

REVISIONS TO THE MANUAL OF CITATIONS

July 12, 2002

The Interim Edition of the Ohio Manual of Citations has been used by the Reporter's Office since July 1, 1992, for the editing of opinions that are print-published in the Ohio Official Reports. The following revisions to the Interim Edition are made to supplement the Interim Edition and bring it into compliance with the revised Rules for Reporting Opinions, adopted by the Supreme Court of Ohio, effective May 1, 2002. The revised rules are print-published in 94 Ohio St.3d at XCIV to CV, and are accessible on the Supreme Court's website at <<ftp://ftp.sconet.state.oh.us/RuleAmendments/2002/126600-r.doc>>.

These revisions are also made to tie print-published opinions of the courts of Ohio to the Supreme Court website. Effective May 1, 2002, the court's website, <<http://www.sconet.state.oh.us/>>, will become the repository of all opinions of the Supreme Court, courts of appeals, and Court of Claims, and selected opinions of the state's trial courts.

The Revisions to the Manual of Citations July 12, 2002, supersedes the Revisions dated May 1, 2002, and addresses questions raised by users since May 1, 2002.

Pinpoint Pages and Parallel Citations

Formerly, when an author cited a specific page of an opinion reported in the official reports, pinpoint pages were also given for each of the parallel sources:

Old Form

State v. Williams (1997), 79 Ohio St.3d 1, 17, 679 N.E.2d 646, 660

State ex rel. Pivk v. Indus. Comm. (1935), 130 Ohio St. 208, 212, 4 O.O. 153, 155, 198 N.E. 631, 633

In re Adoption of Anthony (1982), 5 Ohio App.3d 60, 62, 5 OBR 156, 158-159, 449 N.E.2d 511, 514-515

Miranda v. Arizona (1966), 384 U.S. 436, 460-461, 86 S.Ct. 1602, 1620-1621, 16 L.Ed.2d 694, 715-716

Glauber v. Glauber (1993), 192 A.D.2d 94, 98, 600 N.Y.S.2d 740, 743

In order to avoid citation clutter and to save time (because unofficial sources typically contain bracketed star-page references to pages in the official reports), pinpoint pages need be given only for the official source and not to each of the parallel unofficial sources:

New Form

State v. Williams (1997), 79 Ohio St.3d 1, 17, 679 N.E.2d 646

State ex rel. Pivk v. Indus. Comm. (1935), 130 Ohio St. 208, 212, 4 O.O. 153, 198 N.E. 631

In re Adoption of Anthony (1982), 5 Ohio App.3d 60, 62, 5 OBR 156, 449 N.E.2d 511

Miranda v. Arizona (1966), 384 U.S. 436, 460-461, 86 S.Ct. 1602, 16 L.Ed.2d 694

Glauber v. Glauber (1993), 192 A.D.2d 94, 98, 600 N.Y.S.2d 740

Use of the WebCite

The Supreme Court's amendments to the Rules for Reporting Opinions, effective May 1, 2002, go a long way towards implementing the recommendations of the Ohio Futures Commission to link all Ohio courts through "an interactive communications network" that allows "instant transmission and remote access to *** court opinions" and that makes "court records and other public information maintained by the courts easier for the public to access and search," with access to the "network's resources around the clock through remote media including *** user-friendly means." "The courts must become proficient in adapting traditional print *** materials to these technologies." 89 Ohio St.3d at CXXVIII, CXLIX, and CXLVIII.

In order to make the opinions of the Supreme Court, courts of appeals, Court of Claims, and trial courts readily accessible to the public, the Supreme Court has developed a system for the posting, management, and retrieval of those opinions. Each opinion posted to the Supreme Court's website will be assigned its own unique number or "WebCite." The WebCite, in the form of "2002-Ohio-12345," is similar to the familiar Westlaw ("WL") and Lexis ("Ohio Lexis") citations. The Supreme Court's website can be accessed at <<http://www.sconet.state.oh.us/>>. The new opinions search index can be accessed at <<http://www.sconet.state.oh.us/ROD/documents/>>.

