Order

Michigan Supreme Court
Lansing, Michigan

March 15, 2006

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2004-45

Administrative Order No. 2006-3
Michigan Uniform System of Citation

On order of the Court, Administrative Order Nos. 1987-2 and 2001-5, which amended the Michigan Uniform System of Citations, are rescinded. Effective May 1, 2006, all reported decisions of the Supreme Court and the Court of Appeals shall adhere to and follow the Michigan Uniform System of Citation as revised by this order.

The Michigan Uniform System of Citation provides a comprehensive scheme for citation of authority in documents filed with or issued by Michigan courts. This revision reflects the style currently used in the opinions of the Supreme Court as published in *Michigan Reports.* It is based on the former Uniform System of Citations, Administrative Order No. 1971-3, 385 Mich xxvi-xxxv (1971), Administrative Order No. 1973-5, 390 Mich xxxi (1973), Administrative Order No. 1987-2, 428 Mich cviii (1987), Administrative Order No. 2001-5, 464 Mich lxxviii (2001), and the Proposed Rules of Citation, 402A Mich 455-468 (1978).

For matters not covered, refer to *The Bluebook, A Uniform System of Citation* (18th ed), for guidance, but conform citations to Michigan citation style.

I. Citation of Authority

A. Citation of Cases

1. *Initial citation.*

The first time a case is cited in an opinion, either in the body of the text *or* in a footnote, cite *in full* the *official* reporter of its jurisdiction (where available), and *include the parallel citation* of the regional reporter.

Mayberry v Pryor, 422 Mich 579; 374 NW2d 683 (1985).

If a case is first cited in an order, either in the body of the text or in a footnote, cite the official report only.

Mayberry v Pryor, 422 Mich 579 (1985).

Where an official citation is not yet available, provide blanks for the volume and page numbers.

Mayberry v Pryor, _____ Mich ____; 374 NW2d 683 (1985).

If a case is initially cited only in a footnote, it *must* be *re*-cited *in full* in the text if it is referred to subsequently in the text.

2. *Subsequent citation.*

a. Once cited in full in the text, a case need not be cited again in full in the text or a footnote. Subsequent reference in the text or in a footnote may use any of the following shortened forms:

> E.g., *Mayberry*; *Mayberry, supra*; *Mayberry v Pryor*. (N.B.: "*Id.*" may be used as a subsequent reference *only* if no other authority intervenes between the previous citation of the same source and "*id.*")

b. Where a case is cited in full *in a footnote*, a subsequent short-form citation may be used *in a subsequent footnote* to refer the reader to the full citation:

> *Mayberry*, n 4 *supra*.

3. *Point or "jump" citation.*

a. To refer to an internal page of an opinion, cite the *official* reporter where available:

1) *initial citation*: include the "jump" page in the complete citation:

> *Mayberry v Pryor*, 422 Mich 579, 587; 374 NW2d 683 (1985); or

2) *subsequent citation*: append the "jump" page to any short-form citation:

> *Mayberry*, *supra*, p 587; *Mayberry, supra* at 587; *Mayberry*, p 587; *id.*, p 587; *id.* at 587; 422 Mich 587.

(N.B.: The form of the short-form citation *must* be consistent throughout an opinion. Do *not* mix *Mayberry, supra*, p 587, with *Mayberry, supra* at 587.)

b. If the official report of a case is not yet available, refer to the "jump" page in an unofficial report:

1) *initial citation*: *Galster v Woods* (*On Rehearing*), 173 Cal App 3d 529, ____; 219 Cal Rptr 500, 509 (1985);

2) *subsequent citation*: *Galster, supra*, 219 Cal Rptr 509; or *id.*, 219 Cal Rptr 509; or 219 Cal Rptr 509 (N.B.: it is *mandatory* in this situation that the identity of the *unofficial* reporter be shown because references to pages not otherwise identified are presumed to be to the *official* reporter.)

4. *Case names.*

a. *Italicizing.* Names of cases should be italicized both in the text of an opinion and in footnotes. Underscoring no longer should be used to indicate italics.

b. *Official sources.* Cite the name of a case as set forth on the first page of the *official* reporter as fully as necessary for recognition. Do not show *et al.*, *et ux.*, or like references to other parties in a case name, but *do* show *ex rel* (for *on the Relation of* or *for the use and benefit of*) and the relator's name.

c. *Abbreviations.* Where the name of the case as it appears in the official reporter is long or involved, it should be shortened. Abbreviations are encouraged for common words such as Commission (Comm), County (Co), Manufacturing (Mfg), International (Int'l), etc., where appropriate. Citations should include only the first plaintiff's surname or corporate name and the first defendant's surname or corporate name.

Examples:

The title in the official report of 262 US 447 is *Commonwealth of Massachusetts v Mellon, Secretary of the Treasury, et al.*, and should be cited as *Massachusetts v Mellon*, 262 US 447; 43 S Ct 597; 67 L Ed 1078 (1923).

International Union of Electrical, Radio and Machine Workers, AFL-CIO Frigidaire Local 801 v NLRB, 113 US App DC 342; 307 F2d 679 (1962), may be shortened to *Electrical Workers Union v NLRB*, etc.

d. *Identical titles.* Where two or more separate cases with the same title are referred to in an opinion:

1) add the first names of the parties in order to distinguish the cases, e.g., *People v John Smith/People v Mary Smith*, etc.; or

2) add a roman numeral after the case name, e.g., *Smith I*, *Smith II*, etc.

(N.B.: Where cases with identical surnames are reported in the same volume, first names are included. It is *not* necessary to include first names when cited in a slip opinion unless two or more cases with such names are cited in the slip opinion.)

e. *Officials as parties.*

1) *Michigan cases*: If a person was sued in an official capacity, use that person's official title, not the name of the person.

Jones v Secretary of State, not *Jones v Austin*;
Giannotta v Governor, not *Giannotta v Milliken*

2) *United States Supreme Court cases and cases from other jurisdictions*: Follow the commonly accepted practice within the jurisdiction (if known) regarding the surname or title of the party. Otherwise, follow (e)(1). E.g., in cases decided in the United States Supreme Court and some sister states, the title of a party is not ordinarily used.

