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Nuts 'n' Bolts: Legal-Writing Mechanics—Part I

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Nuts 'n' Bolts: Legal-Writing Mechanics — Part I

Writing mechanics refers to writing details: numbers, numerals, and figures; typographic symbols; abbreviations; italics and underlining; and capitalizations.

No one right way best tightens legal-writing nuts 'n' bolts, but different authorities try. Most practitioners, federal judges, law-journal editors, and Moot Court boards use *The Bluebook: A Uniform System of Citation*.¹ New York state judges and court staff use the *New York Law Reports Style Manual*, commonly called the Tanbook.² Writers in the humanities and social sciences often use the *Chicago Manual of Style*.³ Many lawyers rely on an authoritative style manual called *The Redbook*, by Bryan A. Garner, *Black's Law Dictionary's* Editor in Chief.⁴ Some law-school legal-writing professors teach their students the *ALWD Citation Manual: A Professional System of Citation*.⁵

Sometimes the rules in these sources are consistent with one another. Often they're not. The Bluebook, for example, has different rules for different documents: Memorandum and brief writing has one set of rules; journal writing, another. The Bluebook's rules also differ between how sources should appear in the text and how they should appear in footnotes or endnotes. ALWD and the Tanbook make no such distinctions.

Determining the source on which you should rely depends on your audience and document. If you have a choice, choose a source that'll create a document that's accessible, comprehensible, and consistent. No matter what you assemble — a bike, a bookcase, a brief — nothing will endure

unless all the pieces fit. Making your nuts 'n' bolts fit just right will assure an accessible, comprehensible, and consistent document.

1. Numbers, Numerals, and Figures

A number is an abstract mathematical concept. A numeral is a symbol that expresses the abstract mathematical concept. Words denote numerals in ABCs. *Example:* "Three." Figures denote numerals in 1, 2, 3s. *Example:* "123." Cardinal numbers express quantity or magnitude. *Examples:* "one," "two," "three." Ordinal numbers express relative positions. *Examples:* "first," "second," "third."

Conventions vary on whether to spell out numerals.⁶ Under the Bluebook and ALWD, spell out zero to ninety-nine and use figures for 100 and above in textual material, footnotes, and endnotes.⁷ *Examples:* "hundred," "thousand," "million." Under the Tanbook and the Redbook, spell out numerals up to and including nine; use figures for numerals 10 and above.⁸ According to the Bluebook and the Redbook, you may spell out round numbers larger than ninety-nine if you do so consistently.⁹

The Legal Writer recommends following the Tanbook and the Redbook. Spelling out numerals gives a document a formal air, but figures are easier to read than letters. Follow the guidelines in your jurisdiction or citation guide. Whichever numbering method you select, always be consistent.

The style of the larger numbers in a series controls the style of the smaller numbers.¹⁰ *Bluebook and ALWD example:* "The bullets ricocheted 12, 65, and 135

feet from the car." *Tanbook and Redbook example:* "The top law students earned 2, 4, and 11 awards, respectively."

Don't start a sentence with a figure.¹¹ *Incorrect:* "2009 marks the one-year anniversary of his admission to the New York bar." *Correct:* "Two thousand and nine marks the one-year anniversary of his admission to the New York bar." If you must use a number to start a sentence, spell it out or rewrite the sentence. *Example:* "1920 is an important date in the battle for women's rights." *Becomes:* "Nineteen-twenty is an important date in the battle for women's rights." *Or:* "In 1920, after the Nineteenth Amendment was ratified, women were allowed to vote."

Whatever the preference, maintain consistency.

According to ALWD and the Redbook, insert commas between the third and fourth digits, the sixth and seventh digits, and so on.¹² *Examples:* "2,000," "430,000." Under the Bluebook, which differs in this regard from other style guides, insert commas in figures that contain only five or more digits.¹³ *Correct:* "32,457," "3425." *Incorrect:* "3,425."

Don't insert commas in figures when the classification system doesn't use commas. Examples: docket numbers, citations, Internet databases, serial numbers, road numbers, room numbers, social security numbers, tele-

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phone numbers, highway numbers, street numbers, military time, and years.¹⁴

Use figures if the number includes a decimal point. *Example:* "Pi equals approximately 3.14159." Don't use commas after a decimal point. *Incorrect:* "1.23,456." *Correct:* "1.23456."

