

APPENDIX B: NORTHERN MARIANA ISLANDS SUPREME COURT STYLE MANUAL

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INTRODUCTION

This manual sets out formatting and citation standards for NMI Supreme Court decisions. Practitioners are not required to follow these standards but are encouraged to do so. This manual is based in large part on THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass’n at al. eds., 18th ed. 2005) (“Bluebook”), and cites it frequently. However, it is not identical to the Bluebook, especially with regard to citing local sources. This manual is not comprehensive, and the current edition of the Bluebook controls where it is silent. If questions arise, please contact the Law Revision Commission staff for assistance.

1. FORMATTING

Use 11-point Times New Roman font (like the text of this manual) and 1.5 spacing. Do not use any other typeface except: (1) **bold** for case headings and roman numeral section headings; (2) *italics* for emphasis, descriptive headings, case names, introductory signals to citations (such as “*see*”), titles of certain published materials (including law review articles), words or phrases introducing prior or subsequent case histories, and Latin or other foreign terms not in common usage² (including “*supra*” “*infra*” and “*id.*”); and (3) 10-point Times New Roman font for footnotes. Underlining should be used only in unusual circumstances, such as when it is important to exactly duplicate the appearance of quoted material.

1.1. Quotations

A quotation of fewer than fifty words should be included in the regular text. Longer quotations should be indented left and right and single spaced. Bluebook Rule 5.1. Block quotation format is optional when the quotation appears in a footnote in your document.

Indicate omissions in quotations with an ellipsis composed of three periods. Ellipses include a space between each period and are set off by a space before the first and after the last period (“ . . . ”). An ellipsis should never be included at the beginning of a quotation, or at the end of a quotation if it ends with a complete sentence. If one or more entire paragraphs are eliminated, indent and insert four periods (“ ”) on a new line. Do not insert ellipses for an omitted footnote or citation; indicate the omission by the parenthetical phrase “(footnote omitted)” or “(citation omitted)” immediately following the citation to the quoted source.

If language at the beginning of an original sentence is omitted, capitalize the first letter and place it in brackets if it is not already capitalized: “[C]ompulsory process must be available for the production of evidence needed by either the prosecution or the defense.”

If language at the end of a sentence in a non-indented quotation is eliminated, use an ellipsis between the last word quoted and the final punctuation: “To insure that justice is done, compulsory process must be available” (Note: Because the final punctuation must be shown, the last period in the preceding quotation is the period at the end of the sentence. It should appear only one space from the preceding

² Chamorro and Carolinian terms are not foreign and should not be italicized. *See* NMI Const. art. XXII, § 3 (stating that the Commonwealth’s official languages are Chamorro, Carolinian and English).

period.)

When italicizing words within a quotation for emphasis, add the parenthetical phrase “(emphasis added)” after the citation. Only a change in emphasis should be noted. Therefore, if the emphasis appears in the original text, do not include the parenthetical phrase “(emphasis in original).” Bluebook Rule 5.2. To point out an error appearing in the quoted text, insert “[sic]” following the error. Any editing inside a quotation should appear in brackets.

A citation to the source of an indented quotation should be placed immediately below the quotation. Do not use additional line spacing before or after the indented quotation. For example:

Defendant’s argument that his volunteered confession is inadmissible is without merit. As the United States Supreme Court noted:

There is no requirement that police stop a person who enters a police station and states that he wishes to confess to a crime, or a person who calls the police to offer a confession or any other statement he desires to make. Volunteered statements of *any kind* are not barred by the Fifth Amendment and their admissibility is not affected by our holding today.

Miranda v. Arizona, 384 U.S. 436, 478 (1966) (emphasis added).

1.2. Punctuation, Capitalization, & Foreign Expressions

1.2.1. Quotation Marks: Periods and commas are always placed inside quotation marks. A colon, semicolon, question mark, or exclamation point should be placed inside the quotation marks if it is part of the quoted material; otherwise, it is placed outside the ending quotation mark. Similarly, footnote indicators should be placed inside the quotation marks only if the footnote is part of the quoted material.

