

# The Environmental Law Reporter

## *A Manual of Style*

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## **I. Introduction**

The publications branch of the Environmental Law Institute is known as the *Environmental Law Reporter (ELR)*, which encompasses various publications. *ELR* publishes books, articles (which appear in the monthly *News & Analysis* publications, and the daily and weekly *Updates* subscriptions. In an effort to promote consistency throughout *ELR*, all publications must conform to the grammar and style found in this style manual.

In general, *ELR* uses *A Uniform System of Citation* (17th ed.) known as the *Bluebook* or (*BB*) and *The Chicago Manual of Style (CMS)* as our sources. In most cases, when *ELR*'s rules deviate from these two sources, the differences are noted in this manual.

## **II. Abbreviations**

### **A. Generally**

#### **1. Abbreviation Is Not Mandatory**

Abbreviation is not mandatory but may be used to avoid repetition of lengthy material. Clarity, consistency, and comprehensibility are essential. If a term is used only once, no abbreviation should be used. (*See also III. Acronyms.*)

#### **2. Avoid Inventing New Acronyms**

As a rule, words tend to make better abbreviations than do acronyms, for example:

Local Emergency Planning Committees usually should be called committees rather than LEPCs unless there is a potential for confusion with other kinds of committees.

#### **3. Introduction of Abbreviations**

Before using an abbreviation in the text, introduce it first in parentheses following the full name, for example:

Over the past few years, the U.S. Environmental Protection Agency (EPA) has been headed by numerous people.

The Clean Air Act's (CAA's) rules are very strict.

If the phrase itself is plural and the first letter of the last word of the phrase starts with an s, then no additional s is needed, for example:

The national ambient air quality standards (NAAQS) help keep our air climate clean.

However, if the phrase itself is plural but the first letter of the last word of the phrase does not start with an s, then the addition of an s is needed, for example:

Oliver Houck s book regarding total maximum daily loads (TMDLs) was informative and well written.

*Never* introduce an abbreviation or acronym in a *footnote and then use it in the text*; it must be introduced in the *text before it can be used in a footnote*. You may, however, use an abbreviation in a footnote without introducing it in the footnote if it has been used previously in the text. (*See also IX. Citations.*)

#### **4. Interchangeable Abbreviations**

Sometimes two abbreviations are used interchangeably, for example:

NEPA and the Act  
EPA and the Agency

In such cases, introduce only the acronym, for example:

The statute being discussed is the National Environmental Policy Act (NEPA). The Act establishes a national policy encouraging harmony between man and his environment, thus the importance of NEPA is obvious.

#### **5. Usage of United States**

Do not abbreviate United States when it is used as a noun, for example:

The United States has a bloated budget.

However, it should be abbreviated when it is used as an adjective, for example:

The U.S. government is immense.

## 6. U.S. Senate and U.S. House of Representatives

At the first mention of a senator or congressman, the full name, party, and state should be included. See I.C. for correct state designation. Do not use postal code designations, use geographical ones, for example:

Sen. Al Swift (D-Wash.)  
Rep. Sherwood Boehlert (R-N.Y.)

When using surnames only spell out the title, no party/geographical designation is necessary, for example:

Senator Swift  
Representative Boehlert

### ***B. How to Refer to Case Names***

#### **1. How to Refer to Cases (in *Update*, in the *Recents* section *In the Courts*, and at the top of *Case Summaries*)**

##### **Rules:**

The case name should appear exactly as it does on the court document.  
Do not abbreviate United States to U.S.  
Do not drop Inc. from nonprofits.

**Exceptions (the only abbreviations allowed here are the ones in *BB* rule 10.2.1, which are the following):**

&, Ass'n, Bro., Bros., Co., Corp., Ltd., Inc., No., and R.R.  
Abbreviate United States of America to United States.

#### **2. Rules Regarding Case Names in *Indexer* (*Table of Cases*, *Topical Index*)**

##### **Rules:**

Do drop Inc. from nonprofits.  
Use the abbreviations in *BB* rule 10.2.1(c) as well as the following list:

Atomic Energy Commission  
Bureau of Indian Affairs  
BLM  
Corps of Engineers

Department of Agriculture  
Department of Commerce  
Department of Defense  
Department of Energy  
Department of HUD  
Department of Justice  
Department of Labor  
Department of the Army  
Department of Health, Education & Welfare  
Department of the Interior  
Department of the Navy  
Department of Transportation  
EPA  
Federal Aviation Administration  
Federal Communications Commission  
Federal Energy Regulatory Commission  
Federal Highway Administration  
Federal Power Commission  
Federal Trade Commission  
Food & Drug Administration  
General Services Administration  
Interstate Commerce Commission  
National Highway Traffic Safety Administration  
National Marine Fisheries Service  
National Park Service  
Natural Resources Defense Council (not NRDC)  
NRC (not Nuclear Regulatory Commission)  
Office of Management & Budget  
OSHA  
Securities & Exchange Commission  
U.S. Coast Guard  
U.S. Department of the Air Force  
U.S. Fish & Wildlife Service  
U.S. Forest Service  
U.S. Park Service  
U.S. Trade Representative  
U.S. Veterans Administration

### 3. Rules Regarding Case Names in Text

#### Rules:

Follow *BB* rules 10.1 to 10.2.1.

&, Ass'n, Bro., Bros., Co., Corp., Inc., Ltd., No., and R.R.

Do not abbreviate the first word of either party's name.

#### Exceptions:

Abbreviate U.S. as an adjective, but not as a noun.

### 4. Rules Regarding Case Names in Text and Footnotes

#### Rules:

Follow *BB* rules 10.1 to 10.2.2.

See Table T.6 for list of abbreviations.

See Table T.11 for list of geographical abbreviations.

Do not abbreviate the first word of either party's name.

#### Exceptions:

Abbreviate U.S. as an adjective, but not as a noun.

Cases that have been consolidated or have multiple parties should cite only the first party listed for each side.

Abbreviate phrases like *on the relation*, *for the use of*, *on behalf of*, etc. to *ex rel*.

Abbreviate *in the matter of*, *petition of*, *application of*, and similar phrases to *in re* (provided only one party is named).

Generally drop geographical terms such as *State of*, *Commonwealth of*, and *People of* appearing at the beginning of a case name. Despite *BB* rule 10.2.1(f), do not omit prepositional phrases of location if such an omission would change or obscure the meaning of a party's name. Thus, we should change *Mayor of the City of New York* to *Mayor of New York*.

In federal cases we should change *State of New York* to *New York*.

In state court cases we should change *State of New York v. Davis* to *State v. Davis*. None of these changes make the cite obscure. (Any information lost when changing *State of New York* to *State* is apparent in the rest of the cite, which includes the applicable state court.)

But we should not change *Cooley v. Board of Wardens of the Port of Philadelphia* to *Cooley v. Board of Wardens*. Such a change makes the citation more obscure.