Example:

Massachusetts v Mellon, not *Massachusetts v Secretary of Treasury*

f. *State or city as a party.* Where a state or a city is a party, use only the name of the state or city:

The title that appears at 383 Mich 579 is *Consumers Power Company v State of Michigan*; cite it as *Consumers Power Co v Michigan*.

If the name of a city also commonly may be used as a surname, such as the city of Warren, cite as *Jones v City of Warren*; but where a city is well known, it should be cited as *Jones v Detroit*.

g. *Traffic violations, civil infractions.*

1) In cases involving a civil infraction of a traffic ordinance of a political subdivision, the proper party is the subdivision:

City of Troy v Ohlinger, 438 Mich 477; 475 NW2d 54 (1991), **not** *People of the City of Troy*, or *People v Ohlinger*.

2) However, where a civil infraction is a violation of the Vehicle Code, the proper party is the state:

People v Ferency, 133 Mich App 526; 351 NW2d 225 (1984).

See 1978 PA 510, MCL 257.741.

h. *County, township, or school district as a party.* Place the name of the county, township, or school district first and then Co, Twp, School Dist, or Bd of Ed, regardless of the entitlement of the case in the reports.

Examples:

Oakland Co v Smith; *Bush v Waterford Twp*; *Jones v Waverly School Dist*; *Smith v Lansing Bd of Ed.*

i. *Second case name.* Do not give a second name for a case if the first will fully identify it.

Examples of a second name being required:

Harvey v Lewis (In re Escrow Funds), 364 Mich 491; 111 NW2d 119 (1961), and *Harvey v Lewis (In re Fee for Receiver's Attorney)*, 364 Mich 493; 112 NW2d 500 (1961).

j. *Rehearing, remand, or amended.* If the opinion cited was decided on rehearing or after remand, the specification (*On Rehearing*),

(*On Remand*), or (*After Remand*) is part of the title and *must* be included in the citation. Also if an opinion is amended by a special panel of the Court of Appeals, the specification (*Amended Opinion*) should be included.

Example:

People v Walker, 371 Mich 599; 124 NW2d 761 (1963); *People v Walker (On Rehearing)*, 374 Mich 331; 132 NW2d 87 (1965).

k. *Supplemental opinions.*

Example:

In re Ernst, 373 Mich 337, *Supplemental Opinion*, 349; 129 NW2d 430 (1964).

l. *Punctuation in case citations.*

1) The official volume number, reporter abbreviation, page number, parallel citation and year are in nonrestrictive apposition with the case name and must be preceded by a comma and followed by a comma, semicolon, period, or other punctuation (except where parenthetical matter postpones it).

Example:

"resolved in *Village of Kingsford v Cudlip*, 258 Mich 144; 241 NW 893 (1932), where the Court . . . ."

2) Parallel citations are separated from official citations and from other parallel citations by semicolons to avoid confusion with the commas that frequently separate point citations. These semicolons should not be viewed as punctuation, but merely as separators.

Example:

People ex rel Gummow v Larson, 35 Ill 2d 280, 282; 220 NE2d 165 (1966).

However, where a string of citations is conjoined by "and," use commas to separate the complete citation of each case.

Example:

Nicholls v Charlevoix Circuit Judge, 155 Mich 455; 120 NW 343 (1909), *Kemp v Stradley*, 134 Mich 676; 97 NW 41 (1903), and *Backus v Detroit*, 49 Mich 110; 13 NW 380 (1882).

Where a string of citations is not conjoined by "and," separate with semicolons.

m. *Jurisdiction.*

1) Michigan and state courts. Jurisdiction is usually shown by the abbreviation of the title of the official reporter: Michigan Supreme Court (Mich); Michigan Court of Appeals (Mich App); United States Supreme Court (US). Where official reports are no longer published, the jurisdiction must be indicated in the parentheses at the end of the citation, followed by a comma and the year of decision. For the highest court of a state, only the name of the state should be shown. Use the abbreviations of state names listed in State abbreviations, p XX (Appendix A). For intermediate appellate courts, abbreviate the name of the court in addition to the state name.

Examples:

People v Blythe, 417 Mich 430; 339 NW2d 399 (1983);
Gaines v Betts, 2 Doug 98 (Mich, 1845);
State v Gallion, 572 P2d 683 (Utah, 1977);
Miller v Stumbo, 661 SW2d 1 (Ky App, 1983)

2) Federal circuit courts. Federal courts of appeals are shown in parentheses with the date of decision as CA plus the circuit number or "Fed" for the federal circuit. E.g.: CA 6, not 6 Cir or 6th Cir or CCA 6. (N.B.: The Court of Appeals for the District of Columbia Circuit is *not* shown in parentheses because there is an official reporter: App DC or US App DC, and a citation of the official reporter indicates the jurisdiction.)

Examples:

Kirkland v Preston, 128 US App DC 148; 385 F2d 670 (1967).
Ierardi v Gunter, 528 F2d 929, 930-931 (CA 1, 1976).

3) Federal district courts. Federal districts, but not divisions, are shown in parentheses if one exists (ED Mich, not ND ED Mich). If a state comprises only one district, use D plus the state abbreviation, not the state abbreviation alone.

Example:

United States ex rel Mayberry v Yeager, 321 F Supp 199, 211 (D NJ, 1971).

4) Early US Supreme Court cases. Early US reports, through 90 US, are to be cited by consecutive volume number in the US series. The corresponding reporter's name (abbreviated) and volume number in parentheses *may* be added.

Example:

Sexton v Wheaton, 21 US (8 Wheat) 229; 5 L Ed 603 (1823).

n. *Parallel citations.*

1) Parallel citations for United States Supreme Court reports are to be given in the order S Ct; L Ed.

2) A parallel citation of the National Reporter System Regional Reports is to be given if one exists. For New York or California cases, the New York Supplement or California Reporter citation also *must* be given.

