

Author Guidelines

Thank you for agreeing to contribute to this Section newsletter or journal, published by the New York State Bar Association. Authors are responsible for the content of their articles, including the accuracy and format of citations and Web site addresses, subject to review by the editor of the publication.

Complimentary Author Copies

Upon publication, each author will receive three complimentary copies of the Section publication in which his or her article appears. Additional copies may be purchased at cost (approximately \$1.00-\$2.00 per copy plus shipping) but must be ordered in advance of printing. Please contact the State Bar at newsletters@nysba.org or (518) 487-5671/5672 to order or for more information.

MCLE Publication Credit

Authors may apply to the CLE Board for publication credit by using the application on the last page or downloading the application from the Unified Court System's Web site at <http://www.courts.state.ny.us/apppubcredit.pdf>.

Article Submission

All articles should be e-mailed as attachments or submitted on a CD or 3.5" disk in any version of Microsoft Word (preferred) or WordPerfect to the appropriate Section Newsletter/Journal editor. Since we need to be able to format the text, we cannot accept articles in PDF format. (Exceptions: graphics, charts and tables as long as they are readable). Revision marks in articles should be accepted and comment boxes should be deleted prior to submission. Please include a 2-3 sentence biography at the end of the article. Also, an author bio should *not* be footnoted with an asterisk or callout number.

Article Set-up

All quotations of more than 49 words should be a separate paragraph, indented ½" on the right and left sides, with no first-line indent unless the quoted matter begins a paragraph in the source from which it is taken. In quotations of more than one paragraph, the internal paragraphing of the original should be maintained. Because block quotations are set off from the rest of the text, there is no need for beginning and ending quotation marks. Quotations of fewer than 50 words should be run into the paragraph like regular text, preceded and followed by quotation marks. Please make sure both sets of quotation marks are present.

Rather than pressing the tab key to signal the beginning of a new paragraph, please use a preset first-line indent. If you do not have or are unfamiliar with this capability, you can begin each line at the left margin and insert an extra line space between paragraphs to indicate the beginning of a new paragraph.

Please note that, when inputting the text, nothing should be typed in all capital letters. Since we use standard styles governing the appearance of headings, subheads and all other text elements, we can automatically capitalize and bold the necessary elements. We do ask, however, that you bold heads and subheads to distinguish them on the hard copy. Italics, not underlined text, should be used for emphasis.

Citations should be inserted as footnotes, rather than as citation sentences. The preferred method is to use the Insert Footnote (or similar) command, which automatically inserts a call-out number in the text and creates a space at the end of the document for the text of the endnote. Extra paragraph returns between footnotes/endnotes should not be used. Since correcting footnotes or endnotes can be labor intensive, we will need to return heavily footnoted articles if the citations are not formatted properly.

We prefer that headings and subheadings use the following numbering sequence: I. A. 1. a. (1) (a) (i) (aa) and that Introductions and Conclusions be included in the numbering.

Citations/Endnotes/Website Addresses

The New York State Bar Association uses the most recent edition of *Bluebook—A Uniform System of Citation* form of citation. We generally follow the *Bluebook* style, with certain exceptions, which are listed below. If you encounter circumstances not covered herein, the *Bluebook* rule should be followed. In cases of conflict, our rules would supersede the *Bluebook* rules. The accuracy of website addresses, in text and citations, is the responsibility of the author.

A problem sometimes encountered in legal writing is the tendency to quote statutory law or case holdings at length absent any real discussion or analysis of the passages as they relate to the accompanying text. If you plan to include such quotations, do so sparingly with the appropriate analysis and consider the best location to reprint it, whether in the text of the article, in an endnote or in an appendix.

When citing to statutes, provide the specific statutory citations (e.g., RPL § 401(b)(3), not RPL § 401). Please provide complete and accurate citations to both statutes and cases, which is particularly important relative to unreported cases or those found only in obscure reporters. Also be sure to include pinpoint citations when quoting from a case.

Make sure the discussion accurately reflects the facts and holdings of the case and that the holding has not been overturned, reversed or otherwise modified by a higher court. Include only those facts necessary to illustrate the holding of the cases and, if need be, discuss both lower court and appellate court holdings.

For the purposes of electronic searches, please name the specific statute being discussed at least once per paragraph (e.g., RPL § 401, not simply § 401).

