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Style Manual

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COMPILED AND EDITED BY

Kathleen B. Hughes
Katherine G. Breitenbach
Kelli J. Flansburg
Rocco J. Padula
Kristen Q. Gerace
Kayleigh A. Gekakis
Jaelyn A. Biernacki
Daisy Ford Paglia
Matthew T. Fahrenkopf
Wendy L. Whiteman
Jennifer L. Davidick
Susan E. Gorman
Valerie H. Kellerhouse
Lori Drumm

CARA J. BROUSSEAU
STATE REPORTER



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FOREWORD

I extend my sincere thanks to the Law Reporting Bureau for the opportunity to write this foreword to the 2022 edition of the New York Law Reports Style Manual. I am pleased to recognize the efforts of our outstanding State Reporter, Cara J. Brousseau, who was appointed in April 2019 after many years of dedicated public service. I am confident that, under her leadership, the Law Reporting Bureau will continue to advance commonsense improvements to judicial writing and citation style and produce impeccable publications for the New York State courts.

Each updated edition of the Style Manual furthers our mission of issuing clear and understandable judicial decisions to guide the affairs of New Yorkers and to assist others who interact with our courts or rely on New York law. This latest version streamlines, clarifies and modernizes existing citation rules and examples, and adds several new citation rules for additional legal authorities. The 2022 revisions place increased emphasis on the vital importance of bias-free and gender-neutral writing in order to ensure that all participants in our justice system are represented fairly and respectfully. The updates also promote significant court policies aimed at protecting the personal privacy and safety interests of those involved in certain types of sensitive litigation. These are just a few of the Law Reporting Bureau's many laudable refinements of the Style Manual.

The hard work of the Law Reporting Bureau has ensured that the Style Manual remains a trusted resource that guides judges and court staff daily in their work serving the public. On behalf of my colleagues at the Court of Appeals and the entire Unified Court System, I extend my appreciation and gratitude to the Law Reporting Bureau for its expertise and steadfast diligence in continuously seeking new ways to improve the delivery of justice.

A handwritten signature in black ink, appearing to read "Anthony Cannataro".

Hon Anthony Cannataro
Acting Chief Judge of the Court of Appeals

PREFACE TO THE 2022 EDITION

Since 1956, the New York Law Reports Style Manual has been issued by the Law Reporting Bureau, an agency of the Unified Court System, as a guide for the preparation of opinions for publication in the Official Reports. The Law Reporting Bureau operates under the direction and control of the State Reporter who is appointed by the Court of Appeals.

In maintaining the manual, the Law Reporting Bureau consults other legal writing and style authorities with the goal of providing clear rules which promote modern best practices in legal writing. The Law Reporting Bureau is committed to reducing unnecessary variations from standard style authorities and compiling an extensive array of citation format examples for New York source material. The Law Reporting Bureau also requests and incorporates input from state courts and other manual users.

This edition continues to add and adapt style rules and policies that emphasize clarity, brevity and use of plain English in judicial decisions; it recognizes that legal researchers rely increasingly on electronic sources; it facilitates broad access to the law by encouraging citation of reliable, official sources that are publicly available online at no cost; it embraces bias-free writing; and it provides guidance to assist courts with applying the Unified Court System's policies that protect personal privacy and safety interests that are implicated in Internet publication of judicial opinions.

General References

This manual focuses on New York source material and covers five primary areas: citation, abbreviation, capitalization, quotation, and word style and usage. General authorities should be consulted on matters not covered by this manual. These authorities include:

The Bluebook: A Uniform System of Citation (21st ed 2020)

Bryan A. Garner, *The Redbook: A Manual on Legal Style* (4th ed 2018)

The Chicago Manual of Style (17th ed 2017)

Merriam-Webster.com Dictionary
(<https://www.merriam-webster.com/>)

Black's Law Dictionary (11th ed 2019)

Important Changes

The 2022 edition provides updated and refreshed examples, clarifies existing rules, and provides new rules where necessary. It incorporates all electronic updates since 2018. The most noteworthy of the changes found in this manual are:

1. Citation:

- Examples have been added for citations to recently-enacted session laws, including emergency enactments related to COVID-19 (§ 3.1 [d]).
- For citations to decisions, revised rules clarify the information that should be included in the first citation to each case and in the first citation to any appellate history which is included (§ 1.1 [a]); clarify that only pertinent appellate history need be included (§ 2.2 [a] [5]); and clarify options for referencing previously cited cases, including the use of *id.*, as well as what information may be omitted (§§ 1.3, 2.2 [a] [7]).
- New information has been added addressing the use and order of signals (§ 1.4 [a]). In addition, further guidance has been provided on the use of quoting and citing, as well as the order of parenthetical information (§ 2.2 [a] [6]).
- The manual continues to embrace the migration of legal research from print to electronic sources and distinguishes between the type of source document by requiring page numbers with print sources but not with electronic (*see* §§ 1.5, 3.1 [c] [1]; 7.1).
- The rule for citing public domain citations has been updated (§ 2.3 [c] [4]) as has the list of official public domain citations adopted by various jurisdictions (Appendix 2 [D]).
- New rules have been added for citations to town and village codes and local laws (§ 3.4); rules of the Commercial Division of the Supreme Court (§ 4.1 [b] [5]); and local rules of the United States District Courts (§ 4.2 [b] [7]).

2. Abbreviation:

- Rules regarding abbreviations have been fully updated by including specific instructions for abbreviations for each type of material. For instance, updates have been provided for abbreviations in citations to commission, agency and ethics opinions (§ 2.4 [b]); statutes and legislative material (ch 3.0); regulations, court rules, jury instructions, colloquies and the

Guide to New York Evidence (ch 4.0); and legal periodicals, treatises and other works and documents (ch 7.0).

- In conjunction with these updates, Appendix 3 (Appellate History and Other Abbreviations Used in Citations) and the list of abbreviations for words appearing in references to courts within citations (§ 2.2 [a] [7]) have been updated.

3. Capitalization:

- Consistent with modern style authorities, and the manual's preference for lowercase style (§ 10.1 [a]), the rule regarding capitalization of short-form references to government bodies and officials has been revised to allow either capitalization or lowercasing (§ 10.1 [b]), with consistent application within a decision (*see* § 10.1 [a]).
- A new rule has been added for capitalization of political terms (§ 10.1 [j]).

4. Word Style and Usage:

- The 2022 edition recommends the use of the free Merriam-Webster.com Dictionary (<https://www.merriam-webster.com/>), which is Merriam-Webster's most up-to-date dictionary for spelling and style.
- Appendix 5, which has been in the manual since 1956, has been fully reviewed and revised to reflect modern style and spelling conventions.
- Chapter 12.0 has been updated to embrace bias-free writing, including a rule regarding the use of "they" as a singular pronoun (§ 12.1 [b] [6]).
- The rule on redaction of personal identifying information has been revised to incorporate the regulation requiring mandatory redaction in matrimonial decisions as well as other considerations for the protection of privacy for publication purposes (§ 12.4 [e], [f]).
- Consistent with modern style authorities, the rule concerning compound and hyphenated words and phrases (§ 12.2) has been updated and reflected in Appendix 5.
- Rules regarding foreign words and phrases and their typography have been clarified and reflected in Appendix 5 (§§ 12.3, 13.7).

- A new rule has been added concerning use of ordinals (§ 10.2 [a] [10]), and the rule concerning symbols has been clarified (§ 10.2 [b]).
- New rules have been added regarding the use of empty brackets to indicate the omission or alteration of one or more characters of a word (§ 11.1 [d]), spacing with empty brackets (§ 14.3 [a]) and spacing with quotation marks (§ 14.3 [b]).

Other Notes:

Appendix 8, which covers formulation of summaries (appeal statements), has been fully updated with modern examples.

The legend “[Note:]” is used throughout the manual to provide explanatory information about the example. The legend should not be included in the citation itself.

Exceptions and Changes

Deviations from the rules stated in this manual are permitted where application of a rule would adversely affect the clarity or readability of an opinion. The Law Reporting Bureau welcomes suggestions for improvement of the Style Manual. Send them to: reporter@nycourts.gov.

Internet Version of This Manual

Changes to this manual will be posted to the Law Reporting Bureau’s Internet site at https://www.nycourts.gov/reporter/styman_menu.shtml. Use of the Internet version is strongly recommended not only for updates, but also to gain the advantages of word searching, hypertext linking and coordinating use of the manual with the New York Official Reports Citator.

RULES REQUIRING CITATION TO OFFICIAL REPORTS

“New York decisions shall be cited from the official reports, if any”
(CPLR 5529 [e]).

“Where New York authorities are cited in any submissions, New
York Official Law Report citations shall be included, if available”
(Rules of Ct of Appeals [22 NYCRR] § 500.1 [g]).

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PART I: CITATION STYLE

1.0 CITATION STYLE IN GENERAL

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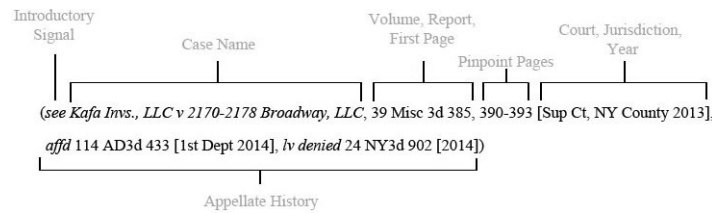
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1.5 (c) New York Slip Opinions**1.5 (d) Unreported and Unofficially Reported New York Opinions Published Online****1.5 (e) Unreported New York Appellate Motion Decisions Published Online****1.1 ELEMENTS OF A CITATION****1.1 (a) Case Citation Elements**

Add the court, jurisdiction, and year of decision in brackets in the first citation to each case, and for the first citation to any pertinent appellate history which is included (§ 2.2 [a] [5]). Omit any information made redundant by the citation itself. Abbreviate references to the court and jurisdiction (§ 2.2 [a] [7]).

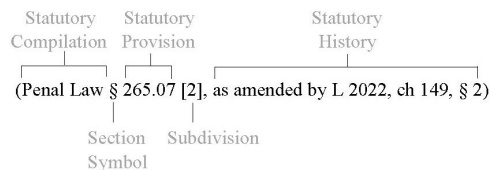
Examples:

(*People v Wilkins*, 37 NY3d 371 [2021])

(*Matter of Callen v New York City Loft Bd.*, 181 AD3d 39 [1st Dept 2020], *rev'd* 37 NY3d 1216 [2022])

(*Citibank, N.A. v Geyer*, 62 Misc 3d 1207[A], 2019 NY Slip Op 50024[U] [Nassau Dist Ct 2019], *aff'd* 70 Misc 3d 66 [App Term, 2d Dept, 9th & 10th Jud Dists 2020])

(*Capital Equity Mgt., LLC v Sunshine*, 73 Misc 3d 1072 [Sup Ct, Kings County 2021])

1.1 (b) Statutory Citation Elements

1.1 (c) Citation to Range of Pages, Sections or Similar Elements

Separate numerals with a hyphen and no spaces. Do not truncate the second numeral in the range.

Examples:

Penal Law §§ 125.21-125.25, *not* §§ 125.21-25

27 NY3d at 351-352, *not* 27 NY3d at 351-52

1.2 PLACEMENT OF CITATIONS

1.2 (a) Where to Place

Citations in the traditional format of the Official Reports are embedded in the text of the opinion using citations in running text (§ 1.2 [b]) or within parentheses (§ 1.2 [c]). In this format, citations in footnotes, if any, are styled as provided in section 1.2 (d).

As an alternative to the traditional format, citations may be placed exclusively in footnotes using the citational footnote style (§ 1.2 [e]).

Unless otherwise indicated, the examples in this manual are shown as citations within parentheses.

1.2 (b) Citations in Running Text

The term “citation in running text” indicates an authority referred to in the text of a sentence, as in the examples below:

The situation in *Rogers v Rogers* (63 NY2d 582 [1984], *revg* 98 AD2d 999 [2d Dept 1983]) mirrors the situation in this decision.

The clear and convincing evidence standard discussed in *Solomon v State of New York* (146 AD2d 439, 440 [1st Dept 1989], quoting *Rossi v Hartford Fire Ins. Co.*, 103 AD2d 771 [2d Dept 1984]) was not met here.

Plaintiff did not sustain a serious injury within the meaning of Insurance Law § 5102 (d).

1.2 (c) Citations within Parentheses

The term “citation within parentheses” refers to any citation that appears entirely within parentheses.

(1) How to Reference

Citations within parentheses may be referenced as in the examples below:

The clear and convincing evidence standard was not met here (*see Solomon v State of New York*, 146 AD2d 439, 440 [1st Dept 1989], quoting *Rossi v Hartford Fire Ins. Co.*, 103 AD2d 771 [2d Dept 1984]).

The facts in this decision are not unusual (*see George C. Miller Brick Co., Inc. v Stark Ceramics, Inc.*, 9 Misc 3d 151 [Sup Ct, Monroe County 2005, Fisher, J.]).

Plaintiff did not sustain a serious injury (Insurance Law § 5102 [d]).

(2) Punctuation

Place the final period in a sentence ending with a parenthetical as follows:

Such is the law (*People v Moran*, 2 AD3d 216 [1st Dept 2003]).

or

Such is the law. (*People v Moran*, 2 AD3d 216 [1st Dept 2003].)

not

Such is the law (*People v Moran*, 2 AD3d 216 [1st Dept 2003].)

Place the parenthetical within the sentence (as in first example above) if it relates to the sentence alone. Place it outside the sentence (as in second example above) if it relates to more than one preceding sentence.

1.2 (d) Citations in Footnotes

In a footnote containing text, citations in running text or within parentheses may be used. Some examples are:

* The holding in *Solomon v State of New York* (146 AD2d 439, 440 [1st Dept 1989]) remains good law. [Note: running text]

* The issue was last visited in 1989 (*Solomon v State of New York*, 146 AD2d 439, 440 [1st Dept 1989]). [Note: parenthetical]

In a footnote containing only a citation, use the parenthetical citation style, but omit the opening and closing parentheses and change the internal brackets to parentheses. Some examples are:

* *Solomon v State of New York*, 146 AD2d 439, 440 (1st Dept 1989).

* See e.g. Penal Law § 125.25 (1) (a).

1.2 (e) Citational Footnote Style

The citational footnote style is an alternative to the traditional placement of citations, using footnotes only for the citational content that would otherwise appear in the body of an opinion if either the running text citation style (§ 1.2 [b]) or the citations within parentheses style (§ 1.2 [c]) were used. If used, the citational footnote style should be used for all citations in the opinion. See Appendix 7 for a model opinion formatted in the citational footnote style. Apply the following rules based upon the location where citational content would be placed in the traditional format.

(1) Running Text Style

Place the case name in running text and the volume, report and page or other bibliographic information in the footnote and eliminate the parentheses enclosing the citation. The footnote number should be placed at the point in the text where the citation would appear if the citation were placed in the text.

Example:

The situation in *Rogers v Rogers*¹ mirrors the situation in this decision.

¹. 63 NY2d 582 (1984), *revg* 98 AD2d 999 (2d Dept 1983).

(2) Citations within Parentheses Style

Place the footnote number at the point where the parenthetical citation would appear if the parenthetical citation were placed in the body of the opinion. Place the citation in the footnote and eliminate the parentheses enclosing the citation.

Example:

The facts in this decision are not unusual.¹

¹ See *George C. Miller Brick Co., Inc. v Stark Ceramics, Inc.*, 9 Misc 3d 151 (Sup Ct, Monroe County 2005, Fisher, J.).

(3) Textual Footnotes

When using the citational footnote style, citations that appear within textual footnotes should not be placed within parentheses.

Example:

² The effect of the deregulation on the structure and organization of the natural gas industry is detailed in *General Motors Corp. v Tracy*, 519 US 278, 283-297 (1997).

1.2 (f) Footnote Numbers in Relation to Punctuation

Place footnote numbers wherever appropriate to indicate the subject of the reference and after any punctuation marks appearing at that location. Footnote numbers added within quoted language should be placed within superscript brackets.

Example:

County Court denied defendant's motion;¹⁶ the Appellate Division reversed, vacated the judgment, and restored the indictment to the preplea stage.¹⁷ The Appellate Division stated that "[u]nless the People's consent to the plea was obtained, as required by CPL 220.10 (4),^[18] County Court was required to vacate the plea and the judgment based thereon."¹⁹

1.3 REFERENCE TO PREVIOUSLY CITED AUTHORITY

1.3 (a) Options for Referencing Previously Cited Authority

To reference previously cited authority use a short-form reference or "*id.*" where appropriate. A full citation may be repeated if a short form or *id.* is unsuitable; the subsequent citation may omit reference to the court, jurisdiction, year of decision, appellate history, and optional information (§ 2.2 [a] [7]). A short-form reference should provide sufficient information to avoid confusion with distinct previous citations.

1.3 (b) Short-Form References

(1) Shortened Case Names and Popular Names

Subsequent references to a case in running text or within parentheses may use a shortened case name. The shortened form of the case name is usually the name of the first nongovernmental party (for example, “*Krom*” for “*People v Krom*” and “*Albouyeh*” for “*Albouyeh v County of Suffolk*”). Popular names for cases (for example, “the *Central Park Jogger* case”), or a shortened form that is not a name included in the case name, may be used when desired, but when doing so, set out the name in a parenthetical. For example: (see *Matter of New York City Asbestos Litig.*, 148 AD3d 233 [1st Dept 2017] [*Juni*]). Where litigation history includes multiple decisions with the same case name, a short form may be set out to identify each of the various decisions. For example: (see *Campaign for Fiscal Equity v State of New York*, 86 NY2d 307, 316 [1995] [hereinafter *CFE I*]; *Campaign for Fiscal Equity v State of New York*, 100 NY2d 893 [2003] [hereinafter *CFE II*]; see also *Campaign for Fiscal Equity, Inc. v State of New York*, 8 NY3d 14, 20 [2006] [hereinafter *CFE III*]).

(2) Shortened Citations

Do not use “*supra*” to shorten a subsequent citation. Do not add “*supra*” to a full citation of a source that has been previously cited in full. See section 12.5 for use of “*supra*” and “*infra*” as internal cross-references. Subsequent references to cases and statutes may be shortened as follows:

(*Matter of Murphy*, 6 NY3d at 43)

(*Murphy*, 6 NY3d 36) [Note: shortened case name with citation to initial page of decision]

(*Murphy*, 6 NY3d at 43)

(*Murphy* at 43)

(6 NY3d at 43)

(*Matter of Murphy*) or (*Murphy*) or (see *Murphy*) [Note: general reference to a previously cited case using only the full or shortened case name (use of a signal is optional)]

(§ 205.05)

Subsequent references to periodicals, treatises and similar works may be shortened by omitting the author’s name or the title, in whole or in part, as follows:

(Harper Lee, *To Kill a Mockingbird* 49-50 [1982]) [Note: initial]

(Harper Lee at 53) *or* (Lee at 53) [Note: subsequent]

(David H. Kaye et al., *The New Wigmore: Expert Evidence* § 4.5 [3d ed, 2022 Supp]) [Note: initial]

(Expert Evidence § 4.7) [Note: subsequent]

1.3 (c) Subsequent Reference to Immediately Preceding Authority

When a subsequent reference is made to an immediately preceding authority, “*id.*” may be used:

(*id.*) [Note: identical reference to an immediately preceding authority]

(*id.* at 495) [Note: reference to an immediately preceding authority at a different page]

(*id.* at *2) [Note: reference to an immediately preceding case citation that contains only a NY Slip Op citation, i.e. not including a parallel citation to a Misc 3d abstract (*see* § 2.2 [b] [2])]

(*id.* § 468-a) [Note: reference to an immediately preceding statutory authority at a different section (*see* § 3.1 [b] [1] [c])]

(*id.* § 3212) [Note: reference to a different section of an immediately preceding statute that does not use a section symbol with the abbreviated statute name, e.g. CPLR. Use section symbol with *id.* (*see* § 3.1 [b] [1] [c])]

(*id.* § 130-1.2) [Note: reference to an immediately preceding NYCRR citation at a different section. Use section symbol with *id.*]

Capitalize “*Id.*” when it is the first term in a separate citational sentence (§ 1.2 [c] [2]).

1.3 (d) Subsequent Reference to Parallel Citations

Where parallel citations are provided in the first reference, subsequent references that include a pinpoint page should supply the pinpoint page for each parallel citation. The citation “*id.* at” should not be used with parallel citations. Thus, a subsequent reference to (*Verity v USA Today*, 164 Idaho 832, 436 P3d 653 [2019]) becomes (*Verity*, 164 Idaho at 842, 436 P3d at 663). The use of “*id.*” is acceptable if it refers to the identical page numbers in the preceding parallel cite.

1.4 INTRODUCTORY SIGNALS

1.4 (a) Citations Introduced by Signals

Citations may be introduced by signals that indicate the purpose for which the citations are made and their degree of support or contradiction concerning a proposition. Do not place a comma between the signal and citation. Signals, and authorities after each signal, should be ordered in a logical manner. Consult standard citation authorities, such as the latest edition of *The Bluebook: A Uniform System of Citation*, for information regarding the use of signals and their order when using two or more.