3) Parallel citations of other reports, e.g., ALR, *may* be given if the case is reported *in full* therein.

o. *Unavailable citations.*

1) When an official and a parallel citation are not yet available, provide blanks in which the information later can be inserted.

Example:

____ Mich ____; ____ NW2d ____ (1978).

Do not use this form where the citation will *never* be available because reports have been discontinued.

2) USLW, LEXIS, WESTLAW, or other advance reports or abstract citations should be given only if *both* the official *and* the regional or other permanent unofficial report citations are not yet available.

p. *Periods and spacing of report names and capitalization.*

1) Use no periods in abbreviations of report names, even if there are two or more words, and do not insert a space where single letters abbreviate the words.

Examples:

NE; NW; NY; RI; US; ALR

2) Do insert a space where more than one letter is used to abbreviate the individual words, and capitalize the first letter of each word.

Examples:

Mich App; F Supp; US App DC; S Ct; L Ed

3) Insert a space between the report name and series designation (2d, etc.) if the last word is abbreviated with more than one letter; otherwise do not.

Examples:

(No space) F2d; NYS2d; ALR3d; A2d; NE2d; SW2d
(Space) Wis 2d; So 2d; Misc 2d; L Ed 2d

(Exception-space) LRA NS

q. *Date of decision.* Generally, the year of *decision* should follow parallel citations in parentheses; however, in the Court of Appeals, where controlling authority is governed by MCR 7.215(J)(1), the year of *release* should be inserted.

E.g., *Farrell v Auto Club of Michigan* was decided on October 25, 1990, but was approved for publication on January 16, 1991. The correct citation form is: *Farrell v Auto Club of Michigan* (*On Remand*), 187 Mich App 220; 466 NW2d 298 (1991). The time of release is not to be noted in the citation.

r. *Subsequent history.* Citation of *denial* of discretionary action such as rehearing, leave to appeal, certiorari, reconsideration, or the like should *not* be indicated unless jurisprudentially significant within the jurisdiction. (N.B.: In Michigan, denial of leave has no effect on the precedence of a case, see MCR 7.321; this is also true with regard to denial of certiorari by the United States Supreme Court, see *Maryland v Baltimore Radio Show*, 338 US 912, 919 [1950].)

Where given, subsequent history should be indicated by using the following abbreviations without periods and *not* followed by a comma:

affirmed	aff'd
affirming	aff'g
appeal dismissed	app dis
certiorari denied	cert den
leave to appeal denied	lv den
leave to appeal granted	lv gtd
modified	mod
rehearing denied	reh den
rehearing granted	reh gtd
reversed	rev'd
reversed on other grounds	rev'd on other grounds
reversing	rev'g
vacated	no abbreviation

Only the *official* report of subsequent action should be cited.

s. *Unreported matters.* Cite unpublished Michigan cases and orders as follows, and foreign cases by analogy:

> *A v B*, unpublished opinion per curiam (or memorandum opinion) of the Court of Appeals, issued [month, day, year] (Docket No. _____).

A v B, unpublished order of the Court of Appeals, entered [month, day, year] (Docket No. _____).

A v B, unpublished opinion of the _____ Circuit Court, issued _____ (Docket No. _____ [suffix]).

Unpublished opinion of the Attorney General (No. _____, [month, day, year]).

t. *String citations.* Use of overly long string citations, even in footnotes, generally should be avoided inasmuch as "they may cast doubt upon the credibility of your claims because they can give the impression that your case is so weak that you have to substantiate it with every source you can find." More effective is the use of "only one or two of your strongest sources." Charrow & Erhardt, *Clear and Effective Legal Writing* (Boston: Little, Brown & Co, 1986), ch 3, p 64.

5. ***Consistent citation form*:** The citation form used within an opinion should be uniform, i.e., do not mix *id.*, p 270, with *id.* at 270, or *Ensign, supra*, p 270, with *Ensign, supra* at 270.

B. Citation of Constitutions, Statutes, Regulations, Court Rules, and Jury Instructions

1. *Constitutions.*

a. *Michigan.* Give the year of the constitution (not the year of an amendment), article, and section number in *Arabic* numerals.

Example:
Const 1963, art 6, § 1; Const 1963, sched § 1.

If the section has been amended since adoption, the reference is presumed to be to the current section unless otherwise indicated.

b. *United States.* Give the article or amendment number in *Roman* numerals and the section number in *Arabic* numerals:

Example:

US Const, art III, § 1.

For amendments:

US Const, Am XIV (*not* Art XIV).

c. *Other states*. Cite by analogy to the Michigan Constitution and United States Constitution.

2. *Statutes.*

a. *Michigan.*

1) *Public and local acts.*

Cite the year, "PA" or "LA," and the act number.

Examples:

1974 PA 296, *not* Act 296, 1974;
1974 LA 1.

If enacted at an extra session, the extra session designation follows the year in parentheses.

Examples:

1912 (1st Ex Sess) PA 10, part 2, § 9
1967 (Ex Sess) PA 3

2) *Amended acts.*

Cite as: 1961 PA 236, as amended (or as added) by 1974 PA 52, MCL 600.103.

3) *Compiled Laws*. Cite the official compilations of 1948, 1970, and 1979 of the Michigan Compiled Laws. (N.B.: Michigan Compiled Laws Annotated [MCLA] and Michigan Compiled Laws Service [MCLS] have the same numbering system.)

Examples:

1948 CL 566.140
1970 CL 35.291.

When citing, use MCL for the current (1979) compilation, not MCLA or MCLS, e.g., MCL 776.20. Inclusion of the public act number is optional. If used, the form is: 1937 PA 286, MCL 487.703. Subsequent references in the same opinion may be shortened as follows:

§ 3, or Act 286, § 3.

