

House Style Guide

Arkansas Supreme Court
Arkansas Court of Appeals



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INTRODUCTION

The *House Style Guide*, originally the *Supreme Court and Court of Appeals Procedure and Style Handbook*, was introduced by Marlo Bush Krueger during her term as Reporter of Decisions. Ms. Krueger established a convenient source of rules compiled from a variety of authorities, beginning with a collection of citation forms, frequently used rules from the *Bluebook*, a couple of former Justice George Rose Smith's memos on citing and spelling, and a few, often overlooked, grammar rules.

William B. Jones, Jr., expanded Ms. Krueger's work to include a *Style and Usage Guide*, an alphabetically arranged appendix on usage intended to address specific questions that supreme court and appeals court staff members have raised with the Reporter's Office. The *Supreme Court and Court of Appeals Procedure and Style Handbook* and the *Style and Usage Guide* were merged in 1998 under the single title *House Style Guide* in an effort to create a more convenient and useful format. In 2009, the *House Style Guide* was reorganized and updated to provide more extensive guidance on opinion formatting and citation of Arkansas-specific sources, and to incorporate changes to case citation rules occasioned by the implementation of online-only reporting of court decisions. The *House Style Guide* was revised and reformatted in 2017.

The overarching goal of the current version of the *House Style Guide* is to provide guidance on format, citation, and usage conventions that are unique to the supreme court and court of appeals so that the courts' opinions are as uniform and as readable as possible. Generally speaking, the current editions of the *Bluebook* and the *Chicago Manual of Style* should be consulted as primary authorities on matters of citation, grammar, and usage, except to the extent that they are in conflict with this *House Style Guide*, in which case the *House Style Guide* will govern. Other useful sources for guidance in matters of citation, grammar, and usage include current editions of William Strunk, Jr., and E.B. White's *Elements of Style*; Bryan A. Garner's *A Dictionary of Modern Legal Usage*, *The Redbook: A Manual on Legal Style*, and *Black's Law Dictionary*; and C. Edward Good's *Citing and Typing the Law: A Guide to Legal Citations*.

This *House Style Guide* is divided into three sections: Part I governs the citation format used in Supreme Court and Court of Appeals opinions. It sets forth rules for the forms of citations for cases, statutes, and other sources, and provides examples for each category. Part II provides direction on certain aspects of style used in Supreme Court and Court of Appeals opinions. Part III covers general style and usage preferences.

This *House Style Guide* is intended for internal use by the judiciary and staff of the Arkansas Supreme Court and Court of Appeals in preparing opinions. Practitioners may also consult this *House Style Guide* but must adhere to specific requirements of the Arkansas Rules of the Supreme Court and Court of Appeals regarding pleadings, briefs, and other documents submitted to the supreme court and court of appeals.

PART ONE: CITATIONS

I. CITATIONS GENERALLY

A. Citation Sentences and Clauses

Citation sentences begin with a capital letter and end with a period. One citation sentence may contain multiple citations separated by semicolons. Use citation sentences to cite sources that related to the *entire* preceding sentence.

Citation clauses are set off from the text by commas and immediately follow the proposition to which they relate. Use citation clauses to cite sources and authorities that relate to only *part* of the sentence.

B. Introductory Signals

Italicize introductory signals. Note that when using “*see, e.g., but see, e.g.,*” the first comma is italicized and the second one is not.

String citations. Signals of the same basic type—supportive, comparative, contradictory, or background—should be strung together within a single citation sentence and separated by semicolons. Signals of different types must be grouped in different citation sentences.

Within a *citation clause*, citation strings may contain signals of more than one type, separated by semicolons.

C. Parenthetical Information

1. “Citing” and “Quoting”

Quoting material word for word calls for a “quoting” parenthetical. A “citing” parenthetical refers to language in an authority that you have paraphrased.

Do not indicate alteration of material if it is not a quote. Either remove the reference or, if the intent is to quote, add quotation marks around the relevant language.

2. Explanatory parentheticals

a) Explanatory parenthetical phrases not directly quoting the authority usually begin with a present participle and should never begin with a capital letter.

Jernigan v. State, 38 Ark. App. 102, 828 S.W.2d 864 (1992) (allowing the use of a defendant’s complaint filed in an earlier civil suit to impeach her at her criminal trial).

McDaniel v. State, 291 Ark. 596, 726 S.W.2d 679 (1987) (use of a transcript of a plea agreement hearing admissible to impeach defendant).

b) If the parenthetical information quotes one or more *full* sentences or a portion of material that reads as a full sentence, it should begin with a capital letter and include appropriate closing punctuation.

CFTC v. Weintrub, 471 U.S. 343, 349 (1985) (“[W]hen control of a corporation passes to new management, the authority to assert and waive the corporation’s attorney client privilege passes as well.”).

II. TYPEFACE

For typeface in opinions, use the following *Bluebook* conventions.

A. Italics

Italicize the following:

Case names, including the *v.*;

Procedural phrases introducing case names;

Titles of *books*, *articles*, and *publications*, such as the *New York Times*. The names of authors should be set in ordinary type;

Introductory signals;

Explanatory phrases introducing subsequent case history;

Cross references such as *id.*, *supra*, and *infra*;

Words italicized in the original source of a quotation;

For *emphasis* or other stylistic purpose (*not* underlining or **boldface type**);

Any other word that would otherwise be italicized, such as an uncommon foreign word.

Do not italicize the following terms and phrases that have been incorporated into common English usage (see section (VI) Words and Phrase Styles for additional preferences):

ad litem

ad valorem

arguendo

a priori

de novo

dicta

et al.

et seq.

in camera

in loco parentis

inter alia

nolle prosequi

nunc pro tunc

prima facie

quantum meruit

res gestae

res judicata

stare decisis

sua sponte

supersedeas

ultra vires

voir dire

B. Boldface

Use boldface when *relevant* language in the *original* document (contracts, notices, agreements, etc.) is in boldface.

C. Small Caps

See section (2.I.E)

III. SHORT CITATION FORMS GENERALLY

A. *Id.*

“*Id.*” (*idem* = the same) is the short form used to refer to the immediately preceding authority. It may be used only when the preceding citation contains only one authority. Sources identified in explanatory parentheticals are not considered additional authority for purposes of this rule.

“*Id.*” should not be used if the source is cited or referenced in the text preceding the citation.

Incorrect: In *Slaton v. Slaton*, 336 Ark. 211, 983 S.W.2d 951 (1999), the court stated that “[w]hen the court stayed the divorce decree . . . the superseded temporary order was not revived.” *Id.* at 219, 983 S.W.2d 952.

Correct: In *Slaton v. Slaton*, 336 Ark. 211, 219, 983 S.W.2d 951, 952 (1999), the court stated that “[w]hen the court stayed the divorce decree . . . the superseded temporary order was not revived.”

BUT:

Id. may be used in brief references to the *immediately preceding citation* in the same paragraph if the reference is unambiguous.

In *Slaton v. Slaton*, 336 Ark. 211, 219, 983 S.W.2d 951, 952 (1999), the court stated that “[w]hen the court stayed the divorce decree . . . the superseded temporary order was not revived.” The court in *Slaton* further stated that “[a]ny payments that [were] made at this time were voluntary payments that cannot be recovered.” *Id.*, 983 S.W.2d at 952.

Note: *Ibid.* (*ibidem* = in the same place) is rarely used in legal citations.

B. *Supra*

The use of “*supra*” for case citations should only be used when referring generally to a previously cited case or holding. When using “*supra*” for a case citation, the citation should use only one party name (or a readily identifiable shorter version of one party’s name) if the reference is unambiguous. Note that the comma separating the case name and “*supra*” is not italicized. (*See Jones, supra.*)

C. *Infra*

Use *infra* to refer to material that appears later in the text. *See infra*, Part III(A). See analysis, *infra*, at 6.

IV. CASES

A. Arkansas

1. Published

Mary Kay, Inc. v. Isbell, 338 Ark. 556, 999 S.W.2d 669 (1999).

Lee v. Martin, 74 Ark. App. 193, 45 S.W.3d 860 (2001).

McLain v. Taylor, 4 Ark. 147 (1842).

a) Arkansas Court of Appeals Cases before *Arkansas Appellate Reports* (August 8, 1979, to February 19, 1980)

Hunter Mem'l United Methodist Church v. Millirons, 268 Ark. 975, 597 S.W.2d 845 (Ark. App. 1980).

b) Cases Published Online

All decisions of the supreme court and court of appeals issued between February 14 and July 1, 2009, that are designated by the issuing court as published opinions, and all decisions issued after July 1, 2009, shall be cited by referring to the case name, year of the decision, abbreviated court name, and appellate decision number. Parallel citations to the regional reporter, if available, shall be provided; if the regional reporter citation is not available at the time the slip opinion is handed down, a parallel *South Western Reporter* citation with a blank for the volume number and a blank for the starting page number may be provided. Parallel citations to the *South Western Reporter* that are not available when editorial changes are made to a slip opinion for publication in final form should be deleted. Note that parallel citations to the *South Western Reporter* do not include date parentheticals.

Note that cases in volumes 1 through 46 of the *Arkansas Reports* do not have parallel citations in the *South Western Reporter*.

c) Full Citations with Pinpoints

- *Gilcrease v. State*, 2009 Ark. 298, at 2, 301 S.W.3d 121, 122. [parallel citation is available]
- *Kearney v. City of Little Rock*, 2009 Ark. App. 125, at 1. [parallel citation is unavailable]

d) Short Form Citations with Pinpoints

- *Gilcrease*, 2009 Ark. 298, at 1, 301 S.W.3d at 121.
- *Id.* at 4, 301 S.W.3d at 123.
- *Kearney*, 2009 Ark. App. 125, at 3.
- *Kearney, supra.*

Note: If pagination for older cases in the *Arkansas Reports* is not available on Westlaw or Lexis, please consult either the bound volume or the digitized version on the Arkansas Judiciary website. <https://opinions.arcourts.gov/ark/en/n.av.do>

2. Unpublished

a) Unpublished Cases Issued before February 14, 2009

Unpublished opinions issued prior to February 14, 2009, should be cited as in the examples below. Unpublished opinions may be cited in court opinions only under the limited circumstances described in Ark. Sup. Ct. R. 5-2(c).

- *Holsombach v. Reynolds*, CR 07-641 (Ark. Sept. 13, 2007) (unpublished per curiam).
- *Economy Inn & Suites v. Jivan*, CA 06-158 (Ark. App. Dec. 6, 2006) (unpublished).

b) Pinpoint Citation:

- *Yarbrough v. State*, CACR 05-1296, slip op. at 1 (Ark. App. Dec. 13, 2006) (unpublished).

c) Short Form:

- *Yarbrough*, slip op. at 1.

d) Unpublished Cases Issued Between February 14 and July 1, 2009

Unpublished opinions shall be cited in court opinions only under the limited circumstances described in Ark. Sup. Ct. R. 5-2(c).

- *Johnson v. State*, 2009 Ark. 83 (unpublished per curiam).
- *Long v. State*, 2009 Ark. App. 97 (unpublished).

3. Supplemental Opinions

a) Published in the *Arkansas Reports* and *Arkansas Appellate Reports*:

When citing a supplemental opinion that is published in the *Arkansas Reports* or *Arkansas Appellate Reports*, cite the case as any other, but provide the starting page of the original majority opinion with a page cite to the starting page of the supplemental opinion or to a particular page within that supplemental opinion.

- *Wilcox v. Safley*, 298 Ark. 159, 162-A, 766 S.W.2d 12, 741 (1989) (supplemental opinion on denial of rehearing).

b) Published Online:

When citing a supplemental opinion that is published online, cite the case as any other electronically published opinion, but provide a page cite to the starting page of the supplemental opinion or to a particular page within that supplemental opinion.

- *White v. Green*, 2010 Ark. 171, at 8 (supplemental opinion on denial of rehearing).

4. Captions and Procedural Matter

a) *Ex rel.*

Ex rel. is the abbreviation of “on behalf of,” “on the relation of,” “for the use of” and similar expressions.

Original case name:

- *Diane Koneicki Ausman on behalf of the Estate of Daniel Herman Ausman, Deceased v. Hiram Shaddox Geriatric Center*, 2013 Ark. 66.

with *ex rel.*:

- *Ausman ex rel. Estate of Ausman v. Hiram Shaddox Geriatric Ctr.*, 2013 Ark. 66.

Original case name:

- *Airplanes of Boca, Inc. v. United States of America, by its Federal Aviation Administration*, 254 F. Supp. 2d 1304 (S.D. Fla. 2003).

with *ex rel.*:

- *Airplanes of Boca, Inc. v. United States ex rel. FAA*, 254 F. Supp. 2d 1304 (S.D. Fla. 2003).

b) “*In re*” and “*In the Matter of*”

For especially long captions, omit all but the first-listed item.

Original caption:

- *In Re Rules of Supreme Court & Court of Appeals, Rule 4-3; Rules of Appellate Procedure—Criminal, Rule 4; & Rules of Criminal Procedure, Rule 24.3.*

Shortened caption:

- *In re Rules of Supreme Court & Court of Appeals, Rule 4-3.*

c) Appendix Matter

The Arkansas Reports or Arkansas Appellate Reports.

A citation to a per curiam order that appears in the appendix of the *Arkansas Reports* or *Arkansas Appellate Reports* should include the

volume number, the designation “App’x,” and the *South Western Reporter* parallel citation, if available, and the year.

- *In re Ark. Bar Ass’n*, 361 Ark. App’x 451, 206 S.W.3d 889 (2005) (per curiam).
- *In re Admin. Order No. 10*, 347 Ark. App’x 1064, 1069 (2002) (per curiam).

Published Online:

A per curiam order regarding a court rule, administrative order, professional conduct matter, or ceremonial observance that is published online should be cited as any other electronically reported per curiam court opinion.

- *In re Ark. Supreme Court & Court of Appeals Rule 5-2*, 2009 Ark. 330 (per curiam).