### ***C. Geographical***

The *BB* lists the following abbreviations for the United States, its cities, and its territories. Use them for case names in footnotes, for names of institutional authors, and to designate member of Congress; do not use them in addresses (where postal abbreviations are used).

Ala.	Ky.	Okla.
Alaska	La.	Or.
Am. Sam.	Me.	Pa.
Ariz.	Md.	P.R.
Ark.	Mass.	R.I.
Cal.	Mich.	S.C.
C.Z.	Minn.	S.D.
Colo.	Miss.	Tenn.
Conn.	Mo.	Tex.
Del.	Mont.	Utah
D.C.	Neb.	Va.
Fla.	Nev.	Vt.
Ga.	N.H.	V.I.
Guam	N.J.	Wash.
Haw.	N.M.	W. Va.
Idaho	N.Y.	Wis.
Ill.	N.C.	Wyo.
Ind.	N.D.	
Iowa	Ohio	
Kan.		

### ***D. Postal***

Use the following postal abbreviations only in addresses.

AL	Alabama	ME	Maine	OR	Oregon
AK	Alaska	MD	Maryland	PA	Pennsylvania
AZ	Arizona	MA	Massachusetts	RI	Rhode Island
AR	Arkansas	MI	Michigan	SC	South Carolina
CA	California	MN	Minnesota	SD	South Dakota
CO	Colorado	MS	Mississippi	TN	Tennessee
CT	Connecticut	MO	Missouri	TX	Texas
DE	Delaware	MT	Montana	UT	Utah
FL	Florida	NE	Nebraska	VT	Vermont
GA	Georgia	NV	Nevada	VA	Virginia
HI	Hawaii	NH	New Hampshire	WA	Washington
ID	Idaho	NJ	New Jersey	WV	West Virginia

IL	Illinois	NM	New Mexico	WI	Wisconsin
IN	Indiana	NY	New York	WY	Wyoming
IA	Iowa	NC	North Carolina	CZ	Canal Zone
KS	Kansas	ND	North Dakota	DC	District of Columbia
KY	Kentucky	OH	Ohio	GU	Guam
LA	Louisiana	OK	Oklahoma	PR	Puerto Rico
				VI	Virgin Islands

***E. Months of the Year***

Use the following abbreviations for months of the year.

Jan.	Apr.	July	Oct.
Feb.	May	Aug.	Nov.
Mar.	June	Sept.	Dec.

***F. Other (Where to Look in the BB)***

The above-referenced rules can be found in the *BB* at:

- Case Names: T.6
- Court Names: T.7
- Explanatory Phrases: T.9
- Geographical Terms (in footnotes, names of institutional authors, and periodical abbreviations): T.11
- Periodicals: T.14
- Services: T.16
- Subdivisions (§§, cols., etc.): T.17

**III. Acronyms**

***A. When to Use and When Not to Use the With Acronyms***

Use *the* before acronym nouns pronounced by their spelling, except for those noted in the list provided below, for example:

The CWA helps to maintain the integrity of our nation s waters.  
The DOJ is a massive government organization.

Do not use *the* before acronym nouns that are pronounced as words, for example:

Congress passed RCRA to help protect our environment.  
EPCRA §301 deals with emergency planning districts.

The following acronyms must be *introduced* in *Articles* and *Case Summaries*. However, the following acronyms are *acceptable without explanation* in *Update*, in *Recents*, and in *Topical Index* entries. (Note: acronyms with an asterisk are pronounced as a word; do not use the before them.)

APA	Administrative Procedure Act
BLM*	Bureau of Land Management
CAA	Clean Air Act
CEQ	Council on Environmental Quality
CERCLA*	Comprehensive Environmental Response, Compensation, and Liability Act
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DOD*	U.S. Department of Defense
DOE*	U.S. Department of Energy
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
DOT	U.S. Department of Transportation
EA	environmental assessment
EIS	environmental impact statement
EPA*	U.S. Environmental Protection Agency
EPCRA*	Emergency Planning and Community Right-To-Know Act
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FDA	Food and Drug Administration
FEMA*	Federal Emergency Management Agency
FERC*	Federal Energy Regulatory Commission
FIFRA*	Federal Insecticide, Fungicide, and Rodenticide Act
FLPMA*	Federal Land Policy and Management Act
FOIA*	Freedom of Information Act
FONSI*	finding of no significant impact
FWS	U.S. Fish and Wildlife Service
GATT*	General Agreement on Tariffs and Trade
HSWA*	Hazardous and Solid Waste Amendment
HUD*	Department of Housing and Urban Development
ISO*	International Organization for Standardization
NAAQS*	national ambient air quality standards
NCP	national contingency plan
NEPA*	National Environmental Policy Act
NESHAPs*	national emission standards for hazardous air pollutants
NMFS	National Marine Fisheries Service
NOAA*	National Oceanic and Atmospheric Administration
NPDES	national pollutant discharge elimination system

NPL	national priorities list
NRC	Nuclear Regulatory Commission
OSHA*	Occupational Safety and Health Administration
OSHA Act	Occupational Safety and Health Administration Act
OSH Act	Occupational Safety and Health Act
OSM	Office of Surface Mining Reclamation and Enforcement
PCB	polychlorinated biphenyl
POTWs	publicly owned treatment works
PRP	potentially responsible party
PSD	prevention of significant deterioration
RCRA*	Resource Conservation and Recovery Act
SARA*	Superfund Amendments and Reauthorization Act of 1986
SDWA	Safe Drinking Water Act
SIP*	state implementation plan
SMCRA*	Surface Mining Control and Reclamation Act
TMDL	total maximum daily load
TSCA*	Toxic Substances Control Act
USDA	U.S. Department of Agriculture
UST	underground storage tank

(Note: POTW is used when referring to a specific/single works. But POTWs is used when referring to many works or to works generally.)

***B. No Periods in Acronyms***

Acronyms should not include periods, for example:

APA *not* A.P.A.  
EPA *not* E.P.A.

**IV. Addresses**

***A. Use Commas to Set Off Parts of Addresses and Names of Geographical Places***

The leaking drums were discovered in Fresno, California, in March 1989.

***B. Use Postal Abbreviations When Providing a Full Address***

John Doe  
800 King St., Alexandria VA 22314

***C. Do Not Use Periods With Abbreviations for Directions Such as NW and SE***

1550 18th St. NW, 7th Fl., Washington DC 20036.

***D. Use Address Abbreviations When Providing Full Addresses***

Use these following abbreviations only:

Ave.	Dr.	Pkwy.	Ste.
Bldg.	Fl.	Pl.	St.
Blvd.	Hwy.	Rd.	SW
Cir.	La.	Rm.	Terr.
Ct.	No.	Rte.	W.
Ctr.	NE	Sq.	