1.2.2. Dates: Where no day is indicated, a comma should not separate the month from the year (e.g., “March 1955”). Where a day is indicated, it should be written as a numeral, not an ordinal (e.g., “March 15, 1955,” not “March 15th, 1955.”)

1.2.3. Numbers: Numbers zero through ninety-nine should be spelled out except when referring to a statute section or subsection. Bluebook Rule 6.2. However, when specifying a series of numbers in the same sentence, some under and some over 100, use numerals for all. Do not repeat numerals when using written numbers (e.g., “three years” not “three (3) years”) unless the redundancy appears in a quotation. Additionally, unless otherwise included in a citation, ordinal numbers should not use superscripts (e.g., “2nd” not “2nd”). Bluebook Rule 6.2.

1.2.4. Capitalization: Capitalize nouns referring to people or groups only when they identify specific persons, officials, groups, or government entities, such as: Judge Manibusan, Captain Babauta, Chamorro, Carolinian, the Marianas Public Land Corporation, the NLRB; but do not capitalize: the judges and justices of this jurisdiction, the governor, the legislative hearings, the gubernatorial veto, the agency. Only capitalize party designations such as “Plaintiff,” “Defendant,” “Appellant,” and “Appellee” when referring to parties in the matter that is the subject of your document. Bluebook Rule B.10.6.2.

Capitalize “Court” only when naming a court in full, when referring to the Supreme Court of the United States or the Supreme Court of the Northern Mariana Islands, or when the court is referring to itself (e.g., “this Court finds”). “Commonwealth” or “State” should be capitalized if it is part of the full title of a jurisdiction, if the word it modifies is capitalized, or when referring to a jurisdiction as a governmental actor or party to litigation. For example: the Commonwealth of Kentucky, the Commonwealth litigated the issue, the State of New Jersey, the Commonwealth Secretary of Finance, the State Commissioner of Environmental Protection.

Capitalize constitutional amendments in a narrative text; e.g., “the appellant relies on his Fifth Amendment rights and the Fourteenth Amendment.” Do not capitalize “a.m.” or “p.m.”

- 1.2.5. Latin Phrases:** Use of Latin expressions like “*inter alia*” and “*sub judice*” should be avoided because English equivalents are readily available (“among other things,” “the present case”). Latin terms that are in common usage should not be italicized (“per diem,” “i.e.,” “e.g.”) unless used as a signal in a citation clause. Bluebook Rule 7. Do not italicize “pro tem” or “de novo.”

2. CITATIONS

Generally, follow the Bluebook system of citation. The Bluebook system, however, is subject to the exceptions set forth in this manual. This section provides a brief guide to frequently used Bluebook citation rules and sets out several exceptions.

2.1. Introductory Signals and Citation Structure

Signals indicate the degree of support given by cited authority. Bluebook Rule 1.2 describes the appropriate form of introductory signals and when they should be used. Bluebook Rule 1.4 details the order of authorities within each signal. Additional information about an authority may be given parenthetically (Bluebook Rule 1.5).

Note that no signal should be used if the cited authority clearly states the proposition, identifies the source of a quotation, or identifies an authority referred to in text. Beware, especially, of using “*see*” incorrectly. “*See*” indicates that the cited authority does not directly state the proposition but obviously supports it. Use “*see*” only when support for the proposition requires an inferential step.

2.2. Citing Court Decisions

- 2.2.1. Case Names:** Case names in the text of a sentence should be cited according to Bluebook Rules 10.2 and 10.2.1, with the exception that case names in textual sentences should be italicized. Case names in citations should comply with Bluebook Rule 10.2.2. Only the surname or corporate name of the first-listed party on each side as it appears at the beginning of the decision in the official reporter or slip opinion should be used. Omit words indicating multiple parties, such as “et al.” Abbreviate “In the matter of,” “Petition of,” and similar expressions to “In re.” In citations, abbreviate the words set forth in Bluebook Rule 10.2.2 and Tables T.6 and T.10, except when they are the first word of a party’s name. Other words of eight letters or more also may be abbreviated if doing so saves substantial space and the result is unambiguous.

Do not rely on running heads prepared by West, LexisNexis, and other reporter publishers for proper abbreviations; they often fail to follow Bluebook requirements.