4) *Catchlines.* The boldface catchlines found at the beginning of, and sometimes elsewhere in, statutes in the Public and Local Acts, MCL, MCLA, and MCLS were inserted by an editor, not enacted by the Legislature. They are *not* part of the statute and should not be included when quoting a statute. Similarly, catchlines found in a statute following the section number, as in many sections of the Michigan Penal Code, are not part of the statute and should not be included in quotations.

5) *Section numbers.* Generally speaking, any section number appearing at the beginning of a statute also should be omitted from the quotation unless needed for clarity, e.g., if the sections of the act are not evident and will be used later in an opinion in short form for reference.

6) *History.* The statutory history that follows each section also is *not* part of the legislative enactment and should *not* be included in quoted material.

Examples:

~~691.1412 Claims under act; defenses available.~~ [delete]

[~~Sec. 12.~~] [delete] Claims under this act are subject to all of the defenses available to claims sounding in tort brought against private persons.

[~~HISTORY: New 1964, p. 224, Act 170, Eff. Jul. 1, 1965.~~] [delete]

7) *Short titles.*

a) *Official title.* If an act has an official "short title" enacted as part of the act, capitalize the initial letters of the title. Indication of the year of enactment is unnecessary, even though it may be given as part of the title.

Example:

1961 PA 236, § 101, MCL 600.101 provides:

> "This act shall be known and may be cited as the revised judicature act of 1961."

Omit the 1961 in citation, referring to it merely as the Revised Judicature Act.

Generally recognized abbreviations of titles may be used, whether mentioned in the act or not. For example, § 101 of the Revised Judicature Act specifically authorizes use of the abbreviation "RJA"; § 1101 of the Uniform Commercial Code gives the title without mentioning an abbreviation, but UCC is permissible.

b) *No official title.* If an act does not have an official title, a short title used in referring to it should not be capitalized unless it is a word that is normally capitalized. For example, the teacher tenure act, MCL 38.71 *et seq.*, has no official title, nor has the no-fault act, MCL 500.3101 *et seq.*

c) *Multiple titles.* An act may be referred to by an unofficial title even though it has an official title.

> Worker's Disability Compensation Act/workers' compensation act

d) *Sponsors.* Generally omit the names of an act's sponsors in an official act.

> The R. Hood-McNeely-Geake Malpractice Arbitration Act of 1975 should be referred to as the Malpractice Arbitration Act; the Elliott-Larsen Civil Rights Act, as the Civil Rights Act or the Michigan Civil Rights Act where an opinion also refers to the federal Civil Rights Act.

b. *Federal.* Cite the title and section numbers of the United States Code without punctuation or section symbol: 11 USC 29, not 11 USC § 29. The official United States Code (USC), the United States Code Annotated (USCA), and the United States Code Service (USCS) all use the same numbering system; therefore, cite the *official* version (USC). Citation of the Statutes at Large is

unnecessary except where there is no corresponding USC citation or where the particular USC title has not been enacted into positive law *and* the wording of USC is *materially* different from that of the Statutes at Large. Federal session laws are to be cited:

PL 96-123, § 109, 93 Stat 926.

c. *Other states*. Cite in the manner usually followed in the jurisdiction, preferably in the official reports, consistent with manual form. The jurisdiction must appear clearly in or with the citation. Consult the Bluebook for titles.

Examples:

Ariz Rev Stat 13-4032, *not* ARS 13-4032.

NH Rev Stat Ann 651:57, *not* NHRSA 651:57.

The year of compilation should *not* be included unless the reference is *not* to a statute currently in force.

3. *Court rules.*

a. *Michigan Court Rules of 1985*.

Cite as: MCR and the rule number. (MCR 2.625.)

b. *Michigan Rules of Evidence*.

Cite as: MRE and the rule number. (MRE 801.)

c. *Former court rules*.

1) *General Court Rules of 1963*: GCR 1963, 105.4.

2) *Court Rules of 1945*: Court Rule No 8, § 7 (1945).

3) *Earlier court rules*: Cite analogously to the Court Rules of 1945.

4) *Former District Court Rules*: DCR and the rule number.

5) *Former Probate Court Rules*: PCR and the rule number.

6) *Former Juvenile Court Rules*: JCR 1969, and the rule number.

d. *Local Court Rules.*

[*Jurisdiction*] LCR and the rule number. (30th Circuit LCR 2.119.)

e. *Proposed court rules.*

Proposed MCR and the rule number.

f. *Rules of Professional Conduct.*

MRPC 1.0.

g. *Code of Judicial Conduct.*

Code of Judicial Conduct, Canon 1.

h. *State Bar Rules.*

SBR 6, § 3.

i. *Rules of the Board of Law Examiners.*

BLE 5.

j. *Federal rules.*

1) *Federal Rules of Civil Procedure*: FR Civ P 52(a).

2) *Federal Rules of Criminal Procedure*: FR Crim P 11.

3) *Federal Rules of Evidence*: FRE 803(24).

k. *Other jurisdictions.* Cite in the same manner as cited by the official reporter of the court, but consistent with manual form.

4. *Administrative orders.*

Administrative Order No. 1993-1. Subsequent *extensive* references may be shortened: AO 1993-1.

5. *Jury instructions.*

a. Criminal Jury Instructions: CJI2d 1.1.

b. Michigan Model Civil Jury Instructions: M Civ JI 3.02.

6. *Administrative rules.*

a. 1999 Administrative Code: 1999 AC, R 408.41863.

b. If the rule has been amended or superseded, cite the appropriate Annual Supplement where available: 1983 AACS, R 408.41863, or a more recent revision in the *Michigan Register*: 1985 MR 7, R 408.30495c.

(N.B.: Revisions appear monthly in the *Michigan Register* and are cumulated annually in AACS. E.g., regulations published in 1985 MR, vols. 1-12, are later reprinted in 1985 AACS.)

Subsequent references may be shortened: Rule 408.41863.

2003 PA 53 amended §§ 55 and 59 of the Administrative Procedures Act, MCL 24.255 and 24.259, effective July 14, 2003, to provide that the official Michigan Administrative Code is what is published and annually supplemented on the Office of Regulatory Reform website at <http://www.michigan.gov/orr>.