B. Federal

1. Federal Circuit Court Cases

a) Reported

- *Sierra Club v. Whitman*, 268 F.3d 898, 903 (9th Cir. 2001).

b) Short Form

- *Id.*
- *Id.* at 904.
- *Whitman*, 268 F.3d at 903.

c) Not Reported

- *Glover v. McDonnell Douglas Corp.*, No. 90-0034C(3), slip op. at 7 (E.D. Mo. July 15, 1991).

2. Federal District Court Cases

a) Reported

- *Noel v. AT&T Corp.*, 936 F. Supp. 2d 1084 (E.D. Mo. 2013).
- *Smith v. United Transp. Local 81*, 594 F. Supp. 96 (S.D. Cal. 1984).

b) Short Form

- *Id.*
- *Id.* at 97.
- *Smith*, 594 F. Supp. at 97.

c) Not Reported

- *Friends of Eudora Pub. Sch. Dist. v. Beebe*, 5:06CV0044, 2008 WL 828360 (E.D. Ark. Mar. 25, 2009).

d) Short Form

- *Id.* at *9.
- *Friends of Eudora Pub. Sch. Dist.*, 2008 WL 828360, at *9.

3. Federal Appendix Cases

a) Full Citation

- *Thompson v. Greyhound Lines, Inc.*, 574 Fed. App'x 407 (June 27, 2014).

b) Short Form

- *Id.* at 408 n.2
- *Thompson*, 574 Fed App'x at 408.

4. Supreme Court of the United States

When citing opinions of the United States Supreme Court, place the elements of the citation in the following order: The name of the case in italics, the *U.S. Reports* citation, and the year of the decision in parentheses.

a) U.S. Reports Citation Available

- *Anders v. California*, 386 U.S. 738 (1967).
- *Weeks v. United States*, 232 U.S. 383 (1914). (United States is spelled out.)

Do *not* include parallel citations.

b) U.S. Reports Citation Not Available

Blank Citation with Parallel Cite to Unofficial Report

- *Kloeckner v. Solis*, ___ U.S. ___, ___, 133 S. Ct. 1899, 1905 (2012).
- *Williams v. Pennsylvania*, ___ U.S. ___, ___, 136 S. Ct. 1899, 1905 (2016).

The *U.S. Reports* citation, if available, will be added when the Reporter's Office finalizes the opinion. If the citation is not available, only the S. Ct. citation will be used in the final version.

C. Out-of-State Cases

Cases from state appellate courts in all other jurisdictions should be cited to the relevant regional reporter only. Consult Table 1 of the *Bluebook* to determine

which regional reporter to cite and how to abbreviate the issuing court's information.

Correct: *People v. Bookcase, Inc.*, 201 N.E.2d 14 (N.Y. 1964).

Incorrect: *People v. Bookcase, Inc.*, 14 N.Y.2d 409, 201 N.E.2d 14, 252 N.Y.S.2d 433 (N.Y. 1964).

Correct: *In re Harrison*, 526 S.E.2d 502 (N.C. Ct. App. 2000).

Incorrect: *In re Harrison*, 136 N.C. App. 831, 526 S.E.2d 502 (2000).

V. CONSTITUTIONS

Cite provisions without the date unless the cited provisions have been repealed or amended, in which case indicate parenthetically both the fact and the date of repeal or amendment or cite the repealing or amending provision in full. If a provision has been superseded, cite it with its year of adoption in parentheses.

A. Arkansas

1. Format

- Ark. Const. art. 7, § 23.
- Ark. Const. amend. 80, § 4.
- Ark. Const. of 1868, art. 5, § 45.
- Ark. Const. art. 19, § 15, *repealed by* Ark. Const. amend. 54, § 2.

2. Short Form

- *Id.*
- *Id.* art. 2, § 7.

3. In a Textual Sentence

- Article 7, section 23 of the Arkansas Constitution provides that “[j]udges shall not charge juries”
- “Under section 4 of amendment 80 to the Arkansas Constitution, we exercise general superintending control over all courts of the state.” (Note: amendment *to*—not amendment *of*)

B. U.S. Constitution

1. Full Citation

- U.S. Const. art. 4, § 2, cl. 1.
- U.S. Const. amend. 14, § 3.

2. Short Form

- *Id.*
- *Id.* art. 5, § 2.

3. In a textual sentence

- *Pollack* first argues the AO’s geographical limitation violates the right to travel protected by Article 4, § 2, clause 1 of the Constitution, which provides: “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

VI. STATUTES AND LEGISLATIVE MATERIAL

A. Arkansas Code

1. Citation in General

Cite the current version of the Arkansas Code unless an earlier version applies, in which case the applicable version should be cited. If the applicable law has not yet been codified, cite to the session laws. If the statute appears in the applicable supplement, cite only to the supplement. Cite both the main volume and the supplement if both would have to be consulted to view the full, current version of the act or statutes cited. *When a particular volume has been cited once as, for example, “(Repl. 2012),” there is no need to repeat the date parenthetical in a subsequent citation of the same volume.*

Always space between the section mark “§” and the numeral. Do not space between the section number and its subsection or between a subsection and any further subdivisions. Always space between the section or subsections and the date parenthetical.

2. Full Citation—Official

- Ark. Code Ann. § 9-27-341(b)(3)(A) (Repl. 2015).
- Ark. Code Ann. §§ 11-9-101 to -1001 (Repl. 2002 & Supp. 2009).

3. Full Citation—Electronic Database

- Ark. Code Ann. § 9-27-341(a)(1)(A) (West, WL current through end of 2018 Fiscal Sess., 2nd Extraordinary Sess.).

4. Short Form

- *Id.*
- *Id.* § 9-27-341(b)(3)(B).
- section 11-9-103.

5. Use in Textual Sentence

Generally, statutory citations that are used in textual sentences may be either spelled out or abbreviated, as long as the author consistently does one or the other throughout the opinion. Note, however, that when a code section begins a sentence, it should always be spelled out in full.

- Arkansas Code Annotated section 16-13-205 provides that circuit courts hold the power to issue writs of certiorari to an “inferior tribunal.”

6. Advance Code Service

- Ark. Code Ann. § 23-115-601 (Adv. Code Serv., Nov. 2010).

7. Multiple Sections and Subsections

When citing multiple sections of the Arkansas Code within the same chapter, use two section symbols. Show inclusion of a span of sections using the word “to” instead of an “en” dash.

- **Correct:** Ark. Code Ann. §§ 11-9-101 to -1001
- **Incorrect:** Ark. Code Ann. §§ 11-9-101 – 11-9-1001.

When citing nonconsecutive sections, use two section symbols “§§” and separate the sections with commas.

- Ark. Code Ann. §§ 16-90-111(a), -114, -118.

When citing multiple subsections within a single code section, enclose each subsection in parentheses and use a single section symbol.

- **Correct:** Ark. Code Ann. § 16-90-111(a), (b).
Ark. Code Ann. § 16-90-111(a)–(b).
- **Incorrect:** Ark. Code Ann. §§ 16-90-111(a), (b).

8. Sections, Subsections, and Subdivisions

When referring to sections, subsections, and subdivisions in text, follow the system used in the volumes of the Arkansas Code:

- Ark. Code Ann. § 2-3-110(a) = section 2-3-110(a).
- Ark. Code Ann. § 2-3-110(a) = subsection (a).
- Ark. Code Ann. § 2-34-106(b)(2)(A) = subdivision (b)(2) or subdivision (b)(2)(A); Ark. Code Ann. § 2-2-106(3)(A) = subdivision (3)(A).

9. Use of Et Seq.

The use of “et seq.” to cite multiple code sections is generally discouraged and should be used sparingly, if at all. If used, the abbreviation is not italicized, and two section symbols should be used.

- Ark. Code Ann. §§ 11-9-101 et seq.

10. Notes

Case notes found in the Arkansas Code generally should not be cited; instead the cases themselves should serve as source material. A.C.R.C. notes, publisher’s notes, and other notes should be cited as in the example below:

- Ark. Code Ann. § 9-27-102 A.C.R.C. notes (Repl. 2015).
- Ark. Code Ann. § 9-27-103 publisher’s notes (Repl. 2015).

11. Code Commentaries

When citing Code Commentaries, Vols. A and B (Repl. 1995), use the following forms as applicable:

- Comment to Ark. Code Ann. § 18-28-216 (Repl. 1995).
- Official Comment to Ark. Code Ann. § 4-33-302 (Repl. 1995).
- Original Commentary to Ark. Code Ann. § 5-2-206 (Repl. 1995).

In general, follow the headings in the two Commentaries volumes as modified by the examples above.

12. Arkansas Statutes Annotated

(1) Orig. 1947 Ed.:

- Ark. Stat. Ann. § 34-987 (1947).

(2) Pocket Part:

- Ark. Stat. Ann. § 34-987 (Supp. 19__).

(3) Replacement:

- Ark. Stat. Ann. § 34-987 (Repl. 19__).

(4) Addendum:

- Ark. Stat. Ann. § 85-1-504 (Add. 19__).

B. United States Code

1. Citation to the official code (available at <http://uscode.house.gov>)

- 42 U.S.C. § 2000e(b).
- 42 U.S.C. §§ 294, 462, 7192.
- 42 U.S.C. § 2000e(b) (GOP Access current through June 11, 2021).

If you are citing the current code section, a date parenthetical is not necessary. Provide a date when citing the version in effect if it is relevant to the analysis.

2. Unofficial

a) United States Code Annotated: (Westlaw)

- 42 U.S.C.A. § 2000e(b) (WL current through P.L. 115-223).

b) United State Code Service (LEXIS)

- 42 U.S.C.S. § 2000e(b) (LEXIS through Public L. No. 116-344).

3. Popular Name

- Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001–1461.

VII. LEGISLATIVE MATERIALS

A. Bills

1. S.B. 378, 84th General Assem., Reg. Sess. (Ark. 2003).
2. H.B. 1134, 83d General Assem., Reg. Sess. (Ark. 2001).
3. H.R.J. Res. 1001, 85th General Assem., Reg. Sess. (Ark. 2005).

B. Session Laws

1. Session Law with Popular Name

- Patient Medical Records Privacy Act, Act 1436 of 2005.

If the year of a session law's passage is unclear, include the year the act was passed in parentheses at the end of the citation:

- Public School Funding Act of 2003 (2003 2d ex. sess. (2004)).

2. Session Law with no Popular Name

- Act 559 of 2020.

3. Session Law from Special Session

- 2001 Ark. Acts 2 (2d sess.).

4. Specific Section of a Session Law

- Act 1962 of 2005, § 106.

5. Short Forms and References in Text

- Act 137.
- Section 4 of Act 137.

- Act 137, § 4.
- Act 4 of the Second Extraordinary Session of 2018.

VIII. COURT RULES, DOCKET ENTRIES, ADMINISTRATIVE ORDERS, AND MODEL JURY INSTRUCTIONS

A. Court Rules

Admission to the Bar:	Ark. Bar Adm. R. XV(B)(1)
Appellate Procedure:	Ark. R. App. P.–Civ. 3
	Ark. R. App. P.–Crim. 3
Civil Procedure:	Ark. R. Civ. P. 56
Client Security Fund Committee:	Ark. Client Sec. Comm. R. 3
Continuing Legal Education:	Ark. R. Minimum Continuing Legal Educ. 6(F)(2) Ark. Continuing Legal Educ. Bd. Reg. § 2.01 Ark. Continuing Legal Educ. Bd. R. 1.02
Court Reporters:	Ark. R. Certification Ct. Rep. § 7(a)
	Regs. Ark. Bd. Certified Ct. Rep. Examiners § 9
Criminal Procedure:	Ark. R. Crim. P. 37.2
District Court Rules:	Ark. Dist. Ct. R. 9
Evidence:	Ark. R. Evid. 803
Judicial Conduct:	Ark. Code Jud. Conduct R. 5(A)(1)
Judicial Ethics Committee:	Ark. Jud. Ethics Advisory Comm. R. 3
Judicial Discipline:	Ark. Jud. Discipline & Disability Comm’n R. 6(D)
Lawyer Assistance Program:	Ark. Law. Assistance Program R. 5(A)
Office of Ethics Counsel:	Ark. Sup. Ct. Off. Ethics Counsel (5)(B) *In text: Rules of the Arkansas Supreme Court Office of Ethics Counsel
Professional Conduct:	Ark. Sup. Ct. P. Regulating Prof’l Conduct § 9(A)(1)
	Ark. R. Prof’l Conduct 1.5(a)
Supreme Court and Court of Appeals:	Ark. Sup. Ct. R. 3–4(a)(8)
Unauthorized Practice of Law:	Ark. Sup. Ct. R. Creating Comm. Unauthorized Prac. L. 111(b)(1) Ark. Sup. Ct. Comm. Unauthorized Prac. L. R. 4

B. Docket Entries and Syllabus Per Curiam Orders

When citing docket entries or syllabus per curiam orders (no written opinion), provide the case name, docket number, court, date, and disposition.

Hill v. Kelley, No. CV-19-261 (Ark. Mar. 21, 2019) (record lodged).

Hill v. Kelley, No. 40CV-18-170 (Lincoln Cty. Cir. Ct. Mar. 5, 2019) (order dismissing petition for writ of habeas corpus).

American Honda Motor Corp. v. Walther, No. CV-19-700 (Ark. Apr. 2, 2020) (order granting motion to reassign case to supreme court).

Robinson v. State, No. CR-11-1093 (Ark. App. Sept. 12, 2012) (order dismissing appeal). Note: Do not use the pre-Contexte docket-number format (CACR11-1093)).

When citing the electronic record, use the format outlined in Administrative Order No. 4-2.

C. Administrative Orders

Administrative orders of the court vary in how their subdivisions are designated—some are organized by sections (Administrative Order No. 1), others by lettered subsections (Administrative Order No. 2), and others by numbered paragraphs (Administrative Order No. 3). In the interest of maintaining uniformity and consistency in citation, specific subdivisions of administrative orders should be enclosed in parentheses and should immediately follow the administrative order number, as in the examples below.