When spelling out numbers, hyphenate two-word numbers below 100. *Example:* "Joe Smith charges five hundred fifty-five dollars an hour." Use "and" only when expressing cents.¹⁵ *Incorrect:* "To be exact, his hourly fee is

The Bluebook and the Tanbook recommend using figures for calculations. *Example:* "306 + 821 = 1127."

Under ALWD and the Redbook, use figures in citations unless the number is part of a title; repeat titles as they're written in the original.¹⁹ *Citation example:* "Johnson sued his employer under 42 U.S.C. § 1983." *But:* "The parties' relationship was like the one in the movie *10 Things I Hate About You*."

Under the Tanbook and the Redbook, use figures for dollar amounts of any size.²⁰ *Tanbook and Redbook examples:*

billion Ponzi scheme has been all over the news."

Don't use numerical abbreviations like "K" (to represent "thousand") or "M" ("million") in legal writing. These colloquial abbreviations create ambiguity.

A plural of a numeral is formed by adding an "s," not an apostrophe "s."²⁴ *Example:* "Some attorneys educated in the 1970s still use legalese." Spell out indefinite expressions unless doing so will confuse. *Example:* "The court reporter is in her twenties."

When citing a range of pages, according to the Tanbook, give the pages at which the reference begins and ends, separated by an en dash (–) or hyphen (-).²⁵ *Example:* "(*People v. Wilson*, 93 NY2d 222, 224-225 [1999])." There's no space between the page number and the en dash or hyphen. Under the Bluebook and the Redbook, retain the last two figures when the numeral has three or more figures, but drop other repetitious digits.²⁶ Separate the page range with an en dash or hyphen. Thus, pages 2308-11 means pages 2308 to 2311. ALWD allows either method.²⁷

Under the Redbook, don't elide figures in a range of measurements or a span of years.²⁸ According to ALWD and the Redbook, don't elide a range of sections or paragraphs.²⁹ *Correct:* "15 U.S.C. §§ 2301-2310 (2000)." *Incorrect:* "15 U.S.C. §§ 2301-10 (2000)." The Bluebook permits eliding sections or paragraphs unless doing so might confuse.³⁰ The Tanbook recommends retaining all figures in a range of measurements and sections or paragraphs.

Use figures to write times and dates.³¹ *Examples:* "7:00 p.m.," "11:00 a.m." *But:* "four o'clock." Don't spell out "th," "nd," or "rd" when you write the date in figures, but pronounce them when you speak. *Incorrect:* "Today is August 30th." *Correct:* "Today is August 30." Don't repeat in later references a year that's already been established. *Correct:* "On April 20, 2004, the child was kidnapped. On April 23, the police found the child and arrested the kidnapper."

Spelling out numerals gives a document a formal air, but figures are easier to read than letters.

four hundred and ninety-eight dollars and seventy-five cents." *Correct:* "To be exact, his hourly fee is four hundred ninety-eight dollars and seventy-five cents."

The Tanbook and ALWD recommend spelling out fractions less than one.¹⁶ *Examples:* "three-fourths of the estate," "two-thirds share," "one-eighth of the farm." Under the Tanbook, use figures for fractions greater than one.¹⁷ *Example:* "He used 1½ (note: no space between 1 and ½) reams of paper to print his brief." Under ALWD, fractions greater than one may be written using words or figures.¹⁸ Don't insert a space between the whole number and the fraction in a figure. *Example:* "Petitioner seeks to evict respondent from her 3½-bedroom apartment." *Or:* "Petitioner seeks to evict respondent from her three and one-half bedroom apartment."

To ensure accuracy and prevent forgeries, spell out figures when drafting a bank check, contract, or will. *Example:* "70,000 (seventy thousand) acres." Otherwise, don't use both figures and numerals.

Write out constitutional, statutory, and contractual provisions as they appear in the original.

"\$1," "\$50," "\$120." According to the Bluebook and ALWD, you may spell out the phrase or use figures for dollar amounts.²¹ *Example:* "The doctor charged plaintiff \$150 an hour for his court appearance." *Or:* "The doctor charged plaintiff one hundred fifty dollars an hour for his court appearance."

When referring to money, put a symbol before the figure or the corresponding word after the amount, but don't do both. *Correct:* "\$5." *Correct:* "five dollars." *Incorrect:* "\$5 dollars."

