

Universal Citation Guide

Third Edition

American Association of Law Libraries
Digital Access to Legal Information Committee

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Summary: Because of the many changes in the way information is accessed from a variety of formats and platforms, the need for universal citation systems is even greater than a decade ago when the last edition was published. This new edition has been made easier to use, to smooth the transition as courts, states, and journals adopt the system. It contains a reprint of *Universal Citation and AALL: A White Paper*, which gives an in-depth treatment of the history of universal citation, and describes how a few of the states have implemented such systems; Rules for judicial opinions, constitutions, statutes, administrative decisions and regulations, court rules and law reviews, which have been clarified and standardized, with additional examples to help demonstrate how the rules are applied; and Appendices of recommended abbreviations, which have been updated and made easier to navigate.--Publisher.

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PREFACE TO THE 3RD EDITION

¶1 Over a decade has passed since the second edition of the *Universal Citation Guide* was published and almost 20 years since the American Association of Law Libraries (AALL) published *The Final Report of the Task Force on Citation Formats*. Since then, there have been many changes in the way information is gathered, shared, and accessed making the need for universal citation (also known as public domain citation) systems even greater. As states publish primary documents on their own web sites and researchers utilize a wide variety of options to access legal materials, it is necessary to have a universal system of citation that helps users locate information across all formats, platforms, and publishers.

¶2 It is in the public interest to open up access to the laws of the state. Most citation systems are heavily based on a print format dominated by a specific vendor. Adopting a medium- and vendor-neutral citation system is one way to gain independence from contracts with commercial publishers and the print format while benefiting the state through cost savings. Adopting a universal citation system also recognizes the current practices of legal researchers who often consult an electronic research tool without ever seeing a print volume of a reporter or code sitting on a library shelf.

¶3 Joining the states that adopted a version of universal citation in the 90s, two states have recently adopted the system. In 2011, Illinois adopted a universal citation format to save money on publications and to make its court opinions more accessible. The state no longer needs a vendor contract for printing expensive advance sheets and bound volumes. Additionally, Illinois doesn't need to purchase print volumes for each court and county library. Colorado, the most recent state to

adopt a universal citation format, began implementing its system in January 2012.

¶4 In addition to a universal citation system, there is a need for access to an official, authenticated, permanently and publicly accessible version freely available to all citizens. As of June 2013, the Uniform Electronic Legal Material Act (UELMA) is law in Colorado, California, Connecticut, Hawaii, Minnesota, Nevada, North Dakota and Oregon. The uniform law aims to ensure that official online state legal materials will be preserved and permanently available to the public. As states begin to provide official, authentic legal information online, it is the natural complement to adopt a universal citation system so that the laws are easily identifiable regardless of format.

¶5 Over the past several years, there have been many changes in the structure of the committee charged with maintaining the *Universal Citation Guide*, reflecting the changes in electronic legal information and the Association's focus on official status and authentication issues. In 2008, the Citation Formats Committee was merged with the Access to Legal Information Committee. The newly formed Electronic Legal Information Access and Citation Committee was first led by Linda Defendeifer, one of the final members of the Citation Formats Committee. During that time, work began on the *Citation White Paper* that would be used by the committee to advocate for further adoption of universal citation. Without Ms. Defendeifer's commitment to the *Universal Citation Guide*, it may have been another several years before a third edition saw the light of day. Even after her year as chair, Ms. Defendeifer continued to work on edits. 2009–10 committee chair Emily Janoski-Haehlen formed a subcommittee focused on universal citation issues. In 2010, Ms. Defendeifer handed her edits to Tim Coggins, the 2010–11 chair of the renamed Digital Access to Legal Information (DALI) Committee.

¶6 Mr. Coggins, recognizing the need for efforts in the area of universal citation, developed a subcommittee to make technical edits to the second edition. I was appointed the chair of the subcommittee and was honored to continue work on citation

issues, having served on the Citation Formats Committee with Ms. Defendeifer. As the subcommittee proceeded with technical edits, we struggled with rules and issues that were beyond the scope of our charge. After discussing publication options with Hein and AALL, it became clear that we needed to refocus and develop a new third edition.

¶7 With greater editorial freedom came relief to address various issues and make wider changes, but also came a much larger task. We focused on developing best citation practices that all jurisdictions could adopt, while also recognizing the uniqueness of each jurisdiction and allowing for variation in how each jurisdiction chooses to implement the citation system. We made the guide more practical and easier to use, to smooth the transition as courts, states, and journals adopt the system.