C. Miscellaneous Citations

1. *Attorney General opinions.*

Cite as:

1 OAG, 1956, No 3,010, p 407 (August 26, 1957).
OAG, 1947-1948, No 146, p 217 (March 7, 1947).

2. *Municipal charters and ordinances.*

a. *Charters.* Cite the name of the municipality, the charter, and sufficient data to identify the particular section of interest uniquely, but not redundantly. For example, if all the sections of chapter 6 of a charter are numbered as 6.1, 6.2, etc., and sections in no other chapter are so numbered, 6.2 is sufficient and ch 6 should not be added to the citation.

Examples:

Detroit Charter, tit VI, ch VII, § 11.
Lansing Charter, § 5-207.

b. *Ordinances.*

1) *Codified Ordinances.* Cite the name of the municipality, the ordinance code, and sufficient data to identify the particular section of interest uniquely, but not redundantly.

Example:

Detroit Ordinance, § 38-5-7.

2) *Uncodified Ordinances*. Cite the name of the municipality and the ordinance number and section; the date is unnecessary for ordinances currently in force, but should be added in parentheses when necessary to distinguish from other versions.

Example:

Saginaw Ordinance D-511, § 203.

3. *Administrative decisions.*

Cite published cases as follows:

A v B, 1978 MERC Lab Op 328.
(Employment Relations Commission)

A v B, 95 LRRM 1274 (1977).
(Labor Relations Reference Manual)

A v B, 1 MTTR 95 (Docket No. 3799, May 15, 1975).
(Tax Tribunal Reports)

A v B, 1979 WCABO 2617.
(Workers' Compensation Appeal Board Opinions)

A v B, 1989 Mich ACO 1.
(Workers' Compensation Appellate Commission Opinions)

Cite other reports by analogy.

4. *Constitutional Convention.*

2 Official Record, Constitutional Convention 1961, p 2038.

5. *Legislative materials.*

a. *Bills*.

HB 4015.
SB 481.

b. *Journals*.

1) *Bound volumes*. Cite the year of the session and the page number:

1965 Journal of the House 77-78.
1983 Journal of the Senate 2280.

2) *Advance sheets*. Cite, in addition, the pamphlet number and the date of issue:

1986 Journal of the House 76 (No. 6, January 22, 1986).

1986 Journal of the Senate 449 (No. 26, March 6, 1986).

c. *Analyses*.

House Legislative Analysis, HB 6037, September 29, 1980.

6. *Executive orders.*

Cite in full:

Executive Order No. 1991-1.
Short forms: order 1991-1 or EO 1991-1.

7. *Legal treatises and texts.*

a. *Examples*:

3 ABA Standards for Criminal Justice (2d ed), Standard 18-4.1, commentary, p 18-240

78 ALR2d 218, § 2, pp 220-221

2 Am Jur 2d, Administrative Law, § 698, p 597

Anno: *Fraud or undue influence in conveyance from child to parent*, 11 ALR 735, 746

3 Callaghan's Michigan Pleading & Practice (2d ed), § 16.23, p 564

26 CJS, Declaratory Judgment, § 108, p 214

1 Cooley, Constitutional Limitations (2d ed), p 10

2 Couch, Insurance, 2d (rev ed), § 15:57, pp 298-302

1 Gillespie, Michigan Criminal Law & Procedure (2d ed), § 312, p 374

Lewis, Trusts (13th ed), p 91

2 Martin, Dean & Webster, Michigan Court Rules Practice, p 334

McCormick, Evidence (3d ed), § 72, p 171

12 McQuillin, Municipal Corporations (3d ed, 1976 Cum Supp), § 32.133, p 141

12 Michigan Law & Practice, Fraud, § 10, pp 409-410

Prosser & Keeton, Torts (5th ed), § 4, p 21

Restatement Contracts, 2d (Tentative Draft No 8, 1973), § 267, pp 77-78

2 Restatement Torts, 2d, Appendix (1966), § 344, p 237

3 Restatement Torts, 2d, § 520, p 41

3 Sands, Sutherland Statutory Construction (4th ed), § 62.01, p 113

2 Weinstein & Berger, Evidence, ¶ 412[01], pp 412-10, 412-11

6 Wigmore, Evidence (Chadbourn rev), § 1747, p 195

b. *Subsequent citation*: Once an authority has been cited in full, a short-form citation may be used where it will not result in confusion. E.g.:

Weinstein, ¶ 411

Wigmore, § 1745

Cooley, p 10

Restatement, § 340

Note, however, where a citation of the Restatement of Contracts

intervenes after a citation of the Restatement of Torts, simply providing "Restatement, § 340," will not suffice because it could refer to either.

8. ***United States Law Week.*** Use only where an official or regional reporter is unavailable.

Comm'r of Internal Revenue v Kowalski, ____ US ____; ____ S Ct ____; ____ L Ed 2d ____; 46 USLW 4015 (November 29, 1977).

Pechter v Lyons, ____ F Supp ____; 46 USLW 2251 (SD NY, November 8, 1977).

9. ***LEXIS/WESTLAW.*** Use only where an official or regional reporter is unavailable.

A v B, ____ [Official Reporter] ____; ____ [Unofficial Reporter(s)] ____; [year] LEXIS/WL [library] [page].

10. ***Nonlegal books.*** Cite the author, editor, or issuing institution, title in italics, and, in parentheses, the place of publication, colon, publisher, edition number, and year of publication, followed by, if appropriate, sufficient data to identify the matter of interest, such as the chapter and page number.