**V. Alphabetization**

***A. Entries in SMI, Table of Cases, Etc., Are Alphabetized According to Letters Within a Word or Group of Letters Taken Together as a Single Word***

A.P. Weaver  
Apex

Indian Lookout  
Indiana

***B. Letters Joined by an Ampersand (&) Are Alphabetized According to the First Letter***

A & W Smelter  
A. Johnson & Co.  
A.A. Mastrangelo, Inc.  
Aaron  
ABB Industrial  
Abramson

A & W would be alphabetized based on the placement of W as though the letters stood alone and the ampersand is alphabetized as if it were and.

***C. Numerals Are Alphabetized as Though They Are Spelled Out***

10 Downing St.  
Theater Masks, Inc.

However, in *SMI*, numerals are listed before words. This same rule applies to the section symbol (§).

***D. Hyphenated Words Are Treated as a Single Word***

***E. Hyphenating Names With Particles, Names With Saint or St., Compound Names, Names With Mac and Mc, and Foreign Names***

See *CMS* 18.102-.122 for rules on how to alphabetize names such as the following:

de Kooning  
St. Denis  
Teilhard de Chardin

**VI. Articles (A, An, The)**

***A. The Article A Is Used Before Words With a Consonant or Consonant Sound***

a federal case  
a historical monument  
a hotel  
a unit  
a union  
a NEPA issue

***B. The Article An Is Used Before Words That Begin With a Vowel or Vowel Sound***

an honor  
an NPDES permit

***C. In Titles, Capitalize Articles if They Are the First Word or if They Immediately Follow a Colon; Otherwise They Should Be Lower Case***

**VII. Bylines**

***A. Do Not Use a Title With a Name in the Byline***

by John Q. Public *not* by Mr. John Q. Public

## VIII. Capitalization

### A. *Rule of Thumb Is to Use the Lower Case as Much As Possible*

### B. *Capitalize Nouns Referring to Groups or People Only When They Identify Specific Groups, Persons, Officials, Government Offices, or Government Bodies*

Rudy Guiliani, *mayor* of New York  
*Mayor* Guiliani

Hanna H. Gray, *president* of the University of Chicago  
*President* Hanna

### C. *Capitalize Region Names When Used as Nouns, but Not When Used as Adjectives*

He is a midwesterner.  
The young boy is originally from the Midwest.

### D. *Do Not Capitalize Directions*

The cowboy went west.  
The West is still wild in some areas.

The following list shows some common examples:

Atlantic Ocean	Near East
the Arctic	the Northwest
central Europe	northeastern states
central European	Pacific Coast
East Coast	the South
East Europe	Southeastern Asia (region)
eastern Europe	southeast Chicago
Eastern Shore (region)	southern California
the equator	southwestern
Florida coast	West Coast
the global North	West European
Gulf Coast	western Europe
the impoverished South	Western world (region)
the Mid-Atlantic region	
Middle East	
Middle Eastern	
Midwest	
midwestern	

***E. Adjectives Are Not Capitalized Except When They Are Portions of Compound Proper Nouns, Nationalities or Regions, or Derived From Proper Names***

Great Lakes  
Third World  
American ideal  
Southern folklore  
Native American  
Indian tongue  
Marxist philosophy

***F. Examples of When Not to Capitalize State, City, and County***

state of New York  
city of Chicago  
Fairfax and Arlington counties

***G. Capitalize State, City, and County When They Are Part of a Compound Noun***

New York State  
Oklahoma City  
Montgomery County

***H. Capitalize a Generic Term That Is Used in Plural Form Following More Than One Proper Name***

Both the Hudson and the Mississippi Rivers are large.

***I. Titles***

**1. Always Capitalize Prepositions Containing Four or More Letters**

Here are a few examples:

From  
Between  
After  
Over

**2. Capitalize Prepositions Containing Three or Fewer Letters Only if They Are the First Word in the Title or Appear Directly After a Colon in a Title**

**3. Capitalize Verbs, Nouns, Pronouns, Adjectives, Adverbs, First and Last Words of the Title, and the Word That Follows a Colon**

## ***J. Examples of ELR s Capitalization Rules***

### **Capitalize**

the Administration  
After passing FIFRA, Congress  
amended the Act.  
the Agency (only when referring to EPA)  
the Baker Amendment  
California Legislature  
Clean Air Act Amendments  
Clinton Administration  
the Court (only when referring to the  
U.S. Supreme Court)  
Crater Lake National Park  
Due Process Clause  
Fed. R. Civ. P.  
Rule Against Perpetuities  
Rule 23(b)  
U.S. Congress  
U.S. Constitution  
U.S. Court of Appeals for the First Circuit  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Senate  
U.S. Supreme Court

### **Do Not Capitalize**

a bill  
acts of Congress  
the circuit court  
clauses of the Act  
the company s president  
congressional  
the court of appeals  
the district court  
executive branch  
federal  
government  
judicial branch  
the last administration  
legislative branch  
the lower house of Congress  
a national park  
president of the United States  
a proposed amendment  
the report  
the senator  
state senate

## **IX. Citations**

### ***A. No Citations Should Appear in the Text***

### ***B. Do Not Use a Comma in Numbers Over 999 in Citations***

47 Fed. Reg. 12345  
Exec. Order No. 12291

### ***C. Referring to an Executive Order in the Text***

President Clinton signed the Executive Order this morning.  
President Clinton signed Executive Order No. 12291 this morning.

#### ***D. Citing to Executive Orders***

Exec. Order No. 12898, 3 C.F.R. 859 (1995), ADMIN. MAT. 45075.

If the material is not in the *Code of Federal Regulations*, then cite to the *Federal Register*.

Exec. Order No. 12024, 42 Fed. Reg. 56101 (Mar. 4, 1977).

#### ***E. Citing to Multiple Pages***

When citing to multiple pages, repeat at least the last two digits; repeat more if more change.

*Id.* at 212-15.

*Id.* at 123456-507.

#### ***F. Citing to Multiple Sections***

When citing to multiple sections omit identical digits or letters only when they precede a punctuation mark, unless doing so creates confusion.

29 C.F.R. §300.148-.165

29 C.F.R. §300.48.11 to .20.

#### ***G. Use of Id. and Supra***

##### **1. The *Bluebook* Lists the Rules Regarding the Use of *Id.* (BB 4.1) and *Supra* (BB 4.2(a))**

##### **Rules:**

Do not *id.* a *supra* that does not provide substantive information. See sample footnote examples below:

RIGHT:

42. *See supra* note 2 and accompanying text.

43. *See supra* note 2 and accompanying text.

WRONG:

42. *See supra* note 2 and accompanying text.

43. *Id.*

Do *id.* a *supra* that does provide substantive information. See sample footnote examples below:

RIGHT:

36. POMEROY S EQUITY JURISPRUDENCE, *supra* note 30, §385, at 51.
37. *Id.* at 52.

WRONG:

36. POMEROY S EQUITY JURISPRUDENCE, *supra* note 30, §385, at 51.
37. POMEROY S EQUITY JURISPRUDENCE, *supra* note 30, §385, at 52.