¶8 The guide is organized as follows:

- *Universal Citation and the American Association of Law Libraries: A White Paper*—Republished in its entirety from the Summer 2011 *Law Library Journal*. The white paper gives a much more in depth treatment of the history of universal citation, and describes how a few of the states have implemented such systems.
- Rules—While the majority of the rules remain the same, we have clarified and standardized the rules. In the process, we've limited some of the historical context/footnotes and have provided additional examples to help demonstrate how the rules are applied.
- Appendices—These sections have been updated and made easier to navigate.

¶9 This guide would not exist without the hard work from the members of the now defunct Citation Formats Committee who worked on the first and second editions of the guide. The members and contributors, acknowledged in the prior editions, are credited for their hard work and dedication in the 1998 and 2003 editions. This new edition would not be possible without the citation guide subcommittee members who have contributed

their time and energy to this project: Abigail Bibee (2012–13), Anne Burnett (2010–13), Konya L. Lafferty (2012–13), Jane Larrington (2012–13), Jennifer Laws (2010–12), Jane O’Connell (2011–13), and David Walker (2010–11). Additional thanks to the past Director of Government Relations Mary Alice Baish and our current Director Emily Feltren who have guided us through the committee transitions and ensured that universal citation was still a priority through that period. And special thanks to Anne Burnett (2013–14 DALI Committee Chair) who has led the citation subcommittee with her enthusiasm and perseverance through the past two years from edits to publication.

¶10 We hope that jurisdictions will find this guide useful in establishing universal citation in their states. Social justice cannot exist without transparency in the law making process. To provide such transparency, we need access to an official system that provides access to information for every member of our society no matter their income bracket or legal circumstances. The law belongs to the people of this country. It should be available to everyone through an official, citable format in the public domain getting us one small step closer to a free and open democracy.

Tina S. Ching
2011–12 Chair, Digital Access to Legal Information Committee

PREFACE TO THE 2ND EDITION

¶11 Since the publication of the first edition of the AALL Universal Citation Guide, the predictions of many that online legal resources would become the dominant method of legal research has come true. Now more than ever, the need for universal citations has become more apparent. With the addition of new chapters on court rules, law reviews, and administrative decisions, it is hoped that this guide will be of assistance in the efforts of courts, agencies and journal editors to formulate workable and predictable citation schemes that will be useful to the legal community.

¶12 For readers and users of this guide, please keep in mind that this is, in fact, a guide. It is intended to assist courts, law makers, and others who are considering the adoption of a universal citation with a usable framework upon which to craft their own rules. It is also hoped that widespread use of the Guide will result in a useful uniformity of rules between jurisdictions.

¶13 There are several considerations that have determined the scope of the Guide. Most important is that, as law librarians writing for the benefit of law librarians and the legal profession, we should stick to what we know best. For this reason, rules are limited to publications that are strictly legal in nature, and in particular, legal materials that are already available in multiple formats. In addition, as American law librarians, we also felt constrained to limit ourselves to American law. We note that other organizations, such as the British and Irish Legal Information Institute, the Australian Legal Information Institute, Canadian Legal Information Institute, Hong Kong Legal Information Institute, Pacific Islands Legal Information Institute, etc. have already been addressing the issue of universal citations in their own jurisdictions.

¶14 In the period between the appearance of the 1st edition and this volume, new terminology has entered legal parlance, giving rise to new understandings and new confusions. The comments of our readers of both the first edition and our online ‘version 2.1’ gave us valuable information about these understandings and confusions, and a short word of explanation is in order.

¶15 The phrase “public domain” is often applied to primary source legal materials that are made available for free on the Internet. One objection leveled at the *Universal Citation Guide* is that it is only intended for documents that are available on the Internet, and is therefore of limited use.

¶16 This is not true. First, the term “public domain” refers to all documents that are generated by government agencies, legislatures, and the judiciary that are not subject to copyright (see e.g. 17 U.S.C. §105). The term also applies to older material not generated by the government for which the copyright has expired. In this context, court opinions and most primary source legal materials are in the “public domain.”