The following examples illustrate the use of introductory signals:

(*e.g.* *Dalton v Pataki*, 5 NY3d 243 [2005])

(*see Dalton v Pataki*, 5 NY3d 243 [2005])

(*but see Dalton v Pataki*, 5 NY3d 243 [2005])

(*cf. Matter of Oglesby v McKinney*, 28 AD3d 153 [4th Dept 2006])

(*but cf. Matter of Oglesby v McKinney*, 28 AD3d 153 [4th Dept 2006])

(*accord Matter of Oglesby v McKinney*, 28 AD3d 153 [4th Dept 2006])

(*see also* Penal Law § 20.00)

(*compare* Penal Law § 20.00, *with* CPL 60.22)

(*see e.g.* CPL 40.50)

(*but see e.g. People v McConnell*, 11 Misc 3d 57 [App Term, 2d Dept, 9th & 10th Jud Dists 2006])

(*see generally People v McConnell*, 11 Misc 3d 57 [App Term, 2d Dept, 9th & 10th Jud Dists 2006])

(*compare Klein v Eubank*, 87 NY2d 459 [1996], *with Shapiro v McNeill*, 92 NY2d 91 [1998])

(*compare Klein v Eubank*, 87 NY2d 459 [1996], *and D'Amico v Crosson*, 93 NY2d 29 [1999], *with Shapiro v McNeill*, 92 NY2d 91 [1998])

(*contra Koehler v Koehler*, 182 Misc 2d 436 [Sup Ct, Suffolk County 1999])

1.4 (b) Signal Word Serving as a Verb

Do not italicize a signal word that serves as a verb of a sentence:

For a discussion of Executive Law § 63 (2), see *Matter of Johnson v Pataki* (91 NY2d 214 [1997]).

1.5 ELECTRONIC SOURCES IN GENERAL

Cite an electronic source if it is the sole source of material referenced or if the print version is not readily available. A citation to an electronic source requires information identifying the particular material referenced, and is likely also to require information about the location where the source of that material may be accessed (e.g. a website or an online service). Where the location or content of an electronic source is subject to change, a “last updated” or “last accessed” date should be included. If the format of an electronic source prevents precise citation to particular material referenced, add the necessary navigation instructions to the citation. Pinpoint citation is not possible if the electronic source is in a format (e.g. HTML) that does not contain fixed reference points, but may be included if the source is in a format (e.g. PDF) that contains fixed pagination, paragraph numbering or location numbers. Electronic government sources designated “official” or authenticated by some method involving encryption should be cited when available. The rules for citing specific types of electronic sources appear in the sections listed below. In addition, the legend “[Note: online version]” is used in this manual to distinguish examples of citation formats for the same material that is available in both print and online sources.

1.5 (a) Electronic Services

Electronic services (e.g. Westlaw, Lexis) are cited as indicated in section 2.4 (a) (1) and (2).

1.5 (b) Internet Material

Internet material is cited as indicated in sections 2.4 (a) (3) and 7.1 (d).

1.5 (c) New York Slip Opinions

Slip opinions scheduled for publication in the print Official Reports are cited as indicated in section 2.2 (a) (8).

1.5 (d) Unreported and Unofficially Reported New York Opinions Published Online

Trial court and Appellate Term opinions published online only with or without abstracts published in the print Official Reports are cited as indicated in section 2.2 (b) (2). Opinions published in the online version of the New York Law Journal are cited as indicated in section 2.2 (b) (3).

1.5 (e) Unreported New York Appellate Motion Decisions Published Online

Appellate motion decisions published online but not in the print Official Reports are cited as indicated in section 2.2 (b) (2).

—Notes—

2.0 CASES**Contents of Section**

2.1 CASE NAMES**2.1 (a) New York Cases**

- (1) Cases Officially Reported**
- (2) Cases Not Officially Reported**

2.1 (b) Supreme Court of the United States Cases**2.1 (c) Other Cases****2.2 NEW YORK COURT DECISIONS****2.2 (a) Decisions Officially Reported**

- (1) Basic Citation Style**
- (2) Pinpoint Page Citation**
- (3) Case Citation Containing Footnotes**
- (4) Citation Referencing Multiple-Page Quotation**
- (5) Citation Including Appellate History**
- (6) Multiple Citations; Citation Quoting or Citing Another; Parenthetical Information**
- (7) Jurisdiction and Date; Optional Information**
- (8) Citation to Slip Opinions**

2.2 (b) Unofficially Reported or Unreported Decisions

- (1) New York Parallel Unofficial Citations**
- (2) Citation to Unreported Cases**
- (3) Citation to the New York Law Journal**
- (4) Discontinued Unofficial Report**

2.3 FEDERAL AND OUT-OF-STATE DECISIONS**2.3 (a) Supreme Court of the United States**

- (1) Citation to Official Reports**
- (2) Citation to Unofficial Reports**

2.3 (b) Other Federal Courts

- (1) Reported Federal Cases**
- (2) Unreported Federal Cases**

2.3 (c) Out-of-State and Unofficial Case Citations

- (1) Where Official Reports Available**
- (2) Where Official Reports Unavailable**
- (3) Citing Reports Known by Name of Reporter**
- (4) Public Domain (Vendor or Medium Neutral) Citation**

2.4 OTHER SOURCES OF DECISIONS**2.4 (a) Electronic Case Citations**

- (1) Online Services**
- (2) Citing Tabular Cases**
- (3) Internet Material**

2.4 (b) Commission, Agency and Ethics Opinions

- (1) Commission and Agency Documents and Materials**
- (2) Ethics Opinions**

2.1 CASE NAMES**2.1 (a) New York Cases****(1) Cases Officially Reported****First, Second and Third Series Cases**

Case names for New York decisions reported in the first, second and third series of the New York Official Reports can be found in the New York Official Reports Citator at https://www.nycourts.gov/reporter/Citator_Menu.shtml. The case name for a decision is also provided in the “Cite Title As” field in the online Official Reports. Case names found in the Table of Cases in the printed Official Reports should not be used when they differ from the electronic version. To cite a companion case whose title is different than the official case name, formulate a case name as described in section 2.1 (a) (2).

(2) Cases Not Officially Reported

If a case has not been officially reported, formulate a case name using the citation naming conventions found in standard citation manuals and apply the abbreviations listed in Appendix 1, but do not abbreviate the first word of a party’s name. Also see examples of case names in Appendix 6.

2.1 (b) Supreme Court of the United States Cases

Case names for the Supreme Court of the United States cases are found on the Supreme Court website at <https://www.supremecourt.gov/opinions/casefinder.aspx>. Retain the abbreviations provided. If the case does not appear in the Supreme Court’s listing, formulate a case name using the citation naming conventions found in standard citation manuals and apply the abbreviations listed in Appendix 1, but do not abbreviate the first word of a party’s name.

2.1 (c) Other Cases

For any other case, use the case name found in standard citation services or formulate a name by applying citation naming conventions found in standard citation manuals. In either event, use the abbreviations listed in Appendix 1, but do not abbreviate the first word of a party's name.

2.2 NEW YORK COURT DECISIONS**2.2 (a) Decisions Officially Reported****(1) Basic Citation Style**

Cite to the Official Reports as follows:

(*Cayuga Nation v Campbell*, 34 NY3d 282 [2019])

(*Matter of Cornell Univ. v Beer*, 16 AD3d 890 [3d Dept 2005])

(*Matter of DeOca*, 75 Misc 3d 449 [Sur Ct, Erie County 2022])

(2) Pinpoint Page Citation

To refer to a pinpoint page in a decision:

(*People v Ramos*, 90 NY2d 490, 495 [1997])

(*Matter of Cornell Univ. v Beer*, 16 AD3d 890, 894 [3d Dept 2005])

Where the pinpoint page is the same as the initial page or where the decision comprises one page, repeat the initial page for a pinpoint citation as follows:

(*Matter of Allen v Black*, 275 AD2d 207, 207 [1st Dept 2000])

(3) Case Citation Containing Footnotes**Cases Containing Single Footnote**

Citation to the sole footnote in a decision is designated by a lowercase “n” as follows:

(*Colon v Martin*, 35 NY3d 75, 81 n [2020])

Cases Containing More than One Footnote

Where a case contains more than one footnote, the citation should indicate the number of the footnote being cited as follows:

(Desiderio v Ochs, 100 NY2d 159, 168 n 3 [2003])

Case Citation Containing Multiple Footnotes

Cite multiple footnotes appearing on the same page as follows:

(Matter of Black Radio Network v Public Serv. Commn. of State of N.Y., 253 AD2d 22, 25 nn 2, 3 [3d Dept 1999])

Citation Referencing Pinpoint Page and Footnote

Cite to both a pinpoint page and a footnote on the same page as follows:

(City of New York v 330 Cont. LLC, 60 AD3d 226, 229-230, 230 n 3 [1st Dept 2009])

(People v Kozlowski, 11 NY3d 223, 242 & n 10 [2008])

(4) Citation Referencing Multiple-Page Quotation

In citing a single quotation that runs over two or more pages, give the pages at which it begins and ends, separated by a hyphen, rather than a comma:

(Matter of Sayeh R., 91 NY2d 306, 316-317 [1997])

(5) Citation Including Appellate History

If deemed pertinent, include appellate history as follows:

(Flores v Lower E. Side Serv. Ctr., 3 AD3d 459 [1st Dept 2004], *revd* 4 NY3d 363 [2005])

(Matter of Town of Irondequoit v County of Monroe, 175 AD3d 846 [4th Dept 2019], *mod* 36 NY3d 177 [2020])

(National City Bank v Gelfert, 257 App Div 465 [2d Dept 1939], *revd* 284 NY 13 [1940], *revd* 313 US 221 [1941])

(Garden Homes Woodlands Co. v Town of Dover, 95 NY2d 516 [2000], *revg* 266 AD2d 187 [2d Dept 1999])

(Matter of Carr v de Blasio, 197 AD3d 124 [1st Dept 2021], *affg* 70 Misc 3d 418 [Sup Ct, NY County 2020])

(*Gross v Sandow*, 5 AD3d 901 [3d Dept 2004], *lv dismissed & denied* 3 NY3d 735 [2004])

(*People v Ferber*, 96 Misc 2d 669 [Sup Ct, NY County 1978], *affd* 74 AD2d 558 [1st Dept 1980], *revd* 52 NY2d 674 [1981], *revd* 458 US 747 [1982])

(*Kaufman v Eli Lilly & Co.*, 65 NY2d 449 [1985], *modfg* 99 AD2d 695 [1st Dept 1984], *which affd* 116 Misc 2d 351 [Sup Ct, NY County 1982])

(*Matter of Laland v Bookhart*, 183 AD3d 565 [2d Dept 2020], *lv granted* 37 NY3d 901 [2021])

(*Marco v Sachs*, 10 NY2d 542 [1962], *rearg denied* 11 NY2d 766 [1962])

(*People v Ball*, 175 AD3d 987 [4th Dept 2019], *affd for reasons stated below* 35 NY3d 1009 [2020])

(*Matter of Social Serv. Empls. Union, Local 371 v Cunningham*, 109 Misc 2d 331 [Sup Ct, NY County 1981], *affd without op* 90 AD2d 696 [1st Dept 1982])

(*Anonymous v City of Rochester*, 56 AD3d 139 [4th Dept 2008], *affd on other grounds* 13 NY3d 35 [2009])

(*N.A. Kerson Co. v Shayne, Dachs, Weiss, Kolbrenner, Levy*, 59 AD2d 551 [2d Dept 1977], *affd on concurring op of Suozzi, J.*, 45 NY2d 730 [1978])

(*Henderson v Manhattan & Bronx Surface Tr. Operating Auth.*, 74 AD3d 654 [1st Dept 2010], *appeal dismissed* 15 NY3d 951 [2010])

When the case name changes in a material aspect in subsequent proceedings, include the different case name in appellate history and precede it with the abbreviation *sub nom.* Generally, use *sub nom.* where one party name changes on appeal (e.g. Letitia James is substituted for Barbara Underwood as Attorney General). However, do not use *sub nom.* where the name “People” or “State” changes to “New York.” It is unnecessary to use a *sub nom.* reference for denials of certiorari, including instances where multiple criminal defendants are named in a single decision and separate denials of certiorari are reported.

Examples:

(*National Westminster Bank, U.S.A. v Ross*, 130 BR 656, 679 [SD NY 1991], *affd sub nom. Yaeger v National Westminster*, 962 F2d 1 [2d Cir 1992])

(*Mental Hygiene Legal Serv. v Spitzer*, 2007 WL 4115936, 2007 US Dist LEXIS 85163 [SD NY, Nov. 16, 2007, No. 07 Civ 2935, Lynch, J.], *affd sub nom. Mental Hygiene Legal Servs. v Paterson*, 2009 WL 579445, 2009 US App LEXIS 4942 [2d Cir, Mar. 4, 2009, No. 07-5548-cv])

(*People v Payton*, 45 NY2d 300 [1978], *revd* 445 US 573 [1980]) [Note: *sub nom.* unnecessary as 445 US 573 case name is *Payton v New York*]

(*People v Pepper*, 53 NY2d 213 [1981], *certs denied* 454 US 967 [1981], 454 US 1162 [1982]) [Note: decision involving multiple defendants and certiorari denials]

For a listing of appellate history abbreviations, see Appendix 3.

(6) Multiple Citations; Citation Quoting or Citing Another; Parenthetical Information

Where multiple citations are given, the style is:

(*cf. Edkins v Board of Educ. of City of N.Y.*, 261 App Div 1096 [2d Dept 1941], *revd* 287 NY 505 [1942]; *Brown v Rosenbaum*, 262 App Div 136 [1st Dept 1941], *affd* 287 NY 510 [1942]; *Broderick v Aaron*, 264 NY 368 [1934])

(*see Hill v St. Clare's Hosp.*, 107 AD2d 557 [1st Dept 1985], *mod* 67 NY2d 72 [1986]; *cf. McDermott v Torre*, 56 NY2d 399 [1982]; *Holzberg v Flower & Fifth Ave. Hosps.*, 32 NY2d 716 [1973], *affg* 39 AD2d 526 [1st Dept 1972])

Where a citation is quoting or citing another, the style is:

(*People v Alonzo*, 16 NY3d 267, 270 [2011], quoting *People v Moffitt*, 20 AD3d 687, 690 [3d Dept 2005])

(*People v Alonzo*, 16 NY3d 267, 269 [2011], citing *People v Bauman*, 12 NY3d 152 [2009])

(*see People v Dunbar*, 24 NY3d 304, 308 [2014], citing *Missouri v Seibert*, 542 US 600, 611 [2004], quoting *Miranda v Arizona*, 384 US 436, 467 [1966])

(*People v Robinson*, 187 AD3d 1216, 1217 [2d Dept 2020], quoting *People v McGee*, 49 NY2d 48, 59 [1979], and citing *People v Price*, 29 NY3d 472, 476 [2017])

(*Lucido v Mancuso*, 49 AD3d 220 [2d Dept 2008], citing *Grandview Constr. Corp. v Roreck Constr. Co.*, 14 AD2d 909 [2d Dept 1961], *Newman v Goldberg*, 250 App Div 431 [2d Dept 1937], and *Doyle v Chatham & Phoenix Natl. Bank*, 219 App Div 522 [2d Dept 1927])

Where a citation includes multiple elements, such as appellate history, quoting or citing information and parenthetical information, generally style as follows:

Here, the People “met their burden of demonstrating ‘sufficient excludable time’” (*People v Abergut*, 202 AD3d 1497, 1498 [4th Dept 2022], *lv denied* 38 NY3d 1068 [2022], quoting *People v Kendzia*, 64 NY2d 331, 338 [1985])

Here, the People “met their burden of demonstrating sufficient excludable time” (*People v Abergut*, 202 AD3d 1497, 1498 [4th Dept 2022] [internal quotation marks omitted], *lv denied* 38 NY3d 1068 [2022])

(*People v Abergut*, 202 AD3d 1497, 1498 [4th Dept 2022] [finding People demonstrated “sufficient excludable time”], *lv denied* 38 NY3d 1068 [2022], quoting *People v Kendzia*, 64 NY2d 331, 338 [1985])

(*People v Abergut*, 202 AD3d 1497, 1498 [4th Dept 2022] [“People met their burden of demonstrating sufficient excludable time” (internal quotation marks omitted)], *lv denied* 38 NY3d 1068 [2022])

A “‘guarantor’s liability accrues only after default on the part of the principal obligor’” (*Madison Ave. Leasehold, LLC v Madison Bentley Assoc. LLC*, 30 AD3d 1, 10 [1st Dept 2006], *affd* 8 NY3d 59 [2006], quoting *Brewster Tr. Mix Corp. v McLean*, 169 AD2d 1036, 1037 [3d Dept 1991])

A “‘guarantor’s liability accrues only after default on the part of the principal obligor’” (*Madison Ave. Leasehold, LLC v Madison Bentley Assoc. LLC*, 30 AD3d 1, 10 [1st Dept 2006] [quoting *Brewster Tr. Mix Corp. v McLean*, 169 AD2d 1036, 1037 (3d Dept 1991)], *affd* 8 NY3d 59 [2006])

(*Madison Ave. Leasehold, LLC v Madison Bentley Assoc. LLC*, 30 AD3d 1, 10 [1st Dept 2006] [“(G)uarantor’s liability accrues only after default on the part of the principal obligor” (quoting *Brewster Tr. Mix Corp. v McLean*, 169 AD2d 1036, 1037 [3d Dept 1991]), *affd* 8 NY3d 59 [2006])

(7) Jurisdiction and Date; Optional Information

Add the court, jurisdiction, and year of decision in brackets following the citation. Omit any information made redundant by the citation itself. Abbreviate references to the court and jurisdiction consistent with the Court Abbreviations table below. Inclusion of the precise date of decision, judge's name, and decision type is optional. A subsequent citation may omit reference to the court, jurisdiction, year of decision, appellate history, and optional information. See section 1.3.

Examples Including Optional Information:

Precise Date of Decision and Judge's Name

(*Freedom Mtge. Corp. v Engel*, 37 NY3d 1 [Feb. 18, 2021, DiFiore, Ch. J.]

(*Matter of Regina Metro. Co., LLC v New York State Div. of Hous. & Community Renewal*, 164 AD3d 420, 433 [1st Dept 2018, Gische, J., dissenting])

(*LaManna v Carrigan*, 196 Misc 2d 98 [Civ Ct, Richmond County 2003, Vitaliano, J.]

(*Anderson v Scannapieco*, 54 Misc 3d 242 [Sup Ct, Putnam County, Aug. 9, 2016])

Decision Type

(*Hernandez v Robles*, 7 NY3d 338 [2006 plurality])

(*Arbanil v Flannery*, 31 AD3d 588 [2d Dept 2006 mem])

(*Matter of Anonymous*, 37 AD3d 970 [3d Dept 2007 per curiam])

(*People v Nash*, 179 AD3d 982 [2d Dept 2020, Scheinkman, P.J., individual-Justice review]) [Note: decision on expedited review under CPL 245.70]

Court Abbreviations

References to courts within citations should be abbreviated as follows. Where indicated, numbers should be in ordinal form (see § 10.2 [a] [10]):

Appellate Division	App Div
Chancery Court	Ch Ct

City Court	[city name] City Ct
Civil Court of the City of New York	Civ Ct, [county name] County
County Court	[county name] County Ct
Court of Appeals (Federal)	[circuit number] Cir
Court of Appeals (State)	Ct App
Court of Claims	Ct Cl
Criminal Court of the City of New York	Crim Ct, [county name] County
Department	[judicial department number] Dept
District Court (Federal)	D [forum]
District Court (State)	[Nassau or Suffolk] Dist Ct, [district number] Dist
Drug Treatment Court	Drug Treatment Ct
Family Court	Fam Ct, [county name] County
General Term	Gen Term
Housing Part	Hous Part
Judicial Districts	[judicial district numbers] Jud Dists
Justice Court	[town/village name] Just Ct
Police Court	Police Ct
Superior Court	Super Ct
Supreme Court (Federal)	US
Supreme Court (State)	Sup Ct, [county name] County
Supreme Court, Appellate Term	App Term, [judicial department number] Dept
Surrogate's Court	Sur Ct, [county name] County

(8) Citation to Slip Opinions

Opinions scheduled for publication in the Official Reports are cited as follows:

(People v Daly, — Misc 3d —, 2011 NY Slip Op 21371 [Crim Ct, NY County 2011])

(Franklin Corp. v Prahler, — AD3d —, 2011 NY Slip Op 07947 [4th Dept 2011])

(*Tkeshelashvili v State of New York*, — NY3d —, 2011 NY Slip Op 08451 [2011])

(*People v Burgos*, — NY3d —, —, 2022 NY Slip Op 01868, *3 [2022])

2.2 (b) Unofficially Reported or Unreported Decisions

(1) New York Parallel Unofficial Citations

Parallel unofficial citations are not used for officially reported New York State cases.

(2) Citation to Unreported Cases

Unreported New York Slip Opinions with Published Abstracts

A number of opinions not selected for full publication in the Miscellaneous Reports are published in abstract form in the print Miscellaneous 3d Reports and in full text in the Slip Opinion Service and online Official Reports. Each opinion is assigned a Miscellaneous 3d citation as well as a unique Slip Opinion citation that is paginated to permit pinpoint page references.

