

**University of Louisville**

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**From the Selected Works of Kurt X. Metzmeier**

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January, 2005

## Citation of Kentucky Legal Materials

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## Chapter 12

### CITATION OF KENTUCKY LEGAL MATERIALS

Kurt X. Metzmeier

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#### I. Kentucky Cases

##### A. *The Bluebook: A Uniform System of Citation and the Association of Legal Writing Directors' ALWD Citation Manual*

**Supreme Court** (Ky.) (or the Court of Appeals before 1976): In documents submitted to Kentucky courts, cite to Ky. or Ky. Op. if published there and also to S.W., S.W.2d, or S.W.3d if published there. In all other documents, cite only to S.W., S.W.2d, or S.W.3d if published there; otherwise, cite to Kentucky Reports. If not there, Ky. Op., then Ky. L. Rptr., Ky. App. Rptr., or Ky. Law Summary.

**Court of Appeals** (Ky. Ct. App.) (for cases before 1976 see above): Cite first to S.W.2d or S.W.3d; if not there, cite to Ky. App. Rptr. or Ky. L. Summary.

**General rule:** A Bluebook/ALWD case citation consists of the parties' names, which are underlined and separated by "v.", followed by a comma, the reporter volume number, the abbreviation of the reporter name, the number of the first page of the case, and the year of the decision enclosed in parentheses and preceded by the proper court designator. For more detail, consult *The Bluebook: A Uniform System of Citation, 18th ed.*, 2005 or *ALWD Citation Manual, 2d*, 2002.

Haney v. Butler, 990 S.W.2d 611 (Ky. 1999)  
*case name, vol.# reporter pg.# (court year)*

Example: Haney v. Butler, 990 S.W.2d 611 (Ky. 1999)

Example: Owens v. Williams, 955 S.W.2d 196 (Ky. Ct. App. 1997)

Case names are not underlined in law review footnotes. If you are mentioning a case in the text of a law review article, italics are used.

## **B. Kentucky Practice**

In 2004, the Kentucky Supreme Court issued order (2004-5) prescribing a new method for citing Kentucky cases. Effective January 1, 2005, the Kentucky Rules of Civil Procedure were amended as follows:

“Form of citations. All citations of Kentucky Statutes shall be made from the official edition of the Kentucky Revised Statutes and may be abbreviated “KRS.” The citation of Kentucky cases reported after January 1, 1951, shall be in the following form for decisions of the Supreme Court and its predecessor court: Doe v. Roe, \_\_\_ S.W.2d \_\_\_ or \_\_\_ S.W.3d \_\_\_ (Ky. [date]), or for reported decisions of the present Court of Appeals, Doe v. Roe, \_\_\_ S.W.2d \_\_\_ or \_\_\_ S.W.3d \_\_\_ (Ky. App. [date]). For cases reported prior thereto both Kentucky Reports and Southwestern citations shall be given.” CR 76.12(4)(g)

The new rule brings Kentucky practice more in line with the Bluebook and ALWD styles, although citation to the lower appellate court is slightly at variance.

Example: Haney v. Butler, 990 S.W.2d 611 (Ky. 1999)

Example: Owens v. Williams, 955 S.W.2d 196 (Ky. App. 1997)

*Historical Note:* Until January 1, 2005, Kentucky rules prescribed a different citation style, one that will likely be seen for a few years as lawyers adapt to the new style. The old rule read as follows.

“The citation of Kentucky cases reported after January 1, 1951, shall be in the following form for decisions of the

Supreme Court and its predecessor court: Doe v. Roe, Ky., \_\_\_\_ S.W.2d \_\_\_\_ (date), or for reported decisions of the present Court of Appeals, Doe v. Roe, Ky. App., \_\_\_\_ S.W.2d \_\_\_\_ (date). For cases reported prior thereto both Kentucky Reports and Southwestern citations shall be given.” CR 76.12(4)(g).

Despite the examples given in the rule, the old practice was to underline the case name.

Example: Haney v. Butler, Ky., 990 S.W.2d 611 (1999).

Example: Owens v. Williams, Ky. App., 955 S.W.2d 196 (1997).

## **II. Kentucky Statutes**

### **A. Bluebook & ALWD**

Cite to one of the official codes:

Baldwin’s Kentucky Revised Statutes Annotated:

KY. REV. STAT. ANN. § x (West *year*)

Michie’s Kentucky Revised Statutes Annotated:

KY. REV. STAT. ANN. § x (LexisNexis *year*)

Example: KY. REV. STAT. ANN. § 27A.200 (West 2005)

Example: KY. REV. STAT. ANN. § 27A.200 (LexisNexis 2005)

### **B. Kentucky Practice**

CR 76.12(4)(g) Form of citations

All citations of Kentucky Statutes shall be made from the official edition of the Kentucky Revised Statutes and may be abbreviated “KRS.”

Example: KRS 27A.200

### **III. Kentucky Acts**

#### **A. Bluebook**

Cite to Ky. Acts in the following format:

*year Ky. Acts page number*

If citing to an act only found in Baldwin’s Kentucky Revised States and Rules Service, cite as:

*year Ky. Rev. Stat & R. Serv. page number (West).*

Example: 2005 Ky. Rev. Stat & R. Serv. 157 (West).