According to the Redbook, always use figures for chapters (Chapter 11); dates (November 14, 2005); sections (§ 1983); statutes (title 9 of the U.S. Code); time (9:30 a.m.); volumes (Volume 33); numbers in name of roads (111 Centre Street); military divisions (M1A1 Platoon); measurement units (98° F); and decimals (0.2009).²²

Spell out centuries ("twenty-first century") and, in text, as opposed to citations, the amendments to the U.S. Constitution ("Twenty-first Amendment").²³

When precision isn't required, round off numbers greater than a million and spell out "million," "billion," and "trillion." *Example:* "The Defendant's \$50

Spell out seasons. *Examples:* “spring,” “summer,” “fall,” “winter.”

A controversy exists about whether to put a comma after a date within a sentence. The comma is optional, but the Legal Writer recommends putting a comma after the year. *Example:* “On October 6, 2008, the attorneys appeared in court for trial.” *Or:* “The attorneys appeared in court on October 6, 2008, for trial.” *Or (to eliminate the controversy):* “The attorneys appeared for trial on October 6, 2008.”

Write “January 30, 1999,” not the international or military “30 January 1999.”

Don’t separate the month from the year with a comma or an “of.” *Incorrect:* “January, 1999” and “January of 1999.” *Correct:* “January 1999.”

Use roman numerals in names to differentiate successors. *Example:* “Judge John Doe III presided over the murder trial.”

In non-legal contexts, spell out ordinal numerals. *Examples:* “first,” “second,” “third,” “fourth”; in legal citations, use 1st, 2d, 3d, 4th, 5th, 43d. *Example:* “The law school is located on 42nd Street.” *Citation example:* *United States v. Doe*, 12 F.3d 456 (2d Cir. 2009).

2. Typographic Symbols

Symbols like \$ (dollars), ¢ (cents), % (percentage), and ° (degrees) are more easily comprehended than the spelled-out terms they represent. Symbols are helpful shortcuts, but don’t use a symbol to begin a sentence.

Use typographic symbols with figures.³² Don’t insert a space between the symbol and the number. *Incorrect:* “The plaintiff seeks \$ 25,000 in compensatory damages.” *Correct:* “The plaintiff seeks \$25,000 in compensatory damages.” Spell out dollar, cent, and percent symbols when the numerals are spelled out.³³ *Example:* “The Defendant stole sixty-two percent of the plaintiff’s fortune.” Repeat the symbol to express a range. *Example:* “The law firm charges between \$300 and \$500 an hour.”

The Tanbook recommends using “feet” and “inches,” not symbols ’ (foot) and " (inch).³⁴ *Incorrect:* “112’

x 112”” *Correct:* “112 feet by 112 feet.” *Incorrect:* “The decedent buried the weapon 9" from the deck.” *Correct:* “The decedent buried the weapon nine inches from the deck.” The Redbook recommends using foot-and-inch symbols.³⁵ To express feet-and-inch symbols, don’t use smart quotes (curly quotation marks). Use the straight typewriter-style, also known as prime or double-prime, quotation marks.

The Redbook suggests using the degree symbol in text. But spell out the word if it’s at the beginning of a sentence (unless you’re referring to the boy band “98°”).³⁶ *Correct:* “Don’t go outside. It’s 98°.” *Or:* “Ninety-eight degrees is the outside temperature.” Under the Tanbook, write out the word “degrees” instead of using the degree symbol.³⁷ *Example:* “98 degrees.”

Under ALWD and the Redbook, use figures with symbols, such as cent, degree, foot, inch, and percent; don’t insert a space between the symbol and the figure.³⁸ *Example:* “It felt like 104° in the courtroom.” ALWD recommends either spelling out the phrase or using figures and symbols.³⁹ Whatever the preference, maintain consistency. *Example:* “The victim crawled twenty-two feet to reach the telephone.” *Or:* “The victim crawled 22’ to reach the telephone.”

Use the symbol “@” (at) only in e-mail addresses. The ampersand symbol “&” (and) is appropriate only in business names that include it in their formal name. Use the ampersand symbol in a party’s abbreviated name. *Example:* “Smith & Smith LLP.”

Here are some symbols’ meanings: ® means that a trademark or service mark is registered, ™ refers to an unregistered trademark, SM refers to an unregistered service mark, and © shows copyright. Don’t use a trademark or copyright symbol in text; doing so is distracting and unnecessary. Capitalize the name of the trademarked word.