1. Citation

- Ark. Sup. Ct. Admin. Order No. 2(b)(2).
- Ark. Sup. Ct. Admin. Order No. 8(III)(a).

2. Textual Sentence

- Administrative Order No. 10(V) *or*
- section (V)(a) of the Arkansas Child Support Guidelines

3. Court Orders, Mandates, Docket Entries

- *Curtis v. State*, No. CR-19-714 (Ark. Oct. 17, 2019) (motion for belated appeal granted).
- *Shaw v. Shaw*, No. CV-19-452 (Ark. App. Nov. 6, 2019) (appellant's motion to seal granted).

D. Arkansas Model Jury Instructions

Arkansas Model Jury Instructions—Civil were, until 2005, published in numbered editions. In 2005, the year of publication became the edition number. Arkansas Model Jury Instructions—Criminal are currently published in only two editions.

Citations to model instructions should appear as in the examples below. The abbreviation “AMCI” should NOT be used.

- AMI Civ. 4th 712.
- AMI Civ. 712 (2017).
- AMI Civ. 712 Westlaw (Nov. 2018 update)
- AMI Crim. 2d 3802.
- AMI Crim. 2d 3802 note.

[Civil](#) and [criminal](#) jury instructions can also be accessed electronically on the Arkansas Judiciary website.

IX. ADMINISTRATIVE MATERIALS

A. Rules and Regulations

Arkansas rules and regulations are not codified (although publications of the regulations have been referred to as codes), so there is no official publication of the regulations as there is for state statutes. The official copies of Arkansas regulations are the ones deposited by Arkansas state agencies with the Arkansas Secretary of State. A print publication of Arkansas regulations is the Code of Arkansas Rules (LexisNexis), also known by its former title of Weil’s Code of Arkansas Rules.¹

In the citation examples below—State Plant Board, Rules on Pesticide Use—“209” is the agency (Ark. Dep’t of Agriculture); “02” is the subagency (Ark. State Plant Board). Individual regulations vary in how their subdivisions are designated—some are organized into individually numbered rules; others are divided into numbered sections, as in the examples below; and others into lettered paragraphs. If a rule or regulation contains no subdivisions, the rule or regulation number itself should simply be cited without a section symbol. A section symbol should be used for any other type of subdivision.

Citation to commercial electronic databases (Lexis and Westlaw):

- 209 02 CARR 001 § 1 (LexisNexis current through Sept. 21, 2021).
- 209.02.4 Ark. Admin. Code § 1 (WL current through Aug. 15, 2021).

Agencies may also publish their rules and regulations on their websites. A directory of Arkansas agencies is at <http://www.arkansas.gov/government/agencies>.

¹Colleen Williams, Reference Librarian, <https://www.aallnet.org/lispsis/wp-content/uploads/sites/11/2018/01/LISPSIS-PLToolkit-Arkansas.pdf>.

- 209-02 Ark. R. & Regs. § 1, available at <https://www.agriculture.arkansas.gov/wp-content/uploads/2021/07/Rules-on-Pesticide-Classification-adopted-clean.pdf>.

The Secretary of State website has a searchable page for the rules and regulations of state agencies, boards, and commissions at http://www.sos.arkansas.gov/rules_and_regs/index.php/rules/search/new.

- 209-02 Ark. Admin. R. & Regs. § 1, available at <http://170.94.37.152/REGS/209.02.21-004F-21357.pdf>.

Print publication

New rules and regulations are published in the Arkansas Register. This publication is available in print and is online at <http://www.sos.arkansas.gov/rulesRegs/Pages/ArkansasRegister.aspx>. The online Register is searchable back to September 1, 2001.

B. Attorney General Opinions

- Op. Ark. Att’y Gen. No. 267 (2005).
- Op. Ark. Att’y Gen. No. 104, at 1 (2003).
- Not: Op. Ark. Att’y Gen. No. 05-267.

C. Workers’ Compensation Commission

- *Scott v. Charley Transp.*, Claim No. F205085 (Ark. Workers’ Comp. Comm’n July 23, 2003).
- *Scott v. Charley Transp.*, Claim No. F205085, 2003 WL 23670227 (Ark. Workers’ Comp. Comm’n July 23, 2003).

D. Professional Conduct

- *In re John Doe*, CPC No. xxxx-xxx (Ark. Sup. Ct. Comm. Prof’l Conduct Jan. x, xxxx), <https://www.arcourts.gov/professional-conduct/opinions>

E. Municipal Ordinances

1. Codified

- Bryant, Ark., Code of Ordinances § 2.4402 (Municode through Ordinance No. 2016-31, enacted Nov. 29, 2016).
- Pope County, Ark., Code of Ordinances § 14-50 (Municode through 2010-O-72, enacted Dec. 7, 2010).

2. Uncodified

- Bearden, Ark., Ordinance 115 (May 15, 1957).
- Avoka, Ark., Ordinance 75 (Sept. 12, 2006).

X. SECONDARY SOURCES

A. Restatements

- Restatement (Second) of Torts § 240 (1965).
- Restatement (Second) of Torts § 2 (Tent. Draft No. ____, 20__).

B. Texts, Treatises, and Dictionaries

- Matthew Butterick, *Typography for Lawyers*, 54 (2010).
- Howard W. Brill, *Arkansas Law of Damages* § 31.3 (5th ed. 2004).
- David Newbern, John Watkins & D.P. Marshall Jr., *Arkansas Civil Practice & Procedure* § 38.7 (5th ed. 2011).
- 4A Arthur L. Corbin, *Corbin on Contracts*, § ____ (year).
- 10 Samuel Williston, *A Treatise on the Law of Contracts* § ____ (3d ed. (year)).
- Jesse Dukeminier & Stanley M. Johanson, *Wills, Trusts, and Estates* 485–86 n.32 (4th ed. 1990.)
- *Black's Law Dictionary* 621 (11th ed. 2019).
- *Merriam-Webster's Collegiate Dictionary* 439 (11th ed. 2004).
- *Citation*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/citation> (accessed April 28, 2021).
- Am. Jur.: 17 Am. Jur. 2d *Contracts* § 75 (year).
- CJS: 88 C.J.S. *Trial* § 192 (year).
- ALR James L. Buchwalter, Annotation, *Supreme Court Jurisprudence on Article III Standing*, 41 A.L.R. Fed. 3d Art. 5 (2019).

C. Law Review Articles

- Terry Crabtree, *Contempt Law in Arkansas*, 51 Ark. L. Rev. 1, 4 (1998).

- Michael W. Mullane, *Statutory Interpretation in Arkansas: How Arkansas Courts Interpret Statutes. A Rational Approach*, 2005 Ark. L. Notes 73, 86.

Short Forms:

- *Id.*
- *Id.* at 87.
- *Mullane, supra*, at 87.

D. Newspaper Articles

- Adam Wallworth, “Bus Rides Cited in Schools Cases,” *Ark. Democrat-Gazette*, Dec. 30, 2010, at 2B.

XI. INTERNET SOURCES

For long URLs, place a break either before or after a backslash.

- Robert C. Berring, *Losing the Law: A Call to Arms*, 10 Green Bag 2d 279, 280, available at <http://www.aallnet.org/summit/GreenBag-LosingtheLaw.pdf>.
- *Freeman v. Jones*, 239 Ark. 1143 (1965), available at <https://opinions.arkcourts.gov/ark/supremecourt/en/item/244279/index.do>.
- Rules & Regs. Promoting Promotional Practices of Elec. & Gas Pub. Utilities, § 2(a) (Ark. Pub. Serv. Comm’n Jan. 25, 1994), http://www.apscservices.info/Rules/prompractice-gas-electric_pt_1.pdf.
- *Citation*, Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/citation> (accessed April 28, 2021).

or

- “Format” is defined as a “style or arrangement or presentation; a mode of procedure.” Merriam-Webster.com, <https://www.merriam-webster.com/dictionary/format> (accessed Oct. 25, 2021).

PART TWO: OPINION FORMAT AND STYLE

I. FORMATTING

A. **Beginning of Opinion**

The name of the justice or judge authoring the opinion, along with his or her title, should appear at the beginning of the opinion. The chief justice of the supreme court should be identified as “Chief Justice,” and the associate justices should be labeled individually as “Associate Justice,” without abbreviation. The chief judge of the court of appeals should be identified as “Chief Judge,” and other judges should be labeled individually as “Judge.”

B. **Margins, Justification**

All opinions should be created in Word using the opinion template appropriate to the issuing court. One-inch margins should be utilized, and all text other than centered headings should be fully justified. Opinion text should be typed in double-spaced, indented paragraphs with double spacing between each paragraph.

C. **Typeface**

Court opinion text and citations should utilize regular *Roman font and italics, with italics to be used in accordance with *Bluebook* Rule 7. Bold font should never be used, and underlining is acceptable only to show the addition of new language in proposed or actual changes to court rules and administrative orders. If an opinion quotes source text that utilizes bold font or underlining, the quote should be reproduced using italics or regular font instead.

*Roman type is a type style with upright characters. It is not a short form for “Times New Roman.”

D. **Quotation Marks and Apostrophes**

Use “smart” quotation marks and apostrophes.

Correct: It’s

Incorrect: It’s.

E. **Small Cap Font**

Large and small capitals should only be used (1) to identify the justice(s) or judge(s) as provided below in section (O); and (2) to identify parties speaking in dialogue quoted from a trial or hearing transcript, as shown in section (G).

Citations to authorities that would normally use large and small capitals according to *Bluebook* rules that apply to law review citations should utilize the applicable

font convention provided for in the *Bluebook's* Bluepages, with the caveat that italics should be used in lieu of underlining:

- Restatement (Third) of Trusts § 71 (2006).
- *Black's Law Dictionary* 1339 (11th ed. 2019).
- John J. Watkins & Richard J. Peltz, *The Arkansas Freedom of Information Act* (4th ed. 2004).

F. Italics and Bold

Do not italicize commas following the party names in a citation.

- Benson v. State*, 357 Ark. 43, 160 S.W.3d 341 (2004).
- Benson v. State*, 357 Ark. 43, 160 S.W.3d 341 (2004).

DO italicize the comma between *See* and *e.g.*, but not after *e.g.* *Bluebook* Rule B3.2.

See, e.g., Benson v. State, 357 Ark. 43, 160 S.W.3d 341 (2004).

G. Transcripts, Texts, Chats, and Other Dialogue

- **Transcript/Colloquy**
-

ATTORNEY: The robbery happened at 6:00 on the Friday before Independence Day.
Were you working that night?

WITNESS: Yep.

ATTORNEY: Did you notice anything unusual?

WITNESS: Nope.

Text is single-spaced. Double space between each paragraph.

- **Nonverbal cues from the transcript should be enclosed in parentheses and italicized:**
-

ATTORNEY: You say you didn't notice anything unusual?

WITNESS: Um, well, I . . . (*witness overcome by coughing fit*)

- **Chat/Text**
-

[DEFENDANT]: I think you should drive to lr [Little Rock] when you turn 16. . . .

[DETECTIVE]: u can drive here ...here now....

[DEFENDANT]: hmmm.

[DEFENDANT]: but you still live with your parents.

H. Footnotes

When footnotes are utilized in opinions, the footnote numbers should be inserted immediately after any closing punctuation (except for dashes) at the end of a sentence or a clause. Footnotes should be sequentially numbered using Arabic numbers. Do not place consecutive footnotes at the end of a sentence.

- **Incorrect:** The individual mandate provision, regarded as the legislation’s lynchpin, is located there.^{1,2}
- **Correct:** The individual mandate provision,¹ regarded as the legislation’s lynchpin,² is located there.

¹The first line of each footnote should be indented, and footnote text should be single-spaced and justified, with double spacing between individual paragraphs contained in a single footnote. There should be no space between the footnote number and the text of the footnote.

Place superscript brackets around footnote numbers that are *inserted* into quoted text (*not* footnote numbers in the *original* text):

- “Although the law treats these rules as *presumptions* that can be rebutted by a contrary intent ‘found from additional language or circumstance,’^[2] . . . the case law shows that the presumptions are seldom rebutted.”

I. Block Quotations that Include a Footnote

Format block quotations with a footnote in the text of the opinion as follows:

Mr. Jackson attempts to defeat this result by arguing that the speedy trial period began to run on December 18, 1996, the day the detainer¹ letter was issued. Although we have never considered this argument, the Court of Appeals rejected a similar argument in *Washington v. State*, 31 Ark. App. 62, 787 S.W.2d 254 (1990).

¹Both parties agree that the Interstate Agreement on Detainers Act, Ark. Code Ann. §§ 16-95-101 to -107 (1987), as mentioned in Ark. R. Crim. P. 28.1(g), does not apply in this case because Mr. Jackson was not held by another state or the federal government, and he did not demand a final disposition of the indictment.

²No space between note number and text. Footnote call numbers are set in superscript. Footnotes inserted into quoted material are placed in brackets.

J. Page Numbers

Page numbers should be used on all pages of all court opinions and should be Arabic numbers in 13-point Bembo or Garamond typeface. No hash marks, periods, or other markings should be used.

K. Section Headings

Court opinions utilizing section headings should follow these font and justification conventions to ensure uniformity. Numbers and letters indicating a heading's sequence should not be italicized and should be separated from the heading text by two spaces. When a word that is normally italicized is used in an italicized heading, that word should appear in regular Roman font.

I. *Level One Headings Should Begin with a Roman Numeral and Be Italicized, Centered, and Capitalized According to Bluebook Rule 8(a)*

A. Level Two Headings Should Begin with a Capital Letter and Be Centered and Capitalized According to *Bluebook* Rule 8(a)

1. *Level three headings should begin with an Arabic number and be italicized and centered*

a. Level four headings should begin with a lowercase letter and be centered

L. References to Opinion Headings

Part III(A)(2), Part III of this opinion, Parts I and IV(A) of the majority opinion.

M. Abbreviations

Chief Justice or Chief Judge	C.J.
Justice or Judge	J.
Justices or Judges	JJ.
Special Justice	Sp. J.