Cite as follows:

(*Matter of Lee v Chin*, 1 Misc 3d 901[A], 2003 NY Slip Op 51455[U] [Sup Ct, NY County 2003])

Pinpoint page reference:

(*Matter of Lee v Chin*, 1 Misc 3d 901[A], 2003 NY Slip Op 51455[U], *9 [Sup Ct, NY County 2003])

(*Matter of Lee v Chin*, 1 Misc 3d 901[A], 2003 NY Slip Op 51455[U], *1-3 [Sup Ct, NY County 2003])

(*Matter of Lee v Chin*, 1 Misc 3d 901[A], 2003 NY Slip Op 51455[U], *1, *3 [Sup Ct, NY County 2003])

Subsequent short-form citation:

(*Lee*, 2003 NY Slip Op 51455[U], *7) *not* (*Lee* at *7)

Use of *id.* with a pinpoint star page is permitted to refer to an immediately preceding short-form abstracted case citation that contains only the Slip Opinion citation (*see* § 1.3 [c]).

Unreported New York Slip Opinions without Published Abstracts

Unreported slip opinions not abstracted in the Miscellaneous Reports are cited as follows:

(*Hwang v Cunningham*, 2011 NY Slip Op 33038[U] [Sup Ct, Nassau County 2011])

Acceptable short-form pinpoint citations:

(*Hwang*, 2011 NY Slip Op 33038[U], *2) or (*Hwang* at *2) or (*id.* at *2)

Unreported Appellate Motion Decisions

Most Appellate Division and Appellate Term motion decisions are not published in print. They are cited as follows:

(*Blair v Pierre*, 2006 NY Slip Op 78812[U] [2d Dept 2006])

Other Unreported Cases

Cite unreported cases not published in the New York Slip Opinion Service using citation naming conventions found in standard citation manuals (see § 2.1 [a] [2]) and include any information that would be useful in identifying the case:

(*Keenan v Dayton Beach Park No. 1 Corp.*, Sup Ct, Queens County, June 5, 1990, Hentel, J., index No. 10302/84)

(*Sinha v Sinha*, Sup Ct, NY County, Oct. 3, 2003, Hoahng, Special Ref.)

(*People v Moody*, Sup Ct, NY County, Oct. 17, 1985, Neco, J., indictment No. 84-201)

(*Paul v State of New York*, Ct Cl, Mar. 14, 2008, Minarik, J., claim No. 109802, UID No. 2008-031-501)

(*People v Boss*, Sup Ct, Albany County, Feb. 17, 2000, Teresi, J., slip op at 4)

(3) Citation to the New York Law Journal

Where a case is not officially reported or published as an unreported case in the New York Slip Opinion Service, but appears in the New York Law Journal, cite as follows:

(*Matter of Lutz*, NYLJ, Mar. 28, 1986 at 15, col 5 [Sur Ct, NY County 1986])

(*People v Shulman*, NYLJ, Apr. 2, 1999 at 35, col 6, at 36, col 1 [Suffolk County Ct 1999])

(*Tryon v Westermann*, NYLJ, Oct. 6, 2000 at 30, col 5 [Sup Ct, Nassau County 2000, Austin, J.]

(*Matter of Miller*, NYLJ, May 14, 1996 at 31, col 4, 1996 NYLJ LEXIS 7940, *1 [Sur Ct, Nassau County 1996])

For online version of the New York Law Journal:

(*Matter of Parisi*, NYLJ 1202538693000 [Sur Ct, Queens County 2011])

Pinpoint page reference:

(*Matter of Parisi*, NYLJ 1202538693000, *7 [Sur Ct, Queens County 2011])

(4) Discontinued Unofficial Report

Where the choice lies between an unofficial report that is current and a discontinued unofficial report, the current report should be cited:

(*National Mahaiwe Bank v Hand*, 30 NYS 508 [Sup Ct, Gen Term, 1st Dept 1894])

not

(*National Mahaiwe Bank v Hand*, 80 Hun 584 [Sup Ct, Gen Term, 1st Dept 1894])

2.3 FEDERAL AND OUT-OF-STATE DECISIONS

2.3 (a) Supreme Court of the United States

(1) Citation to Official Reports

Supreme Court of the United States cases are cited from the United States Reports where available:

(*Ohrlick v Ohio State Bar Assn.*, 436 US 447 [1978])

Include whatever optional information is desired:

(*Sandin v Conner*, 515 US 472 [1995, Rehnquist, Ch. J.]

(2) Citation to Unofficial Reports

When the citation to the United States Reports is unavailable, supply a blank citation to the United States Reports with a parallel citation to an unofficial report as follows:

(*Hemphill v New York*, 595 US —, —, 142 S Ct 681, 689 [2022])

or

(*Hemphill v New York*, 595 US —, —, 211 L Ed 2d 534, 543 [2022])

2.3 (b) Other Federal Courts**(1) Reported Federal Cases**

For other federal court decisions, abbreviate federal reports information in accordance with Appendix 2 (B), and the name of an out-of-state jurisdiction consistent with the out-of-state reports abbreviations set forth in Appendix 2 (C), as in the following examples:

(*Chrysafis v Marks*, 15 F4th 208 [2d Cir 2021])

(*United States v Seltzer*, 227 F3d 36 [2d Cir 2000])

(*Dennis v Warren*, 779 F2d 245 [5th Cir 1985]; *Schultz v Frisby*, 619 F Supp 792 [ED Wis 1985])

(*Mavrovich v Vanderpool*, 427 F Supp 2d 1084 [D Kan 2006])

(*United States v Gridley*, 725 F Supp 398 [ND Ind 1989])

Include whatever optional information is desired:

(*Jean v Collins*, 221 F3d 656 [4th Cir 2000 en banc])

(2) Unreported Federal Cases

(*Lonf v Apfel*, 1 Fed Appx 326 [6th Cir 2001])

(*Lewis v Bloomburg Mills*, US Dist Ct, SC, Dec. 30, 1982, Hemphill, J.)

(*Govic v New York City Tr. Auth.*, US Dist Ct, SD NY, 89 Civ 7062, DiCarlo, J., 1989)

2.3 (c) Out-of-State and Unofficial Case Citations

(1) Where Official Reports Available

Out-of-state cases are cited to the state official reports where available, including online versions for jurisdictions that publish cases in electronic format only, followed by the parallel National Reporter System citation. Abbreviate out-of-state official and National Reporter System reports information in accordance with Appendix 2 (C) and (D):

(Metcalf v Fitzgerald, 333 Conn 1, 214 A3d 361 [2019])

(State v Nichols, 2016-NMSC-001, 363 P3d 1187 [2015])

(2) Where Official Reports Unavailable

Where an out-of-state case is cited only to the National Reporter System because no official citation is available, the name of the jurisdiction should be added in abbreviated form in brackets. Abbreviate the name of the out-of-state jurisdiction consistent with the out-of-state reports abbreviations set forth in Appendix 2 (C) and the court information consistent with the Court Abbreviations table in section 2.2 (a) (7):

(Brinker v First Natl. Bank, 37 SW2d 136 [Tex Commn App 1931])

(3) Citing Reports Known by Name of Reporter

When citing reports known by the name of the reporter, except New York and English reports, the jurisdiction should be added in abbreviated form in brackets after the name of the reporter:

(Meade v M'Dowell, 5 Binn [Pa] 195 [Sup Ct 1812])

(4) Public Domain (Vendor or Medium Neutral) Citation

When a public domain citation has been adopted by a state as the official citation, the public domain citation must be included and precede any parallel citations. If a state has adopted a public domain citation, but has not designated it the official citation, inclusion of the public domain citation is optional, but, if supplied, should precede any parallel citations. Appendix 2 (D) contains a list of jurisdictions that have adopted a public domain citation and identifies those states which have adopted the public domain citation as the official citation.

(*Smith v Rebsamen Med. Ctr., Inc.*, 2012 Ark 441, 424 SW3d 876 [2012]) [Note: public domain adopted as official state citation]

(*Alberte v Anew Health Care Servs.*, 2000 WI 7, ¶ 12, 232 Wis 2d 587, 595, 605 NW2d 515, 519 [2000]) [Note: public domain not adopted as official state citation]

If the only source is a website, supply additional information using section 2.4 (a) (3).

2.4 OTHER SOURCES OF DECISIONS

2.4 (a) Electronic Case Citations

(1) Online Services

Citation to a case contained in an electronic service (e.g. Westlaw or Lexis) is permissible only when the case is not published in book form. Provide the case name, citation, court, decision date and docket or index number. If the source is Westlaw or Lexis, and access to both is available, cite both services:

(*Savitt v Vacco*, 1998 WL 690939, *7, 1998 US Dist LEXIS 15582, *21-22 [ND NY, Sept. 28, 1998, No. 95CV1842 (RSP/DRH)])

(*Beasley v Hub City Texas, L.P.*, 2003 WL 22254692, *2 n 3, 2003 Tex App LEXIS 8550, *5 n 3 [Sept. 29, 2003, No. 01-03-00287-CV])

(2) Citing Tabular Cases

Citation for tabular cases where the full text is published only on Westlaw and Lexis:

(*Regal v General Motors Corp.*, 266 Wis 2d 1060, 668 NW2d 562 [2003] [table; text at 2003 WL 21537821, *3, 2003 Wis App LEXIS 634, *13-14 (2003)])

(*United States v Hollingsworth*, 81 F3d 171 [9th Cir 1996] [table; text at 1996 WL 138583, 1996 US App LEXIS 8610 (1996)])

Pinpoint page reference:

(1996 WL 138583, *3, 1996 US App LEXIS 8610, *9)

(3) Internet Material

Citation to decisions posted on the Internet is permitted where the material is not readily available in print. Provide the uniform resource locator (URL) precisely as it appears in the Internet browser; the case name or document title; the precise identifier, such as case citation or number; and the date of the decision, adding if applicable the date that the decision was updated or corrected. Add pinpoint citations, if any, after the precise identifier. The name of the author or entity that issued the decision may be added if desired. Abbreviate the case name in accordance with Appendix 1, but do not abbreviate the first word of a party's name. For citations within parentheses, abbreviate the name of the entity that issued the decision in accordance with Appendix 3.

(Applications of a Child with a Disability [Board of Educ. of Kenmore-Tonawanda Union Free Sch. Dist.], <https://www.sro.nysed.gov/decision/1996/96-055-96-066> [NY St Educ Dept, Off of St Review, Decision Nos. 96-55 & 96-66, Nov. 20, 1996, Eldridge, S.R.O., last accessed Dec. 3, 2021])

(Application of Red & White Ferries, Inc.), https://docs.cpuc.ca.gov/PUBLISHED/FINAL_DECISION/3598.htm [Cal Pub Utility Commn Decision No. D0011040 (Nov. 21, 2000, as corrected through Nov. 27, 2000)]

(Gilbow v Travis), 2009 Ark App 254 [Apr. 8, 2009], <https://opinions.arcourts.gov/ark/courtofappeals/en/item/315565/index.do>)

2.4 (b) Commission, Agency and Ethics Opinions

Do not abbreviate words in the titles of commission and agency documents, which are differentiated by use of italics. Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3.

(1) Commission and Agency Documents and Materials

Cite as follows:

(31 PERB ¶ 3050 [1998]) [Note: Public Employment Relations Board decision]

(11 Ops Counsel SBRPS No. 37 [2002]) [Note: State Board of Real Property Services opinion of counsel]

(9 Ops Counsel SBEA No. 84 at 153 [1991]) [Note: pre-1994 State Board of Equalization and Assessment opinion of counsel]

- (1937 Ops Atty Gen 113) [Note: pre-1983]
- (1999 Ops Atty Gen No. 99-F3 at 1011) [Note: formal opinion]
- (2006 Ops Atty Gen No. 2006-F4) [Note: formal opinion]
- (1932 Atty Gen [Inf Ops] 206) [Note: pre-1983]
- (1999 Ops Atty Gen No. 99-5) [Note: informal opinion]
- (12 Ops St Comp No. 8208 at 276 [1956]) [Note: pre-1978]
- (2001 Ops St Comp No. 2001-3)
- (1998 Ops St Comp No. 98-10 at 26)
- (Statutory Mandate to Propose Legislation in Response to Medicare Funding Warning, 40 Op OLC 66 [2016])* [Note: US Department of Justice Office of Legal Counsel opinion]
- (NY St Off of Children & Fam Servs Admin Directive 11-OCFS-ADM-01)
- (NY St Dept of Social Servs Admin Directive 96 ADM-8 at 20)
- (NY St Dept of Corr & Community Supervision Directive No. 6922 § II)
- (NY City Campaign Fin Bd Advisory Op No. 2007-2)
- (NY City Dept of Bldgs Operations Policy & Pro Notice No. 4/98)
- (NY St Div of Hous & Community Renewal Advisory Op No. 92-1)
- (NY St Dept of Taxation & Fin Advisory Op No. TSB-A-O6[2]M)
- (34 NY PSC 1524 [Op No. 94-24]) [Note: Public Service Commission opinion]
- (2000 NY PSC Op No. 96-12 at 31) [Note: online opinions]
- (Ruling on Confidential Trade Secret Status of Testimony and Exhibits, NY PSC Case No. 02-C-1425 [Oct. 8, 2004])* [Note: online documents]
- (36 Educ Dept Rep 508 [Decision No. 13,787]) [Note: decisions in volumes 1-49]

(51 Educ Dept Rep, Decision No. 16,256) [Note: decisions in volume 50 and above]

(Comm on Open Govt OML-AO-3899 [2004]) [Note: Open Meetings Law advisory opinion]

(Comm on Open Govt FOIL-AO-13559 [2002]) [Note: FOIL advisory opinion]

(Ops Gen Counsel NY Ins Dept No. 02-07-23 [July 2002]) [Note: online opinions]

(NY St Dept of Fin Servs 2021 Ins Circular Letter No. 7, *RE: Disaster Planning, Preparedness, and Response by the Life and Health Insurance Industries*)

(NY St Ins Dept 2002 Circular Letter No. 25, *RE: Applicability, Guidelines and Procedures for Compliance with the Provisions of the Terrorism Risk Insurance Act of 2002; Guidelines for the Use of Limitations for Acts of Terrorism in Commercial Property/Casualty Policies*)

(NY St Just Ctr for Protection of People with Special Needs Decision No. 2018-136 [Oct. 30, 2018, Devane, A.L.J.], <https://www.justicecenter.ny.gov/system/files/documents/2019/09/2018-136.pdf>)

Some suggested forms of commission and agency document citations in running text are as follows:

New York State Division of Housing and Community Renewal Advisory Opinion No. 92-1 provides . . .

2001 Opinions of the State Comptroller No. 2001-3 provides . . .

Supply case name information where applicable. Abbreviate the case name in accordance with Appendix 1, but do not abbreviate the first word of a party's name. For example:

(Matter of Freeport Union Free Sch. Dist. [Freeport Educ. Off. Staff Assn.], 31 PERB ¶ 4021 [1998])

(Matter of Monroe County Civ. Serv. Empls. Assn., Inc., Local 1000, AFSCME, AFL-CIO, Monroe County Part-Time Empl. Unit, Local 828 [County of Monroe], 44 PERB ¶ 4576 [2011, Fitzgerald, A.L.J.] [Note: Acceptable PERB administrative law judge opinion; use of the A.L.J.'s name is optional]

(*AmBase Corp. v Commissioner of Internal Revenue*, TC Memo 2001-122 [2001]) [Note: United States Tax Court decision]

(*Matter of Kyte*, 2012 WL 2992105, 2012 NY Tax LEXIS 64 [NY St Div of Tax Appeals DTA No. 824871, July 12, 2012])

(*Employer: Amazing Home Care Servs. LLC*, 2022 WL 739109, *1, 2022 NY Wrk Comp LEXIS 1000, *2 [WCB No. G299 5514, Mar. 2, 2022]) [Note: Workers' Compensation Board decision]

(2) Ethics Opinions

Cite as follows:

(11 Advisory Comm on Jud Ethics Op 91-68 [1991])

(Advisory Comm on Jud Ethics Op 06-82 [2006]) [Note: online opinions]

(NY St Ethics Commn Advisory Op 94-21 [1994]) [Note: 1988-2007]

(NY St Commn on Pub Integrity Advisory Op 11-03 [2011]) [Note: 2007-2011]

(NY St Joint Commn on Pub Ethics Advisory Op 21-02 [2021]) [Note: 2011-2022]

(NY St Bar Assn Comm on Prof Ethics Op 656 [1993])

(Bar Assn of Nassau County Comm on Prof Ethics Op 2-89 [1989])

(ABA Comm on Ethics & Prof Responsibility Formal Op 342 [1975]) [Note: American Bar Association opinion]

(NY City Bar Assn Comm on Prof Ethics Formal Op 2011-2 [2011])

(AMA Code of Med Ethics, Ops on Prac Matters E-8.081) [Note: American Medical Association opinion]

(2005 Ann Rep of NY Commn on Jud Conduct at 155)

(53 Rec of Assn of Bar of City of NY at 450 [1998])

(*Matter of Gomez*, NY City Conflicts of Interest Bd Case No. 2012-095)

Some suggested forms of ethics opinions in running text are as follows:

New York State Bar Association Committee on Professional Ethics Opinion 656 (1993) provides . . .

New York City Bar Association Committee on Professional Ethics Formal Opinion 2011-2 (2011) provides . . .

3.0 STATUTES AND LEGISLATIVE MATERIALS**Contents of Section**

3.1 NEW YORK STATUTES AND LEGISLATIVE MATERIALS**3.1 (a) Statutory Name Style****3.1 (b) Statutory Citation Style****(1) Basic Citation Form****(a) Citations within Parentheses****(b) Citations in Running Text****(c) Short-Form References****(2) Citation Strings and Multiple Statutory Citations****(a) Parallel Hierarchy****(b) Ascending Hierarchy****(c) Multiple Sections of Statute with Section Symbol****(d) Multiple Sections of Statute without Section Symbol****(3) Statutory Amendments, Additions, Renumbering and Repeals****(a) Basic Statutory Amendment****(b) Statutory Addition and Amendment****(c) Renumbering of Statute****(d) Repeal of Statute****(4) Former Statutes****(a) Basic Form****(b) More Precise Form****3.1 (c) Nonstatutory Material in Statutory Compilations****(1) In General****(2) Citations within Parentheses****(3) Citations in Running Text****3.1 (d) Session Laws and Unconsolidated Laws****(1) In General****(2) Citations within Parentheses****(3) Citations in Running Text****3.1 (e) Model Codes, Proposed Codes and Uniform Laws****3.1 (f) Legislative and Other Materials**

3.2 FEDERAL STATUTES AND LEGISLATIVE MATERIALS**3.2 (a) Federal Statutory Name Style****3.2 (b) Federal Statutory Citation Style****(1) In General****(2) Citations within Parentheses****(3) Citations in Running Text****3.2 (c) Federal Legislative Materials****3.3 OUT-OF-STATE STATUTES****3.3 (a) Out-of-State Statutory Name Style****3.3 (b) Citations within Parentheses****3.3 (c) Citations in Running Text****3.4 TOWN AND VILLAGE CODES AND LOCAL LAWS****3.4 (a) In General****3.4 (b) Citations within Parentheses****3.4 (c) Citations in Running Text****3.1 NEW YORK STATUTES AND LEGISLATIVE MATERIALS****3.1 (a) Statutory Name Style**

Appendix 4 contains a list of statute names and abbreviations authorized by or derived from official short titles. Do not abbreviate those statute names unless the abbreviation appears in Appendix 4 (e.g. Vehicle and Traffic Law § 1192, *not* VTL § 1192). For citations in running text, use either the full statute name as set forth in Appendix 4 or the designated Appendix 4 abbreviation. For citations within parentheses, use the designated Appendix 4 abbreviation.

3.1 (b) Statutory Citation Style

Use the basic citation forms below for statutory citations. For citations within parentheses, abbreviate references to statutory divisions and related notations in accordance with Appendix 3 (e.g. art, ch, para, renum, subd). Note that the word “Laws” should be abbreviated to “L” only in the context of session law references (e.g. L 2021, ch 417).

(1) Basic Citation Form**(a) Citations within Parentheses**

Citations should appear within parentheses as follows:

(Penal Law art 80)

(RPTL art 3, title 1)

(Town Law § 199 [1] [a])

(ECL 11-0703 [4] [b])

(General Municipal Law § 50-e [3] [d])

(CPLR 5602 [b] [2] [iii])

(Domestic Relations Law § 236 [B] [6] [b] [4])

(Administrative Code of City of NY § 8-107 [13])

When repeated may be shortened to:

(Administrative Code § 8-107 [13])

(b) Citations in Running Text

Use the statute's terminology when specifying its divisions. For example, if the statute refers to its "subdivisions," "subsections," "paragraphs," "subparagraphs," etc., use that terminology. If the statute does not use any such terminology, use "subdivision," "paragraph," "subparagraph," "clause" in descending order.

Some suggested forms of statutory citations in running text are as follows:

Town Law § 199 provides . . .

Section 199 of the Town Law provides . . .

Penal Law article 80 provides . . .

Article 80 of the Penal Law provides . . .

