter located in a footnote. The “n. 3” follows the “p. 3” in the public domain part of the citation and also follows the reporter pincite page in the West reporter part of the citation.

**Sidebar 1.5** The section 8 rule’s example includes a space between the “p.” and the pincite to the slip opinion. In contrast, *The Bluebook* example in rule 10.3.3 fails to include a space between p. and the pincite to the slip opinion, although the example included in table 1.3 under Louisiana does include the space. *ALWD* does not provide a Louisiana example in public domain citation form. However, when it provides examples of pincites to slip opinions, it uses the format “slip op. at.”

### **1.2(d) Court Identifier**

The deciding court is identified in an abbreviated manner in the court and date parenthetical. The court abbreviation consists of La. when referencing the Louisiana Supreme Court. When referencing a Louisiana intermediate appellate

court, the court abbreviation consists of La. App. followed by the ordinal contraction for the particular circuit and Cir.

**Sidebar 1.6** The *examples* provided in the section 8 rule contain numerals to indicate the particular circuit (1, 2, 3, 4, 5) instead of ordinal contractions (1st, 2d, 3d, 4th, 5th). While the *rule* requires the public domain citation form to include “court abbreviation[s],” it does not mandate the specific type of abbreviation. Neither *The Bluebook*, nor *ALWD* utilize a plain arabic number as part of a court abbreviation. Court custom uses an ordinal contraction more often than it uses a plain arabic number. Thus, these practitioner rules require the use of ordinal contractions in the public domain citation form.

See sidebar 1.3 of these practitioner rules for more information on the court abbreviation, but note that court custom requires identification of the deciding circuit in the court parenthetical.

#### **1.2(e) Date**

The date in the parenthetical consists of the month, date, and last two digits of the year of the court’s decision. This is in numeric form, separated by backslashes.

#### **1.2(f) Parallel Citation to West’s Southern Reporter**

The parallel citation to West’s Southern Reporter consists of the reporter volume, reporter abbreviation, and initial page number, followed by a pincite if necessary. This parallel citation follows the court and date parenthetical and is separated from the public domain portion of the citation with a comma. The reporter is abbreviated as So. 2d for the Southern Reporter, Second Series and So. 3d for the Southern Reporter, Third Series. The page number in the parallel citation part of the citation is to the initial page of the decision in the Southern Reporter. If a pincite is necessary, the parallel pincite follows the initial page number, separated by a comma and a space.

**Sidebar 1.7** The section 8 rule’s *example* uses a semicolon to separate the public domain form of the citation from the parallel citation to West’s Southern Reporter. It also utilizes no spacing in the abbreviation for the Southern Reporter. With respect to the separating punctuation, because the *language of the rule* simply requires inclusion of a parallel citation, and because commas are the appropriate

punctuation to separate parallel citations to the same authority (per *The Bluebook* and *ALWD*, commas are used to separate parallel citations, and semicolons are used to separate different authorities from one another), the comma is the more appropriate separating punctuation in this instance. Thus, these practitioner rules require a comma instead of a semicolon. Importantly, many Louisiana judges use the comma and not the semicolon as the separating punctuation in their published opinions; thus, the use of the comma comports with court custom.

See sidebar 1.2 of these practitioner rules for more information on the abbreviation of the Southern Reporter.

### **1.2(g) Subsequent History**

When providing subsequent history, the subsequent history citation must also be in public domain form if the subsequent history was issued after December 31, 1993. Pursuant to court custom in Louisiana, use *writ denied* and NOT *cert. denied* to indicate the denial of a writ of certiorari. Additionally, pursuant to court custom in Louisiana, ALWAYS include writ of certiorari denials as subsequent history, even if they are more than two years old. This conflicts with *The Bluebook* and *ALWD*; however, these practitioner rules require inclusion of all writ denials in the subsequent history.