¶17 The above definition is important. Since they are in the public domain, most primary source legal materials are published by multiple sources and in multiple formats. Therefore, while the AALL universal citation rules do not directly address issues of public domain as such, they do provide a uniform and consistent method of citation that allows legal researchers to easily cite material found in any of several formats, or from any of several vendors. So, while universal citations are particularly useful to those producing and using free Internet services, it is still an advantage to all researchers.

¶18 Another term with which the legal community has become familiar is “star pagination.” This describes the numbers inserted into the text of an online or “unofficial” print edition of a work (traditionally accompanied by a star symbol) to indicate the page numbers of the “official” print version. One of the key elements of the AALL universal citation rules is the elimination

of page numbering and star pagination. The Committee has received objections to this, arguing that star pagination works well for users, and so it is unnecessary to change.

¶19 There are three very good reasons why things should change. First, the cost of finding and inserting page breaks in online editions makes it impractical for non-profit publishers, or anyone who wants to provide legal information at a truly low cost. Next, since large numbers, if not the majority of legal researchers are now reading material online in the first place, insistence on reference to a print version to which no one really refers is an expensive anachronism. Finally, page numbering is simply not necessary. Paragraphs are an element of text that is logically present no matter what format the text is stored in or viewed. Reference to a paragraph number is simple, and carries across any number of formats.

¶20 Everyone on the AALL Citation Formats Committee has contributed a great deal to this book. However, individual thanks must go to Kathy Simpock as principal drafter of the chapter on Administrative Decisions, John Joergensen for the appendix to Administrative Decisions, Kathy Carlson for the rules for law reviews, and Mary Persyn and Kent McKeever for court rules. In addition, special thanks are due to Kelly Browne and Kathy Carlson for their painstaking editing of the text. Finally, we are grateful for the previous members of the committee who drafted and published the first edition of the Universal Citation Guide. They got the ball rolling and worked out the really major issues.

June 2003

ACKNOWLEDGMENTS TO THE 1ST EDITION

¶21 This book is the product of information and comments from many individuals who are too numerous to list here. These include law librarians, publishers, state and federal employees and attorneys. The Committee wishes to thank President Jim Heller, Past Presidents Pat Kehoe, Frank Houdek, and Judy Meadows, and the Executive Board of AALL for their continuing support.

¶22 The Committee on Citation Formats wishes to acknowledge its members who prepared the three original drafts. “Judicial Decisions” was drafted by Bruce Kennedy, Director of the Law Library and Professor of Law at the University of Toledo. “Statutory Law” was drafted by Lynn Foster, Associate Dean for Academic Affairs and Professor of Law at the University of Arkansas at Little Rock. “Administrative Regulations” was drafted by Carol Billings, Director of the Law Library of Louisiana, and Paul George, Associate Librarian for Research Services at Harvard Law School.

¶23 Carol Billings, Past President of AALL, deserves special recognition. Without her fortitude during the initial turbulent stages of citation reform, neither the Report of the Task Force on Citation Formats nor this book would exist. Lynn Foster, who chaired the Task Force, also deserves special recognition. She has served the citation reform movement in many capacities, not the least of which is lead editor on this Guide and the 1998 President’s Briefing on Citation Reform.

¶24 The Committee also acknowledges the leadership and commitment of Marcia J. Koslov, State Law Librarian, Wisconsin State Law Library, chair of the Committee since 1996. This Guide is a direct result of her vision that law librarians have

both the knowledge and expertise to develop new citation principles.

¶25 Sincere appreciation is also due to Jim Hambleton, Kent McKeever, and Rita Reusch, who, together with Carol, Lynn, Bruce, Paul, and Marcia, constituted the “critical mass” of drafters and editors from the beginning of the Task Force to the present.

¶26 Special thanks to Michelle Brud, who gave this book its form, and to the State Bar of Wisconsin staff, particularly Laura Adell, Tod Florey, George Brown, Tom Watson, Saralee Fassbender, and Joe Swanton.

September 1998

INTRODUCTION

¶27 Universal citation is a system of citation that permits reference to legal or law-related information in any medium, print or electronic, without requiring reference to proprietary products of any particular publisher. Universal citation is designed to maximize access to the law by enabling researchers to overcome bibliographic, technological, and format-driven barriers to access.

¶28 The following white paper, reprinted in its entirety from the Summer 2011 issue of *Law Library Journal*, provides a detailed discussion of the history of universal citation and efforts by AALL and collaborators to advocate for its adoption. (Note that page 332 of the white paper was blank, and has been omitted in this reprint.)