2.2.2. Public Domain Format & Reporters: Northern Mariana Islands Supreme Court decisions published after June 12, 1996 should be cited using the public domain format.³ No citation to the NMI Reporter should be given when public domain citations are used. Cite the Northern Marianas Islands Reporter for Supreme Court decisions released on or before June 12, 1996. NMI Superior Court decisions published in the Commonwealth Reporter should be referenced by citing to the Reporter. The following examples correctly cite Northern Mariana Islands cases:

- *Am. Constr., Inc. v. Salgado*, 1997 MP 26 ¶ 4.
- *Commonwealth v. Campbell*, 4 NMI 11 (1993).
- *Manglona v. Civil Serv. Comm'n*, 3 NMI 243 (1992).
- *Candelaria v. Yano Enters., Inc.*, 2 CR 220 (Dist. Ct. App. Div. 1985).
- *Sirok v. Rotec Eng'g, Inc.*, 2 CR 179 (Trial Ct. 1985).
- *Bauer v. McCoy*, 1 CR 248 (Dist. Ct. 1982).

Note that the format for citations to the Northern Mariana Islands Reporter has changed and no longer includes a period after each letter of “NMI.” This brings citations to the NMI Reporter in line with citations to the Commonwealth Reporter (“CR”).

When citing a United States Supreme Court decision, only cite the official United States Reports. Example: *Miranda v. Arizona*, 384 U.S. 436 (1966). United States Supreme Court decisions not yet reported in the United States Reports should be cited to both the Supreme Court and Lawyer’s Edition reporters. Example: *Bobby v. Van Hook*, ___ U.S. ___, 130 S. Ct. 13, 175 L. Ed. 2d 255 (2009).

When available, cite Guam Supreme Court cases using Guam’s public domain format. For example: *Adams v. Duenas*, 1998 Guam 15 ¶ 2.

For other jurisdictions, cite to the regional reporter. If the decision is not available in the regional reporter, cite to the official state or territorial reporter. If a state court decision is not available in the regional reporter or the state or territorial reporter, it should be cited in accordance with Bluebook Table T.1 (for United States jurisdictions) or Table T.2 (for foreign jurisdictions). Do not use parallel citations.

Reporter citations should generally be followed by parentheses giving the jurisdiction and the year of decision. However, the name of the jurisdiction should be omitted if unambiguously conveyed by the reporter title (as is generally the case with state reporters) or the text immediately preceding or following the citation. Additionally, if the court cited is not the jurisdiction’s highest court, the court’s name should be abbreviated before the year. The following examples correctly cite federal and state court decisions:

³ The public domain format (e.g., 1997 MP 26 ¶ 4) applies to cases reported in NMI Reporter volume 5 and subsequent volumes. Supreme Court General Order No. 2001-100.

- 751 F.2d 90 (2d Cir. 1984)
- 43 F. Supp. 99 (W.D. Pa. 1940)
- 220 S.E.2d 130 (Ga. 1975)
- 571 A.2d 157 (Conn. App. 1990)
- 165 Cal. App. 4th 603 (2008)

Do not leave spaces between adjacent single capitals within a citation. Treat individual numbers, including both numerals (“2”) and ordinals (“2d”), as a single capital. Leave a space between single capitals and abbreviations of more than one letter (“S. Ct.,” “L. Ed. 2d). Bluebook Rule 6.1.

2.2.3. Paragraphs, Pages & Footnotes

For NMI Supreme Court decisions assigned a public domain citation, pinpoint cite the authoritative proposition by noting the paragraph number in which it appears. Do not include “at” between the public domain citation and the pinpoint cite. For example: *Am. Const., Inc. v. Salgado*, 1997 MP 26 ¶ 7. For NMI Supreme Court cases without a public domain citation, pinpoint cite to the NMI Reporter page number: *Lucky Dev. Co., Ltd. v. Tokai, U.S.A., Inc.*, 3 NMI 343, 356 (1992); *Reyes v. Ebeteur*, 2 NMI 418, 427-28 (1992). Always retain the last two digits, but drop other repetitious digits: *Baker v. Carr*, 369 U.S. 186, 195-96 (1962). Cite nonconsecutive pages by giving the individual page numbers separated by commas: *Rios v. Marianas Pub. Land Corp.*, 3 NMI 512, 524, 526 (1993). To cite a footnote, list the page on which the footnote appears, followed by an “n.” and the footnote number with no intervening space: *Mafnas v. Commonwealth*, 1 NMI 400, 403 n.3 (1990). Bluebook Rule 3.2.