If citing to an act only found in Michies’s Kentucky Revised States Advance Legislative Service, cite as:

*year Ky. Rev. Stat Adv. Legis. Serv. page number (LexisNexis).*

Example: 2005 Ky. Rev. Stat Adv. Legis. Serv. 157 (LexisNexis).

Bluebook does not distinguish between acts of a regular or special session of the General Assembly.

#### **B. ALWD**

Cite to Ky. Acts in the following format:

*year Ky. Acts page number*

Example: 2005 Ky. Acts 157

ALWD does not distinguish between acts of a regular or special session of the General Assembly.

### **C. Kentucky Practice**

The Kentucky legislature, in directing state agencies as to the proper way to draft new administrative regulations, set its rules for citing its acts. KRS 13A.222(4)(1)(2):

If an act has not been codified in the Kentucky Revised Statutes...the citation shall be as follows: “(year) Ky. Acts ch. (chapter number), sec. (section number).” KRS 13A.222(4)(1)(2)(a).

For acts of extraordinary sessions, the citation shall be as follows: “(year) (Extra. Sess.) Ky. Acts ch. (chapter number), sec. (section number).” If there is more than one (1) extraordinary session of the General Assembly in the year, the citation shall specify the specific extraordinary session, as follows: “(year) (2d Extra. Sess.) Ky. Acts ch. (chapter number), sec. (section number).” KRS 13A.222(4)(1)(2)(b).

If the statutory authority is an appropriation act, the citation shall be as follows: “(year) Ky. Acts ch. (chapter number), Part (part and subpart numbers).” KRS 13A.222(4)(a). If appropriate, the citation of an appropriation act shall include a citation to the appropriate part of the budget memorandum. KRS 13A.222(4)(1)(4)(b).

This format is the same as is set out in Sec. 319 of the *Bill Drafting Manual for the Kentucky General Assembly* (LRC Information Bulletin No. 117, November 2004).

One commonly used variation is to substitute the section symbol (“§”) for “sec.”

Example: 2005 Ky. Acts ch. 168, sec. 2.

Example: 2005 Ky. Acts ch. 168, § 2.

#### IV. **Kentucky Regulations**

##### A. **Bluebook & ALWD**

Kentucky Administrative Regulations

title no. Ky. Admin. Regs. chapter no:regulation no. (year) (use small caps for law reviews)

Example: 103 Ky. Admin. Regs. 25:131 (2005)

Example: 103 KY. ADMIN. REGS. 25:131 (2005) (law review style)

Administrative Register of Kentucky

volume no. Ky. Admin. Reg. page no. (month year)

Example: 27 Ky. Admin. Reg. 25 (May 2005).

##### B. **Kentucky Practice**

The “How to Cite” section (p.3) of the Kentucky Administrative Regulations has these citation rules:

**Kentucky Administrative Regulations** are codified according to the following system and are to be cited by Title, Chapter, and Regulation number, as follows:

Title	Chapter	Regulation
103 KAR	25:	131
<i>Cabinet, Dept., Board or Agency</i>	<i>Dept., Division or Major Function</i>	<i>Specific Regulation (subject specific)</i>

Example: 103 KAR 25:131

**Administrative Register of Kentucky:**

According to Susan Wunderlich, Regulations Compiler, Legislative Research Commission, these cites are to be cited as [volume number] Ky. R. [page number]:

Example: 27 Ky. R. 25.

New regulations are marked up using the same citation format as used in the KAR. If you wish to pinpoint cite to subsections of that regulation, these cites are to be cited as [proposed KAR cite] at [volume number] Ky.R. [page number]:

Example: 103 KAR 25:131(1) at 27 Ky. R. 25.

While not required, for clarity one may wish to add a parenthetical “proposed on” date:

Example: 103 KAR 25:131(1) at 27 Ky. R. 25 (proposed July 1, 2000).

**Note on executive orders of the governor.** KRS 13A.222(4)(1)(5) directs that “the citation shall be as follows: “EO (year executive order issued)-(number of executive order).”

## **V. Kentucky Rules**

### **A. Bluebook & ALWD**

No specific direction on citing to Kentucky rules.



**B. Kentucky Practice**

Most of the court rules in use in Kentucky incorporate a rule for citation:

<b>Rules</b>	<b>Citation</b>	<b>Authority</b>
Kentucky Rules of Civil Procedure	CR __	CR 1
Kentucky Rules of Criminal Procedure	RCr __	RCr
Kentucky Rules of Evidence	KRE __	KRE 1101
Kentucky Supreme Court Rules	SCR __	SCR 1.000
Eastern and Western U.S. District Courts		
Joint Local Rules of Civil Practice	LR __	LR 85.1
Eastern and Western U.S. District Courts Joint Local Rules of Criminal Practice	LCrR __	LCrR 60.1
U.S. Bankruptcy Court, Western District of Kentucky	L.B.R. __	L.B.R. 1.4
U.S. Bankruptcy Court, Eastern District of Kentucky	L.B.R. _ - _	L.B.R. 1001-1