Town Law § 199 (1) (a) provides . . .

Subdivision (1) of Town Law § 199 provides . . .

Paragraph (a) of Town Law § 199 (1) provides . . .

Subdivision (1) (a) of Town Law § 199 provides . . .

Subdivision (1) of section 199 of the Town Law provides . . .

Subparagraph (iii) of CPLR 5602 (b) (2) provides . . .

Civil Practice Law and Rules § 5602 (b) (2) (iii) provides . . .

CPLR 5602 (b) (2) (iii) provides . . .

Title 1 of article 3 of the RPTL provides . . .

Under article 23, title 27 of the Environmental Conservation Law . . .

Administrative Code of the City of New York § 8-107 (13) provides . . .

or

Administrative Code of City of NY § 8-107 (13) provides . . .

(c) Short-Form References

A short-form reference may be used for subsequent citations to the same statute. See section 1.3.

Immediately preceding authority:

(Judiciary Law § 468-a)

Subsequent references:

(§ 468-a) *or* (*id.* § 468-a [1]) *or* (*id.* subd [2]) *or* (subd [2])

Immediately preceding authority:

(CPL 1.10 [1])

Subsequent references:

(*id.* § 1.10 [2]) *or* (*id.* paras [a], [b]) *or* (paras [a], [b])

Defendant moved pursuant to CPL 440.10 to vacate the judgment of conviction. A 440.10 motion may be denied without a hearing when . . .

(2) Citation Strings and Multiple Statutory Citations**(a) Parallel Hierarchy****Citations within Parentheses**

References to parts, subdivisions, paragraphs, subparagraphs, clauses, etc., of sections of statutes cited in parallel hierarchy (divisions of sections of the same rank or hierarchy) should appear within parentheses as follows:

(Town Law § 199 [1], [3])

(CPLR 5602 [a], [b])

(Mental Hygiene Law § 9.27 [b] [1]-[11])

(Penal Law § 125.25 [1] [a], [b])

The comma is inserted between divisions of the same rank.

Citations in Running Text

Some suggested forms of citation of parallel hierarchy in running text are as follows:

Town Law § 199 (1) and (3) provide . . .

Town Law § 199 (1), (2) and (3) provide . . .

Subdivisions (1) and (3) of Town Law § 199 provide . . .

Penal Law § 125.25 (1) (a) and (b) provide . . .

(b) Ascending Hierarchy**Citations within Parentheses**

References to divisions of sections of statutes cited in ascending hierarchy (divisions followed by more inclusive divisions of the section) should appear within parentheses as follows:

(Town Law § 199 [1] [a]; [3])

(CPLR 5602 [a] [1] [ii]; [b] [2])

(Vehicle and Traffic Law § 1193 [2] [b] [12]; [c] [1])

The semicolon is inserted at the point where a following division is of a more inclusive character than the preceding one.

Citations in Running Text

Some suggested forms of ascending hierarchy citations in running text are as follows:

Town Law § 199 (1) (a) and (3) provide . . .

Subdivisions (1) (a) and (3) of Town Law § 199 provide . . .

(c) Multiple Sections of Statute with Section Symbol

Citations within Parentheses

In citations of multiple sections of a statute, place two section symbols before the first section cited. The form is:

(Town Law §§ 199 [1]; 200)

(Town Law §§ 198, 199 [1] [a], [b]; [3]; 200)

(Labor Law §§ 200 [1], [4]; 220-a [2]; *see also* 220-c, 220-d)

(Labor Law § 200; *see also* § 220-c) [Note: where only one section is cited before another cite to a different section of the same law preceded by a signal, include only one section symbol in the initial citation and include a section symbol after the signal]

Citations in Running Text

In citing multiple sections of a statute in running text, the form is:

Recovery under Labor Law § 200 or § 240 is conditioned upon . . .

Recovery under Labor Law §§ 200 and 240 is conditioned upon . . .

Town Law §§ 198, 199 (1) (a), (b) and (3) and 200 provide . . .

or

Town Law §§ 198, 199 (1) (a), (b); (3) and 200 provide . . .

Tax Law §§ 1132 (e) and 1139 (a) and 20 NYCRR 534.7 provide . . .

(d) Multiple Sections of Statute without Section Symbol

Citations within Parentheses

Where the form of statutory citation omits the section symbol (CPL, CPLR, ECL, EDPL, EPTL, N-PCL, PRHPL, RPAPL, RPTL, SCPA, UCC, UCCA, UDCA, UJCA), citations of multiple sections of the statute appear as follows when cited within parentheses:

(CPL 30.20 [2]; 100.05)

(CPLR 5601 [a], [b] [2]; 5602 [a] [1] [ii])

(CPLR 3211 [a] [7]; 3212; *see also* 1003)

Citations in Running Text

When citations omitting the section symbol appear in running text, the form is:

CPLR 5601 (a), (b) (2) and 5602 (a) (1) (ii) provide . . .

(3) Statutory Amendments, Additions, Renumbering and Repeals

(a) Basic Statutory Amendment

Citations within Parentheses

Cite as follows:

(Abandoned Property Law § 103 [a], as amended by L 1944, ch 498)

or

(Abandoned Property Law § 103 [a], as amended by L 1944, ch 498, § 1) [Note: add section number of chapter if greater precision is desired or needed]

Citations in Running Text

Cite as follows:

Abandoned Property Law § 103 (a) (as amended by L 1944, ch 498) provides . . .

(b) Statutory Addition and Amendment**Citations within Parentheses**

Cite as follows:

(Energy Law § 12-103, as added by L 1978, ch 649, § 1, as amended by L 1980, ch 556, § 1)

Citations in Running Text

Cite as follows:

Energy Law § 12-103 (as added by L 1978, ch 649, § 1, as amended by L 1980, ch 556, § 1) provides . . .

(c) Renumbering of Statute**Citations within Parentheses**

Cite as follows:

(UCCA 1812, as renum by L 1976, ch 156, § 8)

Citations in Running Text

Cite as follows:

UCCA 1812 (as renum by L 1976, ch 156, § 8) provides . . .

(d) Repeal of Statute**Citations within Parentheses**

Cite as follows:

(former Penal Law § 221.10, repealed by L 2021, ch 92, § 15)

Citations in Running Text

Cite as follows:

Former Penal Law § 221.10 (repealed by L 2021, ch 92, § 15) provides . . .

(4) Former Statutes**(a) Basic Form**

Cite statutes referred to in a historical context as:

(former Penal Law § 221.10 [2])

(Court of Claims Act former § 12-a, now § 8)

When cited in running text, internal brackets are changed to parentheses:

Former Penal Law § 221.10 (2) provided . . .

(b) More Precise Form

When greater precision is desired, the following forms may be used:

Citations within Parentheses

(Judiciary Law former § 434)

(Judiciary Law § 434 [former (6)])

(Education Law § 6902 [3] [former (a)])

Citations in Running Text

RPTL former 306 stated . . .

Judiciary Law former § 434 provided . . .

Former section 434 of the Judiciary Law provided . . .

Judiciary Law § 434 (former [6]) provided . . .

Education Law § 6902 (3) (former [a]) provided . . .

3.1 (c) Nonstatutory Material in Statutory Compilations

(1) In General

Commercial statutory compilations often provide commentaries, statutory histories, reviser's notes, etc., following a statute or in an appendix. Citations to the book version should include the book number, and, if greater precision is desired, pinpoint page(s) and edition information. Citations to the electronic version do not require the book number. For citations within parentheses, abbreviate in accordance with Appendix 3. Apply Appendix 4 as applicable.

(2) Citations within Parentheses

Cite as follows:

(McKinney's Cons Laws of NY, Book 1, Statutes § 51)

(McKinney's Cons Laws of NY, Book 1, Statutes § 51; *see* § 74) [Note: where only one section is cited before another cite to a different section of the same authority preceded by a signal, include only one section symbol in the initial citation and include a section symbol after the signal]

(McKinney's Cons Laws of NY, Book 1, Statutes §§ 92, 94; *see also* 97) [Note: citation to an additional section following a signal where multiple sections are cited initially]

(McKinney's Cons Laws of NY, Statutes § 94, Comment)
[Note: online version]

(McKinney's Cons Laws of NY, Book 62½, UCC 2-716, NY Annotations at 273 [2013 ed])

(McKinney's Cons Laws of NY, Book 2, Const, Constitutional Interpretation § 43 [1969 ed])

(McKinney's Cons Laws of NY, Book 1, Statutes § 94, Comment at 190 [1971 ed])

(Reviser's Notes, McKinney's Cons Laws of NY, EPTL 3-5.1) [Note: online version]

(David D. Siegel, Prac Commentaries, McKinney's Cons Laws of NY, Book 7B, CPLR C3401:1)

(Richard C. Reilly, Prac Commentaries, McKinney's Cons Laws of NY, CPLR C5225:1, C5225:2) [Note: online version]

(Reilly, *Prac Commentaries*, CPLR C5225:9) [Note: acceptable subsequent citation to previously cited commentary]

(see Margaret Valentine Turano, 2018 *Supp Prac Commentaries*, McKinney's Cons Laws of NY, EPTL 5-1.1-A) [Note: online version]

(Mark Bonacquist, 2011 *Supp Prac Commentary*, McKinney's Cons Laws of NY, Book 10B, Correction Law § 71-a, 2014 *Supp Pamph* at 59-60)

(Rose Mary Bailly & Barbara S. Hancock, 2012 *Supp Prac Commentaries*, McKinney's Cons Laws of NY, Book 23A, General Obligations Law § 5-1504, 2022 *Pocket Part* at 127)

(Advisory Comm Notes, reprinted following NY CLS, Book 4A, CPLR 105 at 48 [1999 ed])

(William C. Donnino, *Prac Commentaries*, McKinney's Cons Laws of NY, Penal Law § 250.45) [Note: online version]

(Law Rev Commn Comments, reprinted in McKinney's Cons Laws of NY, Book 34A, Mental Hygiene Law § 81.10 at 451 [2020 ed])

(Brett S. Ward, *Prac Insights*, NY CLS, Book 44, Family Ct Act § 1051, 2019 *Cum Supp* at 362)

(Deborah S. Kearns, *Prac Commentaries*, McKinney's Cons Laws of NY, SCPA 202) [Note: online version]

(Patrick M. Connors, 2013 *Prac Commentaries*, McKinney's Cons Laws of NY, Book 7B, CPLR 3012-b, 2022 *Pocket Part* at 68)

(see Vincent C. Alexander, *Prac Commentaries*, McKinney's Cons Laws of NY, Book 7B, CPLR 6501 at 464 [2010 ed])

(3) Citations in Running Text

Cite as follows:

McKinney's Consolidated Laws of NY, Book 1, Statutes § 51 provides . . .

According to Constitutional Interpretation § 43 (McKinney's Cons Laws of NY, Book 2, Const [1969 ed]) . . .

David D. Siegel, *Practice Commentaries* (McKinney's Cons Laws of NY, Book 7B, CPLR C3401:1), explains . . .

Richard C. Reilly, Practice Commentaries (McKinney's Cons Laws of NY, CPLR C5225:1), explains . . . [Note: online version]

Mark Bonacquist, 2011 Supplementary Practice Commentary (McKinney's Cons Laws of NY, Book 10B, Correction Law § 71-a, 2014 Supp Pamph at 59-60), discusses . . .

As explained in Rose Mary Bailly and Barbara S. Hancock, 2012 Supplementary Practice Commentaries (McKinney's Cons Laws of NY, Book 23A, General Obligations Law § 5-1504, 2022 Pocket Part at 127), . . .

The Advisory Committee Notes following CPLR 105 (reprinted in NY CLS, Book 4A at 48 [1999 ed]) provide background . . .

According to the Reviser's Notes (McKinney's Cons Laws of NY, EPTL 3-5.1) . . . [Note: online version]

As explained in Brett S. Ward, Practice Insights (NY CLS, Book 44, Family Ct Act § 1051, 2019 Cum Supp at 362), . . .

Law Revision Commission Comments (reprinted in McKinney's Cons Laws of NY, Book 34A, Mental Hygiene Law § 81.10 at 451 [2020 ed]) state . . .

According to Patrick M. Connors in his 2013 Practice Commentaries (McKinney's Cons Laws of NY, Book 7B, CPLR 3012-b, 2022 Pocket Part at 68) . . .

Vincent C. Alexander (Prac Commentaries, McKinney's Cons Laws of NY, Book 7B, CPLR 6501 at 464 [2010 ed]) has indicated . . .

3.1 (d) Session Laws and Unconsolidated Laws

(1) In General

New York session laws may be cited when referring to a statutory enactment not contained in the consolidated laws or to indicate the addition, amendment, renumbering or repeal of a consolidated law or division thereof. Citation may be made to the appropriate session and chapter as well as to the act's popular name or short title, if any. In addition, if the enactment is contained in McKinney's Unconsolidated Laws of New York or New York Consolidated Laws Service (CLS) Unconsolidated Laws, a citation to these compilations may be included. Subsequent references to an unconsolidated law's popular name or short title may appear in an abbreviated form (e.g. Emergency Tenant Protection Act of 1974 [ETPA] or Rent Stabilization

Law of 1969 [RSL]), using a section sign (ETPA § 5). In addition, if a legislative bill has been enacted into law (signed by the Governor), the session law (year and chapter number) should be cited rather than the bill number.

(2) Citations within Parentheses

Do not abbreviate the first reference to the popular name or short title of an act. If desired, designate a short-form name or abbreviation for subsequent references (e.g. CEEFPA, ERAP, ETPA, HSTPA). Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3.

Cite as follows:

(L 1962, ch 21, as amended)

(L 2017, ch 59, § 1, part WWW)

(Tenant Safe Harbor Act, L 2020, ch 127, § 2 [2] [a])

(COVID-19 Emergency Eviction and Foreclosure Prevention Act of 2020 [CEEFPA], L 2020, ch 381, part A, § 9 [2])

(COVID-19 Emergency Protect Our Small Businesses Act of 2021, L 2021, ch 73, § 3, part B, § 1, subpart A, § 10)

(COVID-19 Emergency Rental Assistance Program of 2021 [ERAP], L 2021, ch 56, § 1, part BB, § 1, subpart A, sec 1, § 3 [3], as amended by L 2021, ch 417, § 2, part A, § 1)

(Housing Stability and Tenant Protection Act of 2019 [HSTPA], L 2019, ch 36, § 1, part F, § 7)

(Abandoned Property Law § 103 [a], as amended by L 1944, ch 498)

(Nassau County Administrative Code § 5-14.0 [L 1939, ch 272, as amended by L 1939, ch 703])

(McKinney's Uncons Laws of NY § 8605 [Local Emergency Housing Rent Control Act § 5, as added by L 1962, ch 21, § 1, as amended])

(NY CLS Uncons Laws, ch 249-A, § 1 [5] [Local Emergency Housing Rent Control Act § 5, as added by L 1962, ch 21, § 1, as amended])

(2022 McKinney's Sess Law News of NY, No. 5 at 1449 [L 2021, ch 555, § 1, amdg Education Law § 6527 (7)])

(1813 Rev Laws of NY, 36th Sess, ch IV, § VI [1 Van Ness & Woodworth rev at 326])

(McKinney's Uncons Laws of NY § 6266 [3] [Urban Development Corporation Act (UDCA) § 16 (3), as added by L 1968, ch 174, § 1, as amended])

Subsequent citation:

(Uncons Laws § 6266 [3] [UDCA § 16 (3)]) *or* (UDCA § 16 [3]) *or* (Uncons Laws § 6266 [3])

(Emergency Tenant Protection Act of 1974 [ETPA] § 5 [McKinney's Uncons Laws of NY § 8625 (L 1974, ch 576, sec 4, § 5, as amended)])

Subsequent citation:

(ETPA § 5 [Uncons Laws § 8625]) *or* (ETPA § 5) *or* (Uncons Laws § 8625)

(3) Citations in Running Text

Cite as follows:

Laws of 1962 (ch 21, as amended) *or* chapter 21 of the Laws of 1962 (as amended)

Laws of 2017, chapter 59, § 1, part WWW

Section 7 of part F of the Housing Stability and Tenant Protection Act of 2019 (L 2019, ch 36, § 1, part F, § 7)

Abandoned Property Law § 103 (a) (as amended by L 1944, ch 498)

Nassau County Administrative Code § 5-14.0 (L 1939, ch 272, as amended by L 1939, ch 703)

McKinney's Unconsolidated Laws of NY § 8605 (Local Emergency Housing Rent Control Act § 5, as added by L 1962, ch 21, § 1, as amended)

NY CLS Unconsolidated Laws, chapter 249-A, § 1 (5) (Local Emergency Housing Rent Control Act § 5, as added by L 1962, ch 21, § 1, as amended)

Emergency Tenant Protection Act of 1974 (ETPA) § 5 (McKinney's Uncons Laws of NY § 8625 [L 1974, ch 576, sec 4, § 5, as amended])

Urban Development Corporation Act (UDCA) (L 1968, ch 174, § 1, as amended) § 31-a (McKinney's Uncons Laws of NY § 6281-a)

McKinney's Unconsolidated Laws of NY § 6266 (3) (Urban Development Corporation Act [UDCA] § 16 [3], as added by L 1968, ch 174, § 1, as amended)

3.1 (e) Model Codes, Proposed Codes and Uniform Laws

For citations within parentheses, abbreviate in accordance with Appendix 3, as in the following examples:

(Model Penal Code § 210.2)

(Model Penal Code: Sentencing [Proposed Final Draft 2017])

(Uniform Parentage Act [2017] § 101, ULA Parentage § 101 [2021]) [Note: online version]

(Proposed NY Code of Evid art 5 [1991])

When citing in running text, convert internal brackets to parentheses.

3.1 (f) Legislative and Other Materials

For a document found in a bill jacket, use the name or title appearing on the face of the document when creating a citation (e.g. for a document entitled "New York State Assembly Memorandum in Support of Legislation," use "Assembly Mem in Support" rather than "Sponsor's Mem") and include the bill jacket as the primary source where available; parallel citations to McKinney's Session Laws of New York or the New York Legislative Annual are optional. For citations within parentheses, abbreviate legislative document names, as well as statutory divisions and related notations, in accordance with Appendix 3. Do not abbreviate words in the titles of specific articles, chapters, or headings within legislative documents, which are differentiated by use of italics. Do not abbreviate descriptive language appearing in running text form. Apply Appendix 4 as applicable.