Opinions are to be cited by using the official citation, as ____ Ohio St.3d ____, ____ Ohio App.3d ____, and ____ Ohio Misc.2d _____. Beginning May 1, 2002, WebCites are now part of the official citations of opinions decided on or after May 1, 2002, and must be used for opinions decided on and after May 1, 2002. The "old style" of citation is to be used for cases decided before May 1, 2002. Thus, in *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 2002-Ohio-2220, the citation includes both the Ohio St.3d citation and the WebCite of 2002-Ohio-2220. For opinions that have been decided on or after May 1, 2002, and have not been print-published, WebCites must be included in their citations. See, for example, *Brown v. McClain Constr. Co.*, 3d Dist. No. 16-01-19, 2002-Ohio-2834. Please note that the word "unreported" is not used in this example.

A useful *system* of posting and retrieving opinions requires that opinions be easily identified by their WebCites. Users must be able to navigate easily between the hard-copy, print-published version of an opinion and its electronic version.

A useful *system* also requires that portions of opinions and quotations no longer be identified only by pages in a particular publisher's volume of opinions. Rather, the new amendments to the Rules for Reporting Opinions contemplate that portions of opinions and quotations will be identified by the *numbered paragraphs* of the opinion. In the future, no matter which source users choose for their research, quotations will be identified in a vendor-neutral way by paragraph numbers contained within the opinions themselves. (For older opinions, of course, page and volume references will continue to be needed and used.)

Definition of "Paragraph": A "paragraph" is any text that follows a hard return. A "hard return" means hitting the "Enter" or "Return" key on a keyboard, thereby bringing the word processor's cursor to the beginning of a new line on the screen.

"Text" does not include the author of the opinion or "per curiam," section headings, section numbers (as I, II, and III), horizontal lines dividing concurrences and dissents from the majority opinion, the votes of the judges, the judgment line, and the attorneys for the parties. Please review issues of the Ohio Official Reports advance sheets published after May 1, 2002, for examples of the current practice of the Reporter's Office.

- Block quotes are not to be used. "Block quotes" refers to quotations that are single-spaced, set apart from the text of the opinion by use of special hanging indentation, and typically are not enclosed in quotation marks. Quotations must now be incorporated into the preceding paragraph *or* written as another part of the text, i.e., after the hard return of the preceding paragraph, hit tab for the normal indentation, type the beginning quotation marks, type the quotation, type the ending quotation marks, add one space, then type the source of the quotation. The source is not given its own paragraph but is made part of the preceding quotation to which it refers. Quotations are not to be typed in bold type because that is not the style of the printed Ohio Official Reports.
- Eliminating block quotes so that opinions are formatted in "book style" (single column, flush left to flush right with one-tab paragraph indentation, and with no hanging indentation -- the format of the printed Ohio Official Reports) will aid the Reporter's Office in its speedy posting of opinions to the Supreme Court's website. Elimination of block quotes will also aid the preparers of opinions who will no longer have to be concerned with special indentations.

The forms of citations used in Ohio opinions must be modified to bring about the above system. The following modifications are authorized by and consistent with the amendments to the Rules for Reporting Opinions. Attached to these revisions are samples of how a Supreme Court opinion (*Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 2002-Ohio-2220, 767 N.E.2d 707) and a court of appeals opinion (*In re Reed*, 147 Ohio App.3d 182, 2002-Ohio-43, 769 N.E.2d 412) will look with numbered paragraphs.

Bonacorsi v. Wheeling & Lake Erie Ry. Co., was chosen for illustration purposes. Please note the following in *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, Sample 1:

- On and after May 1, 2002, the Cite as line will include the WebCite for the opinion. In *Bonacorsi*, the Cite as line includes the WebCite of the opinion: 2002-Ohio-2220. The date in parentheses is omitted because the first four digits of the WebCite, here “2002,” are identical to the decided date.