#### **Example of full citation to Louisiana appellate court decisions issued after December 31, 1993, with subsequent history that occurred after December 31, 1993:**

*Smith v. Jitney Jungle of Am.*, 35,100, p. 6 (La. App. 2d Cir. 12/5/01), 802 So. 2d 988, 992, *writ denied*, 02-39 (La. 3/15/02), 811 So. 2d 913.

If the cited authority was decided before 1994, and the subsequent history occurred after 1993, the subsequent history must follow the public domain citation format.

#### **Example of full citation to Louisiana appellate court decisions issued before January 1, 1994, with subsequent history that occurred after December 31, 1993:**

*Kennedy v. St. Charles Gen. Hosp. Auxiliary*, 630 So. 2d 888 (La. App. 4th Cir. 1993), *writ denied*, 94-269 (La. 3/18/94), 634 So. 2d 863.

### **Rule 1.3 Cases Decided by the Louisiana Supreme Court Before 1972**

Cases decided by the Louisiana Supreme Court before 1972 appeared in the official Louisiana Reports. Thus, citations to these cases include a citation to the Louisiana Reports, followed by a parallel citation to the Southern Reporter. La. Sup. Ct. Gen. Admin. R. § 8(A)(3)(a).

#### **Example of full citation to case decided by Louisiana Supreme Court before 1972:**

*Blanchard v. Ogima*, 253 La. 34, 215 So. 2d 902 (1968).

### **Rule 1.4 Short Form Citations to Published Louisiana Cases**

There is no difference regarding how to compose a short form citation to cases decided in Louisiana before or after December 31, 1993. Section 8 does not address short form citations in Louisiana's public domain format, nor do the *SCM*, *The Bluebook*, or *ALWD*. Court custom varies, but typically, it does not include the public domain information in the short form. Thus, while some judges include a shortened version of the neutral public domain form with the shortened parallel citation to the Southern Reporter, most judges use the short form version that excludes the neutral public domain form.

Pursuant to this practitioner rule, short form citations to cases governed by the public domain citation rule need only include a citation to the West reporter. Thus, a public domain citation form is not required where a short form citation is appropriate.

Clearly, if *id.* is appropriate as a short form, use it. If *id.* is not appropriate, then the proper short form includes a condensed version of the case name followed by the reporter volume, reporter abbreviation, and the initial page or "at" followed by the pincite to the Southern Reporter.

*One party's name*,•reporter volume•reporter abbreviation•initial page. (This is proper if no pincite is needed.)

*One party's name*,•reporter volume•reporter abbreviation•at•pincite.

**Example of short form citation to any published Louisiana appellate court decision:**

*Campbell*, 828 So. 2d 170. (This is proper if no pincite is necessary.)

*Smith*, 802 So. 2d at 990.

**Rule 1.5 Citations to Unpublished Louisiana Cases**

**1.5(a) Full Citations**

Full citations to unpublished cases of the Louisiana appellate courts basically follow the public domain citation form set forth in the section 8 rule, but without the parallel citation to the Southern Reporter. Instead, append the database identifier citation to the end of the citation (where the parallel citation to the Southern Reporter would normally be). “Unpublished” means that the case will not appear in a print reporter because it did not designate the case for publication.

*Case name*, •docket number, •p. •pincite to slip opinion if necessary •(court and complete date), •database identifier, •at •\*pincite to database identifier if necessary, subsequent history if applicable.

**Example of full citation to unpublished Louisiana case:**

*Beck v. Cox*, 14-256, p. 2 (La. App. 1st Cir. 9/25/14), 2014 WL 4783404, at \*1.

*Beck v. Cox*, 14-256, p. 2 (La. App. 1st Cir. 9/25/14), 2014 La. App. Unpub. LEXIS 540, at \*2.

**Sidebar 1.8** Unpublished decisions usually contain a caption that indicates its unpublished status, such as “UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING” or “NOT DESIGNATED FOR PUBLICATION.” The slip opinion page number is not always accurately indicated by the commercial database. The best way to obtain the correct slip opinion page number is to search for the pdf of the opinion on the issuing court’s website.