Cite as follows:

(1964 NY Legis Doc No. 12 at 10)

(44th Ann Rep of Chief Admr of Cts at 51)

(Governor's Mem approving L 1989, ch 750, 1989 NY Legis Ann at 326)

(Mem of Off of Ct Admin, 2020 McKinney's Sess Laws of NY at 1845)

(*Clarifying Procedures for a Class Action*, 2021 Rep of Advisory Comm on Civ Prac to Chief Admin Judge of Cts of St of NY at 97, reprinted in 2021 McKinney's Sess Laws of NY at 3047)

(2020 Rep of Sur Ct Advisory Comm to Chief Admin Judge of Cts of St of NY, 2020 McKinney's Sess Laws of NY at 2339)
[Note: parallel citation to McKinney's Sess Laws of NY is optional]

(NY Law Rev Commn, 2002 Rep to Legislature: Proposed Reforms to Ins Law at 9 n 43)

(2022 Rep of Advisory Comm on Crim Law & Pro to Chief Admin Judge of Cts of St of NY)

(*Waiver of Fees and Mandatory Surcharges in Adolescent Offender Cases*, 2020 Rep of Fam Ct Advisory & Rules Comm to Chief Admin Judge of Cts of St of NY at 207)

(NY St Jud Comm on Women in Cts, Gender Survey 2020 at 56)

(Staff Notes of Temp St Commn on Rev of Penal Law & Crim Code, 1964 Proposed NY Penal Law [Study Bill, 1964 Senate Intro 3918, Assembly Intro 5376] § 25.05 at 264)

(Staff Comment of Temp St Commn on Rev of Penal Law & Crim Code, 1967 Proposed NY CPL 205.40 at 274)

(Interim Rep of Temp St Commn on Rev of Penal Law & Crim Code, 1962 NY Legis Doc No. 41 at 8)

(Preliminary Rep of Temp St Commn on Workers' Compensation & Disability Benefits at 13 [Jan. 1986])

(1968 Study Bill & Commn Rep of Temp Commn on Rev of Penal Law & Crim Code, Intro Comments at xviii)

(Rep of NY City Council Governmental Affairs Div, Comm on Consumer Affairs, Mar. 11, 2009 at 3-4, Local Law Bill Jacket, Local Law No. 15 [2009] of City of NY, NY City Legis Ann 71-72)

(Rep of Governmental Affairs Div, Comm on Civ Rights at 8, Mar. 8, 2016, Local Law Bill Jacket, Local Law No. 35 [2016] of City of NY)

(2 Rev Rec, 1967 NY Constitutional Convention at 133)

(Problems Relating to Bill of Rights and General Welfare, 1938
Rep of NY Constitutional Convention Comm, vol 6 at 12)

(2004 Extraordinary Sess NY Senate Bill S1-A § 1 [July 20,
2004])

(2022 NY Assembly Bill A8378)

(2019 NY Senate-Assembly Bill S1508A, A2008A) [Note: uni-bill
introduced simultaneously in both houses and printed as one bill
(most often budget bills)]

(2021 NY Senate Bill S6406, 2021 NY Assembly Bill A6001)
[Note: two identical “same-as” bills]

(Governor’s Approval Mem, Bill Jacket, L 2008, ch 101 at 3,
2008 NY Legis Ann at 77)

(Assembly Mem in Support, Bill Jacket, L 2019, ch 31)

(Senate Introducer’s Mem in Support of 2021 NY Senate Bill
S50001, enacted as L 2021, ch 417) [Note: bill jacket not yet
compiled]

(Senate Introducer’s Mem in Support of 2022 NY Senate Bill
S3275)

(Assembly Mem in Support of 2018 NY Assembly Bill A2548,
incorporated in L 2019, ch 422) [Note: citation to a memorandum
in support of a stand-alone bill that did not become a chapter, but was
subsumed into a larger bill (most often a budget bill)]

(Resolution No. 84-17, Bill Jacket, L 2017, ch 7 at 9) [Note: bill
jacket cumulatively paginated]

(Letter from NY St Ins Dept, June 30, 1980 at 3, Bill Jacket, L
1998, ch 586) [Note: reference to pagination of document]

(NY St Bar Assn, Trusts & Estates Section, Comm on Estate
Planning Mem in Support, Bill Jacket, L 1992, ch 591 at 16)

(NY St Reg, May 18, 2022 at 81)

(NY City Rec, May 18, 2022 at 2754)

(Executive Order [Pataki] No. 39 [9 NYCRR 5.39])

(Executive Order [A. Cuomo] No. 202.28 [9 NYCRR 8.202.28])
[Note: use first initial where multiple Governors have the same last
name]

(Executive Order No. 202.28) *or* (Executive Order 202.28)
 [Note: acceptable subsequent citations]

(NY City Executive Order [de Blasio] No. 73) [Note: orders numbered from the beginning of the Mayor's term rather than by year]

(NY City Executive Order No. 52 of 1967 § 5 [a] [2])

(NY Senate Debate on 2019 NY Senate Bill S2440, Jan. 28, 2019 at 745)

(NY Senate Actions on 2019-2020 NY Senate Bill S2071-B)

(Council of City of NY Intro No. 360-2022 [proposing amendment to Administrative Code of City of NY art 14])

(Civ Ct of City of NY, Legal/Statutory Mem 173 [eff Sept. 2, 2011])

(Greater NY Hosp Assn Statement of Opp, Veto Jacket, Veto 282 of 2019 at 23)

(L 2002, ch 11, Governor's Program Bill Mem No. 102, 2002 NY Legis Ann at 7)

(Rep of Comm on Hous & Bldgs, 2018 NY City Legis Ann at 11)

(Admin Order of Chief Admin Judge of Cts AO/245/21)

(Civ Ct of City of NY, Directive & Pro 213 [1] [B] [eff Aug. 12, 2020] [DRP-213])

(Crim Ct of City of NY, Operational Directive No. 2020-06)

When citing in running text, convert internal brackets to parentheses.

3.2 FEDERAL STATUTES AND LEGISLATIVE MATERIALS

3.2 (a) Federal Statutory Name Style

Use the federal statutory names and abbreviations listed in Appendix 4 as applicable. For federal statutes not appearing in Appendix 4, do not abbreviate the first reference to the popular name or short title of an act. If desired, designate a short-form name or abbreviation for subsequent references (e.g. FMLA, FLSA, CERCLA). Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3.

3.2 (b) Federal Statutory Citation Style

(1) In General

Cite the United States Code if therein. Federal Public Laws or United States Statutes at Large may be cited to refer to an enactment not contained in the United States Code or to indicate the addition, amendment, renumbering or repeal of a law contained in the United States Code.

(2) Citations within Parentheses

Cite as follows:

(Patient Protection and Affordable Care Act, 42 USC § 18001 *et seq.*, as added by Pub L 111-148, 124 US Stat 119)

(Social Security Act § 208 [42 USC § 408])

(Pub L 117-2, 135 US Stat 4 [117th Cong, Mar. 11, 2021] [American Rescue Plan Act of 2021], amdg 20 USC § 1094 [a] [24])

(Pub L 106-74, title V, § 531, 113 US Stat 1109, amdg Multifamily Assisted Housing Reform and Affordability Act of 1997 § 524 [42 USC § 1437f Note])

(Act of May 31, 1790 § 1 [1st Cong, 2d Sess, ch 15], 1 US Stat 124, reprinted in Lib of Cong, Copyright Enactments, 1783-1900 at 30-32)

(Federal Advisory Committee Act, 5 USC Appendix 2 § 3)

(18 USC Appendix 3 § 12)

(3) Citations in Running Text

Cite as follows:

Patient Protection and Affordable Care Act (42 USC § 18001 *et seq.*, as added by Pub L 111-148, 124 US Stat 119)

Title VII of the Civil Rights Act of 1964 (42 USC, ch 21, § 2000e *et seq.*)

Section 208 of the Social Security Act (42 USC § 408)

Federal Advisory Committee Act (5 USC Appendix 2 § 3)

18 USC Appendix 3 § 12

This principle is contained in title VII of the Civil Rights Act of 1964 (42 USC, ch 21, § 2000e *et seq.*) . . .

3.2 (c) Federal Legislative Materials

Cite as follows:

(86 Fed Reg 73969-01 [2021], codified at 21 CFR 73.69)

(HR Rep 730, 95th Cong, 2d Sess at 25, reprinted in 1978 US Code Cong & Admin News at 9130, 9134)

(S Rep 117-26, 117th Cong, 1st Sess)

(168 Cong Rec H5211-02 [May 20, 2022])

(Rep of Senate Judiciary Commn at 4, S Rep 103-361, 103d Cong, 2d Sess, reprinted in 1994 US Code Cong & Admin News at 3259, 3260)

(Rep of Comm on Fin Servs, HR Rep 117-317, 117th Cong, 2d Sess [Ukraine Comprehensive Debt Payment Relief Act of 2022])

(Ann Rep of Activities of Comm on Veterans' Affairs, HR No. 114-879, 114th Cong, 1st Sess, reprinted in 2016 US Code Cong & Admin News, available at 2016 WL 7425264)

(Rep of Comm on Homeland Security, HR Rep 117-26, 117th Cong, 1st Sess, available at <https://www.congress.gov/117/crpt/hrpt26/CRPT-117hrpt26.pdf>)

When citing in running text, convert internal brackets to parentheses.

3.3 OUT-OF-STATE STATUTES

3.3 (a) Out-of-State Statutory Name Style

When referring to out-of-state statutes, use statute names and abbreviations as set forth in the United States Jurisdictions table found in the latest edition of *The Bluebook: A Uniform System of Citation*. Do not include periods in statute name abbreviations. The general rules of parenthetical and running text citation should be observed; however, the publisher information and year should not generally be included. Within parentheses the name of the statutory compilation should be abbreviated, e.g. "(NJ Stat Ann)"; however, in running text, either the abbreviation or the full name, e.g. "New Jersey Statutes Annotated," may be used. In addition, the relevant jurisdiction's designation of statutory divisions should be used. For example, some states refer to the first

division of a section as a subsection or the first division of an article as a paragraph. Citation to either the annotated or unannotated compilation is acceptable.

3.3 (b) Citations within Parentheses

Cite as follows:

(Del Code Ann title 6, § 17-108)

(Fla Stat § 733.710)

(Cal Penal Code § 1324.1)

(Tex Fam Code Ann § 102.003 [a] [9])

3.3 (c) Citations in Running Text

Cite as follows:

Delaware Code Annotated title 6, § 17-108

Florida Statutes § 733.710

California Penal Code § 1324.1

Texas Family Code Annotated § 102.003 (a) (9)

3.4 TOWN AND VILLAGE CODES AND LOCAL LAWS

3.4 (a) In General

Defer to the title of the code as indicated by the municipality within the text of the code (i.e. “Code of Village of Croton-on-Hudson” not “Village of Croton-on-Hudson Code”). Refer to Appendix 4 for other examples of local laws.

3.4 (b) Citations within Parentheses

Cite as follows:

(Code of Village of Croton-on-Hudson § 197-28)

(Code of Town of Southampton ch 278)

(Local Law No. 2012-02 of City of Schenectady)

3.4 (c) Citations in Running Text

Cite as follows:

Code of Village of Croton-on-Hudson § 197-28

Chapter 278 of the Code of the Town of Southampton

Local Law No. 2012-02 of City of Schenectady

When repeated may be shortened to:

Local Law No. 2012-02 *or* Local Law 2012-02

**4.0 REGULATIONS, COURT RULES, JURY INSTRUCTIONS,
COLLOQUIES AND NEW YORK EVIDENCE GUIDE**
Contents of Section

- 4.1 NEW YORK RULES, REGULATIONS, RENT
STATUTES AND REGULATIONS, INSTRUCTIONS,
COLLOQUIES AND EVIDENCE GUIDE**
- 4.1 (a) Basic Citation Form**
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 - (3) Federal Rules of Evidence
 - (a) Citations within Parentheses
 - (b) Citations in Running Text
 - (4) Federal Rules of Bankruptcy Procedure

- (a) Citations within Parentheses
- (b) Citations in Running Text
- (5) Federal Rules of Appellate Procedure
 - (a) Citations within Parentheses
 - (b) Citations in Running Text
- (6) Local Rules of the United States Court of Appeals for the Second Circuit
 - (a) Citations within Parentheses
 - (b) Citations in Running Text
- (7) Local Rules of the United States District Courts
 - (a) Citations within Parentheses
 - (b) Citations in Running Text

4.1 NEW YORK RULES, REGULATIONS, RENT STATUTES AND REGULATIONS, INSTRUCTIONS, COLLOQUIES AND EVIDENCE GUIDE

4.1 (a) Basic Citation Form

(1) Citations within Parentheses

Below are examples for citing the Official Compilation of Codes, Rules and Regulations of the State of New York (NYCRR) within parentheses. Abbreviate in accordance with Appendix 3 as follows:

Unit Cited	Example
Title	(12 NYCRR [Dept of Labor])
Subtitle	(9 NYCRR subtitle A)
Chapter	(12 NYCRR ch IV)
Subchapter	(12 NYCRR ch I, subch A)
Part	(12 NYCRR part 39)
Subpart	(12 NYCRR subpart 23-1)
Section	(12 NYCRR 39.8) (12 NYCRR 23-1.7)
Subdivision	(12 NYCRR 39.8 [c])
Subdivision and paragraph	(12 NYCRR 23-1.7 [b] [1])
Appendix material	(12 NYCRR Appendix A-10, table 2)

Unit Cited	Example
Multiple citations	(12 NYCRR 39.1 [a]; 39.4, 39.8 [c] [1]) (12 NYCRR 23-1.7 [b] [1]; 23-1.8, 23-1.10) (12 NYCRR parts 23, 32, 36) (12 NYCRR parts 59-61)
Range of sections	(12 NYCRR 39.1-39.4) (6 NYCRR 248-1.1—248-11.1) [Note: use en dash between hyphenated section numbers]

(2) Citations in Running Text

When cited in running text, internal brackets are changed to parentheses as follows:

12 NYCRR 23-1.7 (b) (1)

(3) Using Name of State Agency

To incorporate the name of a specific agency in the citation, see section 4.1 (b) (11). For citations within parentheses, abbreviate the agency name in accordance with Appendix 3.

4.1 (b) Particular Rules and Regulations

Generally, for citations within parentheses, abbreviate in accordance with Appendix 3. Do not abbreviate statute names, except as allowed in Appendix 4.

Subsequent citations to particular rules that include a parallel reference to the NYCRR or Rules of the City of New York (RCNY) in the initial full citation need not include both sources.

Examples:

First citation: (Uniform Rules for Trial Cts [22 NYCRR] § 202.5)

Acceptable subsequent citations: (Uniform Rules for Trial Cts § 202.5) *or* (22 NYCRR 202.5)

First citation: Rent Stabilization Code (RSC) (9 NYCRR) § 2523.5 . . . [Note: use of a short-form name or abbreviation for a rule (e.g. RSC) is appropriate if included with the first full citation as here; however, use of abbreviations or short forms is not required]

Acceptable subsequent citations: RSC § 2523.5 . . . *or* Rent Stabilization Code § 2523.5 . . . *or* 9 NYCRR 2523.5 . . .

(1) Rules of the City of New York

(a) Citations within Parentheses

Cite as follows:

(Personnel Rules & Regs of City of NY [55 RCNY Appendix A] ¶ 4.7.1)

(Rules of City of NY Dept of Parks & Recreation [56 RCNY] § 1-01)

Also may be cited as:

(56 RCNY 1-01)

(b) Citations in Running Text

Cite as follows:

Personnel Rules and Regulations of the City of New York (55 RCNY Appendix A) ¶ 4.7.1

Rules of City of New York Department of Parks and Recreation (56 RCNY) § 1-01

Also may be cited as:

56 RCNY 1-01

(2) Rules of the Court of Appeals

(a) Citations within Parentheses

Cite as follows:

(Rules of Ct of Appeals [22 NYCRR] § 500.11)

(b) Citations in Running Text

Cite as follows:

Rules of the Court of Appeals (22 NYCRR) § 500.11

(3) Rules of the Appellate Division**(a) Citations within Parentheses**

Cite as follows:

(Rules of App Div, 2d Dept [22 NYCRR] § 670.3)

(Rules of App Div, All Depts [22 NYCRR] § 1215.1)

(b) Citations in Running Text

Cite as follows:

Rules of the Appellate Division, Second Department
(22 NYCRR) § 670.3

Rules of the Appellate Division, All Departments (22
NYCRR) § 1215.1

or

Pursuant to section 670.3 of the Rules of the Appellate
Division, Second Department (22 NYCRR) . . .

**(4) Uniform Rules for the New York State Trial
Courts****(a) Citations within Parentheses**

Cite as follows:

(Uniform Rules for Trial Cts [22 NYCRR] § 202.5)

(b) Citations in Running Text

Cite as follows:

Uniform Rules for Trial Courts (22 NYCRR) § 202.5

(c) Particular Uniform Rules**Citations within Parentheses**

Cite as follows:

(Uniform Rules for Sur Ct [22 NYCRR] § 207.6)

Citations in Running Text

Cite as follows:

Uniform Rules for Surrogate's Court (22 NYCRR)
§ 207.6

**(5) Rules of the Commercial Division of the
Supreme Court**

(a) Citations within Parentheses

Cite as follows:

(Rules of Commercial Div of Sup Ct [22 NYCRR 202.70
(g)] rule 19-a)

(b) Citations in Running Text

Cite as follows:

Rules of the Commercial Division of the Supreme
Court (22 NYCRR 202.70 [g]) rule 19-a

(6) Rules of the Chief Administrator of the Courts

(a) Citations within Parentheses

Cite as follows:

(Rules of Chief Admr of Cts [22 NYCRR] § 130-1.1)

(b) Citations in Running Text

Cite as follows:

Rules of the Chief Administrator of the Courts (22
NYCRR) § 130-1.1

**(7) Rules of Professional Conduct, Rules for
Attorney Disciplinary Matters, Standards for
Imposing Lawyer Sanctions, Rules Governing
Judicial Conduct and Code of Judicial Conduct**

(a) Generally

Effective April 1, 2009, the Rules of Professional Con-
duct (22 NYCRR 1200.0) replaced the Code of Profes-
sional Responsibility as the governing rules for attor-
ney conduct in New York. See Appendix 4 (B) for
citations to the Code of Professional Responsibility for
matters occurring before April 1, 2009.

(b) Citations within Parentheses

Cite as follows:

(Rules of Prof Conduct [22 NYCRR 1200.0] rules 1.2 [d]; 3.4 [a] [6]; 8.4 [c], [d], [h])

(Rules of Prof Conduct [22 NYCRR 1200.0] rules 1.1 Comment [2]; 1.8 Comment [8] [NY St Bar Assn rev Oct. 2021]) [Note: citation to rules and commentary, available on the New York State Bar Association website (<https://nysba.org/app/uploads/2021/12/Rules-of-Professional-Conduct-as-amended-103021.pdf>)]

(NY Rules of Prof Conduct with Commentary, Preamble [1] [NY St Bar Assn rev Oct. 2021]) [Note: citation to commentary only]

(NY Rules of Prof Conduct with Commentary rule 2.4 Comment [2] [NY St Bar Assn rev Oct. 2021]) [Note: citation to commentary only]

(Rules of Prof Conduct rule 1.8) [Note: subsequent citation to rules]

(ABA Standards for Imposing Lawyer Sanctions standard 9.22 [i])

(ABA Annotated Standards for Imposing Lawyer Sanctions standard 9.22 [i], Annotation at 442 [2015])

(ABA Standards for Imposing Lawyer Sanctions standard 9.22 [i], Commentary [1992])

(Rules for Atty Disciplinary Matters [22 NYCRR] § 1240.1)

(Rules Governing Jud Conduct [22 NYCRR] §§ 100.2 [A], [B]; 100.3 [B] [1])

(Code of Jud Conduct Canon 2)

(c) Citations in Running Text

Cite as follows:

Rules of Professional Conduct (22 NYCRR 1200.0) rule 1.4 (a) (3)

or

rule 1.4 (a) (3) of the Rules of Professional Conduct (22 NYCRR 1200.0)

Comment (8) of Rules of Professional Conduct (22 NYCRR 1200.0) rule 1.8 (NY St Bar Assn rev Oct. 2021)

Rules for Attorney Disciplinary Matters (22 NYCRR) § 1240.1

Rules Governing Judicial Conduct (22 NYCRR) §§ 100.2 (A) and (B) and 100.3 (B) (1)

Code of Judicial Conduct Canon 2

(8) New York State Uniform Fire Prevention and Building Code

The codes that comprise the New York State Uniform Fire Prevention and Building Code should be cited individually as indicated by the examples below.

(a) Citations within Parentheses

Cite as follows:

(2020 Bldg Code of NY St § 101.4.1)

(2020 Existing Bldg Code of NY St § 701.4)

(2020 Property Maintenance Code of NY St § 403.1)

(b) Citations in Running Text

Cite as follows:

2020 Building Code of New York State § 101.4.1

2020 Existing Building Code of New York State § 701.4

2020 Property Maintenance Code of New York State § 403.1

(9) International Property Maintenance Code and International Fire Code

(a) Citations within Parentheses

Cite as follows:

(International Property Maintenance Code § 301.1 [2015])

(International Fire Code § 5102.1 [2015])

(b) Citations in Running Text

Cite as follows:

International Property Maintenance Code § 301.1
(2015)

International Fire Code § 5102.1 (2015)

(10) New York City Building Code**(a) Citations within Parentheses**

Cite as follows:

(NY City Bldg Code [Administrative Code of City of NY,
title 28, ch 7] § BC 105.6.1)

(1968 Bldg Code of City of NY [Administrative Code of
City of NY] § 27-232)

(b) Citations in Running Text

Cite as follows:

New York City Building Code (Administrative Code of
City of NY, title 28, ch 7) § BC 105.6.1

1968 Building Code of City of New York (Administra-
tive Code of City of NY) § 27-232

While subsequent short-form references to the 1968 Building Code can be cited using either Administrative Code or 1968 Building Code alone with the section number, short-form references to the current New York City Building Code should not be cited with only Administrative Code and the section number.

Examples:

First citation: (1968 Bldg Code of City of NY [Admin-
istrative Code of City of NY] § 27-232)

Acceptable subsequent citations: (1968 Bldg Code § 27-
232) *or* (Administrative Code § 27-232)

First citation: (NY City Bldg Code [Administrative
Code of City of NY, title 28, ch 7] § BC 105.6.1)

Acceptable subsequent citation: (NY City Bldg Code
§ BC 105.6.1)

Not: (Administrative Code § BC 105.6.1)

(11) New York State Agency Regulations

(a) Citations within Parentheses

Cite as follows:

(Dept of Health Regs [10 NYCRR] § 59.2)

(Dept of Fin Servs Regs [11 NYCRR] § 65-1.1)

(11 NYCRR 60-2.3 [f] [INSURING AGREEMENTS] [I]
[c])

(Industrial Code [12 NYCRR] § 23-1.7)

(b) Citations in Running Text

Cite as follows:

Department of Health Regulations (10 NYCRR) § 59.2

Department of Financial Services Regulations (11
NYCRR) § 65-1.1

11 NYCRR 60-2.3 (f) (INSURING AGREEMENTS) (I)
(c)

Industrial Code (12 NYCRR) § 23-1.7

(12) New York City Agency Regulations

(a) Citations within Parentheses

Cite as follows:

(NY City Dept of Educ Chancellor's Regs D-120 [I] [F])

(b) Citations in Running Text

Cite as follows:

New York City Department of Education Chancellor's
Regulations D-120 (I) (F)

4.1 (c) Rent Statutes and Regulations

Below are examples for citing rent statutes and regulations within parentheses. Do not abbreviate names of legislative acts or statute names, except as allowed in Appendix 4. Do not abbreviate the first reference to the popular name or short title

of an act. If desired, designate a short-form name or abbreviation for subsequent references. Abbreviate New York session laws in accordance with section 3.1 (d) and all other words in accordance with Appendix 3. If desired, designate a short-form name or abbreviation for subsequent references to enactments not appearing in Appendix 4. See section 3.1 (d).