## 2. *Supra* Books and Articles, but Never *Supra* Statutes and Cases

See sample footnote examples below:

RIGHT:

1. JOHN DOE, MY LIFE STORY 34 (1990).
  8. DOE, *supra* note 1, at 78.
- 
1. John Doe, *A Life Story*, N.Y. TIMES, June 1, 2004, at A1.
  8. Doe, *supra* note 1.

WRONG:

1. 42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.
  8. 42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618, *supra* note 1.
- 
1. United States v. Allan, 450 U.S. 653 (1990).
  8. *Allan*, *supra* note 1.

## H. Citing to the Federal Register

When citing to the *Federal Register*, try to provide both the month and day.

52 Fed. Reg. 45888 (Feb. 6, 1987).

### ***I. Use of At in Citations***

Use *at* when a source has been cited before or to separate a page number from another number. Use only for page cites; do not use for citations to paragraphs, sections, or articles. See sample footnote examples below:

JOHN DOE, MY LIFE 6 (2002).  
*Id.* at 9.  
JOHN DOE, MY LIFE: 1908 to 1992, at 56 (1993).  
U.S. CONST. art. I, §9.

### ***J. Use Full Name of Author***

When citing to authors of books, articles, unpublished works, and speeches, try to provide the first name followed by the middle initial and then the last name.

### ***K. Use of Short Form When Citing to Case Names in Footnotes***

Italicize a case name in a citation only if it is a short form.

*Smith*, 468 F.2d at 901.

Use short form if:

- The case is already cited in the same footnote;
- The case is cited (in either full or short form, including *id.*) in a manner that is easily found in one of the preceding five footnotes; or
- The case is named in the same general textual discussion to which the footnote is appended. **If none of these requirements is met then cite the case name in full.**

See sample footnote examples below:

1. Ruckelshaus v. Monsanto, 467 U.S. 986, 14 ELR 20539 (1984).
2. *Id.* at 987.
3. Yee v. City of Escondido, 503 U.S. 519 (1992).
4. BLACK S LAW DICTIONARY 1088 (7th ed. 1999).
5. *Monsanto*, 467 U.S. at 989.

For more information on the use of short form for cases, see *BB* 10.9.

***L. Adding ELR Citations to Cases and Statutes in ELR Articles***

A litigation list found at the *ELR* website archives many of the environmental law decisions from the past 35 years. If an author's Article cites to a case on this list, the author must look up the correct *ELR* parallel citation and add it to the case citation. If the full case information (not a short form) is being cited to, then make sure the *ELR* citation information is included. However, if a short form is being cited to, then do not include the *ELR* citation information.

Smith v. Jones, 222 F.3d 444, 446, 33 ELR 20425 (9th Cir. 2003).  
*Id.* at 449.

The same rule applies to statutes.

42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.  
*Id.* §7403.

***M. Citing to ELR Articles***

Shannon J. Kilgore, *Muddling Through: Congressional Activity in 1988*, 19 ELR 10016 (Jan. 1989).

***N. Citing to the ELR Administrative Materials Binder***

U.S. EPA, POLICY ON CIVIL PENALTIES (1984), ADMIN. MAT. 35083.

If there is a *Federal Register* cite, insert it in roman typeface right after the title and before the date.

U.S. EPA, Interim Municipal Settlement Policy, 54 Fed. Reg. 51071 (Dec. 12, 1989), ADMIN. MAT. 35226.

If the document is on the list of documents available from the *ELR* document service, please add the following parenthetical note after the *Bluebook* citation: (available from the ELR Document Service, ELR Order No. AD0\_\_\_).

U.S. EPA, Voluntary Environmental Self-Policing and Self-Disclosure Interim Policy Statement, 60 Fed. Reg. 16875 (Apr. 3, 1995) (available from the ELR Document Service, ELR Order No. AD01200).

If the document is by an institutional author and available through *ELR*, then render the author and title in small caps.

U.S. EPA, INTERIM GUIDANCE FOR INVESTIGATING TITLE VI PERMITS (1998)  
(available from the ELR Document Service, ELR Order No. AD03660).

***O. Citing to Institutional Authors***

U.S. EPA, A CITIZEN S GUIDE TO VAPOR EXTRACTION AND AIR SPARGING (1996)  
(EPA 542-F-96-008).

U.S. EPA, HAZARD RANKING SYSTEM GUIDANCE MANUAL (2000) (OSWER  
Directive No. 9345.1-07).

OFFICE OF NUCLEAR ENERGY, U.S. DOE, NUCLEAR ENERGY AND ITS RISKS (2001).

***P. Use of Hereinafter in Citations***

U.S. EPA, A CITIZEN S GUIDE TO VAPOR EXTRACTION AND AIR SPARGING (1996)  
(EPA 542-F-96-008) [hereinafter VAPOR EXTRACTION].

U.S. EPA, HAZARD RANKING SYSTEM GUIDANCE MANUAL (2000) (OSWER  
Directive No. 9345.1-07) [hereinafter GUIDANCE MANUAL].

The hereinafter should typically be part of the title/or author and typically in the same typeface (roman, italic, small caps).

***Q. Citing to Pleadings***

Plaintiff s Sentencing Memorandum at 112, *United States v. Rockwell* (No.  
92-CR-107) (D. Colo., filed Mar. 26, 1992).

***R. Citing Prior, Related, or Other Opinions (in Case Summaries)***

**1. Related Decisions**

[A decision related to this litigation is published at . . . .]

[Decisions related to this litigation are published at . . . .]

**2. Prior Decisions**

[A prior decision in this litigation is published at . . . .]

[Prior decisions in this litigation are published at . . . .]

[The district court s decision in this litigation is published at . . . .]

### 3. Other Decisions

[Other decisions in this litigation are published at . . . .]  
[Another decision in this litigation is published at . . . .]

This is to be used when there is more than one decision in the same case on the same date.

### *S. Quotations*

Quotations are set out as block quotes in footnotes and text if they are 50 words or *more*. Block quotes in text are not in quotes, are rendered in a smaller typeface than the rest of the text, are indented on both margins, and usually have a footnote signal at the end. Block quotes in footnotes skip one line below the footnote number, are indented, do not begin or end with quotation marks, and are followed by the cite. The citation for a block quote is not indented. See sample block quotes below:

In footnote:

1. The following is one commentator's explanation:

The OSHA/EPA regulations do not ensure worker safety, but they do expose safety and health-related concerns of environmental pollution. Environmental pollution is a serious, growing problem, and the HAZMAT aspect of that problem is deadly. Nuclear living is a concept whose time has come, and biological risk indicators, such as dead rats and cats, could be the stop and go lights signaling whether it is safe to go to work.

Paula Grant, Working at a Nuclear Dump--It's Safe (Mar. 2, 1990) (unpublished manuscript).