2.2.4. Short Citation Forms

“*Id.*” may be used to cite to the immediately preceding authority. Thus, if there is a citation to *Miranda v. Arizona*, 384 U.S. 436, 445 (1966), and the next citation is to the same decision at page 448, it should be cited: *Id.* at 448. If a subsequent cite is to the same case, but there is an intervening cite or cites, the proper format is: *Miranda*, 384 U.S. at 448. Bluebook Rules 4.1 and 10.9.

Short citations may also be used when citing NMI Supreme Court cases, and “*Id.*” may similarly be used to cite to the immediately preceding authority. The format of the short citation will depend on whether the case is published before June 12, 1996; that is, whether the NMI Reporter format or public domain format is used. For example:

- If there is a citation to *Mafnas v. Commonwealth*, 1 NMI 400, 402 (1990), and the next citation is to the same decision at page 403, it should be cited: *Id.* at 403. If a subsequent citation is to the same case, but there is at least one intervening cite, the proper format is: *Mafnas*, 1 NMI at 403.
- If there is a citation to *Commonwealth v. Taivero*, 2009 MP 10 ¶ 12, and the next citation is to the same decision at paragraph 14, it should be cited: *Id.* ¶ 14. If a subsequent citation is to the same case, but there is at least one intervening cite, the proper format is: *Taivero*, 2009 MP 10 ¶ 14.

2.2.5. Slip Opinions and Unpublished Orders: Northern Mariana Islands Supreme Court decisions assigned a public domain citation, but not yet certified for final publication by the Supreme Court Clerk, should include a parenthetical phrase identifying the decision as a “Slip Opinion” and giving the date:

→ *Century Ins. Co., Ltd. v. Guerrero*, 2009 MP 16 ¶ 7 (Slip Opinion, Nov. 20, 2009).

When citing Northern Mariana Islands Supreme Court decisions not assigned a public domain citation, or Superior Court decisions approved for publication but not published in print form, list the case name and number, followed by a parenthetical phrase denoting the court (“Sup.” for Supreme or “Super.” for Superior) and a second parenthetical phrase giving the name of the decision:

- *Commonwealth v. O’Connor*, No. 99-021 (NMI Sup. Ct. June 6, 2000) (Opinion at ¶ 2).
- *Commonwealth v. Evangelista*, Crim. No. 93-0174 (NMI Super. Ct. Oct. 11, 1994) (Decision and Order on Def.’s Mot. to Close Courtroom and Seal Records at 4).
- *Ada v. J.J. Enters. Inc.*, Civ. No. 93-0644 (NMI Super. Ct. Aug. 11, 1993) (Order to Parties to Submit Supplemental Mem. of Law).

If an NMI slip opinion has not been designated “for publication,” then the above citation format should additionally include “(Unpublished)” after the parenthesis containing the date of the decision. Example: *In re Estate of Dela Cruz*, No. 98-021 (NMI Sup. Ct. Jan. 25, 2000) (Unpublished). A slip opinion later withdrawn by the Supreme Court should include “(Withdrawn)” in the citation.

Citations to unpublished dispositions from other jurisdictions are governed by NMI Supreme Court Rule 32.1(a) and should be cited accordingly.

2.2.6. Prior and Subsequent Case History: Whenever a decision is cited in full, give the entire subsequent history of the case, including its disposition in the United States Supreme Court, but omit denials of certiorari or similar discretionary appeals unless the denial is particularly relevant. Omit case history on remand or any denial of a rehearing unless relevant to the point for which the case is cited. Give prior history only if it is significant to the case’s cited proposition or precedential value. Bluebook Rule 10.7.