PART THREE: STYLE AND USAGE

I. QUOTATIONS

A. Permissible Changes to Quotations

Quoted material should appear exactly as it does in the original source. However, the following changes are permissible without brackets.

- Straight quotation marks (" ") changed to curly (smart) quotation marks (“ ”)
- Removal of parallel citations that do not appear in the official opinion
- En dashes or hyphens used as em dashes may be changed to em dashes— spaces before or after the dash or hyphen should be removed
- Underlined words changed to italics
- En dashes in statute sections (section 8–11–101) changed to hyphens (section 8-11-101)
- *Obvious* typographical errors

B. [Sic]

The use of “[sic]” is often necessary when the quoted matter contains a significant error, such as “Freeburg” for “Fribourgh.” Use discretion when quoting from the transcript of testimony. Errors in spelling or punctuation are often attributable to the reporter because the witness did not spell or punctuate while speaking. Errors in grammar, however, are probably those of the witness and should not be corrected if the reader is sure to realize that what you quote is what the witness said. And no change should ever be made if the exact wording is an important fact in the case.

C. Formatting of Quotations

1. Block Quotes

a) Indentation and Quotation Marks

- Quotations of *fifty* or more words should be single spaced, indented on both sides, justified, and without quotation marks. (Exception: quotations in explanatory parentheticals.)
- Quotation marks *within* a block quotation should appear as they do in the quoted material.

b) Footnote and Citation Placement

- The citation following a block quotation should not be indented but should begin at the left margin on the line following the quotation.

- Footnote numbers that are inserted either within or at the end of the quoted material should be bracketed^[1] so that it is clear to the reader that the footnote number is not part of the original quoted text.

c) Paragraph Structure

- The paragraph structure of an indented quotation should be indicated by further indenting the first line of each paragraph. The first sentence of the first quoted paragraph is indented, however, only if the first word of the quoted passage is also the first word of a paragraph in the source being quoted.
- If language at the beginning of the first paragraph is omitted, do not indent the first line or use an ellipsis. To indicate omission at the beginning of subsequent paragraphs, insert and indent an ellipsis. Indicate the omission of one or more entire paragraphs by inserting and indenting four periods (“”) on a new line. These ellipses *should not* be centered. Stars or asterisks (* * * *) should not be used to indicate omission of material.

The law is well settled regarding the standard of review used by this court in reviewing a grant of summary judgment. *See Repking v. Lokey*, 2010 Ark. 356, 377 S.W.3d 211. A circuit court will grant summary judgment only when it is apparent that no genuine issues of material fact exist requiring litigation and that the moving party is entitled to judgment as a matter of law. *Id.* The burden of proof shifts to the opposing party once the moving party establishes a prima facie entitlement to summary judgment, and the opposing party must demonstrate the existence of a material issue of fact. *Id.* After reviewing the undisputed facts, the circuit court should deny summary judgment if, under the evidence, reasonable minds might reach different conclusions from the same undisputed facts. *Id.*

. . . .

[T]his court views the evidence in the light most favorable to the party against whom the motion was filed, resolving all doubts and inferences against the moving party. *Id.* This review is not limited to the pleadings but also includes the affidavits and other documents filed by the parties. *Id.*

Early v. Crockett, 2014 Ark. 278, at 5–6, 436 S.W.3d 141, 145–46.

2. Quotations of Forty-Nine or Fewer Words

a) Indentation and quotation marks.

- Quoted text—forty-nine or fewer words—should be enclosed in quotation marks and run in to the surrounding text.
- Quotation marks around material quoted inside another quote should appear as single marks within the quotation in keeping with the standard convention.

b) Footnote and Citation Placement

- The footnote number or citation should follow immediately after the closing quotation marks.

c) Paragraph Structure

- Do not indicate the original paragraph structure of quotations of forty-nine or fewer words except when the material quoted commonly be set off from the text, such as lines of poetry or dialogue from a play. For emphasis or clarity, quoted material such as lines of dialogue, text messages, and chats *may* be set off and formatted as a block quote, *regardless of length*.

d) Commas and periods are always placed inside the quotation marks.

- The appellant's brief states, "These statements were unambiguous promises of leniency."
- A subsequent letter to McCoy stated that she had "failed to comply."

e) Questions marks and exclamation points

Question marks and exclamation points go inside the closing quotation marks when part of the quoted material.

- She looked at her brother and asked, "Is she coming to visit?"

Question marks and exclamation points go outside the quotation marks when applied to the entire sentence.

- Why did she say, "This will be my last visit"?

D. Introduction of Quoted Material—Punctuation

Colons and Periods

When using a colon to introduce quoted material, the colon should be used after the conclusion of a complete sentence or after the words “as follows,” “the following,” or other similar expression.

The statute at issue reads as follows:

A court of this state has temporary emergency jurisdiction if the child is present in this state and the child has been abandoned or it is necessary in an emergency to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.

Quoted material may be introduced by a statement or an assertion.

Pursuant to *Strickland*, we assess the effectiveness of counsel under a two-prong standard.

First, a petitioner raising a claim of ineffective assistance must show that counsel made errors so serious that counsel was not functioning as the “counsel” guaranteed the petitioner by the Sixth Amendment to the United States Constitution. *Williams v. State*, 369 Ark. 104, 251 S.W.3d 290 (2007). A petitioner making an ineffective-assistance-of-counsel claim must show that his counsel’s performance fell below an objective standard of reasonableness. *Springs v. State*, 2012 Ark. 87, 387 S.W.3d 143.

Commas

Quotations preceded by said, replied, asked, and other similar words usually require a comma.

The court asked, “Is that your statement?”

She replied, “Yes, it is.”

BUT:

A colon may be used in place of a comma to introduce a quotation. Such a colon should be used consistently—for example, to introduce quotations of more than one sentence or, occasionally, to add emphasis. *Chicago Manual of Style* 13.16 (17th ed. 2017).

The court stated:

After due consideration of the trust documents, the Agreement, the uncontested facts as the parties presented the same to the court, and the applicable law, the court concludes that . . . [t]he trust was established to secure payment to beneficiaries. Therefore, its purpose was . . . not to generate income or profit.

No Punctuation

For quotations introduced by *that*, *whether*, and similar conjunctions—no punctuation is needed.

Incorrect:

The court concluded that:

Considering the foregoing precedent, we agree with the circuit court’s rulings on irreparable harm. We conclude that the circuit court properly ruled that Jones and the other taxpayers would bear the burden of replenishing any funds paid to James.

Correct:

The court concluded that

[t]he circuit court’s rulings on irreparable harm were proper. We conclude that the circuit court properly ruled that Jones and the other taxpayers would bear the burden of replenishing any funds paid to James.

Incorrect: She said that, “[H]er mother was coming to visit.”

Correct: She said that “her mother was coming to visit.”

Capitalization

When a quotation is used as a syntactical part of the sentence, do not capitalize the first word unless it is a proper noun, proper adjective, or the pronoun “I.” Indicate a change by bracketing the initial quoted letter.

Incorrect: She told us to “Keep up the good work.”

Correct: She told us to “[k]eep up the good work.”

E. Alterations, Emphasis, and Quotations Within Quotations

Alterations to the text itself (e.g., omissions, insertion, substitution of letters, or insertion of words) are indicated using brackets.

Use empty brackets to indicate omission of a letter or letters at the end of a word.

Original text: The judgments against John Brown and five other defendants were reversed.

Quotation: The judgment[] against John Brown [was] reversed.

Use a parenthetical clause after the citation to indicate when the source quoted contains any addition of emphasis, alteration to the original in the quoted text, or any omission of citations, emphasis, or footnote call numbers.

“[T]he question is whether he manifested extreme indifference to the value of human life *under the circumstances.*” *Vowell v. State*, 4 Ark. App. 175, 196, 628 S.W.2d 599, 610 (1982) (Cloninger, J., concurring in part) (emphasis added).

Alterations

Any changes, additions, or amplifications within the quoted material should be placed in *brackets*.

Brackets should also be used when changing a capital letter to lowercase or the other way around. The use of a bracketed lowercase initial letter should be reserved only for sentences in which the quotation is part of a seamless whole.

Original text:

(4)(A) “Compensable injury” means:

(1) An accidental injury causing internal or external physical harm to the body or accidental injury to prosthetic appliance, including eyeglasses, contact lenses, or hearing aids, arising out of an in the course of employment and which requires medical services or results in disability or death. An injury is “accidental” only if it is caused by a specific incident and is identifiable by time and place of occurrence . . .

Quotation with alterations:

A compensable injury, found in Arkansas Code Annotated section 11-9-102(4)(A)(i), is defined as “[a]n accidental injury causing internal or external physical harm to the body . . . arising out of and in the course of employment and which requires medical services or results in disability or death. An injury is ‘accidental’ only if it is caused by a specific incident and is identifiable by time and place of occurrence.”

Generally, omission, substitution, or addition of punctuation *within* quoted material is indicated by the use of brackets. However, the insertion of a period or a comma *at the end* of quoted material that is used as a phrase or clause should *not* be indicated with brackets.

Original text:

In determining whether there has been a misleading promise of reward we look at the totality of the circumstances. The totality is subdivided into two main components, first, the statement of the officer and second, the vulnerability of the defendant.

Quotation:

Correct: To determine “whether there has been a misleading promise of reward,” the court employs a totality-of-the-circumstances test.

Incorrect: To determine “whether there has been a misleading promise of reward[,]” the court employs a totality-of-the-circumstances test.

Correct: The court previously stated that “[t]he totality is subdivided into two main components.”

Incorrect: The court has previously stated that “[t]he totality is subdivided into two main components[.]”

Do not italicize brackets around altered text that is emphasized.

“*The act [of delivery] is condemned* any time the transfer is ‘in exchange for money or anything of value.’”

EMPHASIS

Indicate emphasis added or removed in a parenthetical following the citation.

- “Article 5 section 20 provides that ‘[t]he State of Arkansas shall *never be made* defendant in any of her courts.’” *Ark. Comm. Correction v. Barnes*, 2018 Ark. 122, at 2, 542 S.W.3d 841, 842 (emphasis added).
- “Article 5 section 20 provides that ‘[t]he State of Arkansas shall *never be made* defendant in *any* of her courts.’” *Ark. Comm. Correction v. Barnes*, 2018 Ark. 122, at 2, 542 S.W.3d 841, 842 (second emphasis added).
- “Article 5 section 20 provides that ‘[t]he State of Arkansas shall never be made defendant in any of her courts.’” *Ark. Comm. Correction v. Barnes*, 2018 Ark. 122, at 2, 542 S.W.3d 841, 842 (emphasis removed).

Do not indicate (emphasis in original).

If the citation for the quoted material appears in the language introducing the quote (making a citation at the end of a stand-alone parenthetical unnecessary), alteration is indicated in a stand-alone parenthetical at the end of the quoted material.

- At the outset, we note that “caregiver,” as defined in section 5-28-101(3), is one who “has the responsibility for the protection, care, or custody” of an endangered adult. (Emphasis added.)

If the altered material is contained in a block quotation, the parenthetical should appear on a new line and should be flush with the left margin of the page.

- In *McCree v. Walker*, 81 Ark. App. 281, 284–85, 101 S.W.3d 276, 278 (2003), this court explained:

Baptist churches are congregational churches in form and structure. In congregational churches, the affairs of a particular church are determined by the vote of the majority

of the members of that church and not by some other hierarchical form of church government.

(Emphasis added.)

QUOTATION MARKS AND QUOTATIONS WITHIN QUOTATIONS

Quotation marks *within* a block quotation should appear as they do in the quoted material.

Do not place quotation marks around indented matter except when they appear in the quoted text. The indentation alerts the reader that the block of text is a quote and renders opening and closing quotation marks superfluous.

Quotation marks around material quoted inside another quote should appear as single marks within the quotation.

“Because these ‘prior’ convictions arose out of the same course of conduct, it was erroneous to admit them.”

Omit internal quotation marks if the opening mark appears at the very beginning of a run-in quotation and the closing mark appears at the very end.

Original text: In *Sumlin*, citing Ark. R. Evid. 1002, this court stated, “The judge was right, the tape was the best evidence of the confession.”

Correct: This court noted that “[t]he judge was right, the tape was the best evidence of the confession.”

Incorrect: This court noted that “[t]he judge was right, the tape was the best evidence of the confession.”

DELETIONS

Use an ellipsis to indicate omission of a word, phrase, line, paragraph, or more from a quoted passage.

- Do not use an ellipsis to begin a quotation or to indicate alteration of individual words.
- Capitalize the first letter of the quoted language and place it in brackets if it is not already capitalized.

Original text:

The test of whether an injury falls within the scheduled-injury category is primarily a question of law. An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521. This statute provides that an enucleated eye, in which there was useful vision, is a scheduled injury for which an employee shall receive weekly benefits in the amount of the permanent partial-disability rate attributable to the injury for 105 weeks. Ark. Code Ann. § 11-9-521(a)(14).

Incorrect: “ . . . [W]hether an injury falls within the scheduled-injury category is primarily a question of law. An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521.”

Correct: “[W]hether an injury falls within the scheduled-injury category is primarily a question of law. An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521 and that claimants are limited to the scheduled benefits.”

As a block quote (do not indent the first line):

[W]hether an injury falls within the scheduled-injury category is primarily a question of law. An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521. This statute provides that an enucleated eye, in which there was useful vision, is a scheduled injury for which an employee shall receive weekly benefits in the amount of the permanent partial-disability rate attributable to the injury for 105 weeks.