Practice Pointer: In the future, the full citation to *Bonacorsi v. Wheeling & Lake Erie Ry. Co.* will be:

- *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 2002-Ohio-2220, 767 N.E.2d 707.
- *Bonacorsi v. Wheeling & Lake Erie Ry. Co.*, 95 Ohio St.3d 314, 2002-Ohio-2220, 767 N.E.2d 707, at ¶15. (On and after May 1, 2002, when numbered text paragraphs are available, pinpoint *page* references will no longer be needed because numbered text paragraphs will be identical in all published versions of the same opinion. Subsequent references to *Bonacorsi* can take the following short forms: Id. at ¶19 or *Bonacorsi* at ¶19.)
- In *Bonacorsi*, paragraphs of text are numbered with the use of braces, as {¶1}, {¶2}, {¶3}, et seq. The use of braces, the paragraph symbol, and numerals will number text paragraphs and permit the user to quickly find a referenced paragraph.
- *Mid-America Tire, Inc. v. PTZ Trading Ltd.*, 95 Ohio St.3d 367, 2002-Ohio-2427, 768 N.E.2d 619, at paragraph two of the syllabus. (Spelling out the number of the syllabus paragraph, which is current practice, will be retained in order to distinguish syllabus paragraphs from numbered text paragraphs.)
- Paragraphs of appendixes will also be numbered consecutively from the end of the text of the opinion. An example of an opinion with a numbered appendix is *State v. LaMar*, 95 Ohio St.3d 181, 2002-Ohio-2128, 767 N.E.2d 166, ¶200-224.
- Note that the author of the opinion or "per curiam," section headings, section numbers (as I, II, and III), horizontal lines dividing concurrences and dissents from the majority opinion, the votes of the judges, the judgment line, and the attorneys for the parties will *not* be given paragraph numbers. In a quotation, an ellipsis of three asterisks (***) is given a paragraph number when it follows a

hard return, even though the three asterisks are the only writing in the paragraph.

Practice Pointer: Footnotes will continue to be numbered consecutively (1, 2, 3, et seq.), but when a footnote contains more than one paragraph, each paragraph will be lettered ({¶a}, {¶b}, {¶c}, etc.); thus, “See fn. 2, ¶a; compare fn. 3, ¶c.” Examples of footnotes with multiple paragraphs are found in Sample 1, *Bonacorsi* at fn. 4 and 5, and Sample 2, *In re Reed* at fn. 2 and 3.

- As the database of opinions grows, the Appeal line will also change by adding the WebCite of the case from which the appeal is taken. See *Hughes v. Calabrese*, 95 Ohio St.3d 334, 2002-Ohio-2217, 767 N.E.2d 725, where the Appeal line reads: “APPEAL from the Court of Appeals for Cuyahoga County, No. 80018, 2001-Ohio-4156.”

After the use of WebCites goes into effect (May 1, 2002), citations will be as follows for opinions where there is a WebCite:

- *State v. LaMar*, 95 Ohio St.3d 181, 2002-Ohio-2128, 767 N.E.2d 166, ¶17-21. (Giving a pinpoint page -- even to the published opinion in the Ohio Official Reports -- will not be necessary because the numbered paragraph reference will be identical in the Ohio Official Reports, N.E.2d, the website, and all other published versions of the opinion.) Please note that the Supreme Court's website should be consulted for the official numbering of the paragraphs of opinions: paragraphs numbered in "slip opinions" issued by courts of appeals and trial courts may be changed by the Reporter's Office when the opinions are posted to the Supreme Court's website. The Supreme Court's website is the *official repository* of opinions.

The above changes to the forms of citations regarding pinpoint citations should make life easier for writers and lessen the clutter of citations.

Finally, the amendments to the Rules for Reporting Opinions do away with the controlling/persuasive distinction between unreported court of appeals and trial court opinions. All court of appeals opinions will be published -- even if only in the electronic format -- therefore the designation “unreported” will no longer be needed or used.

Prior to May 1, 2002, unreported court of appeals opinions were cited as follows:

- *State v. Jones* (Jan. 1, 2002), Franklin App. No. 99APE01-1234, unreported.