The following is a partial list of abbreviations for explanations of prior or subsequent case history: “*aff’d*” for affirmed; “*aff’g*” for affirming; “*aff’d o.b.*” for affirmed on opinion below; “*rev’d*” for reversed; “*rev’g*” for reversing; and “*cert. denied*” for certiorari denied. See Bluebook Table T.8 for a more complete list.

2.3. Citing the Covenant, Constitutions, Statutes, Court Rules, & Regulations

2.3.1. Covenant: On first reference, the Covenant may be cited in full, or may be short cited and accompanied with a footnote to the full citation:

- The Covenant defines the political relationship between the Commonwealth and the United States. Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. § 1801 note.
- The Covenant¹ defines the political relationship between the Commonwealth and the United States. 48 U.S.C. § 1801 note.

¹ Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, 48 U.S.C. § 1801 note.

In subsequent references, the Covenant should be cited as follows:

- The Covenant allows the Commonwealth to amend its Constitution. Covenant § 201 (48 U.S.C. § 1801 note).
- Covenant § 201 allows the Commonwealth to amend its Constitution. 48 U.S.C. § 1801 note.

2.3.2. Constitutions: The Northern Mariana Islands Constitution should be cited: NMI Const. art. XII, § 2. The United States Constitution should be cited: U.S. Const. art. I, § 9, cl. 2; U.S. Const. amend. XIV, § 2. Do not use the short citation “*id.*” when referring to constitutions.

2.3.3. Statutes: Northern Mariana Islands statutes should be cited: 2 CMC § 5327(a). Do not include a supplement date. Cite an entire act: “The Commonwealth Auditing Act of 1983, 1 CMC §§ 7811-7851.” Bluebook Rule 3.4. Cite to a Northern Mariana Islands public law or uncodified act: PL 9-17, § 2. When citing consecutive sections or subsections, use two section symbols (§§). Give inclusive numbers; do not use “*et seq.*” Bluebook Rule 3.3.

Federal statutes should be cited: 5 U.S.C. § 352. Citations to statutes from other jurisdictions should be in the form set forth in Bluebook Rule 12 and Table T.1.

2.3.4. Court Rules: NMI and federal rule citation formats are generally similar; i.e., Fed. R. Civ. P. Bluebook Rule 12.8.3. Court rules referenced in textual sentences should not be abbreviated. *See* Bluebook Rule 10.2.1(c).

The following is a list of NMI court rules and their citation formats:

| Subject | Title | Citation |
|----------------------|--|-----------------|
| Civil Procedure | Rules of Civil Procedure..... | NMI R. Civ. P. |
| Criminal Procedure | Rules of Criminal Procedure..... | NMI R. Crim. P. |
| Evidence | Rules of Evidence..... | NMI R. Evid. |
| Filing Fees | Judicial Fee Schedule..... | NMI Fee Schd. |
| Juvenile Delinquency | Rules of Juvenile Delinquency Procedure..... | NMI R. Juv. P. |
| Practice | Rules of Practice..... | NMI R. Prac. |
| Probate | Rules of Probate Procedure..... | NMI R. Prob. P. |
| Supreme Court Rules | Supreme Court Rules | NMI Sup. Ct. R. |
| Tax | Rules for Tax..... | NMI R. Tax |
| Traffic | Rules of Traffic Cases..... | NMI R. Traff. |

2.3.5. Regulations: Regulations codified in the Northern Mariana Islands Administrative Code (“NMIAC”) should be cited as follows: NMIAC § 20-80-920. This example cites administrative code section “20-80-920,” where “20” is the title number (corresponding with the government department/agency), “80” refers

to the chapter or subchapter (corresponding with the agency division or program), and “920” is the regulation section.

If a regulation has not yet been codified in the NMIAC, cite to the Commonwealth Register. Include in the citation the dates that the regulation was adopted and proposed, and corresponding page numbers. For example: Adopted 31 Com. Reg. 029974 (Dec. 22, 2009); Proposed 31 Com. Reg. 029898 (Sept. 28, 2009). In this example, “31” is the volume number of the Register (corresponding with the number of years published; thus the thirty-first year of the Register’s publication), “Com. Reg.” means Commonwealth Register, “029974” is the page number of the notice of adoption, and “029898” is the page number of the notice of proposed new, repealed or amended regulations.