(1) Citations within Parentheses

Cite as follows:

(Emergency Housing Rent Control Law § 4, as added by L 1946, ch 274 [McKinney's Uncons Laws of NY § 8584])

(Emergency Tenant Protection Act of 1974 [ETPA] § 2 [McKinney's Uncons Laws of NY § 8622] [L 1974, ch 576, sec 4, § 2, as amended])

(Emergency Tenant Protection Act of 1974 [ETPA] § 12 [a] [9] [McKinney's Uncons Laws of NY § 8632 (a) (9) (L 1974, ch 576, sec 4, § 12 [a] [9]), as amended by Housing Stability and Tenant Protection Act of 2019 (HSTPA) (L 2019, ch 36, § 1, part F, § 2)])

(Emergency Tenant Protection Regs [9 NYCRR] § 2504.2)

(Local Emergency Housing Rent Control Act § 8, as added by L 1962, ch 21, § 1 [McKinney's Uncons Laws of NY § 8608])

(NY City Loft Bd Rules [29 RCNY] § 2-04)

(NY City Rent & Eviction Regs [9 NYCRR] § 2204.2)

(NY City Rent & Rehabilitation Law [Administrative Code of City of NY] § 26-408)

(NY St Rent & Eviction Regs [9 NYCRR] § 2104.1)

(Rent Stabilization Code [9 NYCRR] § 2523.5)

(Rent Stabilization Law of 1969 [Administrative Code of City of NY] § 26-504)

(Rent Stabilization Law of 1969 [Administrative Code of City of NY] § 26-511 [c] [9] [b], as amended by Housing Stability and Tenant Protection Act of 2019 [HSTPA] [L 2019, ch 36, § 1, part I, § 2])

(2) Citations in Running Text

Either abbreviations or the full names may be used in running text. Internal brackets are changed to parentheses as follows:

New York City Loft Board Rules (29 RCNY) § 2-04

4.1 (d) Pattern Jury Instructions and Criminal Jury Instructions

Do not abbreviate words in the titles of instructions or charges, or statute names, except as allowed in Appendix 4. Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3. For subsequent citations to the Criminal Jury Instructions (CJI), the URL need not be repeated.

(1) Pattern Jury Instructions (PJI)

Citation to charge:

(PJI 2:225)

Citation to comment:

(1 NY PJI3d 2:225 at 1225 [2007])

(1B NY PJI3d 2:150 at 841-843 [2010])

(NY PJI 2:225, Comment, Caveat 2) [Note: online treatise]

(2 NY PJI2d 3:45 at 425 [2009])

Citation to requests to charge:

(1A NY PJI3d, General Principles—Requests to Charge at 9 [2016])

In running text, convert internal brackets to parentheses.

(2) Criminal Jury Instructions (CJI)

Citation to online revised material

Citation to charge:

(CJI2d[NY] Penal Law § 125.10, <https://www.nycourts.gov/judges/cji/2-PenalLaw/125/125-10.pdf> [last accessed June 16, 2022])

(CJI2d[NY] Expanded Charge on Intent, <https://www.nycourts.gov/judges/cji/1-General/CJI2d.Intent.pdf> [last accessed June 16, 2022])

(CJI2d[NY] Penal Law art 265, Intent to Use Unlawfully and Justification, https://www.nycourts.gov/judges/cji/2-PenalLaw/265/AC.265.Intent_Justification.pdf [last accessed June 16, 2022])

(CJI2d[NY] Statements [Admissions, Confessions]—Custodial Statements, <https://www.nycourts.gov/judges/cji/1-General/CJI2d.Confession.pdf> [last accessed June 16, 2022])

Citation to charge and endnote:

(CJI2d[NY] Accessorial Liability n 8, https://www.nycourts.gov/judges/cji/1-General/CJI2d.Accessorial_Liability.pdf [last accessed June 16, 2022])

Citation including revision date:

(CJI2d[NY] Accessorial Liability [last rev Aug. 3, 2004], https://www.nycourts.gov/judges/cji/1-General/CJI2d.Accessorial_Liability.pdf [last accessed June 16, 2022])

(CJI2d[NY] Accessorial Liability [as rev July 29, 2002] https://www.nycourts.gov/judges/cji/1-General/CJI2d.Accessorial_Liability.pdf [last accessed June 16, 2022])
[Note: to emphasize specific revision]

Charge to former crimes:

(CJI2d[NY] Penal Law former § 120.03 [1], [2] [crime committed Nov. 1, 1985, until June 8, 2005], https://www.nycourts.gov/judges/cji/2-PenalLaw/120/120_Former_Charges/120-03.pdf [last accessed June 16, 2022])

In running text, convert internal brackets to parentheses.

4.1 (e) Model Colloquies

Model colloquy scripts prepared by the Unified Court System Committee for Criminal Jury Instructions and Model Colloquies are cited as follows. Do not abbreviate words in the titles of colloquies. For subsequent citations, the URL need not be repeated.

Citations within parentheses:

(NY Model Colloquies, Waiver of Discovery, https://www.nycourts.gov/judges/cji/8-Colloquies/Waiver_of_Discovery.pdf [last accessed June 16, 2022])

Citations in running text:

New York Model Colloquies, Waiver of Discovery (https://www.nycourts.gov/judges/cji/8-Colloquies/Waiver_of_Discovery.pdf [last accessed June 16, 2022]), states . . .

or

NY Model Colloquies, Waiver of Discovery (https://www.nycourts.gov/judges/cji/8-Colloquies/Waiver_of_Discovery.pdf [last accessed June 16, 2022]), provides . . .

4.1 (f) Guide to New York Evidence

Provisions of the Guide to New York Evidence prepared by the Chief Judge’s Judicial Advisory Committee on Evidence are cited as follows. Do not abbreviate words in the titles of rules. Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3. For subsequent citations, the URL need not be repeated.

Citations within parentheses:

(Guide to NY Evid rule 8.03, Admission by Party, https://nycourts.gov/judges/evidence/8-HEARSAY/8.03_ADMISSION_BY_PARTY.pdf [last accessed June 16, 2022])

(Guide to NY Evid rule 8.03, Admission by Party, Note at 3, https://nycourts.gov/judges/evidence/8-HEARSAY/8.03_ADMISSION_BY_PARTY.pdf [last accessed June 16, 2022])

Citations in running text:

Guide to New York Evidence rule 8.03 (Admission by Party, https://nycourts.gov/judges/evidence/8-HEARSAY/8.03_ADMISSION_BY_PARTY.pdf [last accessed June 16, 2022]) . . .

or

As explained in rule 8.03 of the Guide to New York Evidence (Admission by Party, https://nycourts.gov/judges/evidence/8-HEARSAY/8.03_ADMISSION_BY_PARTY.pdf [last accessed June 16, 2022]), . . .

or

The Guide to New York Evidence (rule 8.03, Admission by Party, Note at 3, https://nycourts.gov/judges/evidence/8-HEARSAY/8.03_ADMISSION_BY_PARTY.pdf [last accessed June 16, 2022]) explains . . .

Citation of revised provisions:

Where a footnote in the text of the rules indicates that a revision was made, reference to the revision may be made using the appropriate citation format above and adding a parenthetical specifying the revision date.

(Guide to NY Evid rule 8.17, Excited Utterance [rev May 2018], https://nycourts.gov/judges/evidence/8-HEARSAY/8.17_EXCITED_UTTERANCE.pdf [last accessed June 16, 2022])

4.2 FEDERAL RULES AND REGULATIONS

4.2 (a) Basic Citation Form

(1) Citations within Parentheses

Below are examples for citing the Code of Federal Regulations (CFR) within parentheses. Abbreviate in accordance with Appendix 3 as follows:

Unit Cited	Example
Title	(7 CFR [Agric])
Subtitle	(7 CFR subtitle A)
Part	(7 CFR part 8)
Chapter	(42 CFR ch IV)
Section	(7 CFR 8.6)
Paragraph	(7 CFR 8.6 [a])
Paragraph and subparagraph	(7 CFR 8.6 [a] [1])
Multiple citations	(7 CFR 8.6, 8.7-8.9)

(2) Citations within Parentheses Including Date

Include date if greater precision is required, as follows:

(7 CFR 8.6 [2000])

(3) Citations in Running Text

When cited in running text, internal brackets are changed to parentheses as follows:

7 CFR 8.6 (2000)

4.2 (b) Particular Rules and Regulations

For citations within parentheses, abbreviate in accordance with Appendix 3 as follows:

(1) Federal Rules of Civil Procedure

(a) Citations within Parentheses

Cite as follows:

(Fed Rules Civ Pro rule 4 [b])

(b) Citations in Running Text

Cite as follows:

Federal Rules of Civil Procedure rule 4 (b)

(2) Federal Rules of Criminal Procedure

(a) Citations within Parentheses

Cite as follows:

(Fed Rules Crim Pro rule 8 [a])

(b) Citations in Running Text

Cite as follows:

Federal Rules of Criminal Procedure rule 8 (a)

(3) Federal Rules of Evidence

(a) Citations within Parentheses

Cite as follows:

(Fed Rules Evid rule 804 [b] [6])

(b) Citations in Running Text

Cite as follows:

Federal Rules of Evidence rule 804 (b) (6)

(4) Federal Rules of Bankruptcy Procedure**(a) Citations within Parentheses**

Cite as follows:

(Fed Rules Bankr Pro rule 9007)

(b) Citations in Running Text

Cite as follows:

Federal Rules of Bankruptcy Procedure rule 9007

(5) Federal Rules of Appellate Procedure**(a) Citations within Parentheses**

Cite as follows:

(Fed Rules App Pro rule 10)

(b) Citations in Running Text

Cite as follows:

Federal Rules of Appellate Procedure rule 10

(6) Local Rules of the United States Court of Appeals for the Second Circuit**(a) Citations within Parentheses**

Cite as follows:

(Local Rules of US Ct of Appeals, 2d Cir rule 46.2)

(b) Citations in Running Text

Cite as follows:

Local Rules of the US Court of Appeals for the Second Circuit rule 46.2

(7) Local Rules of the United States District Courts**(a) Citations within Parentheses**

Cite as follows:

(US Dist Ct, WD NY Local Rules of Civ Pro rule 5.3)

(Joint Local Civ Rules of US Dist Ct, SD & ED NY rule
1.5 [b] [5])

(b) Citations in Running Text

Cite as follows:

US District Court for the Western District of New York
Local Rules of Civil Procedure rule 5.3

Joint Local Civil Rules of the US District Courts for the
Southern and Eastern Districts of New York rule 1.5 (b)
(5)

—Notes—

5.0 CONSTITUTIONS**Contents of Section**

5.1 GENERAL RULE**5.2 EXAMPLES****5.2 (a) Citations within Parentheses****5.2 (b) Citations in Running Text****5.3 HISTORICAL CONSTITUTIONAL MATERIAL****5.1 GENERAL RULE**

Cite English-language constitutions by country or state.

5.2 EXAMPLES**5.2 (a) Citations within Parentheses**

For citations within parentheses, abbreviate in accordance with Appendix 3, as in the following examples:

(NY Const art VI)

(NY Const, art VI, § 35)

(US Const, art III, § 3)

(US Const, art VI, cl 2)

(US Const, art I, § 8 [3])

(US Const, 14th Amend, § 1)

(US Const 14th, 15th Amends) *or* (US Const Fourteenth Amend) *or* (US Const Amend XIV)

(1821 NY Const, art I, § 1)

(US Const, art I, § 8, cl 3)

5.2 (b) Citations in Running Text

When constitutional citations appear in running text, either abbreviations or full names may be used. Some suggested forms are as follows:

NY Constitution article VI

New York Constitution article VI

NY Constitution, article VI, § 35

US Constitution, article III, § 3

United States Constitution, article III, § 3

US Constitution, article VI, clause 2

article VI (cl 2) of the US Constitution

US Constitution, 14th Amendment, § 1

article I (§ 8 [3]) of the US Constitution

article I, § 8 (3) of the US Constitution

US Constitution 14th Amendment *or* US Constitution Fourteenth Amendment *or* US Constitution Amendment XIV *or* Fourteenth Amendment of the United States Constitution *or* Fourteenth Amendment to the United States Constitution

1821 New York Constitution, article VII, § 6

US Constitution, article I, § 8, clause 3

New York State Constitution, article XVI, § 3

5.3 HISTORICAL CONSTITUTIONAL MATERIAL

Cite historical constitutional material as follows:

(Madison, Federalist No. 43)

6.0 TREATIES AND INTERNATIONAL AGREEMENTS**Contents of Section**

6.1 GENERAL RULE**6.2 EXAMPLES****6.2 (a) Citations within Parentheses****6.2 (b) Citations in Running Text****6.1 GENERAL RULE**

Treaties signed before 1949 are contained in and cited to the United States Statutes at Large. Treaties signed since 1949 are contained in and may be cited to United States Treaties and Other International Agreements (UST) (the official source). Those treaties signed since 1945 are also published in and may be cited to the Treaties and Other International Acts Series (TIAS) (the unofficial source). Do not abbreviate words in the titles of treaties, international agreements, and conventions. Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3.

6.2 EXAMPLES**6.2 (a) Citations within Parentheses**

Cite as follows:

(Treaty of Ghent, 8 US Stat 218 [1814])

(Bermuda Multilateral Telecommunications Agreement, 60 US Stat 1636, TIAS No. 1518 [1945])

(Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, 23 UST 2555, TIAS No. 7444 [1970])

(Warsaw Convention art 17, 49 US Stat 3000, 3018, reprinted following 49 USCA § 40105)

(Convention for International Carriage by Air art 2, May 28, 1999, reprinted in S Treaty Doc No. 106-45, 1999 WL 33292734, 1999 UST LEXIS 175 [Montreal Convention])

(Convention on the Recognition and Enforcement of Foreign Arbitral Awards art II [2], 21 UST 2517, TIAS No. 6997 [1958])

(Vienna Convention on Diplomatic Relations art 31 [1], 23 UST 3227, TIAS No. 7502 [1961])

6.2 (b) Citations in Running Text

Cite as follows:

Treaty of Ghent (8 US Stat 218 [1814])

Bermuda Multilateral Telecommunications Agreement (60 US Stat 1636, TIAS No. 1518 [1945])

Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (23 UST 2555, TIAS No. 7444 [1970])

Warsaw Convention article 17 (49 US Stat 3000, 3018, reprinted following 49 USCA § 40105)

Convention for International Carriage by Air article 2 (reprinted in S Treaty Doc No. 106-45, 1999 WL 33292734, 1999 UST LEXIS 175 [May 28, 1999] [Montreal Convention])

Article II (2) of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (21 UST 2517, TIAS No. 6997 [1958])

Vienna Convention on Diplomatic Relations article 31 (1) (23 UST 3227, TIAS No. 7502 [1961])

**7.0 LEGAL PERIODICALS, TREATISES AND OTHER WORKS
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7.1 GENERAL RULES

7.1 (a) Page References

Most electronic sources do not contain pagination; therefore, page references are generally not required when citing those sources. Where the source contains pagination, such as a print publication, a page number reference and the edition and/or date of the publication cited should be included where text is quoted and where greater precision is desired.

7.1 (b) Names of Authors

Use of the full names of authors is preferred, except for certain treatises noted in section 7.3 (a). Separate two authors' names with an ampersand. Separate more than two with commas and an ampersand before the final name or place the phrase "et al." after the first author's name.

7.1 (c) Titles

Titles of periodicals, treatises, books and manuals are set in roman. Titles of articles and chapters within those sources are set in italics. Abbreviate words in citations to those works only as indicated in the rules below pertaining to each type of publication.

7.1 (d) Internet Material

(1) Generally

A website itself or specific content on a website may be cited. To cite a website, provide the name of the website, the uniform resource locator (URL) precisely as it appears in the Internet browser and the date the website was accessed. To cite specific content, provide the name of the author, if any; a description of the content, such as a heading or document title; the publication date; the precise URL; and, in order of preference, the date that the content was last updated or accessed. Add a page reference or other pinpoint citation if desired after the description. If the particular document or page referenced cannot be directly accessed using the URL, add the necessary navigation instructions to the citation. Do not abbreviate words in the name of the website or the title of the document. Otherwise, for citations within parentheses, abbreviate in accordance with Appendix 3.

(2) Citation Style to Website

(New York State Law Reporting Bureau, <https://www.nycourts.gov/reporter/> [last accessed Apr. 12, 2022])

(Internal Revenue Service, <https://www.irs.gov/> [last accessed June 16, 2022])

(3) Citation to a Document or Page on a Website

(Leah Chan Grinvald & Ofer Tur-Sinai, *Intellectual Property Law and the Right to Repair*, 88 Fordham L Rev 63 [2019], available at <https://ir.lawnet.fordham.edu/flr/vol88/iss1/3> [last accessed May 17, 2022])

(see Adrian Dungan, *Individual Income Tax Shares, Tax Year 2016*, Statistics of Income Bulletin, US Govt Printing Off [winter 2019], available at <https://www.irs.gov/pub/irs-soi/soi-a-ints-id1901.pdf> [last accessed May 19, 2022])

If an Internet document or page is no longer available at the original URL, but has been preserved through caching, cite as follows:

(Regents Proposal on State Aid to School Districts for 2004-05 at 48, cached at https://www.nycourts.gov/reporter/webdocs/Regents_Item.htm, formerly available at <http://emsc32.nysed.gov/stateaidworkgroup/2004-05%20RSAP/RSAP0405.htm>)

(4) Weblog Citation

For citations to weblogs (blogs), follow the general citation style above, including the author's name, the name of the weblog, the title of the article or entry, the URL and the date of the posting, as follows:

(Eugene Volokh, Reason: The Volokh Conspiracy, *Mandatory Employee COVID Tests Don't Violate Religious Freedom Rights or Fourth Amendment*, <https://reason.com/volokh/2022/05/11/mandatory-employee-covid-tests-dont-violate-religious-freedom-rights-or-fourth-amendment/> [May 11, 2022, 8:01 a.m.]

(Mridula Raman, SCOTUSblog, *A prisoner's bid to develop new evidence rests on a 233-year-old statute about judicial writs*, <https://www.scotusblog.com/2022/04/a-prisoners-bid-to-develop-new-evidence-rests-on-a-233-year-old-statute-about-judicial-writs/> [Apr. 25, 2022, 9:38 a.m.]

(5) Pinpoint Citation

(A. Joseph Warburton, *Trusts Versus Corporations: An Empirical Analysis of Competing Organizational Forms* at 2 n 3 [Jan. 1, 2010], Syracuse University College of Law Faculty Scholarship Paper 84, <https://surface.syr.edu/lawpub/84> [click download])

(6) Navigation Instructions

(NY St Cts Elec Filing [NYSCEF] Doc No. 38, Westreich aff, exhibit 1 at 1, <https://iapps.courts.state.ny.us/nyscef/CaseSearch> [complete CAPTCHA, search by case index No. 650793/2014, click on index No. hyperlink])

(7) Direct or Parallel Citation

Precede the URL with the term “available at” when the Internet material is also available in print, but omit the term when the Internet is the sole source of the material.

(8) Commercial Electronic Databases

For citations to a document contained in a commercial electronic database (e.g. Westlaw or Lexis), provide a complete citation to the document in accordance with general citation style, and also provide the name of the database if not apparent from the citation. If the database assigns an identifier (a unique series of letters or numbers) to the document, include that information.

When citing to a treatise contained in a commercial electronic database, include the date of the last update along with the edition that can be found in the electronic version. For guidance as to the specific use of commercial electronic databases in case citations, see section 2.4 (a).