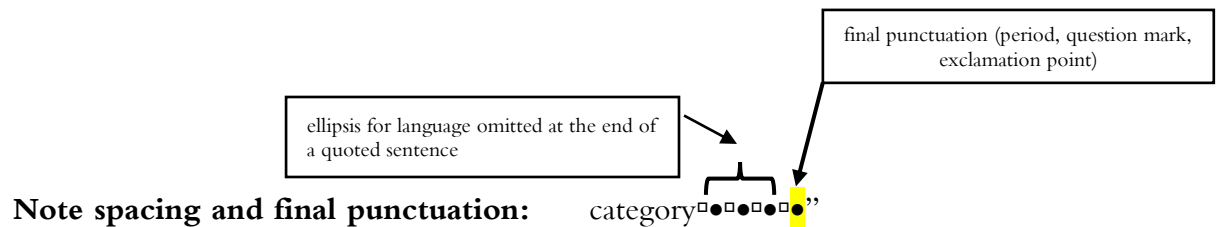
- **When the *middle* of a quoted sentence is omitted, insert an ellipsis where the language is omitted.**

“An eye injury and the resulting impairment . . . fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521.”

Note spacing (□ = hard space): “resulting impairment□•□•□fall under”

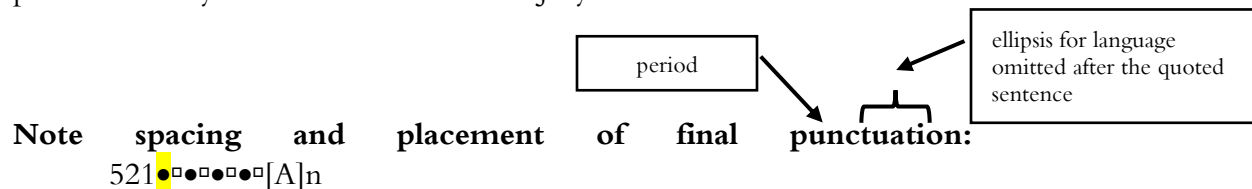
- When the *end* of a quoted sentence is omitted, insert an ellipsis between the last word being quoted and the final punctuation of the sentence being quoted.

“An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category”



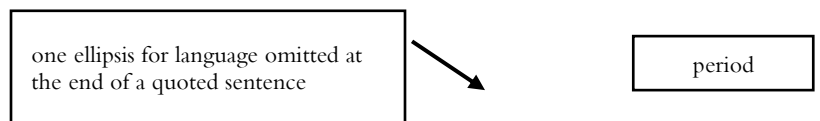
- When language *after the end* of a quoted sentence is deleted and is followed by further quotation, retain the punctuation at the end of the quoted sentence and insert an ellipsis before the remainder of the quotation.

“An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521. . . . [A]n enucleated eye . . . is a scheduled injury for which an employee shall receive weekly benefits in the amount of the permanent partial-disability rate attributable to the injury for 105 weeks.”



- When language both *at the end* and *after the end* of a quoted sentence is omitted and followed by further quoted material, use only one ellipsis to indicate both of the omissions.

“An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category [A]n enucleated eye, in which there was useful vision, is a scheduled injury for which an employee shall receive weekly benefits in the amount of the permanent partial-disability rate attributable to the injury for 105 weeks.”



Note spacing and placement of punctuation: category  [A]n

- **When language is deleted *at the end of the first paragraph in a block quote, insert an ellipsis after the final punctuation.***

The test of whether an injury falls within the scheduled-injury category is primarily a question of law. An eye injury and the resulting impairment, including double vision, fall under the scheduled permanent-injury category as set forth in Arkansas Code Annotated section 11-9-521. . . .

We agree with the parties that the claimant's injury is a scheduled injury. The medical expert's testimony provided substantial evidence to support the Commission's finding that the claimant was entitled to a rating for 100 percent loss of vision in his left eye.

- **When material is omitted both at the end of a paragraph and at the beginning of the next paragraph, insert an ellipsis after the final punctuation of the first paragraph. Insert and indent an ellipsis and at the beginning of the second paragraph.**

We agree with the parties that the claimant's injury is a scheduled injury. . . .

. . . The Commission found that the claimant was not entitled to a rating for this injury because the rating assessed by his physician was based on the claimant's level of pain. When determining physical or anatomical impairment, neither a physician, any other medical provider, an administrative law judge, the Workers' Compensation Commission, nor the courts may consider complaints of pain.

II. ABBREVIATIONS, NUMERALS, AND SYMBOLS

- A. **Abbreviations**
Defined Terms.

A party or other subject that is referenced multiple times in an opinion may be abbreviated for convenience by setting off the abbreviated form in quotation marks and enclosing it in parentheses after the full name of the party or subject. Many legal writers also use quotation marks inside the parentheses. Quotation marks may signal that what is inside them is a defined term. But if the definition stands alone inside the parentheses, the quotation marks usually add nothing to that signal and may be omitted without sacrificing clarity. If the reference might be ambiguous without the quotation marks, though, use them. And if the parentheses contain other words besides *the* (e.g., *collectively*), the quotation marks are often needed for clarity. If you use quotation marks with one reference, use them for all references to maintain a consistent style.

On May 13, 1998, the Arkansas Department of Human Services (“DHS”) revoked Sandra Huddleston’s child-care license, and Huddleston appealed that decision to the circuit court, which stayed the DHS decision.

Roger Smith worked as a technician for Longview Cable Company (“Longview”), which provided cable-television service in the Longview, Texas, area. (Without quotation marks, the short name of the defendant could be confused with the city it is located in.)

Appellants Vimy Ridge Municipal Water Improvement District 139 and The Bank of New York Trust Company (collectively, “Vimy Ridge”) appeal an order of the Pulaski County Circuit Court that granted summary judgment in favor of appellees J.A. Ryles; Rylwell LLC; John Ryles; Guy Maris; Whitwell Inc.; and Mark Wilcox, Land Commissioner (collectively, “Ryles”).

If the abbreviated form is obvious, a parenthetical definition is not necessary, as with commonly known acronyms such as AARP, FBI, FCC, NAACP, NASA, and NLRB. Try to avoid using “hereinafter” or “hereinafter referred to as.”

Try to avoid using multiple acronyms when a party’s name can be shortened. Too many acronyms can be distracting and hard to follow.

Spacing. Always retain periods after initials not commonly read aloud, such as N.Y. and S.C. Do not omit the periods in “U.S.”

Close up adjacent single capitals except when an entity is abbreviated by widely recognized initials and *combination* of those initials with others would be confusing:

N.Y.L.J.

Yale L.J.

N.Y.U. L. Rev.

Do not close up single capitals with longer abbreviations.

F. Supp. 2d

U. Pa. L. Rev.

S. Ct.

Nw. U.L. Rev.

So. 2d

Individual Numbers. Individual numbers, including both numerals and ordinals, are treated as single capitals:

F.2d

S.W.3d

Personal Names. Close up initials in personal names. As with

T.S. Eliot, G.W.F. Hegel, W.E.D. Dubois

FDR

HRH

Case Names

Consult the list of abbreviations in *The Bluebook: A Uniform System of Citation* table 6 (21st ed. 2020).

Academic Titles: It is acceptable to abbreviate with or without periods. Be consistent.

Ph. D. or PhD

M.B.A. or MBA

J.D. or JD

Military Titles (traditional): When first referenced, full names may be used with capitalized titles. Titles preceding a full name may be abbreviated but spelled out when preceding a surname alone. The same rule applies to civil and quasi-military titles. Once a title has been given, it is not necessary to repeat the title each time the person is named. Do not abbreviate titles that begin a sentence.

Gen. Douglas MacArthur; General MacArthur

Officer Daniel Brown; Officer Brown

Det. Jane White; Detective White

Deputy Sheriff Ron Smith

But, do not capitalize a title used in apposition.

Former police chief Edward Allen

Malvern Police Department officer Greg James (*but* Officer Greg James of the Malvern Police Department)

B. Numerals and Symbols

1. General Rules

- Spell out whole numbers from zero through one hundred.
- Spell out any number at the beginning of a sentence. Rephrase if necessary.
- Whole numbers one through one hundred followed by *hundred*, *thousand*, or *hundred thousand* are usually spelled out.

Five hundred to one thousand people visit the museum each year.

Identifying the class members would require a manual review of more than fifty thousand files.

Plaintiff introduced evidence that she had deleted over three hundred computer files.

- When a series of numbers appears in a sentence, a paragraph, or a series of paragraphs, make reasonable adjustments for clarity, readability, or emphasis.
- a. Use numerals for related numbers above and below one hundred.

“RC planes generally weigh up to fifty-five pounds, with wingspans up to ten feet, and fly at altitudes of 50 to 400 feet [*not* fifty to four hundred feet] at speeds up to eighty miles per hour.”

“Appellant was sentenced for two drug offenses; he received two years’ imprisonment for the first and one year for the second. . . . Appellant calculated his term as three years (1095) days less 255 days for the first sentence and 97 [not ninety-seven] days for the second.”

- b. If two different types of numbers appear next to each other, spell out the second number if it is an ordinal or a unit modifier.

We traveled with 95 fourth graders.

There were 6 third-party beneficiaries.

He received 10 ten-year sentences.

2. Numbers with Abbreviations and Symbols

Units of measure with abbreviations or symbols are always expressed as figures.

9 mm 8:00 p.m.

50 km 85 g

50°C (no space) 3°C-7°C
N 16° E 12 percent
6'12" not 6'12"

3. Percentages and Decimal Fractions

In nontechnical contexts, percentages are usually expressed as figures (do not use “%”).

6 percent
50–60 percent
50 percent chance
1 percentage point

Always express decimals as figures.

For quantities less than 1.00, insert a zero before the decimal point:

BAC 0.08 percent
0.25 inches (treated as plural)
a mean of 0.63

4. Fractions

Three-quarters of an inch
One-half inch
Two-thirds majority
Two-one hundredths
A quarter of an inch

Numerals are typically used for whole numbers plus fractions (avoid superscript):

6¼-inch pipe (*not* 6^{1/4} or 6^¼)
5½ to 6½ pages

5. Clock Time

5:00 p.m. (*not* 5:00 p.m. in the afternoon)
6:22 a.m.
half past 3
10 o'clock in the evening
noon; midnight (*not* 12:00 p.m. or 12:00 a.m.)

twenty-four-hour system

09:27:08.6 = 27 minutes, 8.6 seconds after 9:00 a.m.

2016-05-01 15:06:22.2 = May 1, 2016, at 6 minutes, 22.2 seconds after 3:00 p.m.

6. Dates

October 1, 2021 (month-day-year format)

hearing was held on October 1, 2021 (*not* October 1st, 2021)

the October 1, 2021 hearing date (adjective form, no comma)

February 2008 (*not* February of 2008)

15 April 2003; 15–17 April 2003

4th of July (but Fourth of July for the holiday)

March 5 to April 10, 2018 (*not* March 5, 2018 to April 10, 2018)

January 1, January 1st (*not* January 1st)

January 2010–May 2011 (*but* from January 2010 to May 2011; between January 2010 and May 2011)

use leading zeros for dates in mm/dd/yy format

Correct: 12/02/99

04/03/05

Incorrect: 12/2/99

4/3/02

4/3/2

2010–11 fiscal year

twenty-first century

1990s (*not* 1990's)

7. Money

Isolated references to money are spelled out:

fifty cents

twenty dollars

one hundred dollars

8. Firearms

Use figures for calibers and gauges

12-gauge (*not* .12-gauge) shotgun

but .410-gauge shotgun

9mm (*not* .9mm) pistol/ammunition/semiautomatic
.38-caliber pistol/revolver (*but* .38 Special revolver)
.30-30 (*not* .30-.30) caliber rifle

but

The jury heard testimony that it was indeed a twelve gauge.

Appellant stated that he carried a nine millimeter to protect himself.

9. Case Numbers

In text, case numbers should be written “case No. xxCV-xx-xxx.” Use the Contexte numbering style if it is available.

cases Nos. 33CV-18-76, 33CV-18-77, and 33CV-18-78

not

case #s 33 CV-18-76, 33CV-18-77, and 33CV-18-78

not

cases 2018-76, 2018-77, and 2018-78

III. CAPITALIZATION

A. Generally (See also Word and Phrase Style list.)

Capitalize nouns that identify *specific* persons, officials, groups, government officers, or government bodies.

Personal pronouns are usually capitalized. Initials are capitalized—*do not* put a space between initials. Always capitalize proper nouns.

Do not capitalize common nouns with a date, number, or letter to denote time or sequence. Adding a numeral or letter does not make it a proper noun.

apartment 2

case No. 1234

chapter III

exhibit 3

count 4

page 2

paragraph 4

but

Schedule II drugs

Class A misdemeanor

B. Organizations and Institutions

Court is capitalized only when naming any court in full or when referring to the United States Supreme Court.

- the United States Supreme Court; the Supreme Court; the Court
- the Arkansas Supreme Court; the supreme court; the court. (To avoid confusion, do not capitalize *supreme court* or *court* when referring to the Arkansas Supreme Court. *Supreme Court* and *Court* are capitalized only when referring to the United States Supreme Court.
- the Arkansas Court of Appeals; the court of appeals; the court
- the Nevada Supreme Court; the Nevada court

Circuit is capitalized only when used with the circuit number, e.g., the Eighth Circuit Court of Appeals; the Eighth Circuit.

State is capitalized if the word it modifies is capitalized (State Auditor); if it is part of the full title of a state (the State of California); or if the state is a party (the State conceded error); do not capitalize when referring to the geographic entity (crime committed in the state of Texas).

C. **Titles**

Titles are capitalized only when used as part of a name. With some exceptions, a title should be short and one that you would use if speaking to that person.

- John Jones, chairman of the board
- Chairman Jones

The first reference to a formal title that precedes a name may be capitalized. Do not use the formal title in subsequent references.

- Administrative Law Judge David Porter
- the administrative law judge, David Porter
- the administrative law judge
- District Court Judge James Hall
- Circuit Court Judge Sharon Brown
- Commissioner Bill White of the Arkansas Workers' Compensation Commission

not

- Arkansas Workers' Compensation Commissioner Bill White

Judge and *Justice* are capitalized only when giving the name of a judge or when referring to the United States Supreme Court or the Arkansas Supreme Court or a judge of the Arkansas Court of Appeals.

D. Military and quasi-military

1. On first reference, use the appropriate title before the full name of a member of the military. Titles and ranks in quasi-military organizations are treated *the same way* as military titles.