2.4. Citing Treatises, Books, Nonperiodicals, Law Reviews, Restatements, & Other Materials

2.4.1. Treatises, Books, Nonperiodicals: Cite treatises, books, and other nonperiodicals by volume, if there is more than one (Bluebook Rule 3.1); author (Bluebook Rule 15.1); title (Bluebook Rule 15.3); editor or translator (Bluebook rule 15.2); serial number, if any (Bluebook Rule 15.7); page, footnote, endnote, and graphical material (Bluebook Rule 3.2); section or paragraph (Bluebook Rules 3.3); edition, publisher, and date (Bluebook Rule 15.4). Generally, the author’s full name as it appears on the publication should be used the first time a work is cited, including any designation such as “Jr.” or “III,” but any middle name (or names) should be shortened to a middle initial unless the author uses an initial in place of his or her first name. In that case, retain the first initial and the full middle name. If a work has more than two authors, use the first author’s name followed by “et al,” or list all authors. For example:

- Laurence H. Tribe, *American Constitutional Law* § 15-4 at 1314 (2d ed. 1987).
- Reynolds Robertson & Francis R. Kirkham, *Jurisdiction of the Supreme Court of the United States* § 445 (Richard F. Wolfson & Phillip B. Kurland eds., 2d ed. 1951).

However, in citing standard treatises that are commonly referred to in a shortened form, the first name and initials of the author may be omitted and the title of the book abbreviated. For example:

- 5 Williston on Contracts § 661 (Jaeger ed. 1961)
- 6 Wigmore on Evidence § 1819 (Chadbourn rev. 1976)

2.4.2. Law Reviews: Cite law review articles by author, title of work, volume number, periodical name, first page of the work, the page or pages on which cited material appears, and date enclosed in parentheses at the end of the citation. The author’s full name should be supplied in the same form as in a citation to a book or treatise. Bluebook Rule 16. Law Review journals should be abbreviated as set forth in Bluebook Table T.13.

- Howard P. Willens & Deanne C. Siemer, *The Constitution of the Northern Mariana Islands: Constitutional Principles and Innovation in a Pacific Setting*, 65 Geo. L.J. 1373 (1977).
- William E. Tagupa, *The Constitution of the Northern Mariana Islands: Special Issues in Constitutional Law and Governance*, 5 Melanesian L.J. 285 (1977).

Signed and titled student notes and comments should be cited in the same manner as any other signed article in a law review, except that the designation of the piece should appear before the title of the work to indicate it is student-written. Bluebook Rule 16.6.2. For example:

- Robert Torres, Comment, *Ferreira v. Borja: Land Transactions in the Northern Marianas*, 29 New Eng. L. Rev. 209 (1994).

Cite unsigned notes, comments and shorter commentary by the designation given by the periodical, such as “Note” or “Comment.” For example:

- Note, *From Private Places to Personal Privacy: A Post-Katz Study of Fourth Amendment Protection*, 43 N.Y.U. L. Rev. 968 (1968).

2.4.3. Restatements: Restatements should be cited in the following manner: Restatement (Second) of Agency § 20 (1957). Comments in a restatement should be cited: Restatement (Second) of Conflicts of Laws § 305 cmt. b, illus. 1 (1969). Bluebook Rule 12.8.5.

2.4.4. Annotations (e.g., A.L.R.): The style for annotations is: William B. Johnson, Annotation, *Use of Plea Bargain or Grant of Immunity as Improper Vouching for Credibility of Witness in Federal Cases*, 76 A.L.R. Fed. 409 (1986). Bluebook Rule 16.6.6.

2.4.5. Legal Dictionaries and Encyclopedias (e.g., Black’s, C.J.S., Am. Jur.): Use the following citation formats for these frequently cited texts: Black’s Law Dictionary 712 (7th ed. 1999); 89 C.J.S. *Trusts* § 146 (1955); 17A Am. Jur. 2d *Contracts* § 74 (1991). Bluebook Rule 15.8.