Legal writing uses two common symbols: ¶ represents a paragraph; § represents a section. Don’t use these

symbols at the beginning of a sentence: Spell them out. Use the paragraph (¶) and section symbols (§) in legal citations. Always use a non-breaking space, or hardspace, between the symbol and the figure that follows. *Examples:* “Look at ¶ 13 of the brief.” “Plaintiff sued under 42 U.S.C. § 1983.” Under the Bluebook, spell out the words “section” and “paragraph” in the text unless you’re referring to a provision of the U.S. Code or a federal regulation.⁴⁰ *Bluebook example:* “The attorney breached section four of the state’s ethics rules.” *But:* “Plaintiff sued under § 1983 of the U.S. Code.” In Bluebook citations, use the section or paragraph symbol.⁴¹ Under ALWD, you may use the symbols or spell out the words when referring to a specific section or paragraph in the text.⁴² *Example:* “In the brief, ¶ 2 contradicts ¶ 5.” *Or:* “In the brief, paragraph two contradicts paragraph five.” Under the Tanbook, use symbols with figures and spell out words with words.⁴³

Double the section or paragraph symbols when referring to consecutive sections or paragraphs.⁴⁴ *Examples:* “Look at ¶¶ 13, 14, 15 of the affidavit.” “Plaintiff refers to §§ 1961-1965 of the U.S. Code.” *Exception:* When citing multiple subsections within the same section or multiple subparagraphs within the same paragraph, use only one section or paragraph symbol. *Bluebook, ALWD, and Redbook example:* “section 33, subsections 1, 2, and 7.” *Becomes:* “§ 33(1), (2), (7).” There’s no hardspace between the section number and the subsection. *Tanbook example:* “section 33 subdivisions 1, 2, and 7.” *Becomes:* “(§ 33 [1], [2], [7]).” Note the Tanbook hardspace between the section number and the subdivision.

Don’t put a space before or after an em dash (—). *Example:* “The attorney—meticulous and unrelenting—handled the four-week trial.” *Exceptions:* Put a space before and after the em dash when your publisher does so, when the text is fully justified, or when the text appears distorted: “The attorney

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— meticulous and unrelenting — handled the four-week trial.”⁴⁵

3. Abbreviations

Abbreviations are shortened forms of a word. Avoid abbreviations in legal writing, except for citations or commonly used abbreviations. Don’t start a sentence with an abbreviation; write out the entire word. If a sentence ends with an abbreviation that has a period, don’t add another period to finish the sentence. *Incorrect*: “The trial will begin at 9:30 a.m..”

Abbreviate time by a.m. and p.m. Abbreviate eras by B.C. for Before Christ, A.D. for Anno Domini (in the year of the Lord), and C.E. for the Common Era. Always use these abbreviations with figures. Write either “11:00 a.m.” or “eleven o’clock” but not both. Don’t abbreviate days or months in the text. *Correct*: “Wednesday.” *Incorrect*: “Wed.” In citations, abbreviate days and months according to the relevant authority.

Abbreviate a person’s title. *Examples*: “Mr.,” “Ms.,” “Dr.,” and “Esq.” These abbreviations are used in conjunction with the person’s name and appear before or after the name. Be formal in legal writing. *Correct*: “Professor Smith.” *Not*: “Prof. Smith.” Abbreviate academic degrees. *Example*: “J.D.,” “M.D.,” “B.A.” Don’t combine abbreviations. *Incorrect*: “Mr. Adam Smith, Esq.” *Correct*: “Adam Smith, Esq.” *Or*: “Mr. Adam Smith.”

When you use the United States as an adjective, you may abbreviate it as “U.S.” *Example*: “The U.S. Court of Appeals for the Second Circuit.”

Write the name of a company as the company writes it. If the company abbreviates corporation (“corp.”), write it as “corp.” If it doesn’t abbreviate, don’t.

Legal writers may create specialized abbreviations in memorandums, briefs, or other documents. Cite the complete term and follow it immediately with the abbreviation, or acro-

nym, set off in parentheses. *Example*: “Manhattan Country Club (MCC) is suing defendant for unpaid membership dues. MCC claims \$10,467 in arrears.”

Consult Tanbook Appendixes 1 (case name), 2 (case law reporters), and 3 (appellate history and other abbreviations in citations) for abbreviations. Consult Bluebook rule 6.1 and Tables T.5–T.16 for lists of abbreviations for arbitral reporters (T.5), case names (T.6), court names (T.7), explanatory phrases (T.8), legislative documents (T.9), geographical terms (T.10), judges and officials (T.11), months (T.12), periodicals (T.13), publishing terms (T.14), services (T.15), and subdivisions (T.16). Consult ALWD Appendixes 3 (general abbreviations), 4 (court abbreviations), and 5 (abbreviations for legal periodicals).