## 1.5(b) Short Form Citations

A short form citation to an unpublished case of the Louisiana appellate courts includes *id.* if *id.* is appropriate as a short form. If *id.* is not appropriate, then the proper short form includes the first party's name and the database identifier. Similar to citations to slip opinions, there is no need to include the initial page of the database identifier publication in the citation because the initial page will always be page one. If a pincite to the database identifier publication is necessary, include it after the database identifier as indicated in the subsequent examples.

*One party's name*, •database identifier. (This is proper if no pincite is necessary.)

*One party's name*, •database identifier, •at •\*pincite.

### Examples of short form citation to unpublished decision:

*Beck*, 2014 WL 4783404. (This is proper if no pincite is necessary.)

*Beck*, 2014 WL 4783404, at \*6.

*Beck*, 2014 La. App. Unpub. LEXIS 540, at \*6.

Of course, use *id.* as the short form citation if it is appropriate.

## Rule 1.6 Citations to Cases Not Yet Published

Opinions that are designated for publication are not immediately published in a print reporter. These opinions are not treated as “unpublished” opinions; instead, they are opinions that are “not yet published” and have special citation rules until the time that they are published in the print reporter. These opinions are usually accompanied by a notice such as “NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT LAW REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.” Until these opinions are published in a print reporter, cite to them according to the following rules.

### **1.6(a) Full Citations**

For full citations to cases that have not YET been published in the Southern Reporter, follow the public domain citation form with the following exceptions:

- i) Replace the reporter volume and initial page number with blank lines; and
- ii) Append a citation to the database identifier to the end of the citation.

*Case Name*, •docket number•(court and date parenthetical with month/date/last two digits of year), •\_\_\_\_•reporter abbreviation•\_\_\_\_, •database identifier, subsequent history if applicable.

Include pincites to the slip opinion and the database identifier when necessary.

#### **Examples of full citation to Louisiana cases yet to be published:**

*Orleans Parish Sch. Bd. v. Quatrevaux*, 13-1653 (La. App. 4th Cir. 11/7/14), \_\_\_\_ So. 3d \_\_\_\_, 2014 La. App. Unpub. LEXIS 651.

*Brown v. The Times-Picayune, L.L.C.*, 14-160, p. 6 (La. App. 1st Cir. 11/3/14), \_\_\_\_ So. 3d \_\_\_\_, 2014 WL 5560932, at \*3.

### **1.6(b) Short Form Citations**

For short form citations to cases that have yet to be published, include the following, including a pincite when necessary:

*First party's name*, •\_\_\_\_•reporter abbreviation•\_\_\_\_, •database identifier. (This is proper if no pincite is necessary.)

*First party's name*, •\_\_\_\_•reporter abbreviation•at•\_\_\_\_, •database identifier, •at•\*pincite to database identifier.

#### **Example of short form citation to Louisiana cases yet to be published:**

*Orleans Parish Sch. Bd.*, \_\_\_\_ So. 3d \_\_\_\_, 2014 La. App. Unpub. LEXIS 651.

*Brown*, \_\_\_\_ So. 3d at \_\_\_\_\_, 2014 WL 5560932, at \*2.

## **Rule 1.7 Citations to Published Cases of the Federal Courts**

Citations to federal cases, if they are published, include the following:

*Case name*, •reporter volume•reporter abbreviation•initial page number, •pincite if necessary•(court and year), •subsequent history if applicable.

### **Examples of full citations to federal court decisions:**

*Haywood v. Drown*, 556 U.S. 729, 732, 129 S. Ct. 2108, 2112, 173 L. Ed. 2d 920, 926 (2009).

*Orlando Residence, Ltd. v. GP Credit Co.*, 553 F.3d 550 (7th Cir. 2009).

*Ball v. LeBlanc*, 988 F. Supp. 2d 639, 641 (M.D. La. 2013).