7.2 PERIODICALS, NEWSPAPERS AND OTHER RECURRING WORKS**7.2 (a) General Style**

Do not abbreviate words in the titles of articles published in periodicals, newspapers, journals and other recurring works. For citations within parentheses, abbreviate the name of the periodical, newspaper, journal and other recurring work as set forth in the tables found in the latest edition of *The Bluebook: A Uniform System of Citation*. Do not include periods or apostrophes in periodical name abbreviations. Generally, cite as follows:

(Jessica de Perio Wittman, *A Trend You Can't Ignore: Social Media as Government Records and Its Impact on the Interpretation of the Law*, 31 Alb LJ Sci & Tech 53 [2021])

(Rashmi Dyal-Chand, *Sharing the Climate*, 122 Colum L Rev 581, 586-589 [2022])

(Recent Case, *Constitutional Law—Qualified Immunity—Second Circuit Declines to Delineate Constitutional Boundaries of Acceptable Official Conduct in Quarantine*, 134 Harv L Rev 1244, 1245 n 10 [2021])

(Meredith Mandell, *Placing an Emphasis on the ‘S’ in ESG*, 94 NY St BJ 24 [Mar./Apr. 2022])

(Jessica Mach, *Companies Increasingly Investigating Their Own Cultures—Even When There Are No Complaints*, NYLJ, May 23, 2022 at 1, col 3)

(Grant Mainland et al., *Outside Counsel, Narrowing the Class Period in Securities Fraud Class Actions*, NYLJ, May 23, 2022 at 4, col 4)

(Harper Lee, *To Kill a Mockingbird* 49-50 [1982])

(Nicholas Confessore, *No-Name, Brand-Name or Phony: It’s All Here*, NY Times, Oct. 9, 2006, § B at 1, col 1)

(Grace Ashford, *Child Care: New York’s Next Big-Ticket Budget Priority*, NY Times, Mar. 21, 2022, available at <https://www.nytimes.com/2022/03/21/nyregion/universal-childcare-ny.html> [last accessed Mar. 24, 2022])

(Geraldo Vasquez, *An Introduction to Blockchain*, 91 CPA J [Issue 6/7] 52 [June 1, 2021])

7.2 (b) Student-Authored Works

Both “Note” or “Comment” and the author’s name are used in a law review citation, as follows:

(Sonika R. Data, Note, *Coloring in the Gaps of Title VI: Clarifying the Protections against the Skin-Color Caste System*, 107 Geo LJ 1393 [2019])

(Jake Seligman, Comment, *Electric Vehicles and Time-of-Use Rates: The Impending Role of the New York State Public Service Commission in Regulating Our Transportation Future*, 28 Pace Env’tl L Rev 568 [2011])

7.3 TREATISES AND BOOKS

7.3 (a) General Style

If citing from an online version of a treatise found in a commercial database, use the edition and update information available in the electronic source. If citing a print publication, a page number reference should be included where text is

quoted and where greater precision is desired; include edition and update information from the print source. Do not abbreviate words in the titles of treatises or books. Generally, cite as follows:

(Arthur Karger, Powers of the New York Court of Appeals § 9:5 [3d ed rev, Aug. 2022 update])

(Dan B. Dobbs et al., Dobbs' Law of Torts § 359 [2d ed, June 2021 update])

(11 Richard A. Lord, Williston on Contracts § 32:6 [4th ed, May 2022 update])

(8 Warren's Weed New York Real Property § 92.16 [Apr. 2022])

(3 Warren's Negligence in the New York Courts § 80.01 [2] [Apr. 2022])

(11 Warren's Heaton on Surrogate's Court Practice § 194.01 [5] [7th ed, Apr. 2022 update])

(1 Bergman on New York Mortgage Foreclosures § 4.06 [1] [a] [May 2022])

(8 Joel R. Brandes, Law and the Family New York § 74:1 [2021-2022 ed, Oct. 2021 update])

(Prosser & Keeton, Torts § 44 at 309-310 [5th ed 1984])

(Jerome Prince, Richardson on Evidence § 4-501 [Farrell 11th ed 1995, 2008 Supp])

(2 Robert F. Dolan, Rasch's Landlord and Tenant, Including Summary Proceedings § 28:22 [5th ed, June 2021 update])

(4 James J. White et al., Uniform Commercial Code § 30:3 [6th ed, Nov. 2022 update])

(David H. Kaye et al., The New Wigmore: Expert Evidence § 4.3.1 [3d ed, 2022 Supp])

(17 Steven Plitt et al., Couch on Insurance § 240:1 [3d ed, Dec. 2021 update])

(2 New Appleman Law of Liability Insurance § 14.15 [1] [June 2022 update])

(2 Wayne R. LaFave, Search and Seizure § 3.2 [c] [6th ed, Oct. 2022 update])

(Alan D. Scheinkman, *New York Law of Domestic Relations* § 2:20 [11 West's NY Prac Series, June 2022 update])

(Sharon P. Stiller, *Employment Law in New York* § 3:95 [2d ed, 13A West's NY Prac Series, Oct. 2021 update])

(Daniel Finkelstein & Lucas A. Ferrara, *Landlord and Tenant Practice in New York* § 4:149 [West's NY Prac Series, vol F, Dec. 2021 update])

(1PT1 West's McKinney's Forms Civil Practice Law and Rules § 2:203 [Feb. 2022 update])

(3 *New York Civil Practice: EPTL* § 5-4.3 [May 2022 update])

(2 William Blackstone, *Commentaries on the Laws of England* at 429 n 30 [John L. Wendell ed 1847])

(1 Howard G. Leventhal, *Charges to the Jury and Requests to Charge in a Criminal Case in New York* § 18:15 [Oct. 2021 update])

(Siegel, *New York Practice* § 184 at 323 [5th ed 2011])

(David D. Siegel & Patrick M. Connors, *New York Practice* § 78 [6th ed, Dec. 2022 update])

(Weinstein, Korn & Miller, *New York Civil Practice: CPLR* ¶ 5232.23 [2d ed, Apr. 2022 update])

7.3 (b) Omitted Title Material

Where the title of a legal treatise begins with language such as “Law of,” “Handbook on” or “A Treatise on,” that prefatory material is omitted from the citation title.

7.4 DICTIONARIES AND ENCYCLOPEDIAS

7.4 (a) Dictionaries

Do not abbreviate dictionary names. Generally, cite as follows:

(*Black's Law Dictionary* 712 [11th ed 2019])

(*Black's Law Dictionary* [11th ed 2019], mens rea) [Note: online version]

(*Merriam-Webster.com Dictionary*, contaminant [<https://www.merriam-webster.com/dictionary/contaminant>]) [Note: online free version]

(Webster's Third New International Dictionary, Unabridged [Merriam-Webster 2002], contaminant [<https://unabridged.merriam-webster.com/unabridged/contaminant>]) [Note: online subscription version]

7.4 (b) Encyclopedias

Do not abbreviate words in the titles of encyclopedia entries. For citations within parentheses, abbreviate the name of the encyclopedia in accordance with Appendix 3, as in the following examples:

(1 Am Jur 2d, Accession and Confusion § 2)

(12 NY Jur 2d, Buildings, Zoning, and Land Controls § 60)

(8 Fletcher, Cyclopedia of Corporations § 3890)

(1A CJS, Actions § 75) [Note: Corpus Juris Secundum Encyclopedia]

(10A Carmody-Wait 2d § 70:467)

7.5 AMERICAN LAW REPORTS (ALR) ANNOTATIONS

7.5 (a) General Style

Do not abbreviate words in the titles of ALR annotations. Generally, cite as follows:

(Claudia G. Catalano, Annotation, *Proscription of Taking Action Designed to Prevent or Hamper Removal from United States Under 8 U.S.C.A. § 1253 [a] [1] [C]*, 50 ALR Fed 3d art 7, § 7)

(Deborah F. Buckman, Annotation, *Determination of Employee or Independent Contractor Status—State Class Actions*, 49 ALR7th art 6, § 4)

(Marjorie A. Shields, Annotation, *Liability of Clinical Laboratories for Negligence*, 19 ALR6th 793, 824, § 16)

7.5 (b) Author's Name

An author's name should be used in the citation if provided. Otherwise, cite as follows:

(Annotation, *Hospital's Liability for Injury or Death to Patient Resulting from or Connected with Administration of Anesthetic*, 31 ALR3d 1114, § 7)

7.6 RESTATEMENTS

Do not abbreviate words in restatement titles and subtitles. Generally, cite as follows:

(Restatement [Third] of Conflict of Laws [Tentative Draft No. 2] § 2.03, Comment *b*, Illustration 3)

(Restatement [Third] of Agency § 3.03)

(Restatement of Restitution § 104 [a], [b])

(Restatement [Third] of Torts: Products Liability § 5)

(Restatement [Third] of Property [Mortgages] § 5.2)

(Restatement [Third] of Property [Mortgages] § 5.4, Reporters' Note, Comment *c*)

7.7 LEGAL DOCUMENTS

For citations within parentheses, abbreviate in accordance with Appendix 3, as in the following examples:

Transcript: (tr at 3); (Pargament tr at 42, lines 18-25; at 43, lines 4-6); (tr at 17, line 20, through 22, line 7)

Affidavit: (aff of defendant at 6); (Kahn aff para 12)

Affirmation: (affirmation of defendant's counsel at 3); (Gonzalez affirmation, exhibit 7, David Gold deposition tr at 120); (affirmation of plaintiff's counsel in support of cross-mot, exhibit A); (affirmation of counsel for defendant Liu in opp to mot ¶ 9); (affirmation of Jane Baker in support of defendant's mot to vacate, exhibit H at 4)

Affidavit as exhibit to affirmation: (affirmation of defendant's counsel, exhibit D, aff of John Smith ¶ 14)

Testimony: (testimony of Jessica Thompson, May 14, 2002, ¶ 6)

Pleadings: (Nguyen complaint at 2); (petition ¶ 7); (petition dated July 27, 2021 at 4)

Exhibits: (plaintiff's exhibits 3, 15, 18); (Nagle aff, exhibit E, ¶ 4)

Briefs: (brief for appellants, available at 2022 WL 1125874, *4); (brief for plaintiff-respondent in *Holmes v Macy's Retail Holdings, Inc.*, 184 AD3d 811 [2d Dept 2020], available at 2019 WL 8955246)

New York State Courts Electronic Filing Documents (Same case as that which is subject of decision):

(NY St Cts Elec Filing [NYSCEF] Doc No. 548 at 12, 13)

(NY St Cts Elec Filing [NYSCEF] Doc No. 548, complaint)

(NY St Cts Elec Filing [NYSCEF] Doc No. 548, complaint at 15)

Subsequent short-form citation:

(NYSCEF Doc No. 548, complaint)

(NYSCEF Doc No. 548 at 14)

New York State Courts Electronic Filing Documents (Different case than that which is subject of decision):

(NY St Cts Elec Filing [NYSCEF] Doc No. 7, answer, in *Velazquez-Sierra v Magnificent Urban Restoration Ltd.*, Sup Ct, NY County, index No. 156669/2021)

Subsequent short-form citation:

(NYSCEF Doc No. 7, answer, in *Velazquez-Sierra*)

7.8 MANUALS, HANDBOOKS, GUIDELINES AND REPORTS

Do not abbreviate words in the titles of manuals, handbooks, reports, and similar documents. Generally, cite as follows:

(American Arbitration Association Rules for Arbitration of Supplementary Uninsured/Underinsured Motorist Insurance Disputes and Uninsured Motorist Insurance Disputes in the State of New York § 16)

(Centers for Medicare & Medicaid Services, State Medicaid Manual § 3259.6 [C])

(Financial Industry Regulatory Authority [FINRA] Manual rule 13804) [Note: replaces NASD Manual]

(New York City Police Department Patrol Guide Procedure No. 207-18)

(New York City Housing Authority Management Manual, ch V, § A [2])

(2020 New York State Department of Health, Medicaid Update, vol 36, No. 10 [May 2020])

(New York State Department of Health Medicaid Eligibility Verification System [MEVS] and Dispensing Validation System [DVS] Provider Manual § 4.4)

(Sex Offender Registration Act: Risk Assessment Guidelines and Commentary at 4 [Nov. 1997] or [2006]) [Note: paginated Commentary]

(Sex Offender Registration Act: Risk Assessment Guidelines and Commentary, risk factor 8 [Nov. 1997] or [2006]) [Note: unpaginated Risk Factor Guidelines]

(U.S. Department of Housing and Urban Development Handbook 4350.3 REV-1, ch 5, ¶ 5-5 [A] [1])

(United States Government Accountability Office, Report to Congressional Requesters, *Immigration: Information on Deferred Action for Childhood Arrivals* at 9 [GAO-22-104734, Jan. 2022])

(New York Manual for Workers' Compensation and Employers' Liability Insurance [2020], rule VI [A] [1] at R-62 [eff May 1, 2020])

(New York Workers' Compensation Guidelines for Determining Impairment § 4.3 at 26 [1st ed 2017])

(New York Workers' Compensation Guidelines for Determining Impairment § 5.4, table 5.4 [a] at 31 [2018])

(New York Workers' Compensation Guidelines for Determining Impairment § 7.5, special consideration 4 at 43 [2018])

(New York State Guidelines for Determining Permanent Impairment and Loss of Wage Earning Capacity at 25-26 [2012])

(New York State Department of Labor, Guidelines for Determining Worker Status: Performing Artists at 4 [IA 318.17 (12/20)])

(Michael D. Green et al., Reference Guide on Epidemiology, in Federal Judicial Center, Reference Manual on Scientific Evidence at 549 [3d ed 2011])

(New York Law Reports Style Manual § 1.2 [e] [2022])

(New York Law Reports Style Manual § 4.1 [d] [2017 & 2021 Cum Elec Update], <https://www.nycourts.gov/reporter/style-manual/2017/2017-SM.htm>)

—Notes—

—Notes—

PART II: OTHER STYLE ISSUES

8.0 TITLES OF ACTIONS AND PROCEEDINGS

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8.3 TITLES IN VARIOUS ACTIONS AND PROCEEDINGS

8.4 PERSONAL IDENTIFYING INFORMATION

8.1 GENERAL RULES OF TITLE FORMULATION

8.1 (a) Parties at Trial Level

Typically, the parties in an action are referred to, at the trial level, as plaintiff and defendant (in the event of impleader one might find third-party or fourth-party plaintiffs and defendants); in a proceeding the parties are referred to as petitioner and respondent. In criminal actions, the prosecuting authority is usually described as “The People of the State of New York.” In habeas corpus proceedings and other proceedings brought in the name and on behalf of the People of the State of New York, the caption should begin with the words “The People of the

State of New York ex rel.” and the petitioning party is referred to as petitioner and the opposing party as respondent. In claims against the State, the prosecuting party is referred to as claimant and the State as defendant.

8.1 (b) Parties at Appellate Level

On the appellate level, parties are referred to according to their status on appeal, e.g. appellant or respondent. Cross-appealing parties are designated appellant-respondent and respondent-appellant, the first party to appeal being appellant-respondent. In impleader situations, third-party plaintiff-appellant, third-party defendant-respondent and the like should be used.

8.1 (c) Parties with Same Status

Generally, where there is more than one party sharing the same status (i.e. defendants, appellants), only the name of the first named party of that status should appear in the title followed by “et al.” However, in a criminal action with multiple defendants, up to five defendants may be listed in the title followed by an “et al.” in the event of more than five criminal defendants. In addition, where the person or entity omitted is not a party to the action or proceeding (most commonly the children in child neglect, abuse or custody proceedings) “and another” or “and others” should be used instead of et al. (e.g. In the Matter of Kaitlyn S. and Another, Children Alleged to be Abused).

8.1 (d) Full Names and Initials

The full names of parties may be used; middle names need not be abbreviated. For guidance on redacting names for privacy, see section 12.4.

8.1 (e) Representative or Official Capacity

If a party is sued or suing in a representative or official capacity, that capacity should be set forth in the title. In addition, if a suit is brought “on behalf” of an entity or “by” a representative, official or guardian, this should be so designated. Also, where a party is identified solely by a person’s governmental office (e.g. “Attorney General of the State of New York”), the name of the officeholder need not be supplied.

8.1 (f) Terms Omitted

Omit the words “the application of” in all instances and “for a judgment under CPLR article 78” in CPLR article 78 proceeding titles.

8.1 (g) Parties in Transferred Proceedings, etc.

Where a proceeding commenced in Supreme Court is transferred to the Appellate Division, the parties are designated petitioner and respondent, not appellant and respondent. However, in proceedings that are appealed directly to the Appellate Division, for instance, from the Unemployment Insurance Appeal Board or Workers' Compensation Board, the parties are referred to by their status on appeal, i.e. appellant and respondent.

8.1 (h) Nonappealing Parties

In appellate titles, nonappealing parties who do not participate in the appeal as appellants or respondents are not named unless they are the first listed party (plaintiff/defendant or petitioner/respondent), e.g. Jan Wojtowicz, Jr., Respondent, et al., Plaintiffs, v Agnes Sweeney, Defendant, and Sol Zigman, Appellant. In an appellate action or proceeding title, omit captions of adjunct actions or proceedings (e.g. third-party or consolidated actions or proceedings) that are not part of the appeal. Use a suitable notation, for example (And Two Other Proceedings.) or (And a Third-Party Action.).

8.2 COMMON TITLE STYLES**8.2 (a) Action with Party Suing in a Representative Capacity**

Anne T. Donnelly, as District Attorney of the County of Nassau, Plaintiff, v Marvin Banker, Defendant.

8.2 (b) Proceedings against an Unnamed Public Official

In the Matter of Medical Malpractice Insurance Association et al., Petitioners, v Commissioner of Department of Health of the State of New York, Respondent.

8.2 (c) Criminal Action against Multiple Defendants

The People of the State of New York v Dennis Charles and Fritz DePass, Defendants.

[Note: Up to five defendants may be named in a title. For more than five defendants, name the first five followed by et al.]

8.2 (d) Appellate Action with Some Parties Not Participating in Appeal

Republic National Bank, Appellant, v Sylvia Greenwald et al., Defendants, and Public Equities Corp. et al., Respondents.

8.2 (e) Appellate Proceedings with Cross-Appealing Parties

In the Matter of Alan Kane, Respondent-Appellant, v Thomas J. Bannon, Appellant-Respondent, and Keith J. Laing et al., Respondents, et al., Respondent.

[Note: The respondents in the above example are separately listed because the first respondents are parties to the appeal and consequently are named, whereas the second respondent is not participating in the appeal and thus is unnamed. Although each is a “respondent,” their statuses are different (the first being respondents in an appellant/respondent context, the second a respondent in the petitioner/respondent context) and accordingly they are not combined in the title.]

8.3 TITLES IN VARIOUS ACTIONS AND PROCEEDINGS

See Appendix 6.

8.4 PERSONAL IDENTIFYING INFORMATION

See section 12.4.

9.0 APPEARANCES OF COUNSEL**Contents of Section**

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Use the firm or legal organization name and individual names of appearing attorneys, unless only the firm or legal organization name(s) or attorney(s) name(s) is available. Where the middle initial, name or names of an attorney are given, use them. Include the city, borough, town or village indicated by the mailing address of the firm, legal organization or attorney(s) appearing for each party, when available. The following examples are illustrative:

Hodgson Russ LLP, Buffalo (*Jodyann Galvin* of counsel), for Ciox Health, LLC, respondent.

Arthur J. Stone, Watertown (*Dennis D. Linden* of counsel), for respondent.

P. David Soares, District Attorney, Albany (*Kenneth C. Weafer* of counsel), for respondent.

Richard McDowell, P.C., Mineola, for defendant.

Law Offices of Nonna Shikh, Bronx, for plaintiff.

Law Offices of John Smith, Albany (*Albert James* of counsel) and New York City (*Alice Hastings* of counsel), for plaintiff.

Legal Aid Society, New York City (*David A. Crow* of counsel), for appellant.

Sandra Doorley, District Attorney, Rochester (*Lisa Gray* of counsel), for respondent.

Attorney or Firm Representing Multiple Parties

Harwood Lloyd, LLC, New York City (*Gregg A. Ilardi* and *Levi W. Barrett* of counsel), for Bowe-Permac, Inc. and another, appellants-respondents.

FitzGerald Morris Baker Firth, P.C., Glens Falls (*Thomas A. Ulasewicz* of counsel), for Preserve Associates, LLC and others, respondents-respondents.

Multiple Law Firms Representing Same Party or Parties

Bailey Duquette P.C., New York City (*David I. Greenberger* of counsel), and *Perry Johnson Anderson Miller & Moskowitz LLP*, Santa Rosa, California (*Isaac M. Goodman* of counsel), for appellants-respondents.

9.2 AMICUS CURIAE

John Jones, Saratoga, for State Industrial Board, amicus curiae.

Do not use “as” before amicus curiae.

9.3 APPEARANCES ON OWN BEHALF**9.3 (a) Non-Attorney Appearing on Own Behalf**

Edmund B. Bellinger, defendant pro se.

9.3 (b) Non-Attorney Appearing on Own Behalf and by Attorney

Hong Jang Tsai, pro se, and *Stanley H. Schindler*, Rome, for Hong Jang Tsai, defendant.

9.3 (c) Attorney Appearing on Own Behalf

John Gerdes, Troy, appellant pro se.

9.3 (d) Attorney Appearing on Own Behalf and for Client

Nancy Boochever, Yonkers, respondent pro se, and for Eugene A. Hegy, respondent.

9.3 (e) Attorney Appearing on Own Behalf and by Attorney

John Gerdes, Troy, pro se, and *Jose A. Ortiz*, Albany, for John Gerdes, appellant.

9.3 (f) Attorney Appearing on Own Behalf and by Attorney, and for Client

John Jones, Tonawanda, pro se, and *Richard Roe*, Tonawanda, for John Jones and another, appellants.

9.3 (g) Law Firm Appearing on Own Behalf

Napoli, Bern, Ripka, LLP, New York City (*Denise A. Rubin* of counsel), for respondent.

9.3 (h) Government Agency Appearing on Own Behalf

Department of Housing Preservation and Development of the City of New York, New York City (*Emily Veale* of counsel), for Department of Housing Preservation and Development, respondent.

9.4 APPEARING SPECIALLY

Thomas Harold Matters, White Plains, for respondents appearing specially.

9.5 NAME AND TITLE OF PUBLIC OFFICIALS

Use the name and title of the following officials (with name of counsel but not counsel's title within parentheses):

Attorney General, United States Attorneys, District Attorneys, County Attorneys, Corporation Counsel, Town Attorneys, Village Attorneys and Public Defenders.

The proper form is:

Caroline E. Blackburn, County Attorney, Poughkeepsie (Thomas P. Delpizzo of counsel), for appellant.