In text:

The following is one commentator's explanation:

The OSHA/EPA regulations do not ensure worker safety, but they do expose safety and health-related concerns of environmental pollution. Environmental pollution is a serious, growing problem, and the HAZMAT aspect of that problem is deadly. Nuclear living is a concept whose time has come, and biological risk indicators, such as dead rats and cats, could be the stop and go lights signaling whether it is safe to go to work.<sup>1</sup>

Within block quotes, use double quotation marks; otherwise a quote within a quote uses single quotation marks.

A quotation of *less* than 50 words, or one that is part of a paragraph in the footnote, runs into the footnote text. See sample footnote example below:

7. The commentator went on to state: The evidence is clear in the constantly decreasing acceptable exposure levels : what was nonthreatening yesterday is toxic today. The result is that employers obeying the law cannot be sure their workplace is safe, they know only it is legal. *Id.* at 4.

## ***T. Statutes***

### **1. Basic Citation Form**

Typically, the first time a statute is mentioned in an Article, we cite it in full and footnote it, for example:

In a CWA Article, the first mention of the CWA gets cited to U.S.C. and *ELR*. However, if the first mention cites to a specific section, i.e., §101, cite as follows:

33 U.S.C. §1251, ELR STAT. FWPCA §101.

The basic form when citing to statutes that are in the *Statutes & Treaties* binder is, for example:

42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.

Remember: Unless it is the full act being cited to (as is the case above in the CAA statute), we no longer use pinpoint *ELR* parallel citations.

Below is a list of the statutes (cited in full) commonly referred to in *ELR* Articles:

CAA	42 U.S.C. §§7401-7671q, ELR STAT. CAA §§101-618.
CERCLA	42 U.S.C. §§9601-9675, ELR STAT. CERCLA §§101-405.
CZMA	16 U.S.C. §§1451-1465, ELR STAT. CZMA §§302-319.
EPCRA	42 U.S.C. §§11001-11050, ELR STAT. EPCRA §§301-330.
ESA	16 U.S.C. §§1531-1544, ELR STAT. ESA §§2-18.
FIFRA	7 U.S.C. §§136-136y, ELR STAT. FIFRA §§2-34.
FLPMA	43 U.S.C. §§1701-1785, ELR STAT. FLPMA §§102-603.
FWPCA	33 U.S.C. §§1251-1387, ELR STAT. FWPCA §§101-607.
MMPA	16 U.S.C. §§1361-1421h, ELR STAT. MMPA §§2-409.
NEPA	42 U.S.C. §§4321-4370d, ELR STAT. NEPA §§2-209.
NFMA	16 U.S.C. §§1600-1687, ELR STAT. NFMA §§2-16.
OPA	33 U.S.C. §§2701-2761, ELR STAT. OPA §§1001-7001.
RCRA	42 U.S.C. §§6901-6992k, ELR STAT. RCRA §§1001-11011

SDWA        42 U.S.C. §§300f to 300j-26, ELR STAT. SDWA §§1401-1465.  
SMCRA      30 U.S.C. §§1201-1328, ELR STAT. SMCRA §§101-908.  
TSCA        15 U.S.C. §§2601-2692, ELR STAT. TSCA §§2-412.

## **2. Unusual Citation Forms**

The form for citing Administrative Procedure sections is:

5 U.S.C. §551, *available in* ELR STAT. ADMIN. PROC.

## **3. Use of Year in Statute Cites**

Statute cites should not contain the year, unless the cite is to a version of the statute that is not current. If the statute does not appear in the published code yet, include a cite to the public law.

Do not include the year (date) when citing a U.S.C. cite. See example below:

42 U.S.C. §6821.

However, if you are citing a C.F.R. cite, the date is included. See example below:

40 C.F.R. §152 (1993).

When citing to an unofficial code (like U.S.C.A. or U.S.C.S.), give the name of the publisher in the parenthetical phrase before the year of the code. See example below:

42 U.S.C.A. §300a-7 (West 1991).

If in the text an act is introduced with the year already in the title, e.g., Interstate Land Sales Full Disclosure Act of 1979, then the act can be cited (as seen below) without the date of enactment, for example:

Pub. L. No. 96-153, §401, 93 Stat. 1101.

If, however, the date of enactment is not reflected in the name of the act or is different from the date shown, include the date parenthetically after the page number of the session laws. For example, if the National Environmental Policy Act of 1969 was being cited it would be rendered as:

Pub. L. No. 91-190, 83 Stat. 852 (1970).

#### 4. Number of Section Signs Used

When citing two different sections, use two section signs, for example:

FIFRA §§19(a), 20(b).

When citing two different parts of the same section, use only one section sign, for example:

FIFRA §19(a)(2)(B)(iii), (c)(3)(A).

#### *U. Legislative Materials*

When citing bills, resolutions, committee hearings, reports, documents, and committee prints include the abbreviated name of the house, the number of the Congress, the number assigned to the material, and the year of publication.

In addition, for House and Senate documents published before 1907, House Reports published before 1881, and Senate Reports published before 1847 please include parenthetically the session number.

However, for House and Senate materials published *after* these dates, the session number can be inferred from the year of publication: first sessions always fall in odd numbered years, while second sessions always fall in even numbered years. See examples below:

1st session (odd years) 1987, 1989, 1991, etc.

2d session (even years) 1986, 1988, 1990, etc.

H.R. 3055, 94th Cong. §2 (1976)

S. 1422, 101st Cong. §5 (1989)

H.R.J. Res. 1116, 95th Cong. (1978)

H.R. REP. NO. 92-98, at 4 (1971), *reprinted in* 1971 U.S.C.C.A.N. 1017, 1020

S. REP. NO. 84-2, at 7 (1955)

H.R. CONF. REP. NO. 98-1037, at 3 (1984)

H.R. DOC. NO. 94-208, at 2 (1975)

126 CONG. REC. H6456 (daily ed. July 24, 1980) (statement of Rep. Levitas)

## ***V. Electronic***

Internet addresses are cited mostly when materials are unavailable in printed form or are difficult to obtain in their original form. When citing to materials found on the Internet, provide the name of the author (if any), the title or top-level heading of the material being cited, and the web address. The following are a few examples:

Available in hard copy and on the Internet:

U.S. EPA, CONSENT AGREEMENT (1999), *available at* <http://www.epa.gov/oeca.ore.html>.

U.S. EPA, NATIONAL AIR POLLUTANT EMISSION TRENDS: 1900-1998, at 2 (2000) (EPA 454-R-00-002), *available at* <http://www.epa.gov/ttn/chief/trend.pdf> (last visited Mar. 1, 2001).

Available only on the Internet:

U.S. EPA, *New Source Review Problems*, at <http://www.epa.gov/nrs.html> (last visited Mar. 6, 2004).

U.S. GAO, *Management Challenges*, at <http://www.gao/mgmt.htm> (last visited June 17, 2002).

## **X. Dates**

### ***A. References to Specific Decades***

References to a specific decade should not include an apostrophe between the number and the s, for example:

1980s *not* 1980's

There should be no comma between a month and a year in a date if only month and year are included. The year should be set off with commas if the day is included. See examples below:

In November 2004, President George W. Bush was reelected.  
The editors March 5, 1990, deadline for the June issue made them laugh.