**Sidebar 1.9** Louisiana Uniform Rules of the Courts of Appeal 2-12.4(B)(2) requires parallel citations to the Supreme Court and Lawyers' Edition Reporters. This is inconsistent with *The Bluebook* and *ALWD*; however, as it is required by a court rule, parallel citations to Supreme Court decisions are included in Louisiana court documents.

## **Rule 1.8 Citations to Unpublished Decisions of the Federal Courts**

### **1.8(a) Full Citations**

Full citations to unpublished federal court cases include the following:

*Case Name*, •docket number preceded by No., •database identifier components•(court and date parenthetical). (This is proper if no pincite is necessary.)

*Case Name*, •docket number preceded by No., •database identifier components, •at•\*pincite to database identifier if necessary•(court and date parenthetical).

### **Examples of full citation to unpublished decision of a federal court:**

*Mitchell v. Lucas*, No. 03-2646, 2004 WL 1774616 (E.D. La. Aug. 5, 2004).

*Mitchell v. Lucas*, No. 03-2646, 2004 U.S. Dist. LEXIS 15518 (E.D. La. Aug. 5, 2004).

*Mitchell v. Lucas*, No. 03-2646, 2004 U.S. Dist. LEXIS 15518, at \*6 (E.D. La. Aug. 5, 2004).

**Sidebar 1.10** The way that the docket number is reflected in a citation to an unpublished decision of a federal court differs from the way that it is reflected in a Louisiana public domain format citation. The difference is that with the federal court docket number, the docket number is preceded with “No.” See *Bluebook* rule 18.3.1 and *ALWD* rule 12.13 for more information on citing to unpublished cases.

The reflection of the pincite also differs between citations to unpublished federal cases and to cases that must be cited in the Louisiana public domain format. In a citation to an unpublished federal case, the pincite is only to the database identifier publication, and it follows an asterisk.

The date format is also different. In a citation to an unpublished federal case, the date appears in the abbreviated month, date, and four-digit year format.

### **1.8(b) Short Form Citation**

Short form citations to unpublished federal court cases include the following:

*First party’s name*•database identifier components. (This is proper if no pincite is necessary.)

*First party’s name*•database identifier components,•at•\*pincite.

#### **Examples of short form citation to unpublished federal court case:**

*Mitchell*, 2004 U.S. Dist. LEXIS 15518.

*Mitchell*, 2004 U.S. Dist. LEXIS 15518, at \*5.

## **Rule 1.9 Citations to Rehearing Opinions**

When a rehearing has been granted, the rehearing opinion is often appended to the end of the original opinion. When this occurs, the volume and initial page number of the citation to the original opinion will be the same as the citation to the rehearing opinion. If you are citing to a portion of the rehearing opinion, you should indicate the rehearing nature of the opinion parenthetically, at the end of the citation. If the year of the rehearing opinion differs from the year of the original opinion and you are citing to the rehearing opinion, use the rehearing year in the court and date parenthetical. Use a pincite to identify where in the opinion the reader can find the cited proposition. Finally, in a short form citation to the rehearing opinion, if *id.* is not an option, you should follow the short form citation with a parenthetical indicating the rehearing nature of the opinion.

### **Examples of full citation to rehearing opinion:**

*Saucier v. Hayes Dairy Prods., Inc.*, 373 So. 2d 102 (La. 1979) (on rehearing). (This example reflects a full citation to the rehearing opinion where a pincite is not needed.)

*Saucier v. Hayes Dairy Prods., Inc.*, 373 So. 2d 102, 118 (La. 1979) (on rehearing). (This example reflects a full citation to the rehearing opinion with a pincite to a particular aspect of the rehearing opinion.)

### **Examples of short form citation to rehearing opinion:**

*Id.* at 119. (This example is appropriate if the immediately preceding citation was to the rehearing opinion of the *Saucier* case.)

*Id.* at 116 (on rehearing). (This example is appropriate if the immediately preceding citation was to the original opinion of the *Saucier* case.)