Style Guidelines

Generally

- Spell out acronyms at first mention.
- Delete quotes around acronyms but set quotes around words, i.e., (CERCLA) (the “Act”).
- Do not italicize i.e., e.g., etc. in text.
- Spell out numbers one through ten (multiple numbers in same sentence should be same format).
- For numbered elements in text always use numbers (1), (2), etc. Use letters for items within a numbered item (1) xxxxxx (a) xxxxx (b) xxxxx; (2) xxxxxxx.
- Use section symbol (§) in text and endnotes. Section sign should always be preceded by statute name.
- No ampersands in heads, author bylines (use in footnotes).
- Avoid contractions.
- For money figures, don’t use zeroes or period (unless at end of sentence) (e.g., \$5,500, not \$5,500.00; \$5).
- The name of the newsletter or journal should always be italicized. Likewise, italicize any shortened form (e.g., the *Journal* or *GLP Journal*).
- Use his or her *not* his/her.

Quotes

- Block quotes should be used if more than 49 words. No quotation marks. Remove double space before and after block.
- Material in quotes should *not* be preceded or followed by ellipses, as quotation marks don’t suggest that entire passage is being quoted. However, ellipses should be used in middle of quoted passages where words are omitted. * * * should be used if what follows omission is in separate paragraph or significantly removed from what precedes omission.
- Court X stated, “...” (use comma before quote unless context indicates otherwise, e.g., “The statute provides as follows: “...”).

Punctuation

- Em dashes—no spaces on either side.
- Use periods in N.Y. and U.S. (except in addresses as in committee chair addresses).

Web Address Format

- <http://www.markwilson.com>

Capitalization

- Should be lowercase:
 - federal
 - state
 - government
 - legislature
- state of New York, New York State, city of New York, etc.
- Chair X, Co-chair X, Editor X; Chairs X and Y, Co-chairs X and Y, Co-editors X and Y.
 - capitalize even if title comes after name (e.g., Bob Jones, Chair of the ___ Committee).
- Capitalize “S” in Section when referring to a NYSBA Section and “C” in Committee.
- Capitalize “A” and “M” in Annual Meeting when referring to NYSBA’s Annual Meeting.
- In an uppercase/lowercase heading, verbs should be capitalized (e.g., Is, Be, Are).

Footnotes

- Italicize case names.
- Italicize *id.*; *supra*; *infra*; *see*; *see also*; *see, e.g.*; *cert. denied*; *aff’d*; *rev’d*; *lv. denied*; *compare with*.
- All cites should be placed in footnotes or endnotes.
- In footnotes, italicize article titles in journals. In text, article titles take quotes, journal names are italicized.
- “In re,” not “Matter of.”—“Dep’t,” not “Dept.”
- Use two underlines instead of blank spaces in footnotes to indicate that a cite is missing.
- Use ampersand between author names in footnotes (don’t use in heads, bylines).
- If a complete sentence that is footnoted is within parentheses, the footnote to that sentence should be inside the parentheses as well, e.g., (XXX xxxxxxxx xx.^{xx}). In all cases, footnotes should be outside punctuation (e.g., ;^x)
- Page numbers in cites should follow *Chicago* rules, e.g., 521-22, but 501-509.
- Close up author initials (e.g., R.A., not R. A.).
- Delete “and” between lists of statutes and/or cases in footnotes; use semicolons.
- Abbreviate months in cites.

NYSBA Cite Check Rules

The following citation rules are set forth in order to maintain uniformity throughout our publications. As noted previously, the New York State Bar Association uses the latest edition of the *Bluebook* form of citation. All exceptions to the *Bluebook* guidelines are listed below. If you encounter circumstances not covered herein, the *Bluebook* rule should be followed. In cases of conflict, our rules supersede those in the *Bluebook*. It is the responsibility of the authors and editors to follow these standards

Cases

I. New York

- A. Court of Appeals—*Case name*, ___ N.Y.2d ___, ___ N.Y.S.2d ___ (20___).
- include N.E.2d citation only if article will be useful outside of New York. Insert N.E.2d cite after the N.Y.2d and N.Y.S.2d cites.
- B. Appellate Division—*Case name*, ___ A.D.2d ___, ___ N.Y.S.3d ___ (# Dep't 20___).
- include department # (1st, 2d, 3d, 4th).
- C. Miscellaneous—*Case name*, ___ Misc. 2d ___, ___ N.Y.S.2d ___ (____ Ct., ____ Co. 20____).
- include court and county.