- Arkansas State Police Trooper Jeff Davis
- Trooper Jones
- Officer Mike Edwards
- Detective Betty Smith

2. Titles preceding a *full name* may be abbreviated.

- Sgt. Will Green (*not* Sgt. Green)
- Hon. Jane Green (*not* the Hon. Jane Green; title is spelled out if it is preceded by “the”).
- Rev. Robin Lester

E. Publications, papers, documents, etc.

1. Pleadings.

Titles of pleadings and exhibits should not be capitalized unless the title is a defined term or is placed in quotations marks and capitalized in the original.

- complaint
- agreement
- motion to dismiss
- qualified domestic relations order
 - In its “Motion to Compel Discovery,” the company alleged several violations of the rules.

2. Books and periodicals

Titles and subtitles of books and periodicals are italicized and capitalized headline style.

- Her favorite book is *To Kill a Mockingbird*.
- I used to read the *Wall Street Journal*, but now I get all my information online. (Do not italicize or capitalize “the.”)

F. Party designations

Parties’ full names should be used when first mentioned (*Sam Anderson; McFarland & Company, Publishers*). Thereafter, they should be referred to by

last name only (*Anderson*) or by an abbreviated form of the corporate/government name (*McFarland*). Be consistent—do not refer to a party alternately as *Anderson* and *appellant*.

Generally, parties are simply identified as *appellant(s)* and *appellee(s)*. Use of the article *the* (*the appellant*) is optional. Party designations such as *appellant*, *appellee*, *petitioner*, and *respondent* should not be capitalized. The same principle should be observed with such entities as *trial court*, *circuit court*, *circuit clerk*, *sheriff's deputy/office/department*.

When the State of Arkansas is a party, capitalize *State* just as you would the proper name of any other party: *the State argues*; *the State's witness*; *the State's evidence*, etc. If, however, you are merely referring to the geographical entity, use the lower case. *The appellant fled the state*.

Capitalize government and administrative agencies, commissions, departments, divisions, etc. when they are parties:

Arkansas Appeal Tribunal; the Appeal Tribunal; the Tribunal

Arkansas Board of Review; the Board of Review; the Board

Arkansas Attorney General; the Attorney General (as a party)

Arkansas Attorney General's Office (in its official capacity)

Arkansas Workers' Compensation Commission; the Commission (as a party); the Commissioner(s)

G. Medication Names

Capitalize the brand names but not the generic names of drugs.

Generic name	Brand Name
alprazolam	Zanax
amphetamines	
benzodiazepines (a class of drugs used to treat anxiety)	
clonazepam	Klonopin
dextroamphetamine	Adderall
diazepam	Valium
ecstasy	(MDMA)
fentanyl	
fluoxetine	Prozac
hydrocodone	Vicodin
hydromorphone	Dilaudid

lorazepam	Ativan
lamotrigine	Lamictal
meloxicam	Mobic
methadone	Dolophine/Methadose
methamphetamine	
oxycodone	OxyContin
risperidone	Risperdal
tramadol	Ultram
trazodone	Desyrel
Exondys	
Flexeril	
Neurontin	

IV. PUNCTUATION

A. Commas

Use a serial comma to separate items in any list containing more than two:

- Red, white, and blue—not red, white and blue.

Place a comma before a conjunction introducing an independent clause:

- Maybe a trier of fact could have drawn that inference, but in this bench trial the judge did not.

Not Both officers testified that appellant was present when they requested the consent, but that she never acknowledged being the owner of the car, nor objected to the search.

No comma is needed when a dependent clause follows a conjunction:

- Agents proceeded to arrange a number of controlled buys and coordinated one buy from the defendant himself.

Use commas to set off

- (1) dates (if used adjectivally, commas after the year may be omitted—be consistent with the style choice):

- On March 4, 1976, the defendant was living in a different state.
- The March 4, 1976, letter was entered into evidence.

Or

- The March 4, 1976 letter was entered into evidence.
- He lived in this state from January 1, 1990, to February 15, 2005.
- Appellant was ordered to appear at 9:00 a.m., on Thursday, January 27, 2005.

(2)(a) Use commas to separate groups of three digits in numbers containing four or more digits:

- 1,000
- 54,255
- 1,250,000

(b) If the preference is to use commas to separate groups of three when those numbers contain *five* or more uninterrupted digits, be consistent. (\$1000; 2500, \$10,000, etc.)

(3) In text, use commas to set off names of cities, counties, and states:

- He used to reside in Little Rock, Arkansas, before he moved to Jackson, Mississippi.
- There was a change of venue from Pulaski County, Arkansas, to Saline County, Arkansas.

(4) Use commas to set off case and constitutional citations;

- Our decision in *Chapman v. Bevilacqua*, 349 Ark. 262, 42 S.W.3d 378 (2001), is cited for the proposition that the appellant lacks standing.
- Under amendment 82, section 1(e) of the Arkansas Constitution, “[b]onds may be issued . . . pursuant to an act of the General Assembly without voter approval.”
- See Ark. Const. amend. 82, § 1(e).

(5) Generally, use commas to set off a word, phrase, clause, or an abbreviation in apposition to a noun if it is not essential to the noun it belongs to;

- Appellant and his wife, Jane, were not called to testify.

but

- This is an appeal of an order finding that real property is owned jointly by appellant and his son Bob Riley as partners. (Appellant has more than one son.)

B. Semicolons

1. With Clauses or Phrases in a Complex Series

When items in a series themselves contain internal punctuation, separating the items with semicolons can aid clarity.

- Appellants' arguments on appeal fall into three categories: (1) the trial court erred in its construction of the provisions of the trust; (2) the court erred in rejecting appellants' cross-claims of waste, bad faith, and breach of duty; and (3) the court erred with respect to the supersedeas bond.

2. With Independent Clauses

- Most of the competitors were local; others were from surrounding states.
- The circuit court has broad discretion in its evidentiary rulings; hence, the circuit court's findings will not be disturbed on appeal unless there has been a manifest abuse of discretion.

C. Colons

1. Generally

A colon should be preceded by an independent clause and is used to introduce a list of particulars, an appositive, an amplification, or an illustrative quotation. The colon has greater impact in making introductions than the comma, and it is more formal than the dash. It should not separate a verb from its complement or a preposition from its object.

- Appellant alleges two points of error on appeal: (1) The circuit court's prior order did not prohibit new discovery after the filing of an amended complaint and (2) the circuit court exhibited both the appearance of bias and actual bias.
- The question then becomes: How will the new policy affect business operations?

2. Capitalization

If the element introduced by the colon is more than one sentence, or if it is a formal statement, a quotation, or a speech in dialogue, it should begin with a capital letter.

- “The American Law Institute has summed up the prevailing view: ‘Amortization regulations were established on the principle that a property owner should be able to recoup his investment’”

Otherwise, it may begin with a lowercase letter.

- “The answer was clear: we would not be allowed to go across the street.”

D. Parentheses

Place the period inside the closing parenthesis if you have enclosed a complete sentence or wholly detached expression.

The following example occurs frequently in court opinions:

- (Emphasis added.) (Alteration in original.)

When a parenthetical expression falls within a sentence, place the punctuation outside parentheses as if the parenthetical expression were absent:

- Corporation Name, LLC (defined term), is the appellant in this case.

A familiar example in legal writing occasionally appears at the end of a citation:

- *Hendrix v. State*, 40 Ark. App. 52, 842 S.W.2d 443 (1992) (emphasis added).

(**Note:** The “e” in “emphasis” is not capitalized, and the period follows the closing parenthesis.)

Use parentheses to enclose numerals and letters with enumerated items within a sentence.

- “[Appellant] does not dispute that finding, he insists that reversal is required because (1) he made the statement before receiving *Miranda* warnings; (2) he did not feel “free to leave” and therefore was in policy custody at the time he made the statement; and (3) he may have made the statement while under the influence of drugs and alcohol.

Not

- It was agreed that 1) Proposed Amendment 6 lacked sufficient signatures, 2) the proponent could not meet its burden of establishing authenticity, and 3) further litigation would result in Proposed Amendment 6 being struck from the ballot.

E. Brackets

Brackets are used primarily to enclose material that is not part of the surrounding text—such as a correction, an alteration, an explanation, or an editorial comment.

Do not italicize brackets in text that is emphasized.

“[A]ppellant fail[ed] to show that the original commitment was invalid on its face.”

“The court found [the children] dependent-neglected.”

Incorrect: The court ordered the *plaintiff [Mrs. Jones]* to sit down.” (If providing a name in brackets, do not also include the name as it appears in the original text.)

Correct: The court *ordered [Mrs. Jones] to sit down.*

Correct: The court ordered [Mrs. Jones] to sit down.

F. Apostrophes

1. Possessives

The apostrophe is used to form possessive nouns.

Form singular possessives by adding an apostrophe and an *s* to the singular form of the noun, even if the word ends with the letter *s*.

- The appellant’s argument
- Arkansas’s best kept secret
- Jones’s brief

The possessive of plural nouns is formed by adding an apostrophe only. Add an apostrophe and an *s* to plural nouns not ending in *s*. Joneses’ (pl. poss.)
When a proper name ends in *s* the plural must be formed by adding *es*.

- Workers’ compensation
- Children’s best interest
- The Lincolns’ house
- The Joneses’ house (*not* the Jones’ house)

Singular names that are formed from a plural form take an apostrophe only.

- Court of appeals’ decision
- United Airlines’ profits
- board of trustees’ policy

To indicate joint possession, place an apostrophe on the last element of a series.

- Johnson and Green’s brief

- My aunt and uncle’s house

Individual possession requires an apostrophe with each element of a series.

- Smith’s and Thomas’s children
- appellant’s and appellee’s briefs

2. Contractions

In contractions, apostrophes stand in for missing letters.

- class of ’60 **Note:** The direction of the apostrophe—[’] not [‘].
- rock ’n’ roll
- dos and don’ts

Do not use an apostrophe with decade designations: *the 1960s*, NOT *the 1960’s*.

3. Letters

Form the plural of lowercase letters with an apostrophe.

- a’s and b’s (but As and Bs; ABCs)
- Mississippi has four i’s

4. Relative to other Punctuation

An apostrophe is considered part of the word or number in which it appears. When a sentence ends with an apostrophe, no period or comma should intervene between the word and the apostrophe.

- The last car in the lot was the Smiths’.
- She asked, “Was the last car in the lot the Smiths’?”

G. Dashes

1. *En* Dashes

En dashes (–), which are shorter than *em* dashes but longer than hyphens, can be created in Word by pressing *Ctl+Num -* (the minus sign on the numeric keypad—left side of the keyboard). *En* dashes are used to designate a span of page numbers, years, or similar values, as in the example below. *En* dashes should also be used to separate *Civ.* or *Crim.* from *Ark. R. App. P.*

See Mayfield v. Ark. Dep’t of Hum. Servs., 88 Ark. App. 334, 336–41, 198 S.W.3d 541, 543–46 (2004).

1990–1995 (from 1990 to 1995, *not* from 1990–1995)

Ark. R. Crim. P.—Criminal 5(a)

Ark. R. Crim. P.—Crim. (5)(a)

2. *Em* Dashes

Em dashes (—) may be used in opinion text to set off words or phrases in sentences, as in the example below. In Word, *em* dashes can be created by typing *Ctl+Alt+Num -* (the minus sign on the numeric keypad). Spaces should *not* be used to separate *em* dashes from surrounding text.

Because DHS is the entity charged with administering the Arkansas Medicaid Program, it—rather than the circuit court—is the sole entity that may determine whether a Medicaid applicant is eligible for Medicaid.

V. SPELLING

A. Prefixes and Suffixes

1. Words formed with prefixes are typically closed. Do not hyphenate:

codefendant	reexamine
codependent	semiautomatic
coequal	statewide
<i>but</i> co-op, co-opt	subagent
counterclaim	subsection
nonresident	
overbroad	
postconviction	
postjudgment	
posttrial	
pretrial	
reelection (an exception to the double-vowel rule)	

2. Exceptions

Hyphenate before a capitalized word or numeral or to avoid mispronunciation or ambiguity.

mid-June	anti-intellectual
pre-2000	co-beneficiary
post-World War Two	re-cover

re-creation

co-agent

pro-life

sub-subentry

Use hyphens with prefixes *ex*, *self*, and *quasi*.

ex-wife

self-defense

quasi-judicial

Hyphenate when a prefix or combining form stands alone.

pre- and postjudgment interest

over- and underfed squirrels

macro- and microeconomics

B. Unit Modifiers (Phrasal Adjectives)

Words combined to form a unit modifier are hyphenated.

first-degree murder

implied-consent law

subject-matter jurisdiction

juvenile-transfer hearing

lump-sum award

dual-employment doctrine

ineffective-assistance claim

child-support payments

speedy-trial period

victim-impact testimony

wage-loss benefits

show-cause order

isolated-sale exemption

directed-verdict motion

good-faith exception

race-neutral explanation

waiver-of-rights form

class-action suit

blood-alcohol content

third-party beneficiary

drug-and-alcohol assessment

contemporaneous-objection rule

temporary total-disability benefits

A phrasal adjective should *not* be hyphenated when it follows the noun that it modifies or if it is a two-word phrasal adjective that begins with an adverb ending in “-ly.”

freshly painted walls

murder in the first degree

law is well settled

closely held corporation

but clearly-erroneous standard of review (unhyphenated could be read to mean that the standard of review is clearly erroneous)

Do not hyphenate capitalized phrasal adjectives and foreign language compound modifiers.