Examples:

Greenfield & Sternbach, eds, *Handbook of Psychophysiology* (New York: Holt, Rinehart & Winston, Inc, 1972), ch 19, p 749

Yung-Ping Chen & The Technical Committee on Income, *Income: Background & Issues* (Washington, DC: White House Conference on Aging, 1971)

United States Bureau of the Census, *Census of Population: 1970, Detailed Characteristics; Final Report PC(1)-D24 Michigan* (Washington, DC: United States Government Printing Office, 1972)

Bernstein, *The Careful Writer* (New York: Atheneum, 1973)
Follett, *Modern American Usage* (New York: Hill & Wang, 1966)

Evans, *A Dictionary of Contemporary American Usage* (New York: Random House, 1957)

11. *Dictionaries.*

Black's Law Dictionary (8th ed) (no italics)

Webster's Third New International Dictionary, Unabridged Edition (1966)

The Random House Dictionary of the English Language: Unabridged Edition

Random House Webster's College Dictionary (1991)

The American Heritage Dictionary of the English Language (1973)

12. *Law review material.*

a. Include the volume number, abbreviated name of the law review or journal, page number or numbers, and, in parentheses, the year.

b. Articles with named authors should be cited beginning with the surname of the author (unless more is needed for certainty) and the title in italics.

c. A commentary or note should be cited as commentary or note, comma, and *italicized* title. (N.B.: The name of the author should *not* be included.)

d. Matter in the nature of a regular department of a periodical having a number of contributors or anonymous contributors should be cited by the usual title, e.g., Current Law Notes, Recent Legislation, Recent Developments, and not italicized.

Examples:

Comment, *Prosecutorial discretion in the duplicative statutes setting*, 42 U Colo L R 455 (1971)

Conyers, *The politics of revenue sharing*, 52 J Urban L 61 (1974)

Crawford, *Local zoning control of billboards—A guide for Michigan Attorneys*, 1989 Det Col L R 1473

Kimble, *Protecting your writing from law practice*, 66 Mich B J 912 (1987)

Kutak & Gottschalk, *In search of a rational sentence: A return to the concept of appellate review*, 53 Neb L R 463 (1974)

Moley, *The use of the information in criminal cases*, 17 ABA J 292 (1931)

Project, *Seventeenth annual review of criminal procedure*, 76 Geo L J 521, 925 (1988)

Richardson, 1983 Annual Survey of Michigan Law, *Natural resources, real property and trusts*, 30 Wayne L R 763, 769-772

13. ***Internet material.*** Materials found only on an Internet website should include an author (if available), a title, an Internet address, *and* the date on which the site was accessed.

Examples:

James Wyman, Florida Law Online <http://www.gate.net/~wyman/flo.html> (accessed August 1, 1999).

Federal Judicial Center, *Federal Judicial Center Publications* <http://www.fjc.gov/pubs.html> (accessed July 10, 1999).

14. ***Michigan Child Support Formula Manual.***

Cite as [year] MCSF [section number]. Example: 2001 MCSF 208(A).

II. Material Quoted in Opinions

Generally, material quoted in opinions should be reproduced exactly as it appears in the original source.

Examples:

MCL 769.26 provides:

> No judgment or verdict shall be set aside or reversed or a new trial be granted by any court of this state

> in any criminal case, on the ground of *misdirection of the jury*, or the improper admission or rejection of evidence, or for any error as to any matter of pleading or procedure, unless in the opinion of the court, after an examination of the entire cause, it shall affirmatively appear that the error complained of resulted in a miscarriage of justice. [Emphasis added.]

As this Court has noted,

> [t]he measure of control exercised in connection with the prevention and detection of crime and prosecution and punishment of criminals is set forth in the statutes of the State pertaining thereto, particularly the penal code and the code of criminal procedure. The powers of the courts with reference to such matters are derived from the statutes. [*People v Piasecki*, 333 Mich 122, 143; 52 NW2d 626 (1952).]

A. *Case Law.*

1. Where available, *official* sources should be quoted. (N.B.: the official opinions of the Michigan Supreme Court are published in the *Michigan Reports* [Mich], not the *North Western Reporter* or *Michigan Reporter* [NW2d]; the official opinions of the United States Supreme Court are published in the *United States Reports* [US], not the *Supreme Court Reporter* [S Ct], the *United States Supreme Court Reports*, *Lawyers Edition* [L Ed, L Ed 2d], or *United States Law Week* [USLW].)

2. Published opinions of Michigan, federal, or foreign courts should be quoted *exactly*, except that a parallel citation or year of decision must be added with brackets if missing from the quoted material.

   Examples:

   In 378 Mich 195, the following citation appears:

   > *Brown* v. *City of Highland Park* (1948), 320 Mich 108.

   If the paragraph containing the citation is quoted in a current opinion, it should appear as:

   > *Brown* v. *City of Highland Park* (1948), 320 Mich 108 [30 NW2d 798]. (N.B.: A parallel citation has been added.)

   In 199 Mich 316, "*Jones* v. *Berkey*, 181 Mich. 472 (148 N.W. 375)," should be quoted:

   > "*Jones* v. *Berkey*, 181 Mich. 472 (148 N.W. 375) [1914]."

B. ***Statutes and Administrative Rules.*** These should be quoted *exactly as they appear in printed form, not off a website.* If it appears that the text of a statute or rule contains an error, "[sic]" should be inserted in the text immediately following the error.

C. ***Punctuation in Quoted Material.***

1. *Colons and semicolons.* Colons and semicolons that are not part of the original quoted material are placed *outside* quotation marks.

2. Question marks and exclamation points. Placement of question marks and exclamation points depends on their relation to the material quoted. The mark is placed inside quotation marks where it applies only to the material quoted, and outside where it applies to the entire sentence.

   Examples:

   The witness responded, "I saw him do it!"

   Why did you respond, "I saw him do it"?

3. Quotation marks. A quotation within a quotation is enclosed in single quotation marks.

   E.g., "Unless the legislation creates a 'classification scheme,' or 'impinges upon the exercise of a fundamental right,' it is 'accorded a presumption of constitutionality, and is reviewed by applying a rational basis standard.'" *Brown v Manistee Co Rd Comm*, 452 Mich 354, 361-362; 550 NW2d 215 (1996), quoting *Doe v Dep't of Social Services*, 439 Mich 650, 662; 487 NW2d 166 (1992).