## ***B. References to Multiple Years***

References to multiple years should be cited with slashes, for example:

Roger Burns, *Fuel Cells and Their Risks*, 65 ILL. U. L. REV. 421 (2003/2004).

## **XI. Editing Tips**

### ***A. In Articles***

In Articles, references to an earlier or subsequent textual discussion is best placed in a footnote with a *supra* or *infra* cite. If possible, avoid statements in text like: The use of commas in a series is discussed at page 101 of this Article. The reason for this rule is that the page number to which the author refers is not known until the Article is in production. Since such statements are often buried in text, they could be overlooked and the page number never filled in, or these statements could be affected, but not be corrected, when last minute changes that affect the Article's page count are made.

### ***B. In Books***

In books, the above rule is even more applicable. Although textual references to past or upcoming chapters are common in books, do not use page cites unless the reference appears in a footnote cite.

Also in books, avoid clauses like: A recent case demonstrated . . . , and state instead the date of the case. Such words as recent, upcoming, etc. tend to date books almost as soon as they are published.

### ***C. Use of Quotation Marks***

In general, quotation marks indicate a quote--which should be cited.

In very rare cases, when a term is used in a special sense, it is OK to put it between quotation marks the first time it is used. After that, the quotation marks are not necessary because the reader is aware of the special sense in which the term is being used.

An *exception* to this rule is when the term contains several words that form a *compound adjective*. Rather than string them together with three or four hyphens, quotation marks can act as compound-adjective connectors. For example, assume that no more stringent than is used to modify provisions. If the term were not being used as an adjective, it would not be put within quotation marks unless cited. But it is being used as an adjective, so the quotation marks can be used as the connectors that hold it together each time it appears as an adjective.

The no more stringent than regulation for that state was invalidated in 1986. (Note that the quotations are sometimes less obtrusive than hyphens: the no-more-stringent-than provision.)

## **XII. Emphasis**

Sometimes it is necessary to use italics, boldface type, exclamation points, underlining, etc. for emphasis. However, these devices should be used sparingly because overuse will deflate rather than enhance the meaning of the idea being stressed.

## **XIII. Grammar**

### ***A. Collective Nouns***

Words like staff and group are singular when the group is acting as a whole or when the reference is to the group itself. They are plural when more than two are involved, but each is considered individually. See examples below:

The group voiced *its* disapproval of the amendment.  
The committee *was* composed of three members.  
The staff *were* discussing the proposal.  
After the meeting, the faculty went to *their* offices.

Avoid using gender-specific pronouns (he or she) when referring to a person who might be either male or female. Instead, try to edit around the need for a singular pronoun. When unavoidable use he or she NOT s/he or similar constructions.

### ***B. That/Which***

That introduces restrictive clauses and is not set off by commas; it is essential to the meaning of the sentence. Which introduces nonrestrictive clauses and is set off by commas: it adds information that could be deleted without affecting the sense of the sentence. See examples below:

The *ELR Style Manual* is the source *that* guides our writing.  
The *ELR Style Manual*, *which* we like to read, guides our writing.

### ***C. Commas & That***

Do not use a comma before or after the conjunction **that** in sentences constructed like the following:

WRONG:

But the author believes that, with average high school classes it will take three recitations.

RIGHT:

But the author believes that with average high school classes it will take three recitations.

WRONG:

It can be easily seen that, when such amounts are fixed too high, owners can be crippled by high taxes.

RIGHT:

It can be easily seen that when such amounts are fixed too high, owners can be crippled by high taxes.

### ***D. Or, Nor; Either, Or; Neither, Nor***

Where a compound subject has a singular noun and a plural noun joined by **or** or **nor**, the verb always agrees in number with the nearest noun. See examples below:

Neither the CWA nor those regulations apply.  
Either those regulations or the CWA applies.

### ***E. Hyphenation***

A general guide for hyphenation can be found in Table 6.1 of the *CMS*. According to the *CMS*, hyphens should be used in compound phrases that modify nouns to avoid ambiguity. The example the *CMS* provides is: fast sailing ship :

If it refers to a ship that is now sailing fast, then the compound adjective should be hyphenated:

fast-sailing ship

If fast modifies the whole noun phrase (sailing ship) then no hyphen is needed:

fast sailing ship

If a compound adjective comes before the noun in a sentence, it is then hyphenated:

It was a five-mile route.

If a compound adjective comes after the noun in a sentence, then it is not hyphenated:

The book was well known.

There also may be situations where, without hyphenation, a reader may wonder whether the first word of a compound adjective modifies anything. See examples below:

WRONG:

The agency complied with applicable notice and comment procedures.

Thus, the reader may think that notice doesn't modify anything. Thus, the sentence should be rendered:

RIGHT:

The agency complied with applicable notice-and-comment procedures.

A phrase such as much loved friend, or in our case, hazardous waste disposal, offers virtually no risk of misreading and therefore does not require a hyphen for clarification.

Never use a hyphen after an adverb that ends in *ly* :

RIGHT:

a federally sponsored program

WRONG:

a federally-sponsored program

Prefixes generally are not hyphenated. In cases like the following, however, they are:

where the second element is capitalized (un-American)

where the second element is a numeral (pre-1990)

where the compound must be distinguished from a homonym (re-cover)

where the second element consists of more than one word (non-English-speaking people)

#### ***F. Comprise***

The whole comprises the parts, so *is comprised of* is incorrect. See example below:

WRONG:

The group is comprised of several committees.

RIGHT:

The group comprises several committees.

The group is composed of several committees.

#### ***G. Those***

*Those* is often redundant. (E.g., *those acts that the Senate plans to pass* is better stated *the acts the Senate hopes to pass* or *acts that the Senate hopes to pass.* )

## ***H. Since Clauses***

Always use a comma after an adverbial clause introduced by *since* (and *as* and *while* ) if it expresses an idea of cause or condition; without the comma, these conjunctions express time only. See examples below :

They have been waiting since yesterday for an answer.  
They have been waiting, since you told them to do so.

## ***I. Split Infinitives***

Generally, avoid split infinitives. Infinitives may be split when doing so makes the sentence read smoothly, not awkwardly. Splitting the infinitive (between *to* and the rest of the infinitive) may sometimes be necessary to avoid ambiguity.

Ambiguous:

To lose one's temper often signifies lack of self-control.

Clear:

To often lose one's temper signifies lack of self-control.

Recently, the Oxford University Press, publisher of the unabridged Oxford English Dictionary, officially lifted its ban and now allows the use of the split infinitive!

## ***J. Prepositions at the End of a Sentence***

Generally, avoid ending sentences with prepositions. But when circumlocutions (such as *in which* ) weaken the sentence, it is okay to end a sentence with a preposition.

## ***K. Adverbs--Where Do They Go?***

When an adverb is placed within a verb it should follow the first auxiliary, not precede it, e.g., *may safely be used*, *will surely come*.