*Saucier*, 373 So. 2d at 118 (on rehearing). (This example is appropriate if the immediately preceding citation was to a different authority.)

## **RULE 2: LOUISIANA CONSTITUTION OF 1974**

A full citation to the Louisiana Constitution of 1974 consists of the following:

La. •Const. •art. •article number, •§ •section number.

### **Example of full citation to the Louisiana Constitution:**

La. Const. art. III, § 1.

**Sidebar 2.1** Pursuant to the most popular court custom, use roman numerals for the article number. However, some judges use arabic numbers to reference the article number. Arabic numbers are used for the section number. This practitioner rule format comports with *The Bluebook* and *ALWD*.

## **RULE 3: LOUISIANA CODAL PROVISIONS**

### **Rule 3.1 General Format of Full Citations to Louisiana Codal Provisions**

A full citation in a citation sentence to any of the Louisiana codes consists of the following:

La. •codal source abbreviation •art. •article number.

**Sidebar 3.1** These citation formats and abbreviations for Louisiana codal provisions are basically rooted in court custom, although the custom may vary by particular judge and court, as well as in published or unpublished opinions. Pursuant to Louisiana court custom, and contrary to the *SCM*, *The Bluebook*, and *ALWD*, there is no publisher or year parenthetical in a citation to a Louisiana codal provision. Accordingly, it is irrelevant, for citation purposes, that West publishes the official version of the Louisiana codes.

### **Rule 3.2 Source Abbreviations**

Use the following abbreviations for the different Louisiana codes when cited in a citation sentence.

- 3.2(a)      **Louisiana Civil Code**  
La. •Civ. •Code
  
- 3.2(b)      **Louisiana Code of Civil Procedure**  
La. •Code •Civ. •Proc.
  
- 3.2(c)      **Louisiana Code of Evidence**  
La. •Code •Evid.
  
- 3.2(d)      **Louisiana Code of Criminal Procedure**  
La. •Code •Crim. •Proc.
  
- 3.2(e)      **Louisiana Children’s Code**  
La. •Ch. •Code

**Examples of Louisiana code source provisions:**

La. Civ. Code art. 2315.6.

La. Code Civ. Proc. art. 925.

La. Code Evid. art. 406.

La. Code Crim. Proc. art. 1314.

La. Ch. Code art. 665.

In a textual reference, Louisiana and the identity of the codal source may NOT be abbreviated.

**Sidebar 3.2** Louisiana court custom varies and also utilizes the forms “LSA-C.C. art.” and “La. C.C. art.” for a citation to a Civil Code article. It additionally includes the forms “LSA-C.C.P. art.” and “La. C.C.P. art.” for the Code of Civil Procedure. *The Bluebook* and *ALWD* use the same abbreviations set forth above for all but the Children’s Code, except that these citation manuals require “Ann.” to be inserted after the code reference. The *SCM* addresses abbreviations for the Civil Code and the Code of Civil Procedure, which abbreviations are consistent with those set forth in this practitioner rule.

### **Rule 3.3 Reference to article**

In a full citation to a Louisiana codal provision, whether in a textual reference or in a citation sentence, the “a” in art. is not capitalized. Article is abbreviated to “art.” in a textual reference.

**Sidebar 3.3** Pursuant to widely accepted court custom, article is abbreviated to art. in a textual reference to a codal provision.

### **Rule 3.4 Short Form Citations to Louisiana Codal Provisions**

*Id.* is the preferred short form citation if the current citation is to the same authority that is referenced in the immediately preceding citation. If *id.* is not a viable option, the short form citation to a Louisiana codal provision is basically the same as the full form citation because court custom does not include a year component in the full form citation. Alternatively, where there is NO possibility of confusion with another codal source, a short form citation may consist of “art.” followed by the article number. This particular short form may be used even if, for the first time, a different article of the particular code is being cited. This option is not proper if different codes have been cited in the document.

When this alternative short form option is used, the “a” in art. is capitalized if used in a citation sentence because it begins the citation sentence. Conversely, the “a” in art. is not capitalized in a textual reference unless the textual reference is also the first word in the substantive sentence, in which case article is not abbreviated.