D. ***Deletions in Quoted Materials (Ellipses).***

1. *Within a sentence.* To delete material *within* a sentence, insert three periods (ellipses) and four spaces:

   "Insanity . . . is an extreme of mental illness."

   (Note: Ellipses without spaces are incorrect. "Insanity...is an extreme....")

2. *At end of a sentence.* To delete material at the *end* of a sentence, insert three periods and four spaces *before* the terminal punctuation:

   "To put it alternatively, the statutes provide that all insane people are mentally ill . . . ."

   "*The Court*: Well, what was this thing . . . ?"

3. *Following a sentence/between sentences*. To delete material *after* a complete sentence or *between* complete sentences, insert three periods and three spaces *after* the terminal punctuation:

> Insanity by definition is an extreme of mental illness. . . . To put it alternatively, the statutes provide that all insane people are mentally ill but not all mentally ill people are insane.

> Insanity by definition is an extreme of mental illness. . . . [T]he law provides that criminal responsibility does not attach.

Note that the "t" in the final sentence, lower case in the original, is capitalized in brackets [T] because the material remaining after deletion can be read as a complete sentence.

4. *At the middle of a sentence. No ellipses* are required where a quotation begins in the middle of a sentence and:

a) the fragment quoted completes an original sentence and begins with a lower case letter:

> E.g.:When a person is found to be insane, "the law provides that criminal responsibility does not attach."

b) a capital letter is inserted in brackets:

> E.g.: The lead opinion in *Fultz* noted, "[A]ll insane people are mentally ill but not all mentally ill people are insane."

5. *Internal punctuation in original. Internal punctuation* should be retained only where required for clarity:

> "When a person's mental illness reaches that extreme, . . . criminal responsibility does not attach." (The comma in the original is retained.)

but:

> "Defendant . . . admitted doing the particular act, but also stated that he was insane." (Punctuation in the deleted material is not retained.)

6. *At the end of a paragraph.* Where material is deleted at the *end* of a paragraph and the next paragraph immediately follows, insert three periods and three spaces after the terminal punctuation of the first paragraph:

> Furthermore, defendant's account of what transpired was clearly in accord with the psychiatric evaluation in that defendant admitted committing the act but stated that he could not help what he was doing. . . .

The Court: Well, what was this thing that came over you?

7. *Between paragraphs.* Where one or more paragraphs are deleted *between* quoted paragraphs, insert three asterisks (centered) and two blank lines between the paragraphs quoted:

> So, just as a finding of no insanity is essential for an adjudication of guilt by trial, we hold such a finding to be equally essential for a plea of guilty. Such a finding was not made in the instant case and the plea for that reason is invalid.
>
> * * *
>
> Lastly, as we find the plea to be invalid for the aforestated reasons, it is unnecessary to address the claim of ineffective assistance of counsel.

E. ***Italics.*** Italics should be used *only* in the following instances:

1. case names: *People v Smith*,

2. *supra*, *id.*, *infra*, *ante*, *post*, *et seq.*,

3. words the author wishes to emphasize,

4. where italics are used in the material quoted,

5. unfamiliar foreign words and phrases or longer Latin "legal" phrases. E.g.:

Italicize:

expressio unius est exclusio alterius and *en ventre sa mere*, etc.,

but not:

de novo, arguendo, sua sponte, etc.
(Check Black's Law Dictionary [8th ed] for guidance.)

Italicize:

Nec flectitur, *nec mutant*; *hôtel de ville*; *die Weltanschauung*, etc.,

but not:

vis-à-vis; quid pro quo; der Bundestag; Arc de Triomphe; etc.
(Check the Random House Dictionary for guidance.)

6. In titles of nonlegal books, law review articles, and ALR annotations.

7. The following should *not* be italicized:

abbreviations (e.g., i.e., viz., N.B., etc.);
signals (see, see also, compare . . . with);
later history of cases (cert den, lv den, aff'd);

8. When quoting from trial or other transcripts italicize:

a) "*Q.*" and "*A.*" (Do *not* use: "*Q*:" or "*A*:")

Examples:

"*Q.* Were you on Oakland Avenue on the date in question?

"*A.* No, sir."

b) Names or titles of the speakers:

The Court:
Mr. Smith (attorney for the defense):
The Defendant:

F. *Quoting a Footnote.*

1. If material quoted contains a footnote that is to be included in the quotation, use the same footnote numbering as the original and add the footnote at the end of the block of quoted material, separated from the main quotation by lines from margin to margin above *and* below the footnote. For clarity, where possible, put the citation in the opinion text *before* beginning the block quotation.

Example:

A discussion of presumptions and their effect upon the burden of producing evidence appears in *In re Wood Estate*, 374 Mich 278, 289; 132 NW2d 35; 54 ALR3d 1 (1965):

"The immediate legal effect of a presumption is procedural—it shifts the burden of going forward with the evidence relating to the presumed fact.[5] Once there is a presumption that fact C is true, the opposing party must produce evidence tending to disprove either facts A and B or presumed fact C; if he fails to do so, he risks jury instruction that they must presume fact C to have been established.

"[5]Baker v Delano, 191 Mich 204, 208 [157 NW 427 (1916)], citing 1 Elliott on Evidence, § 91: ' "The office or effect of a true presumption is to cast upon the party against whom it works the duty of going forward with evidence." ' "

The thrust of the *Wood* case was to change the law in this state concerning the effect that a presumption was *after* rebuttal evidence has been introduced.

2. Where footnotes appear in the original source, but are not material to the purpose for which the text is quoted, footnote numbers in the text should be deleted without ellipses. Do *not* add "(footnotes deleted)" at the end of the quotation!

G. ***Placement of Citation.*** A citation indicating the source of a block quotation generally should be supplied in the text *preceding* the quotation.

Example:

The Equal Protection Clause, US Const, Am XIV, § 5, provides:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

A citation *may* follow the quotation in the block, immediately after the quoted material, without additional separation, followed by a period and enclosed in brackets.

The no-fault insurance act provides, in part:

An agreement for assignment of a right to benefits payable in the future is void. [MCL 500.3143.]