## ***L. Of Course***

An author who uses *of course* when assuming that the reader already knows what he or she is being told risks offending readers who do not know. Before using *of course*, consider whether it is necessary.

## **XIV. Numbers**

### ***A. Single-Digit Figures Are Spelled Out One to Nine***

three cases  
seven regulations  
one in one million  
two million

### ***B. Double-Digit and Higher Figures Are Written as Numerals 10 and Up***

1,000 years ago  
12 years

### ***C. In a Series, if Any Numeral Is 10 or Larger, Use Numerals for All Numbers in the Group***

He wrote 11 sonnets, 10 plays, and 5 poems.

### ***D. Spell Out Numbers That Occur at the Beginning of Sentences***

Thirty-five years have passed since ELI began its operations.

### ***E. Use a Comma in Numbers Over 999 That Indicate Quantities***

1,600 barrels of oil  
14,000 court cases

### ***F. Do Not Use Commas for Numbers Over 999 in Citations***

68 VA. L. REV. 1013 (1983)  
54 Fed. Reg. 12345 (Jan. 1, 2001)

### ***G. Ordinal Numbers Are Spelled Out if the Corresponding Cardinal Number Is Spelled Out***

first, second, third  
10th, 22d, 31st

### ***H. Use Numerals for Congress and Centuries***

102d Congress  
21st century

***I. When Referring to an Amendment or a Circuit Court, Always Spell Out the Numbers***

Tenth Circuit  
First Circuit  
Eleventh Amendment  
Second Amendment

***J. Use Figures to Express Statistical Quantities***

In 5 % of the sites they found waste.

***K. Use Numbers for Floors and Streets in Addresses***

***L. Footnote Numbers in the Text Follow Any Punctuation Marks (Except a Dash), and Are Placed Outside of a Closing Parenthesis***

**XV. Punctuation**

***A. Apostrophes***

**1. Do Not Use Apostrophes in Decades**

1990s

**2. Double Possessive (Owner Has More Than One of the Object Being Possessed) Is Expressed Using the Possessive Case and Of**

A book of Celia's aunt was stolen.

**3. Possessive Case of Plural Nouns Ending in S Is Formed With Apostrophe Alone**

aunts  
Congress  
the FWS

**4. Possessive Form of Almost All Proper Names Is Formed by Adding an S to a Singular or Apostrophe Alone to a Plural, Unless the Word Ends in S**

Dave's  
Celia's  
Lars

## **5. To Express Joint Ownership, Only the Last Name Takes the Apostrophe**

If two people own the same basketball, we would say:

That is Barney and Erica s basketball.

However, if they each own their own basketball, we would say:

Barney s and Erica s basketballs are both used a lot.

### ***B. Brackets***

#### **1. In a Quotation, Brackets Are Used to Show a Change in Capitalization or Other Editorial Alteration**

[I]t was a dark and stormy night [in the city] . . . .

#### **2. Try to Keep the Integrity of the Quote by Minimizing Any Use of Brackets**

### ***C. Colon***

#### **1. Use a Colon to Introduce a List or Series**

The revised NSR rule violates the CAA s mandate because: (1) a proposed physical change that would increase emissions must go through NSR preconstruction review; (2) emissions increases to be considered in NSR applicability must be contemporaneous; and (3) once NSR is triggered the stringent technology must be applied to the sources.

#### **2. Unless the Sentence Following a Colon Is a Direct Quote, the First Letter Following the Colon Should Be Lower Case**

#### **3. Note That a Colon Should Not Be Used to Introduce a List That Is a Complement or Object of an Element in the Introductory Statement**

WRONG:

*ELR* provides: fast service, low prices, and attorneys to advise you.

RIGHT:

*ELR* provides the following: fast service, low prices, and attorneys to advise you.

#### ***D. Commas***

##### **1. Commas Are Used Before the Conjunction in a Series of More Than Two Items**

lucky you, lucky me, and lucky us

##### **2. Commas Separate City From State and Names of Geographic Places and Political Divisions**

He will travel to New Haven, Connecticut, before returning to Washington, D.C.

##### **3. In Dates, Use Commas Between the Day and Year, but Not Between the Month and Year**

He left on February 12, 1989, and will return in May 1990.

##### **4. Do Not Set Off Suffixes With Commas**

Harold N. Smith Jr  
Harold N. Smith II

##### **5. Do Not Use a Comma Between the Name of an Author and Et al.**

Rena I. Steinzor et al.

##### **6. Use Commas to Separate Inc., D.C., Etc. From the Text That Follows**

Hourly rates for Washington, D.C., attorneys are high.

##### **7. Words in a Series Are Joined by Commas**

Dad said to bring the dog, the kitten, and the bird.

##### **8. Use Commas to Separate Two or More Adjectives or Adverbs or Phrases That Modify the Same Word or Phrase**

My plans for an intriguing, adventurous vacation are taking shape.

**9. Do Not Use a Comma Between Two Adjectives When Their Combination Modifies a Word or Phrase**

RIGHT:

Light blue candles will adorn my table.

WRONG:

Light, blue candles will adorn my table.

**10. Use Commas to Set Off *Nonrestrictive* Clauses and Phrases**

Our newest boat, which is painted red and white, has sprung a leak.

*Nonrestrictive* means that without the clause, the same point would be made.

**11. Do Not Use Commas With *Restrictive* Phrases or Clauses**

A boat that leaks is of little use.

A *restrictive* clause cannot be omitted without altering the meaning of the main clause.

More on nonrestrictive and restrictive clauses:

A *nonrestrictive* clause, which merely gives additional information, should be preceded by a comma, and a *restrictive* clause, which limits the action of the main verb to a particular time, manner, or circumstance, should not be preceded by a comma. Clauses beginning with *because* are generally restrictive, but they may be nonrestrictive. For example:

Example 1:

EPA's broad interpretation of the term "use" in the benzene regulations is entitled to deference *because* it accords with the plain language of the regulations and with the purposes of the CAA.

There should be no comma before the adverbial clause in this sentence because the clause limits the action of the main verb to a particular circumstance. Inserting a period before the word *because*, and deleting the information in the clause, would be misleading. EPA's interpretation of "use" is not always entitled to deference. It is only given deference in this case because it accords with the plain language of the regulations and with the purpose of the CAA.

Example 2:

The court also held that the emissions standards do not qualify for CAA §177 s exception because they are not identical to California standards.

Again, there should be no comma before the adverbial clause because the clause restricts the circumstances under which the emissions standards do not qualify for the exception.

In general, if we are explaining a court s holding and use *because* to start the adverbial clause, the clause is almost always going to be restrictive because it will be explaining the circumstances under which the holding is applicable (and there will be potential situations under which the holding will not be applicable). In these sentences the clause is limiting the action of the main verb to a particular set of circumstances.