#### **Examples of short form citations to Louisiana Civil Code where previously cited to Louisiana Civil Code art. 2315:**

*Id.* (This is proper if the immediately preceding citation was to art. 2315.)

*Id.* art. 2317. (This is proper if the immediately preceding citation was to art. 2315 and the current citation is to art. 2317 of the Louisiana Civil Code.)

La. Civ. Code art. 2315.



Art. 2315. (This is proper if it is in a citation sentence and no other code is cited in the document.)

Article 2315 (This is proper if it is the start of a textual reference and no other code is cited in the document.)

art. 2315 (This is proper if it is a textual reference that does not begin the sentence and no other code is cited in the document.)

## **RULE 4: LOUISIANA REVISED STATUTES**

### **Rule 4.1 General Format of Full Citations to Louisiana Revised Statutes**

The full citation in a citation sentence to the Louisiana Revised Statutes consists of the following:

La. •R.S. •title:section.

#### **Example of full citation to the Louisiana Revised Statutes in a citation sentence:**

La. R.S. 23:966.

**Sidebar 4.1** Note that Louisiana court custom does NOT use a publisher or year parenthetical in a citation to the Louisiana Revised Statutes. Accordingly, for citation purposes, it is irrelevant that West publishes the official version of the Louisiana statutes.

### **Rule 4.2 Source Abbreviation**

The abbreviation “La. R.S.” is used to refer to the Louisiana Revised Statutes in a citation sentence.

**Sidebar 4.2** The source of this abbreviation is court custom, although it too varies and can include “LSA-R.S.” or “La. Rev. Stat.” The *SCM* and *The Bluebook*, both regarding citations in academic documents, use “LA. REV. STAT. ANN.” as the source abbreviation. The *ALWD* form is “La. Rev. Stat. Ann.”

### **Rule 4.3 Title and Section References**

The title and section numbers are separated by a colon and no spaces. Where the citation is to a particular subsection of a particular revised statute, the subsection is indicated parenthetically, without intervening spaces, and it utilizes the capitalization of the subsection that appeared in the statute.

**Examples of title and section reference (note that these examples are of only the title and section reference part of a full citation to the Revised Statutes):**

23:966

23:966(A)(1)

**Sidebar 4.3** Note that there is NO section symbol in a citation to the Louisiana Revised Statutes pursuant to these practitioner rules. This is based on court custom. Both *The Bluebook* and *ALWD* would require a section symbol to follow the source abbreviation.

### **Rule 4.4 Textual References to Louisiana Revised Statutes**

In a textual reference to the Louisiana Revised Statutes, there is no source abbreviation. Thus, Louisiana Revised Statutes may not be abbreviated in a textual reference, and Louisiana Revised Statutes is the proper reference. Notice that statutes is plural, even if the citation is to one particular statute instead of multiple statutes.

**Examples of textual references to the Louisiana Revised Statutes:**

Louisiana Revised Statutes 23:966(B) limits the term “smoker,” as used in the statute, to “a person who smokes tobacco.”

**INCORRECT:** Louisiana Revised Statute 23:966(D) mandates monetary fines for violators.

### **Rule 4.5 Short Form Citations to Louisiana Revised Statutes**

*Id.* is the preferred short form citation to the Louisiana Revised Statutes. Even if the citation is to a different title:section of the Revised Statutes, the format,

“*Id.* title:section” may be used provided the immediately preceding citation was to the Louisiana Revised Statutes. Where *id.* is not appropriate, the short form is the same as the full form, or it may simply include “R.S. title:section.” Additionally, once a particular revised statute has been cited in a document, subsequent references to a different title and/or section of the Louisiana Revised Statutes may simply include “R.S. title:section” unless confusion would occur.

### **Examples of short form citations to Louisiana Revised Statutes:**

*Id.* (This is proper if the immediately preceding citation was to La. R.S. 23:966.)