In the next column, the Legal Writer will discuss italicizing, underlining, and capitalizing. ■

1. The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 18th ed. 2005).

2. New York Law Reports Style Manual (Tanbook) (2007), available at http://www.nycourts.gov/reporter/New_Styman.htm (html version) and <http://www.nycourts.gov/reporter/NYStyleMan2007.pdf> (pdf version) (last visited May 7, 2009).

3. Chicago Manual of Style (15th ed. 2003).

4. Bryan A. Garner et al., The Redbook: A Manual on Legal Style (2d ed. 2006).

5. Darby Dickerson & Association of Legal Writing Directors, ALWD Citation Manual: A Professional System of Citation (3d ed. 2006).

6. See Gerald Lebovits, The Legal Writer, *Do’s, Don’ts, and Maybes: Usage Controversies — Part II*, 80 N.Y. St. B.J. 64 (July/Aug. 2008).

7. Bluebook R. 6.2(a), at 73–74; ALWD R. 4.2(a), at 29.

8. Tanbook R. 10.2(a)(1), at 72, and Redbook R. 5.2, at 89–90.

9. Bluebook R. 6.2(a)(ii), at 73; Redbook R. 5.2, at 89; see Redbook R. 5.8, at 92.

10. Bluebook R. 6.2(a)(iii), at 73; ALWD R. 4.2(c), at 30; Tanbook R. 10.2(a)(1), at 72; Redbook R. 5.3(a), at 90.

11. Bluebook R. 6.2(a)(i), at 73; ALWD R. 4.2(b), at 29–30; Tanbook R. 10.2(a)(1), at 72; Redbook R. 5.5, at 90–91.

12. ALWD R. 4.2(h), at 31; Redbook R. 5.11(a), at 93.

13. Bluebook R. 6.2(a)(vii), at 73.

14. Bluebook R. 6.2(a)(vii), at 74; ALWD R. 4.2(h)(3), at 31; Redbook R. 5.11(b), at 93.

15. Redbook R. 5.16, at 96.

16. Tanbook R. 10.2(a)(3), at 72; ALWD R. 4.2(g), at 31.

17. Tanbook R. 10.2(a)(3), at 72.

18. ALWD R. 4.2(g), at 31.

19. ALWD R. 4.1, at 29; Redbook R. 5.2(c)–(d), at 89–90.

20. Tanbook R. 10.2(a)(2), at 72; Redbook R. 5.6, at 91.

21. Bluebook R. 6.2(d), at 74; ALWD R. 4.2(f), at 30.

22. Redbook R. 5.6, at 91.

23. Tanbook R. 10.3(f), at 74; Redbook R. 5.6(c), at 91.

24. Tanbook R. 10.3(e), at 74; Redbook R. 5.13, at 94.

25. Tanbook R. 2.2(a)(4), at 11.

26. This method is known as elision. Bluebook R. 3.2(a), at 59; Redbook R. 5.12, at 94, and R. 5.14, at 95.

27. ALWD R. 5.3(b), at 35.

28. Redbook R. 5.14(b), (c), at 95.

29. ALWD R. 6.6(c), at 40; Redbook R. 5.14(c), at 95.

30. Bluebook R. 3.3(b), at 62.

31. ALWD R. 4.2(e), at 30; Tanbook R. 10.3, at 74–75; Redbook R. 5.15, at 95–96.

32. Bluebook R. 6.2(d), at 74; Redbook R. 5.6, at 91.

33. Bluebook R. 6.2(d), at 74; Redbook R. 6.4, at 100.

34. Tanbook R. 10.2(b)(2), at 74.

35. Redbook R. 6.4(d), at 101.

36. Redbook R. 6.4(a)–(b), at 100.

37. Tanbook R. 10.2(b)(2), at 74.

38. ALWD R. 4.2(f), at 30; Redbook R. 5.6, at 91.

39. ALWD R. 4.2(f), at 30.

40. Bluebook R. 6.6(c), at 74.

41. *Id.*

42. ALWD R. 6.11, at 42.

43. Tanbook R. 10.2(b)(1), at 74.

44. Bluebook R. 3.3(b)–(c), at 62; ALWD R. 6.6(b) and 6.7(b), at 40; Tanbook R. 3.1(b)(2)(c), at 24–25; Redbook R. 6.3, at 100.

45. See Gerald Lebovits, The Legal Writer, *Do’s, Don’ts, and Maybes: Legal Writing Punctuation — Part III*, 80 N.Y. St. B.J. 64 (May 2008).