II. Federal

- A. U.S. Supreme Court—*Case name*, ___ U.S. ____ (20____).
- don't include S. Ct., L. Ed. or U.S.L.W. when U.S. cite is available.
 - if there is no U.S. cite, then cite to S. Ct., or L. Ed., or U.S.L.W. in that order of preference (*see Bluebook* p. 165).
- B. U.S. Court of Appeals—*Case name*, _____ F.2d _____ (# Cir. 20____).
- the correct identification of the District of Columbia Court of Appeals is: (D.C. Cir. 20____).
- C. U.S. District Courts—*Case name*, _____ F. Supp. 2d _____ (S.D.N.Y. 20____).
- include the district and the state. The district is identified by southern, middle, eastern, northern (etc.) district and then the state.
 - district court of District of Columbia is cited as: (D.D.C. 20____).

III. Examples

- A. *City of New York v. Baker*, 46 N.Y.2d 790, 413 N.Y.S.2d 913 (1979).
- B. *James-Smith v. Rottenbert*, 32 A.D.2d 792, 302 N.Y.S.2d 355 (2d Dep't 1969).
- C. *Ungewitter v. Toch*, 31 A.D.2d 583, 294 N.Y.S.2d 1013 (3d Dep't 1969), *aff'd*, 26 N.Y.2d 687, 308 N.Y.S.2d 858, 257 N.E.2d 40 (1970).
- D. *Solarino v. Noble*, 55 Misc. 2d 429, 286 N.Y.S.2d 71 (Sup. Ct., Saratoga Co. 1967).
- E. *Markham v. Allen*, 326 U.S. 490 (1946).
- F. *Smith v. Jones*, N.Y.L.J., Feb. 28, 1983, p. 4, col. 2 (Sup. Ct., N.Y. Co.).

IV. Short Form

Using the short form entails shortening the case name and leaving out parallel cites and parenthetical information (i.e., court, dep't, date).

Examples of Short Forms:

Solarino, 55 Misc. 2d 429.

Id.

Examples of Short Forms with Pinpoint Cites:

Solarino, 55 Misc. 2d at 430.

Id. at 430.

Only short-form a case if the full cite is within 4 footnotes (assuming that the case citations will appear within a few pages of each other).

V. Use of Matter of

- Do not use “*Matter of*.” Use “*In re*” in its place. Do not use “*In re*” if there are adversarial parties. For example, *In re Smith v. Jones* would be incorrect. See *Bluebook* Rule 10.2.1(b).

VI. Dates

Include the date of every court of decision, but only include it in the last citation if the decisions were in the same year.

Examples: *Fagan v. Cataldo*, 111 Misc. 2d 111, 222 N.Y.S.2d 222, *aff’d*, 333 A.D.2d 333, 444 N.Y.S.2d 444 (3d Dep’t 1991).
but

Fagan v. Cataldo, 111 Misc. 2d 111, 222 N.Y.S.2d 222 (1990), *aff’d*, 333 A.D.2d 333, 444 N.Y.S.2d 444 (3d Dep’t 1991).

VII. Abbreviations

Abbreviate case names according to *Bluebook* Rule 10.2.2.

VIII. Unreported Cases

Case Name, Full Docket Number, Court, Date. See *Bluebook* Rule 10.8.1(a).

Example: *Groucho Marx Prods. v. Playboy Enters.*, No. 77 Civ. 1782 (S.D.N.Y. Dec. 30, 1977).

IX. Endnotes

When footnoting cases where the case name is used in the text, do not repeat the case name in the endnote.

Example: text— “The holding in *Smith v. Jones*³ was inconsistent...”
footnote— 3. 124 U.S. 697 (1987).

Constitution

N.Y. Const. art. __, § __. *Bluebook* Rule 11.

Statutes

I. New York

- A. The first cite to a statute should be spelled out in full, as in note 1 below (do *not* spell out N.Y.). Do not include “hereinafter” in parentheses in text or footnote. If the same statute is frequently cited thereafter, it may be abbreviated further by using the generally accepted short forms listed in B. below, **or**, if a statute has no generally accepted short form, use *Bluebook* abbreviations.

Examples: 1. N.Y. Criminal Procedure Law § 100 (CPL).
2. CPL § 300.
3. CPL § 309(a).
4. *Id.*

- B. Following is a list of generally accepted abbreviations for N.Y. statutes. The list is not exhaustive.