*Id.* 23:966(C). (This is proper if the immediately preceding citation was to La. R.S. 23:966.)

*Id.* 23:967. (This is proper if the immediately preceding citation was to La. R.S. 23:966.)

*Id.* 9:315. (This is proper if the immediately preceding citation was to La. R.S. 23:966.)

R.S. 23:966.

R.S. 23:967.

## **RULE 5: LOUISIANA CIVIL LAW TREATISE**

### **Rule 5.1 General Format of Full Citations to Louisiana Civil Law Treatise**

Author, • *Treatise Topic*, • *in* • volume # • *Louisiana Civil Law Treatise* • § • section number, • *in* cite to page number(s) • (# of ed. • ed. • year).

### **Example of full citation to Louisiana Civil Law Treatise:**

Frank L. Maraist, *Civil Procedure*, *in* 1 *Louisiana Civil Law Treatise* § 6:9, 212 (2d ed. 2008).

**Sidebar 5.1** There is very little, if any, consistency among the court custom, *SCM*, *The Bluebook*, and *ALWD* regarding citing to the Louisiana Civil Law Treatise, which is a collection of works by multiple authors. All of these sources include the same components; however, the order of those components in the citation and the emphasis used varies greatly among the sources. Below are examples of how each of these sources would cite to a work in the Louisiana Civil Law Treatise. The court custom approach *appears* to follow the general approach for books that are a part of a multi-volume work by a single author, meaning the same person or people author all volumes of the multi-volume work. There is a more specific citation rule when dealing with books that are a collection of works by different authors. This practitioner rule adopts the *ALWD* approach.

12 William E. Crawford, Louisiana Civil Law Treatise: Tort Law § 4:2, 90-93 (2d ed. 2009). [court custom]

1 Frank L. Maraist, Louisiana Civil Law Treatise: Civil Procedure § 6.9, 212 (2d ed. 2008). [court custom]

FRANK L. MARAIST, CIVIL PROCEDURE § 6:9, *in* 1 LOUISIANA CIVIL LAW TREATISE 212 (2d ed. 2008). [*SCM*]

Frank L. Maraist, *Civil Procedure*, *in* 1 LOUISIANA CIVIL LAW TREATISE § 6:9, 212 (2d ed. 2008). [*The Bluebook* for works in collection]

Frank L. Maraist, *Civil Procedure*, *in* 1 Louisiana Civil Law Treatise § 6:9, 212 (2d ed. 2008). [*ALWD* for collected works]

## **Rule 5.2 Short Form Citations to Louisiana Civil Law Treatise**

### **5.2(a) Where *id.* is Appropriate**

*Id.* (This is proper if everything is the same as the immediately preceding citation.)

*Id.*•at•page #. (This is proper if only the page number changed.)

*Id.*•§•section number•at•page #. (This is proper if the section and page number changed)

**Examples of short form citation to Louisiana Civil Law Treatise where *id.* is appropriate:**

*Id.*

*Id.* at 219.

*Id.* § 6:10 at 221.

**5.2(b) Where *id.* is Not Appropriate**

Author's last name, •*supra*, •at•page number.

**Examples of short form citation to Louisiana Civil Law Treatise where *id.* is not appropriate:**

Maraist, *supra*, at 214. (This is proper if the page number is in a section that previously has been cited in the document.)

Maraist, *supra*, § 6:8 at 206. (This is proper if the section previously has not been cited in the document.)

**RULE 6: LOUISIANA LAW REVIEWS AND JOURNALS**

**Rule 6.1 General Citation Format**

Author, •*Title of Article*•vol. # of publication•abbreviation of publication•initial page number•pincite to page number(s)•(year of publication).

**Examples of full citation to Louisiana law reviews and journals:**

J.E. Stockwell, *Preventing Depression, Burnout and Stress in the Legal Profession*, 59 La. B.J. 103, 103 (2011).