Fourth Amendment rights

Social Security benefits

voir dire examination

pro rata share

coram nobis proceedings

It is not necessary to hyphenate a unit modifier when the meaning is clear and hyphenation would not aid readability.

civil rights case

high school student

first grade class

law enforcement officer

life insurance company

real estate tax

state income tax

Do not use a hyphen when the modifier consists of a possessive noun preceded by a number.

sixty days' notice

one week's vacation

two hours' delay (two-hour delay)

ten years' imprisonment

C. Plural Forms

Compound Terms and Troublesome Words

attorneys at law	memorandum, memorandums,
attorneys general	memoranda
assistant attorneys general	minutia, minutiae
brothers-in-law	notaries public
exhibits nos. 3 and 4	nucleus, nuclei
exhibit no. 3 or 4	oasis, oases
heirs at law	rights-of-ways
judge advocate generals	surgeons general
	statutes of limitation

VI. WORD AND PHRASE STYLES: ALPHABETICAL

The entries listed here frequently cause a problem, either in spelling, capitalization, hyphenation, or typeface. Each item has been checked in one or more of the following reference books to determine the correct spelling, capitalization, hyphenation, typeface or usage.

- ACA = *Arkansas Code Annotated* (1987)
BB = *The Bluebook*, 21st ed. (2020)
BLD = *Black's Law Dictionary* (11th ed. 2019)
CMS = *The Chicago Manual of Style*, 17th ed. (2017)
GPO = *Government Printing Office Style Manual* (2016)
GRS = George Rose Smith, a memo on spelling
DLU = *Garner's Dictionary of Legal Usage*, by Bryan A. Garner (3d ed. 2009)
PH = *Prentice-Hall Handbook for Writers*, 8th ed. (1982)
RH2 = *The Random House Dictionary of the English Language*, 2d ed. unabridged (1987)
W3 = *Webster's Third New International Dictionary* (1993)

adverb (adv.)
noun (n.)
unit modifier (u.m.)
prefix (pre.)
combining form (c.f.)
conjunction (conj.)

A.

a or an. The indefinite article *a* is used before words beginning with a consonant sound, including /y/ and /w/ sounds. The other form, *an*, is used before words beginning with a vowel sound.

For words beginning with *h*, the rule is that if the initial *h* is sounded, as in “habitual” or “historical,” *a* is required. If, however, the initial letter is silent, as in “honor” or “hour,” *an* should be used.

When an abbreviation follows an indefinite article, the choice of *a* or *an* is determined by the way the abbreviation would be read aloud. **Acronyms** are read as words and are rarely preceded by *a*, *an*, or *the*. **Initialisms**, which are read as a series of letters, are often preceded by a definite article.

ab initio.

able-bodied.

above-cited (u.m.).

abstruse. Difficult to comprehend (*but* see obtuse).

accommodate (two *m*'s).

Act (capitalized when referring to a specific act; Act 554; the Act).

addendum.

ad hoc.

ad infinitum.

ad litem.

admissible (*ible*, not *able*).

ad valorem.

affect (n.). Feelings; affection; (v.) almost always used as a verb meaning to influence, to alter; also means to feign.

aforementioned.

a fortiori.

African American (not hyphenated).

after-tax.

amici curiae (pl.).

amicus curiae (sing.).

annulled.

annulment.

any one. Any single or particular thing or person.

anyone. Any person indiscriminately.

arguendo.

argument. (one *ε*)

Arkansas Department/Division of Correction (*not* Corrections).

Arkansas Judiciary website.

arm's length (n.).

arm's-length transaction (adj.).

as; because; since. Because *as* is more commonly understood to mean *while*, it is best to avoid using *as* to mean *because*.

The subordinating conjunction *because* is used to express cause or reason; as the *American Heritage Dictionary* notes, "it always indicates an unequivocal causal relationship." *He stayed behind because he was ill.*

On the other hand, *since* has traditionally carried temporal connotations: *It was the hottest summer since 1980.* In common speech and both formal and informal writing, *since* is now often used interchangeably with *because* as a subordinating conjunction to introduce a dependent clause: *Since appellant cites no authorities, we do not consider the issue.* Occasionally, this blurring of function can lead to confusion: *Since the court recessed, it has issued no opinions.* (Of course, either reading here would be right.) Generally, the word is a perfectly acceptable

causal conjunction, but in instances where vagueness would result, it's best to limit *since* to its original sense.

assure; ensure; insure. *Assure* means to convince another of something. *Ensure* means to make sure or certain. *Insure* means to provide insurance.

assumpsit.

attorney-at-law.

Attorney General Leslie Rutledge; the attorney general; attorneys general (pl.) (*but* Attorney General when referring to a party).

attorney's fees. *Attorney's fee(s)* is preferred. Use *attorneys' fees* when it is clear from the context that there is more than one attorney. Avoid *attorney fee*.

B.

babysitter.

bachelor's degree.

backward (not backwards).

Band-Aid.

based on/ on the basis of. *Based on* modifies a noun. *On the basis of* (because of a particular situation or fact) modifies a verb.

- An order forever terminating parental rights must be *based on* a finding by clear and convincing evidence.
- Candidates will be chosen *on the basis of* their skills and experience.
- The choice will be *based on* their skills and experience.

benefited. One *t*. Eventually this word will be spelled with two *t*'s, just by analogy to "fitted." Webster's Third already gives both spellings, but at present most careful spellers consider one *t* to be the only correct spelling. There is a rule that when a word of two or more syllables ends "consonant-vowel-consonant," the final consonant is not doubled except when the accent is on the last syllable.

biannual/biennial. *Biannual* means twice a year. *Biennial* means every two years.

bias-free and gender-neutral language. "Whenever possible, use gender-neutral language. This principle has been recognized legislatively, with the term "workers' compensation" replacing "workmen's compensation." Analogously, use "fire fighter(s)" instead of "fireman/firemen." Try to avoid irrelevant references to personal characteristics such as sex, race, ethnicity, disability, age, religion, sexual orientation, and social standing. When a characteristic is relevant to the facts, law, issue, or analysis, refer to it as neutrally as the circumstances allow."

Masculine pronouns (e.g., *he*, *him*) should be avoided unless you're writing only about men. Below are [some] techniques for gender-inclusive writing.

- Rework a phrase or clause to eliminate the need for a personal pronoun altogether.

Not this: If *a man or woman* dies without a will, *his or her* property will be disposed of under the laws of intestate succession.

But this: If a *person* dies without a will, *the decedent's* property will be disposed of under the laws of testate succession.

- Use an article instead of a pronoun.

Not this: An accused person must actively waive *his* right to speak to *his* lawyer.

But this: An accused person must actively waive *the* right to speak to *a* lawyer.

- Rephrase the sentence using an indefinite pronoun, preferable without a personal pronoun.

Not this: An indigent defendant without an attorney can ask the court to appoint one for *him*.

But this: An indigent defendant *who* needs an attorney can ask the court to appoint one.

- Repeat the noun, but only if you can keep repetition to a minimum.

Not this: If a creditor has in *his* possession some property belonging to the debtor, *he* may be entitled to retain possession until *she* repays the client.

But this: If a creditor has possession of some property belonging to the debtor, *the creditor* may be entitled to retain possession until *the debtor* repays the debt. (If you have to repeat the noun more than twice, it may be better to recast the sentence.)

Bryan A. Garner, *The Redbook: A Manual on Legal Style* § 13.5(a) & (o) (4th ed. 2018).

biblical (but Bible).

bimonthly is every two months. *Semimonthly* is twice a month.

black-letter law.

boldface type. Avoid using it for emphasis. *Italics* are the conventional means of emphasizing a point in a text.

Boldface type may be used when it appears in exhibits or other items in the record.

bona fide(s).
bondholders.
bookmaking (crime).
breathalyzer.
bylaw.
by-product.

C.

ca. = circa.
caregiver/caretaker.
case-in-chief.
case law or caselaw. Increasingly written as a single word.
Caucasian.
causa mortis.
caveat emptor.
cellphone.
center on/center around. An argument centers on a principle, a proposition, etc.; logically, it cannot “center around” something.
certiorari.
cestui que trust.
child-support payments, etc.
circa = ca.
Class (Class Y felony; Class A misdemeanor).
co-beneficiary.
co-counsel.
codefendant.
coexecutor.
common law (n.).
common-law (comp. adj.).
common sense (n.).
commonsense (adj.).

compound constructions. Wordy phrases can be trimmed down.

Instead of this:	Use this:
am in receipt of	have
are in compliance	comply
as previously stated	again
at a later date	later
be determinative of	determine
for the purpose of ---ing	to
in an effort to	to
in light of the fact that	because
in the amount of	for
made a ruling	ruled
make allegations	allege
prior to	before
subsequent to	after
the issue now before us	the issue here
was in conformity with	conformed
was in receipt of	received

comprise/compose. To *comprise* is “to consist of, to include.” The whole comprises the parts. “*The Mideast, which comprises Indiana, Michigan, . . . and West Virginia, is one of the selected regions.*” To *compose* is to “make up, to form the substance of something.” The parts compose the whole/the whole is composed of its parts. *The certified class is composed of individuals who bought the stock before 1990.* *Comprised of* is considered nonstandard and should be avoided.

conferred (follows the accent).

Congress (*but*, congressional).

conjunctions, correlative (either–or; neither–nor; both–and; not only–but also)
Correlative conjunctions must frame structurally identical or matching sentence parts.
Avoid neither–or; not–neither; not–nor constructions.

- You can take *either* the red one *or* the black one.
- Neither my sister nor my cousin was able to attend. (Note: singular verb because both subjects are singular.)
- *Either* talk to the owner *or* put a note in his mailbox.
- *Neither* the union *nor* the airline companies *were* able to reach an agreement. (Note: plural verb because the second noun is plural.)
- *Neither* the airline companies *nor* the union *was* able to reach an agreement.
- You must *not only* read the book *but also* write a report.

constitution (capitalize when naming any constitution in full or when referring to the United States Constitution; capitalize parts of the U.S. constitution when referring to them in text (Double Jeopardy Clause), but not in citations. Do not capitalize the word “constitutional.”).

consummate (two *m*'s).

co-owner.

coram nobis.

corpus.

corpus delicti.

cost-of-living adjustment.

co-trustee.

council is a body of people.

counsel (advice or an attorney).

counterclaim.

courthouse.

court-martial (n. or v.).

courtroom.

cover-up (n.).

COVID-19; COVID.

coworker. Coworker is preferred, but co-worker is acceptable—be consistent.

cross-appeal.

cross-claim.

cross-examine.

cross-examination.

cutoff (n. or adj.).

cy pres (n. or adj.).

D.

de facto.

de jure.

de minimus.

de novo.

dictum; dicta/dictums.

direct examination.

directed-verdict motion.

domicile.

double-park.

down payment.

drugstore.

E.

eastbound.

e-commerce.

effect (n.). Almost always a noun meaning a result or a consequence; (v.) as a verb ~ means to produce, to accomplish or to cause to happen.

e-filing. (BLD)

e.g. (except as a signal, then *e.g.*). (RH2 and BB 1.2)

elicit/illicit. Confusing these soundalikes can lead to all sorts of embarrassment. *Elicit* means to bring out or to draw forth (Mason *elicited* the confession from the hysterical witness), while *illicit* means illegal with a moralistic implication (Ted's collection of *illicit* photographs).

e-mail or **email** —be consistent.

error/erroneous. Error is a noun and should not be used in place of *erroneous*, an adjective.

Incorrect: The trial court's decision to direct a verdict was *error*.

Correct: The trial court's decision to direct a verdict was *erroneous* (meaning incorrect; mistaken).

en banc.

et al. Et al. typically stands in for two or more names and is preceded by a comma only when preceded by one name.

etc.

e-trade.

et seq.

et ux.

ex-husband.

ex officio.

ex parte.

ex post facto.

ex rel. as in *NAACP v. Alabama ex rel. Patterson*.

ex-wife.

eyewitness.

F.

fact-finder.

fact-finding (n. or adj.).

farfetched.

far-reaching.

fellow-servant rule.

finding/holding. A court's *finding* pertains to questions of fact: The trial court found that the lease had expired. A *holding* is a determination of a matter of law crucial to the case at hand: We hold *that the trial court erred in refusing to accept appellant's proffered instruction.* Avoid the use of "find" for "hold."

first-degree (adj.) as in *first-degree* murder; *BUT* murder in the first degree.

first degree felony murder.

first degree felony-murder instruction.

first, second, third. In the past, the sequence "first, secondly, thirdly" was considered proper; now, however, the more economical (and parallel) "first, second, third" is preferred.

flaunt/flout. A recurring legal malapropism is the use of *flaunt* (*flaunted, flaunting*) instead of *flout* (*flouted, flouting*).

- To flaunt something is to show it off or ostentatiously parade it:
Some people use limousines to *flaunt* their wealth.
- To flout something is to treat it with contemptuous disregard:
The obsessed prosecutor *flouted* not only the principles of constitutional law but also the conventions of common decency.

forum non conveniens.

full time (n.).

full-time (adj.).

G.

gauge.

General Assembly (Arkansas).

germane (*not* germain).

good faith (n.) in ~ .

good-faith (adj.) ~ effort.

guarantee (v.) the act of giving a security; something given as security. **guaranty** (n.) (Primarily used in finance or banking context as a promise to answer for the debt of another).

guardian ad litem.

H.

habeas corpus.

habendum.

harass (one *r*).

head-on (adj. or adv.).

hit-and-run (adj.).

hold over (v.).

holdover (n.).

Honorable (the Honorable Jane Green; Hon. Jane Green—abbreviated when not preceded by *the*).

hyphen. Hyphens (-) are used in docket numbers, statutes, phrasal adjectives, and other hyphenated words.

I.

ibid.

id.

i.e.

in absentia.

in camera.

in custody (n.).

in-custodial (adj.).

independent clause. Independent clauses may be separated by periods into separate sentences: They may also be joined together into one sentence by separating them with a semicolon or with a comma followed by a conjunction.

inferred/implies. The reader or listener *infers* (deduces); the writer or speaker *implies* (hints, suggests).

in forma pauperis.

_____ **-in-law** (sing.).

_____ **s-in-law** (pl.).

initialism (a type of abbreviation). Terms that are read as a series of letters and can't be pronounced as words. Widely recognized initials that have come to be read out loud as initials rather than as the words they represent may be used without periods, except when used as the name of a reporter or code abbreviation (NLRB, CBS, FDA, NAACP, FBI, IRS, etc.).

in limine.

in loco parentis.

in pari delicto.

in personam.

in re.

in rem.

inter alia.

interfering (one r, because an e was dropped).

inter se.

inter vivos.

in toto.

ipso facto.