### ***E. Dashes***

#### **1. Dashes Are Used Only Between Words, to Split Phrases Apart**

In typewritten or word processed copy, dashes are made with two hyphens and no spaces before, between, or after them. In general, hyphens join; dashes separate.

### ***F. Question Marks & Exclamation Marks***

#### **1. In Citations or Bibliographies, Include a Comma After Titles That End With a Question Mark or an Exclamation Point**

Paul Carr, *Is Clean Water Possible?*, in THE PURSUIT OF A CLEAN WORLD (1990).

### ***G. Semicolons***

#### **1. Use Semicolons to Separate Items in a Series When the Items Are Long and Complex or When Commas Are Used Within the Items in the Series**

## **XVI. Quotations & Ellipses**

### ***A. Generally***

#### **1. With Limited Exceptions, Quoted Material Should Retain the Style of the Source**

## **2. When a Quotation Is Used as a Syntactical Part of the Author s Sentence, It Begins With a Lowercase Letter, Even if the Original Is a Complete Sentence Beginning With a Capital Letter**

Changes in capitalization are noted with brackets. See *CMS* 10.9 and *BB* 5.2.

## **3. Block Quotations Never Begin With Ellipses**

The citation to a block quotation is flush left on the next line of copy. Quotes within block quotes use double quotation marks, while quotes within other quotes use single quotation marks.

## **4. Use of Ellipses**

General rules are as follows:

Three dots indicate omission of word(s) in the middle of a sentence (never use ellipses at the beginning of a quotation).

The court warned that judgments . . . founded on a partial or speculative presentation of the facts would undermine the criminal justice system.

To show the omission of the final words of a quoted sentence, use three dots followed by the punctuation at the end of the sentence.

It is imperative to the function of courts that compulsory process be available . . . .

To show the omission of the first words of the following sentence, an entire sentence or more, or a paragraph or more, retain the punctuation at the end of the last quoted sentence and add three dots.

The need to develop all relevant facts in the adversary system is both fundamental and comprehensive. . . . The very integrity of the judicial system depends on full disclosure.

Generally, no ellipsis is used before or after an obviously incomplete sentence, before or after a quotation runs into the text that is a complete sentence, or after a block quotation that ends a complete sentence.

## **XVII. Spacing**

### ***A. Generally***

#### **1. In General, Close Up Adjacent Single Capitals**

For this purpose, individual numbers (both numerals and ordinals) are treated as single capitals. See examples below:

D.V.I.	D. Vt.	E.D.N.C.	E.D. Va.
F.3d	F. Supp. 2d	L. Ed. 2d	N.D. W. Va.
N.E.2d	S. Ct.	S.E.2d	So. 2d

#### **2. In Periodical Names, Do Not Close Up Adjacent Single Capitals When One or More of the Capitals Refers to the Name of a Geographic or Institutional Entity,**

Set the capital or capitals referring to the entity off from other adjacent single capitals with a space. See examples below:

N.Y.U. L. Rev.      S. Ill. U. L.J.

#### **3. Close Up Initials in Personal Names**

J.B. Ruhl

## **XVIII. Symbols**

### ***A. Ampersand***

#### **1. The Ampersand Symbol Should Be Used When Listing Multiple Authors or Articles and Books in Footnotes**

FLEMING JAMES JR. & GEOFFREY C. HAZARD JR., CIVIL PROCEDURE 8 (3d ed. 1985).

### ***B. Percentage Signs***

#### **1. Typically *ELR* Uses the Percentage Sign**

If an author is analyzing or discussing data use the % sign. However, if the author uses the word *percent* in a *few isolated instances* in his or her work then go ahead and use the word *percent*.

### ***C. Section Symbol***

#### **1. Always Use a Section Symbol in Place of the Word When Referring to a Specific Section or Sections, Except if Section Is the First Word in a Sentence**

CAA §404 is very complex.  
Section 404 of the CAA is very complex.

#### **2. There Is No Space Between the Section Symbol and the Number (This is Contra the *BB*)**

It was listed in NEPA §10(a).

#### **3. In SMI, Use the Section Symbol Even at the Beginning of a Line (to Save Space)**

### **XIX. Typefaces**

#### ***A. In Text***

#### **1. Roman and Italic Are the Only Typefaces Used**

Italicize case names, short forms of case names, and titles of publications, speeches, and articles.

The *Alabama Power Co.* case is fascinating.  
*Anderson*, 452 U.S. at 1646.  
I really enjoy reading the *New York Times*.

Do not italicize Latin phrases commonly used in legal writing.

ab initio  
de minimis  
de novo  
e.g.  
etc.  
i.e.  
inter alia

#### **2. Italicize Ship Names**

The *Exxon Valdez* spill was disastrous.

#### **3. Both the *Federal Register* and the *Code of Federal Regulations* Should Be in Itals**

## ***B. In Citations***

### **1. Roman Is Used for Case Names in Full and Names of Authors in Periodical Cites**

Bay View, Inc. v. United States, 278 F.3d 1259 (Fed. Cir. 2001).

### **2. A Signal Used as a Verb in an Ordinary Sentence Should Not Be Italicized**

For an excellent discussion of the rules pertaining to standing to sue, see Barnett M. Lawrence, *Standing for Environmental Groups: An Overview and Recent Developments in the D.C. Circuit*, 19 ELR 10289 (July 1989).

### **3. Italic Is Used for Short Forms of Case Names, Titles of Articles, Signals, Explanatory Phrases, and Short Citation Notes**

### **4. Large and Small Caps Are Used for Authors Names in Book Cites, Titles of Books, Names of Periodicals (Including Newspaper Titles), Constitutions, and State and Federal Codes**

### **5. For Textual Material in a Footnote, Italicize Case Names Whenever Only One of the Two Adversary Parties Is Named or When No Citation Is Given**

## ***C. In Both***

### **1. E.g. Is in Italic Only When Used as a Signal**

### **2. Et al. Is Not Italicized**

## **XX. Typesetting Codes**

Use the following typesetting codes on manuscripts and disks.

<D>	=	roman font	(use after italic, bold, bold/italic, etc.)
<MI>	=	italic font	(use <D> at end)
<B>	=	bold font	(use <D> at end)
<BI>	=	bold/italic	(use <D> at end; this results in large & small caps) *Note: Do not use for numbers. Ex.: <BI>The EPA<D> 20 <BI>Years Later<D>

<N>	=	nonbreaking space (to keep ellipse as a unit) Ex.: .<N>.<N>.
<_>	=	em space (use for paragraph indent, etc.)
<~>	=	en space (use to separate bullet from text, etc.)
<R>	=	hard return to next line
<T>	=	tab/dot leader (use for Table of Contents) Ex.: Discussion<T>20132
<169>	=	open double quote
<170>	=	close double quote
<@145>	=	open single quote
<@146>	=	close single quote
<185>	=	section sign *Note: No extra spacing Ex.: <185>1334
<188>	=	paragraph sign *Note: Use with <N>; this gives you an extra space, but does not allow separation. Ex.: <188><N>9