On and after May 1, 2002, court of appeals opinions that are not print-published in the Ohio Official Reports will be cited as follows when a WebCite is available:

- *State v. Jones*, Franklin App. No. 99APE01-1234, 2002-Ohio-1536. (The first 4 digits of the WebCite are identical to the year of decision. Keeping the month and date will not add to the ability of the user to find the opinion.)
- *State v. Jones*, Franklin App. No. 99APE01-1234, 2002-Ohio-1536, at ¶30-31. (The paragraph symbol ¶ means “paragraph” or “paragraphs” in context.)
- *State v. Jones*, 10th Dist. No. 99APE01-1234, 2002-Ohio-1536, at ¶30 (The use of “10th Dist.” instead of “Franklin App.” is optional with the writer, depending on whether the writer wants to emphasize the appellate district or the particular county within the appellate district.)

When a WebCite is not available for a court of appeals opinion, the opinion may be cited as follows (without the use of the word “unreported”):

- *Jones v. Brown* (Apr. 4, 1998), 8th Dist. No. 18220, or *Jones v. Brown* (Apr. 4, 1998), Cuyahoga App. No. 18220 (The word “unreported” is omitted because there is no longer a distinction between reported and unreported opinions in terms of their precedential value; the absence of a WebCite should alert the reader that the opinion is not available on the Supreme Court’s website. The word “unreported” is retained when it appears in quotations.)

Italicization

Beginning May 1, 2002, italics are to be used *only* for case captions and emphasized portions of text. Italics will no longer be used for such expressions as ad litem, amicus curiae, de novo, e.g., et seq., id., i.e., in limine, infra, inter alia, nunc pro tunc, per curiam, per se, pro se, res judicata, sic, sua sponte, sub judice, supra, etc. Dropping the overuse of italics will bring Ohio into line with usage around the United States. Please note that italicization will be retained when it appears in quoted text.

Numbers

Generally, spell out whole cardinal numbers one through ten and ordinals first through tenth. The words "thousand," "hundred thousand," "million," and so on may be used to replace a string of zeros. For other numbers use numerals. When a sentence or paragraph contains many numbers, all numerals may be used. See Chicago Manual of Style (14th Ed. 1993), at Sections 8.3, 8.4, and 8.7.

Practice Pointer:

Syllabus paragraphs to Supreme Court opinions will continue to be written as words, as "paragraph two of the syllabus."

Amendments to the United States Constitution will continue to be written as words: First Amendment, Fourth Amendment, Fourteenth Amendment, etc.

When needed in citations to court of appeals opinions, the court of decision can be referred to by the name of the court, as Lucas App. No. ____, or by the number of the court of appeals district, as 1st Dist. No. ____, 2d Dist. No. ____, 3d Dist. No. ____, 4th Dist. No. ____, 5th Dist. No. ____, 6th Dist. No. ____, 7th Dist. No. ____, 8th Dist. No. ____, 9th Dist. No. ____, 10th Dist. No. ____, 11th Dist. No. ____, or 12th Dist. No. ____.

In a departure from the 1992 Interim Edition to the Manual of Citations, note the use of ordinals in the following examples: "East 105th Street" and "Black's Law Dictionary (7th Ed. 1999)." Former practice would have written the latter example as "Black's Law Dictionary (7 Ed. 1999)." To promote compactness, "Seventh" is not used.

Supreme Court Case Numbers

Beginning May 1, 2002, Supreme Court cases will be numbered as follows: E.g. 2002-0001, 2002-0012, 2002-0123, and 2002-1234. Former practice would have written these case numbers as 02-1, and 02-12, 02-123, and 02-1234. The use of 4 digits-hyphen-4 digits is to make Supreme Court case numbers consistent on the website and print-published opinions.

Comments

The 1992 Interim Edition to the Manual of Citations can be found in 88 Ohio App.3d at XXV to LXVI, and on the Supreme Court's website at <<http://www.sconet.state.oh.us/ROD/pdf/mancite.pdf>>. The Revisions to the Manual of Citations July 12, 2002, which supplement the 1992 Interim Edition, are posted to the Supreme Court's website at <<http://www.sconet.state.oh.us/ROD/>> and published in the Ohio Official Reports.

If you have any comments about the Revisions to the Manual of Citations, please contact me at 1-800-826-9010 or at <reporter@sconet.state.oh.us>.

Walter S. Kobalka
Reporter of Decisions
July 12, 2002