BCL—Business Corporation Law
CPL—Criminal Procedure Law
CPLR—Civil Practice Law & Rules
DRL—Domestic Relations Law
ECL—Environmental Conservation Law
EPTL—Estates, Powers & Trusts Law
FCA—Family Court Act

GBL—General Business Law
GOL—General Obligations Law
MHL—Mental Hygiene Law
PHL—Public Health Law
PL—Penal Law
SAPA—State Administrative Procedure Act
SCPA—Surrogate’s Court Procedure Act
SSL—Social Services Law
RPAPL—Real Property Actions & Proceedings Law
RPL—Real Property Law
RPTL—Real Property Tax Law
UCC—Uniform Commercial Code
VTL—Vehicle & Traffic Law
WCL—Workers’ Compensation Law

- Do *not* use periods when using these abbreviations.
- Do *not* include section sign when citing to CPLR, EPTL or SCPA.

C. Statute names within textual sentences generally may be abbreviated, but always use the full statute name where it begins a sentence.

D. N.Y. Codes, Rules & Regulations: use the *Bluebook* version for the first cite and the short form thereafter.

Examples: First time—N.Y. Comp. Codes R. & Regs. tit. __, § __ (N.Y.C.R.R.).

Thereafter—__ N.Y.C.R.R. § __.

- Note that periods are used in the N.Y.C.R.R. short form.

E. N.Y. session laws: 20__ N.Y. Laws ch. __, § __.

F. New York City Administrative Code: N.Y.C. Admin. Code §§ __ - __.

- include background information as a parenthetical following the cite to the Code:

Example: N.Y.C. Admin. Code §§ __ - __ (enacted pursuant to N.Y. Tax Law § 111).

- include updated information preceding the cite to the Code:

Example: 1986 N.Y.C. Local Law No. 71, N.Y.C. Admin. Code §§ __ - __.

G. Unenacted Bills—A.8403-A, 216th N.Y. Leg. Sess. § 1.

II. Federal

A. U.S.C.— __ U.S.C. § __.

B. C.F.R.— __ C.F.R. § __. Do *not* include the date.

- If the cite is to a part, it should read: __ C.F.R. pt. __ (instead of § __).

C. Federal Rules of Civil Procedure (Fed. R. Civ. P.).

- Do *not* include section sign when citing to Fed. R. Civ. P.

III. Miscellaneous Cites

A. Warren’s Weed—cite as: Warren’s Weed, title of book, “section name,” § number.

Example: Warren’s Weed, New York Real Property, “Descent,” § 1.01.

- B. Practice Commentaries—cite as: Author’s last name, McKinney Practice Commentary, statute name and section (year of the commentary, if there is one).

Example: Scheinkman, McKinney Practice Commentary, DRL § 111 (1991).

- C. Code of Professional Responsibility (New York)—cite as: *The Lawyer’s Code of Professional Responsibility*, [EC, DR, Canon] section number (hereinafter “Code”).

- do not include the date.

- D. *New York Law Journal*—cite as: *Case Name*, N.Y.L.J., date, p. __, col. __ (____ Ct., ____ Co.).

Example: *Smith v. Jones*, N.Y.L.J., Oct. 28, 1994, p. 1, col. 1 (Sup. Ct., N.Y. Co.).

- E. New York City Criminal Cts.—cite as: (Crim. Ct., ____ Co. 20__).

IV. Dates

Do *not* include date information in *any* statutory cites—NEW YORK *and* FEDERAL.

V. “Section” Usage

- A. Use section *spelled out* (no abbreviations):

- at beginning of sentence.

- B. Use section symbol (§):

- in text.
- in endnotes (including explanatory text in endnotes).
- in citations in text (separated by commas and/or periods).

There is a space between the section sign and number.

VI. “Article,” “Title,” etc., Usage

- A. In text, use “article,” “title,” etc., spelled out, lower case (unless it begins a sentence).

- B. In cites, use abbreviations “art.,” “tit.,” etc.

VII. Footnotes

Cites should be included as footnotes, rather than citation sentences. Multiple cites are separated by semicolons.

VIII. NYSBA Cites

- A. Ethics Opinions—cite as: NYSBA Comm. on Professional Ethics, Formal Op. [number and date] (hereinafter “NYSBA Op.”).

- B. Bar Journal: Author’s name, *Title*, N.Y. St. B.J., vol. __, no. __, at (p. #) (date/year).

- C. State Bar News: *State Bar News*, NYSBA at (p. #) (date/year).



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- Legal research-based writing appearing in any publication, whether print or electronic, that is controlled by the applicant's firm or employer

You MUST include a printed copy of the complete legal research-based writing and proof of publication (or proof of acceptance for publication). All legal research-based writing not in English must be submitted with an English translation.

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This application will be returned to you with the Board's Approval or Denial indicated above. You must retain this form for at least four (4) years.