Sandi S. Varnado, *Your Digital Footprint Left Behind at Death: An Illustration of Technology Leaving the Law Behind*, 74 La. L. Rev. 719, 733 (2014).

## **Rule 6.2 Source Abbreviations**

Use the following abbreviations for Louisiana-based law reviews and bar journals:

### **6.2(a) Louisiana Bar Journal**

La. B.J.

### **6.2(b) Louisiana Law Review**

La. L. Rev.

### **6.2(c) Loyola Law Review**

Loy. L. Rev.

### **6.2(d) Southern University Law Review**

S.U. L. Rev.

### **6.2(e) Tulane Law Review**

Tul. L. Rev.

**Sidebar 6.1** The Louisiana law schools have other law reviews and journals. See *Bluebook* Table 13 or *ALWD* Appendix 5 for these abbreviations.

## **Rule 6.3 Short Form Citations**

### **6.3(a) Where *id.* is Appropriate**

*Id.*•at•page #.

**Example of short form citation to a Louisiana law review or journal where *id.* is appropriate:**

*Id.* at 735.

### **6.3(b) Where *id.* is Not Appropriate**

Author's last name, *supra*, at page(s) of cited authority.

**Example of short form citation to a Louisiana law review or journal where *id.* is not appropriate:**

Stockwell, *supra*, at 104-05.

**Sidebar 6.2** The short form citation used in practitioner rule 6.3(b) is based on *ALWD. The Bluebook* does not address this scenario in the Bluepages. *The Bluebook* rule for citations to legal and other periodicals in academic documents would reference the footnote number in the short citation instead of the page number, but practitioner documents do not usually use footnotes, so *The Bluebook* rule is not adopted by this practitioner rule.

## **RULE 7: LOUISIANA STATE BAR RULES OF PROFESSIONAL CONDUCT**

### **Rule 7.1 General Citation Format**

La. Rules of Prof'l Conduct R. rule number

**Examples of full citation to Louisiana Rules of Professional Conduct in a citation sentence:**

La. Rules of Prof'l Conduct R. 1.5.

La. Rules of Prof'l Conduct R. 1.5(e).

### **Rule 7.2 Abbreviation**

The abbreviation "La. Rules of Prof'l Conduct" is used to refer to the Louisiana Rules of Professional Conduct in a citation sentence.

**Sidebar 7.1** The sources of this abbreviation are the Bluebook and ALWD. Louisiana court custom does not reflect a routinely-used citation form for the rules of professional conduct.

### **Rule 7.3 Textual References to Louisiana Rules of Professional Conduct**

In a textual reference to the Louisiana Rules of Professional Conduct, there should be no abbreviations.

#### **Example of textual reference to the Louisiana Rules of Professional Conduct:**

Rule 1.5(a) of the Louisiana Rules of Professional Conduct sets forth factors to be considered in determining if an attorney's fee is reasonable.

### **Rule 7.4 Short Form Citations to Louisiana Rules of Professional Conduct**

When appropriate, *id.* is the preferred short form citation to the Louisiana Rules of Professional Conduct. If the citation is to a different rule or subsection of the rule, *Id.* "Rule \_\_\_" may be used provided the immediately preceding citation was also to a rule of professional conduct. Where *id.* is not appropriate, the short form is the same as the full form, or it may simply include "Rule" before the rule number, provided that no other codes containing rules have been cited in the document.

#### **Examples of short form citations to Louisiana Rules of Professional Conduct**

*Id.* (This is proper if the immediately preceding citation was to La. Rules of Prof'l Conduct R. 1.5(e).)

*Id.* Rule 1.5(a). (This is proper if the immediately preceding citation was to La. Rules of Prof'l Conduct R. 1.5(e).)

*Id.* Rule 1.4. (This is proper if the immediately preceding citation was to La. Rules of Prof'l Conduct R. 1.5(e) and no other codes containing rules have been cited in the document.)

La. Rules of Prof'l Conduct R. 1.5(e).

Rule 1.5(a).

Rule 1.4.