H. ***Parentheses and Brackets.***

1. Use *Parentheses* ( ):

a) To set off short, supplementary, parenthetic, or explanatory material when the interruption is *more marked* than that usually indicated by commas and when the inclusion of such material does not essentially alter the meaning of the sentence.

The work (he was preeminently fitted for it) absorbed his attention for weeks.
The cost of living (see chart II) has risen slowly but surely.

b) To enclose figures or letters used in enumerations.

> The immediate results were these: (1) a cornering of the market; (2) a decrease in available material; (3) an advance in prices.

(N.B.: Parentheses postpone punctuation. No punctuation immediately precedes parentheses, except when a sentence ends with a period and the next sentence is in parentheses.)

2. Use *brackets* [ ]:

   a) To enclose explanatory remarks, extraneous data, editorial interpolations, or additional citations within *quoted* passages or a citation following a block quotation where no quotation marks are used:

   Example:

   > There is no doubt that the April 23, 1973 finding was that defendant was guilty of civil contempt. Judge O'Hair specifically told the defendant that she would be jailed until she purged herself. She therefore was able to "carry the 'keys of [the] prison in [her] own pocket' [and] the action is essentially civil." *People v Goodman*, 17 Mich App 175, 177; 169 NW2d 120 (1969).
>
> If one substitutes "warehouse owner, lessee or operator" for "consignee," then the exclusion would read "no portion of any premises owned or leased or operated by a [warehouse owner, lessee or operator] shall be deemed to be a public warehouse." The expansive meaning sought by the city does not work unless there can be a consignor without a consignee.
>
> The proscription of "unreasonable searches and seizures" and the warrant requirement
>
> "must be read in light of 'the history that gave rise to the words'—a history of 'abuses so deeply felt by the Colonies as to be one of the potent causes of the Revolution . . . .' [*United States v Rabinowitz*], 339 US [56], 69 [70 S Ct 430; 94 L Ed 653 (1950)]. The amendment was in large part a reaction to the general warrants and warrantless searches that had so alienated the colonists and had helped speed the movement for independence."

   b) To indicate a change in capitalization to conform to the sense of the context in quoted source material.

Example:

> [W]e cannot agree that the Fourth Amendment interests at stake in these [administrative] inspection cases are merely "peripheral." It is surely anomalous to say that the individual and his private property are fully protected by the Fourth Amendment only when the individual is suspected of criminal behavior.

c) To indicate a misspelled or misused word in the text accompanied by the word "sic."

Example:

> Any person who shall commit the offense of larceny, by steeling [sic], shall be guilty of a felony . . . .

d) To function as parentheses within parentheses.

Example:

The statute (MCL 418.551[2]) provides . . . .

e) Use empty brackets [ ] to indicate deletion of a letter or letters where, for example, the plural in quoted material is to be rendered in the singular.

Example:

"actions" becomes "action[ ]."

APPENDIX A. STATE ABBREVIATIONS

Ala	Ky	ND
Alas	La	Ohio
Ariz	Me	Okla
Ark	Md	Or
Cal	Mass	Pa
Colo	Mich	RI
Conn	Minn	SC
Del	Miss	SD
DC	Mo	Tenn
Fla	Mont	Tex
Ga	Neb	Utah
Hawaii	Nev	Vt
Idaho	NH	Va
Ill	NJ	Wash
Ind	NM	W Va
Iowa	NY	Wis
Kan	NC	Wy

APPENDIX B. COURTS NO LONGER PUBLISHING OFFICIAL REPORTS

State	Last Volume	Last Year
Alabama	295	1976
Alabama Appeals	57	1976
Alaska	17	1958
Arizona Appeals	27	1976
Colorado	200	1980
Colorado Appeals	44	1980
Delaware	59	1966
Delaware Chancery	43	1966
Florida	160	1948
Indiana	275	1981
Indiana Appeals	182	1981
Iowa	261	1968
Kentucky	314	1951
Louisiana	263	1972
Louisiana Appeals	19	1932
Maine	161	1965
Minnesota	312	1977
Mississippi	254	1966
Missouri	365	1956
Missouri Appeals	241	1955
North Dakota	79	1953
Oklahoma	208	1953
Oklahoma Criminal Appeals	97	1953
Rhode Island	122	1980
South Dakota	90	1976
Tennessee	225	1971
Tennessee Appeals	63	1971
Tennessee Civil Appeals	8	1918
Texas	163	1962
Texas Criminal Appeals	172	1963
Texas Civil Appeals	63	1911
Utah	30 Utah 2d	1974
Wyoming	80	1959

APPENDIX C. ABBREVIATIONS

Name	Abbreviation	Name	Abbreviation
Administration, Administrative	Admin	General	Gen
And	&	Government	Gov't
Associates	Assoc	Heights	Hts
Association	Ass'n	Highway	Hwy
Assistant	Asst	Hospital	Hosp
Authority	Auth	Incorporated	Inc
Board	Bd	Insurance	Ins
Brothers	Bros	International	Int'l
Building	Bldg	Limited	Ltd
Casualty	Cas	Management	Mgt
Center	Ctr	Manufacturing	Mfg
Chemical	Chem	Memorial	Mem
Commission	Comm	Metropolitan	Metro
Committee	Comm	Municipal	Muni
Commissioner(s)	Comm'r(s)	Mutual	Mut
Company(ies)	Co(s)	National	Nat'l
County(ies)	Co(s)	Number	No
Condominium	Condo	Organization	Org
Construction	Constr	Property	Prop
Cooperative	Coop	Public	Pub
Corporation	Corp	Railroad, Railway	R
Department	Dep't	Road	Rd
Development	Dev	Savings and Loan	S&L
District	Dist	System	Sys
Division	Div	Telephone, Telegraph	Tel
Education, Educational	Ed	Telecommunication(s)	Telecom
Equipment	Equip	Township	Twp
Exchange	Exch	University	Univ
Federal	Fed		

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 15, 2006 Corbin R Davis

Clerk