J.

judgment (only one *e*).

judgment n.o.v.

juvenile transfer.

juvenile-transfer hearing, etc.

K.

kidnapped.

L.

labeled or labelled.

landowner.

law-abiding.

lawbreaker.

lifestyle.

lineup (n.).

line up (v.).

long-arm statute.

lump-sum settlement.

M.

malfeasance.

mandamus.

marijuana.

marshal (with one *l*, both in the town ~ and in the verb, to ~ assets).

methadone.

Miranda as in *Miranda* rights. When using “*Miranda*” as a verb, the word “Mirandize” should be capitalized but not italicized.

misfeasance.

misled – past tense of mislead.

N.

names, nondisclosure.

For minors, see revised Arkansas Supreme Court Rule 6-3.

names, proper.

- Kurt Vonnegut, Jr., *or* Kurt Vonnegut Jr. – if commas are used, they must appear both before and after the suffix
- Adlai E. Stevenson III (no comma precedes the numeral)
- E.M. Forster (close up single initials)
- Robert A. Leflar but Robert B Leflar (no period after the *B*)

nationwide.

no-fault (adj.).

nolle prosequi (n.).

nolle prosequi as a verb should be spelled “nolle pros,” “nolle prossing,” or “nolle prossed.”

nolo contendere.

nonanswering.

non compos mentis.

nonfeasance.

nonjury trial.

nonmoving.

non obstante verdicto = n.o.v.

nonpayment.

nonresident.

non sequitur.

numbers. Generally, spell out whole numbers from zero through one hundred. See section 3.II.B for exceptions and usage preferences.

nunc pro tunc.

O.

obiter dictum.

obtuse – lacking sharpness of sensibility or intellect (*but see* abstruse).

occasion (one *s*).

occurred (two *r*'s, because of the accent).

occurrence (two *r*'s, because of the accent).

offered (follows the accent).

offset (n. or v.).

one-way (adj.).

ongoing (adj.).

overruled.

P.

parens patriae.

parol – oral.

parole – conditional release.

pendente lite.

per capita.

per curiam.

per diem.

per se.

per stirpes.

pleaded or pled. (*Pleaded* is the preferred past-tense form. *Plead* is not the proper past tense form.)

plural forms. Form the plural of names by adding “s”—unless the name ends in “s,” “ch,” “sh,” “x,” or “z.” In those cases, add “es”: *the Hijueloses*; *the MacLeishes*; *the Marxes*; *the Clausewitzes*. Never indicate a plural by inserting an apostrophe.

postconviction relief.

postjudgment.

postmortem.

postnuptial.

posttrial.

preference.

preferred.

pretrial.

previous/prior. While *previous* and *prior* are generally considered interchangeable, context and collocation (a word that you often use with another word) will likely govern the choice. “Previous” is frequently used to refer to the previous person, thing, or time that you are talking about: *the previous year/day/month*; *the previous chapter*; *a previous wife/husband*; *a previous marriage or relationship*. Consider using “prior” when referring to something that happens, exists, or is done before a particular time: *prior knowledge*; *prior notice*; *prior consent*; *prior commitment*.

prima facie.

principal always has the connotation of main, as in ~ of a school, ~ and interest, or the ~ character (n. or adj.).

principle rule, as in a ~ of law or a man of high ~ (n.).

pro bono.

proffered (follows the accent).

pro forma.

pro hac vice.

pro rata.

pro se.

pro tem.

pro tempore.

proved/proven. *Proved* is the past participle (they had not proved their case); *proven* is used as an adjective (verdict was rendered on the proven facts).

Q.

quantum meruit.

quasi contract (n.).

quasi in rem.

quasi-judicial (adj.).

quo warranto.

R.

race-neutral (explanation, etc.).

racially neutral.

recuse oneself (like the verb excuse, recuse is reflexive).

reexamine (exception to double-vowel rule).

referred (follows the accent).

rescind, rescission (note the *sci*).

res gestae.

res ipsa loquitur.

res judicata.

right-of-way.

Rule (when referring to a specific rule).

S.

safe-deposit box.

safekeeping.

said/stated. Use *said*, followed by a comma, to introduce a direct quote. *The trial judge said, "Get a real job counsel."* Use *stated* to introduce paraphrased matter. *This court has stated on numerous occasions that it will not consider an issue that was not raised below.* This distinction will enhance the precision of your writing.

scienter.

self-defense.

semiautomatic.

set off (v.).

set-off (adj.).

setoff (n.).

sic is placed in brackets and is not italicized—[sic]. (BB R5.2(c))

sine die.

sine qua non.

Social Security (Social Security benefits; Social Security number; Social Security Administration).

stare decisis.

stationary – stable; fixed.

stationery – paper.

status quo.

statute of frauds.

statute of limitations (sing.).

statutes of limitation (pl.).

stepdaughter.

stepfather.

step-granddaughter.

stepparent.

sua sponte.

sub(-). Prefixes with *sub* are normally closed: subagent, subcontractor, subdivision, subpoint, subcontinental, *but* sub-prime, sub-audible, sub-atomic.

subject matter (n.) as in jurisdiction of the *subject matter*.

subject-matter (adj.) as in *subject-matter* jurisdiction.

subpoena.

subpoena duces tecum.

sub silentio.

sui generis.

supersede, supersedeas. (*s*, not *c*).

supra.

T.

that/which. Most writers follow the convention that *which* (preceded by a comma) is used to introduce a nonrestrictive clause while *that* is used to introduce a restrictive clause.

A *restrictive* element, as the name implies, serves to restrict—that is, to establish the identity of—the term it modifies. *The act that was passed in 1995 superseded the old law.*

Here, *that* is the defining or restrictive pronoun and is not set off by commas; the restrictive clause it introduces identifies the word it refers to—an act passed in 1995.

A *nonrestrictive* element, which should always be set off with commas, provides information about the term it modifies but is not essential. *The act, which was passed in 1995, superseded the old law.* Here, *which* is the nondefining or nonrestrictive pronoun and is set off by commas. The point of the sentence is that the act superseded the old law; the date is incidental. A good way to tell whether a clause is nonrestrictive is when you are able to delete it without affecting the point of the sentence. In that case, use “which”; otherwise, use “that.”

Watch out for common errors as *This is a case which . . .* and *The photograph which was used . . .*. A simple formula to bear in mind is **that = no comma** and **which = comma**. For example: The appellant raises an issue *that* was not addressed below. **BUT:** The police discovered the victim in the appellant’s car, *which* was parked on the shoulder of the highway.

that (omitted). In formal writing, as a general rule, do not omit the introductory function word *that*: *We hold that the evidence . . .*—NOT *We hold the evidence . . .*. The omission of *that* can obscure meaning, sound clumsy, or simply be unintentionally comical. (*The trial court held the appellant’s hands were unclean.*) Thanks to the baleful influence of journalism, which operates on the maxim the Editorial Space Saved Is Advertising Space Gained, the idea has taken root among all stripes of writers that “that” should be omitted whenever possible, as understood. The problem is that the sentence itself may not be understood. Of course, *that* can often be omitted idiomatically (though *which* cannot), and the sense won’t suffer in the least. *The ghost stories [that] Robert Louis Stevenson heard as a child shaped such narratives as “Thrawn Janet” and “The Tale of Tod Lapraik.”* But more often than not, the reader must renegotiate his or her way through the words to catch the meaning: *The circuit court had no way to determine [that] the admission of the forensic evidence during the medical expert’s testimony would be prejudicial when the appellant made no objection.* Any stylistic bump that causes the reader to stumble should be avoided. Think of “that” as a means to an end—achieving greater clarity. In formal writing (and writing doesn’t get much more formal than a court opinion), it’s generally best not to omit “that,” unless the sense is absolutely clear.

third party (n.).

third-party (adj.).

timely. The word *timely* functions as both an adverb and an adjective. Thus, you may write that a party *timely* filed the record or that she filed the record in a *timely* manner. Garner recommends the former example as less wordy.

tortfeasor.

toward (not towards).

U.

ultra vires.

V.

verbiage (*not* verbage).

via.

vice versa.

videotape (n. or v.).

vis-à-vis.

viz.

voir dire.

W.

web page.

website.

well-being.

where/when. Do not use *where* for *if*, *in which*, or *when*. (*When* (not *where*) any evidence to support an instruction is before the jury, that instruction must be given; It is in marked contrast to this case *in which* (not *where*) there is not proof.)

willful.

witness's (sing. pos.).

witnesses' (pl. pos.).

X.

X-rated (adj.).

x-ray (also x ray, X ray).

Y.

Z.

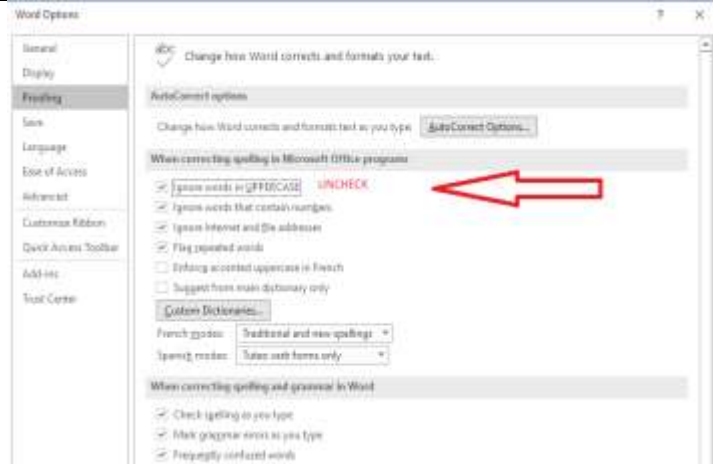
APPENDIX

A. WORD TIPS

1. AUTOCORRECT AND FORMATTING

If spellcheck isn't flagging typos in your captions or other blocks of UPPERCASE text:

1. File
2. Options
3. Proofing
4. Uncheck "Ignore words in UPPERCASE"



If numbers and letters automatically change to superscript or to a symbol, you can change this. Do the following in an open Word document:

1. File
2. Options
3. Proofing
4. Autocorrect Options
5. Autoformat As You Type

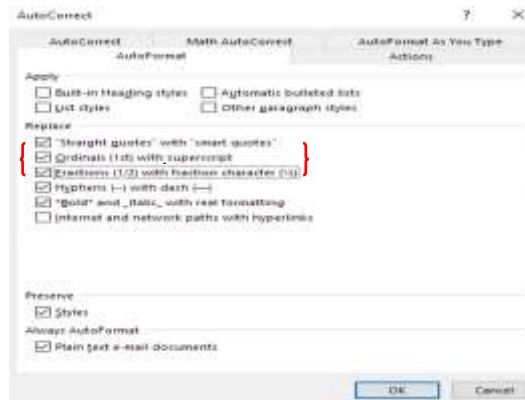
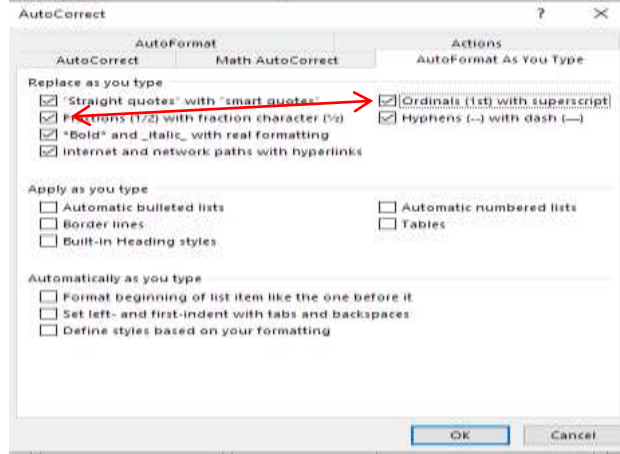
Uncheck:

- Ordinals (1st) with superscript
- Fractions (1/2) with fraction character (½)

In that same dialogue box, go to Autoformat:

Uncheck:

- Ordinals (1st) with superscript
- Fractions (1/2) with fraction character (½)



AUTOCORRECT AND FORMATTING (continued)

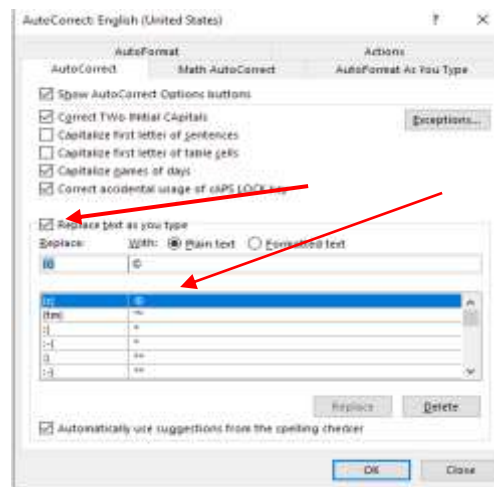
In the same dialogue box, select Autocorrect:

You can either uncheck

- Replace text as you type (disables all autocorrect entries)

OR

delete a specific “Replace With” table entry



B. ONLINE RESOURCES

Federal Government Printing Office Style Manual
OneLook® (search engine for words and phrases) All dictionaries and glossaries indexed by the OneLook® search engine
Peter W. Martin, Introduction to Basic Legal Citation Peter W. Martin, <i>Introduction to Basic Legal Citation</i> § 2-100. How to Cite Electronic Resources
Matthew Broderick, Typography for Lawyers , (2d ed. 2015) (paperback editions available in the Supreme Court Library)
Resources available via the New York Official Reports, Legal Research Portal: Federal Register, Drafting Legal Documents: Preferred Expressions Federal Register, Drafting Legal Documents, Principles of Clear Writing Capital Community College Foundation, Guide to Grammar and Writing New York Official Reports, Legal Research Portal: Legal Writing Resources: Clarity, Plain English, Grammar, Punctuation, Diction