Bridget G. Brennan, Special Narcotics Prosecutor, New York City (Christine M. Kelly of counsel), for the People.

Shane A. Zoni, Special Prosecutor, Valatie, for respondent.

9.6 ATTORNEY GENERAL APPEARING IN STATUTORY CAPACITY

Letitia James, Attorney General, New York City (Nikki Kowalski of counsel), in her statutory capacity under Executive Law § 71.

Letitia James, Attorney General, Albany (Kate Nepveu of counsel), in her statutory capacity under EPTL 8-1.1 (f).

9.7 OUT-OF-STATE ATTORNEY OR LAW FIRM

Barbara H. Scott, Chicago, Illinois, admitted pro hac vice, for appellant.

Connell Foley LLP, Roseland, New Jersey (Christina Sartorio Ku of counsel), for respondent.

9.8 ATTORNEY APPEARING AS COURT EVALUATOR

Mental Hygiene Legal Service, Poughkeepsie (Laura Burns of counsel), Court Evaluator.

James White, New Paltz, Court Evaluator.

9.9 ATTORNEY FOR THE CHILD

Lawyers for Children, Inc., New York City (*Brenda Soloff* of counsel), Attorney for the Child.

Patricia Miller Latzman, P.C., Mineola, Attorney for the Children.

—Notes—

**10.0 CAPITALIZATION, NUMERALS AND NUMBERS,
DATES AND TIME, AND NAMES**

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10.1 CAPITALIZATION

10.1 (a) Generally

Capitalize in accordance with standard authorities, except as noted below. In the absence of clear authority, use lowercase. Be consistent within each document.

10.1 (b) Government Bodies and Officials

(1) Specific References

Full names of specific government bodies and officials are capitalized. Short-form references may be capitalized or lowercased as follows:

the New York State Legislature, *but*

the Legislature *or* the legislature

the Ways and Means Committee, *but*

the Committee *or* the committee

the Social Security Administrator, *but*

the Administrator *or* the administrator

the Zoning Board of Appeals of the Town of Saugerties, *but*

the Board *or* the board

the New York City Water Board Treasurer, *but*

the Treasurer *or* the treasurer

the Chair of the Public Service Commission, *but*

the Chair *or* the chair

the New York County Coroner, *but*

the Coroner *or* the coroner

Assistant District Attorney Smith, *but*

the Assistant District Attorney *or* the Assistant *or* the assistant district attorney *or* the assistant

Governor Hochul, *but*

the Governor *or* the governor

Mayor Lewis, *but*

the Mayor *or* the mayor

Public Defender James Baker, *but*

the Public Defender *or* the public defender

the New York State Police, *but*

the State Police *or* the state police

the People of the State of New York, *but*

the People *or* the people

(2) General References

General references to government bodies and officials should not be capitalized:

a district rent administrator

a zoning board of appeals

treasurers

a mayor

10.1 (c) States and Political Subdivisions

The full names of states and their political subdivisions should be capitalized:

State of New York

The word “state” standing alone should be capitalized only when the word it modifies is capitalized, when referring to a state as a party or when referring to a state acting in its governmental capacity. In addition, the words “county,” “city,” “town,” “village” and the like standing alone should be capitalized only when the word they modify is capitalized, when referring to a political subdivision as a party or when referring to a political subdivision acting in its governmental capacity.

Capitalize “district” when naming a district in full, such as First Assembly District, Second Congressional District, *but* lowercase “district” when used as a general term, such as “one of the congressional districts.”

10.1 (d) Branches of Government

General references to branches of government should be lowercase as follows:

the executive

the executive branch

the judiciary

the judicial branch

the legislature

the legislative branch

However, the full name of a specific governmental body or individual should be capitalized in accordance with section 10.1 (b).

10.1 (e) “Government”

The following terms are always lowercased:

federal government

state government

10.1 (f) “Federal”

Federal is capitalized only when modifying a capitalized word:

the Federal District Court

the Federal Constitution, *but*

federal budget

federal constitutional

10.1 (g) “Capital” and “Capitol”

Lowercase “capital”; capitalize “Capitol.”

10.1 (h) Courts

The full names of courts (“City Court of Albany”) or their parts (“Housing Part” and “Integrated Domestic Violence Part”) should be capitalized. “Housing Court” should also be capitalized.

Capitalize the word “court” when standing alone only when referring to the Supreme Court of the United States, the New York Court of Appeals or the Appellate Division of the Supreme Court.

General references to courts or their parts are not capitalized. For example:

a county court

a justice court
appellate courts
a supreme court
a family court
a surrogate's court
Do not capitalize:
court below
hearing court
IAS court
lower court
motion court
suppression court
sentencing court
trial court

10.1 (i) Judicial Officers

(1) Judge or Justice

Capitalize “Judge” or “Justice” when part of a personal name (Judge White).

Short-form references to a specific judge or justice are also capitalized. For example:

The decision was written by Justice Jones of the New York Supreme Court. The Justice reasoned . . .

General references to “judge” or “justice” are not capitalized, except when referring to a judge or justice of a named court. For example:

Many judges have written . . .

but

Many Judges of the New York Court of Appeals have written . . .

(2) Other Judicial Officers

Capitalize the following when part of a personal name or when used as a short-form reference to a specific individual:

Administrative Law Judge

Referee

Special Referee

Surrogate

Workers' Compensation Law Judge

Judicial Hearing Officer

Hearing Examiner

Magistrate

Support Magistrate

General references to these judicial officers are not capitalized:

an administrative law judge

the referees

the judicial hearing officers

Do not capitalize:

trial judge

trial justice

10.1 (j) Political Terms

Capitalize references to political parties, but lowercase references based upon the principles of a democratic political system. Likewise, lowercase general references to primary and general elections.

Democratic Party

Republican primary election

democratic process

republican government

10.1 (k) Acts, Bills, Codes, Constitutions, etc.

(1) Titles of Acts, Ordinances, Regulations, etc.

Capitalize the titles of acts, ordinances, regulations, etc.: Urban Development Corporation Act, Emergency Tenant Protection Regulations, Zoning Ordinance of the Town of Bedford.

In general, lowercase the words “act,” “statute,” “ordinance,” “regulation,” “code,” etc., when standing alone. However, references to these words may be capitalized when standing alone if used as a short form after the first mention of a fully identified specific enactment not appearing in Appendix 4.

Lowercase general references to federal, state and municipal codes, such as housing regulations, steel code, oil code and building code.

Lowercase statute of limitations, statute of frauds and rule against perpetuities.

(2) Popular Names of Acts and Constitutional Clauses

Capitalize the popular names of federal and state acts and constitutional clauses, for example: Dead Man’s Statute, No-Fault Law, Federal Clean Water Act, Due Process Clause, Equal Protection Clause, Gift or Loan Clause, Speech or Debate Clause.

When multiple constitutional clauses are discussed, the word “Clauses” is capitalized: Takings and Due Process Clauses.

(3) Constitutions

Capitalize constitution when referring to the specific constitution of any nation or state, *but* lowercase it as a general term.

New York Constitution *or* New York State Constitution

the State Constitution

a state constitution

state constitutional

United States Constitution *or* Federal Constitution

Capitalize amendments to the constitution when referred to by number, such as the Fifteenth Amendment. When referred to by name, capitalize if the full title is given, such as the Child Labor Amendment; *but* lowercase “amendment” as a general term—“a constitutional amendment.”

10.1 (l) Crimes

Lowercase names of crimes:

class D felony

petit larceny

10.1 (m) Parties

Lowercase “plaintiff,” “defendant,” “appellant,” “respondent,” etc.

10.1 (n) Legal Documents

Lowercase complaint, answer, bill of particulars, interrogatories, separation agreement, opinion, qualified domestic relations order, temporary restraining order, will, trust and similar terms.

10.1 (o) Regional Names

Capitalize commonly used regional names:

Lower Manhattan

South Bronx

Historic District

Capital District

10.1 (p) Animal Breeds

Capitalize only proper nouns and adjectives:

English setter

King Charles spaniel

golden retriever

10.1 (q) Numbered Items

Lowercase references to numbered items, such as indictments, interrogatories, apartments, indexes, etc.:

indictment No. 3587-83

apartment 6B

license No. 137 ACH

damage parcel No. 6

exhibit B

juror No. 9

10.2 NUMERALS, NUMBERS AND SYMBOLS**10.2 (a) Numerals and Numbers****(1) Spelling Out**

In general, numbers up to and including nine should be spelled out and numbers above nine should be denoted by figures. However, the style of the larger numbers controls the style of the smaller ones, when used in the same context (e.g. “The victim was uncertain whether the gunman used an 8-, 10-, or 20-shot handgun”). Ordinarily, spell out numbers that begin a sentence (e.g. “Forty-five men were injured in the battle”). As an exception to the general rule, counts of an indictment should appear as numerals (e.g. “Defendant contends that his conviction under count 3 must be dismissed”).

(2) Dollar Amounts

Figures may be used for dollar amounts of any size: \$1, \$50, \$1 million.

(3) Fractions

Fractions standing alone should be spelled out as follows:

two-thirds share

one-third-inch pipe

one half the farm

Fractions accompanied by whole numbers should appear in numerical form as follows:

$3\frac{3}{4}$ shares

$10\frac{1}{2}$ barrels

(4) Roman Numerals

Retain Roman numerals that are used in articles of federal and state constitutions and statutes, proper names, names of events and otherwise in accordance with standard authorities. Roman numerals may be used alone or with text as a heading to delineate paragraphs or sections of an opinion.

(5) Criminal Sentences

(a) Determinate Term Sentences

For determinate term sentences, apply the rule in section 10.2 (a) (1) (numbers up to and including nine should be spelled out and numbers above nine should be denoted by figures) as follows:

Defendant's term of probation was reduced to four years.

Defendant was sentenced to a prison term of 15 years.

or

Defendant was sentenced to 15 years' imprisonment.

For fractions, use section 10.2 (a) (3) as follows:

Defendant was sentenced to a determinate prison term of $3\frac{3}{4}$ years.

(b) Indeterminate Term Sentences

For indeterminate term sentences, numerical figures are used as follows:

Defendant's sentence was reduced to a prison term of 3 to 6 years.

Defendant was sentenced to a prison term of 8 years to life.

(6) Firearms

Reference to specific types of firearms should appear in the form that follows:

9 millimeter

.38 caliber

12 gauge

(7) Sex Offender Risk Levels, Prisoner Disciplinary Hearings, Attorney Disciplinary Charges and State Retirement Tiers

Reference to sex offender risk levels, prison disciplinary hearings, attorney disciplinary charges and state retirement tiers should appear as follows:

charge one

tier III disciplinary hearing

level three sex offender

risk factor 8

tier 3 [Note: New York State retirement level]

(8) Ages

four year old, *but*

four-year-old child

(9) Numbered Lists

When using numbers to identify items in a list that is interwoven in a sentence, place the numbers within parentheses. If the list is in columnar format, omit the parentheses and add a period after each number. For example:

Two principal issues were addressed: (1) whether section 6-2 was inconsistent with state law; and (2) whether parts of the subject code were inconsistent.

Three officers comprised the board:

1. president

2. vice president

3. secretary-treasurer

(10) Ordinals

In citations, figures representing ordinal numbers ending in 2 or 3 should use “—d” rather than “—nd” or “—rd.” For example: (S Rep 103-361, 103d Cong, 2d Sess). However, “—nd” and “—rd” should be used in running text as follows: “The 102nd Congress could not pass a rule that would bind the 103rd Congress.” For purposes of spacing, numbers, including ordinals, are treated as single capital characters, which should abut only other single capital characters (e.g. NY3d *and* AD3d, *but* Misc 3d).

10.2 (b) Symbols

(1) General Rule

Use numerals with symbols (5¢, \$9, 15%). For numbers up to nine, words may be used with words (five cents, nine dollars, two percent). The style of the larger numbers controls the style of the smaller ones (“the unemployment rate ranged from 5% to 13%” *not* “the unemployment rate ranged from five percent to 13%”).

(2) Distances and Measurements

Distances and measurements should be treated as follows:

100 feet by 100 feet, *not* 100' x 100'

10 inches, *not* 10”

90 degrees, *not* 90°

When all numbers in a distance or measurement are less than 10, spell out the numbers.

Example: five feet, nine inches *but* 5 feet, 11 inches

(3) Percentage

.21% blood alcohol content

or

.21 of one percent blood alcohol content

10.3 DATES AND TIME**10.3 (a) Month, Day and Year**

Place a comma after the day and after the year. Omit the comma after the year if the date is used as an adjective.

The parties were married on June 11, 1993, in Schenectady.

The March 14, 2017 blizzard caused widespread business closings.

10.3 (b) Month and Year

The transactions took place in October 1989 at the Chicago Board of Trade.

During July of 2014, the parties entered into a contract.

10.3 (c) Day and Year

The parties were married on Thanksgiving Day 1993.

10.3 (d) Year Only

The document was signed in 2000.

10.3 (e) Decades

1920s

10.3 (f) Centuries

twentieth century

twenty-first century

10.3 (g) Abbreviation of Months

All the months of the year, with the exception of May, June and July, should be abbreviated when used in parentheses or footnote citations: (Sept. 1). Months should be spelled out when part of a textual sentence in footnotes.

10.3 (h) Time

Use figures to denote time as follows:

8:00 p.m.

12:15 a.m.

From 7:00 a.m. to 9:00 a.m., *or* 7:00 to 9:00 a.m.

4 o'clock

10.3 (i) Seasons

spring

summer

fall

winter

10.4 NAMES

10.4 (a) Names of Judges

(1) Names in Appeal Statements

In appeal statements, use the full name of the judge.

(2) Names in Running Text

The name of the judge in running text may, but need not, include the full name:

The decision of Justice Pound (later Chief Judge of the Court of Appeals) at Special Term . . .

Chancellor Kent's opinion pointed the way . . .

Judge Edward T. Bartlett of the Court of Appeals said . . .

(3) Name at Opinion Opening

At the opening of each opinion the name of the judge appears as follows:

Chief Judge DiFiore

Stark, J.

First names may be added to avoid ambiguity:

Patricia D. Marks, J.

(4) Names in Parentheses

(Smith, J.) [for Judge/Justice]

(Smith, Ch. J.) [for Chief Judge]

(Smith, P.J.) [for Presiding Justice]

(Smith, J.P.) [for Justice Presiding]

(Smith, S.M.) [for Support Magistrate]

(Smith, H.E.) [for Hearing Examiner]

(Smith, Special Ref.) [for Special Referee]

(Smith, J.H.O.) [for Judicial Hearing Officer]

(Smith, S.) [for Surrogate]

(Smith, A.J.) [for Acting Judge/Justice]

10.4 (b) Personal Names

Use the style of personal names as given in the record or briefs. In the event of conflicting styles, follow the personal name style used in papers submitted by or on behalf of that individual.

10.4 (c) Corporate Names

Capitalize the word “the” if it is part of the formal name of an entity and the full formal name is written; do not capitalize “the” if a familiar or short form of the name is used.

The New York Times Company, *but* the New York Times

The Salvation Army USA, *but* the Salvation Army

The Legal Aid Society

11.0 QUOTATIONS AND QUOTATION MARKS**Contents of Section**

11.1 QUOTATIONS**11.1 (a) General Rule****11.1 (b) Punctuation of Quotations****11.1 (c) Ellipsis; Omitted Material****(1) Generally****(2) Using Ellipsis with a Period****(3) Using Ellipsis with Other Punctuation****11.1 (d) Brackets****11.1 (e) Using “[sic]”****11.1 (f) Material Emphasized****11.1 (g) Statutory and Regulatory Material****11.2 QUOTATION MARKS****11.2 (a) Single-Paragraph Quotations****11.2 (b) Multiple-Paragraph Quotations****11.2 (c) Multiple Quotation Marks****11.2 (d) Quotation Marks and Short-Form References****11.1 QUOTATIONS****11.1 (a) General Rule**

Quotations should be verbatim as to word style, citation style and punctuation. All quotations, including blocked quotations, must be enclosed within quotation marks (*see* § 11.2).

Block quotations of 50 words or more in opinions. Quotations in Appellate Division memorandum decisions are not blocked. Multiple-paragraph quotations in Appellate Division memorandum decisions should be set out as tabbed paragraphs. A citation immediately following a block quote (this includes the source of the quoted language and/or any other cited sources) should be included with the blocked text rather than at the beginning of a new unblocked line.

11.1 (b) Punctuation of Quotations

Commas and periods are placed within the ending quotation mark; colons and semicolons are placed outside. Other punctuation, such as question marks and exclamation marks, is placed within the ending quotation mark only if part of the quoted material.

11.1 (c) Ellipsis; Omitted Material**(1) Generally**

An ellipsis is three periods, with spaces before each and after the third (. . .).

Do not use an ellipsis at the beginning of a quotation.

The omission of punctuation or one or more words from the middle of a quotation is indicated by an ellipsis.

The omission of a paragraph(s) from a multiple-paragraph quotation is indicated by an ellipsis placed at the end of the line of text preceding the omission.

The omission of internal quotation marks or case citations from a quotation is indicated by a parenthetical, such as (internal quotation marks and citation omitted), in which case ellipses are not necessary.

The omission of brackets or ellipses from a quotation is indicated by a parenthetical such as (alterations omitted).

(2) Using Ellipsis with a Period

Use an ellipsis followed by a period to indicate one or more words omitted at the end of a quoted sentence if the quoted portion that remains is an independent clause (last quoted word . . .). Otherwise, use only a period.

Indicate an omission between quoted sentences as follows if retention of the period is desired:

If the end of the preceding sentence is omitted, insert an ellipsis followed by a period (last quoted word of preceding sentence . . . First word of next sentence).

If the beginning of the succeeding sentence is omitted, insert an ellipsis after the period that concludes the preceding sentence (last word of preceding sentence. . . [F]irst quoted word of next sentence).

Indicate omission of a full sentence(s) between quoted sentences by retaining the period at the end of the last word of the sentence preceding the omission and inserting an ellipsis between the period and the first word of the next quoted sentence (last word of preceding sentence. . . First word of next sentence).

(3) Using Ellipsis with Other Punctuation

Include other punctuation (comma, semicolon, etc.) from the source if required for the sense or grammar of the quoted sentence. Place the ellipsis before the punctuation if the omitted material precedes the punctuation (word . . . , next word). Place the ellipsis after the punctuation if the omitted material follows the punctuation (word, . . . next word).

11.1 (d) Brackets

Use brackets to indicate that language has been added or modified. Use empty brackets with a space (i.e. “petitioner[]”) to indicate the omission or alteration of one or more characters of a word (*see* § 14.3 [a]). Alterations in the source of a quotation do not require an explanatory parenthetical, such as (brackets in original). If bracketed language replaces language omitted, do not indicate the omission with an ellipsis. If the end of a word is omitted or altered and the immediately succeeding language is omitted, use brackets and an ellipsis to indicate those changes.

Footnote numbers added within quoted language should be placed in superscript brackets. For example: The Appellate Division stated that “[u]nless the People’s consent to the plea was obtained, as required by CPL 220.10 (4),^[18] County Court was required to vacate the plea and the judgment based thereon.”

11.1 (e) Using “[sic]”

When the quoted material contains mistakes that the author does not wish to correct by substituting bracketed language, the author may indicate that the mistake appeared in the original by inserting “[sic]” after the mistaken language.

11.1 (f) Material Emphasized

Do not use: (emphasis in original).

To add emphasis to a quotation, use italics and add a parenthetical: (emphasis added). However, when the source document in which a quotation is found uses a different style of emphasis (e.g. underscoring, boldface), retain that style. When emphasis in the source document is retained in a quotation and the author wishes to add further emphasis, use italics and add a parenthetical, such as (additional emphasis added). When emphasis in a source document is omitted from a quotation, add a parenthetical: (emphasis omitted).

11.1 (g) Statutory and Regulatory Material

Although some material in statutes and regulations is bold-faced, quotations of that material should be in normal type.

11.2 QUOTATION MARKS**11.2 (a) Single-Paragraph Quotations**

Single-paragraph quotations have quotation marks at the beginning and the end of the quoted language.

11.2 (b) Multiple-Paragraph Quotations

Multiple-paragraph quotations have quotation marks only at the beginning of each paragraph and at the end of the last paragraph.

11.2 (c) Multiple Quotation Marks

If the quotation contains language that is already quoted (a quotation within a quotation), the previously quoted language may be enclosed within single quotation marks (‘). Likewise, a quotation within a quotation within a quotation may be enclosed within double quotation marks (“). For example: The court reviews “whether counsel’s performance ‘viewed in totality’ amounts to ‘meaningful representation’” (*People v Grey*, 34 AD3d 832, 833 [2d Dept 2006]). See section 14.3 (b) for spacing of multiple quotation marks.

Alternatively, a quotation of language already containing quotations may omit internal quotation marks in the following manner: The court reviews “whether counsel’s performance viewed in totality amounts to meaningful representation” (*People v Grey*, 34 AD3d 832, 833 [2d Dept 2006] [internal quotation marks omitted]).

11.2 (d) Quotation Marks and Short-Form References

To shorten a name, do not use quotation marks within parentheses, e.g. American Red Cross of Greater New York (Red Cross), *not* American Red Cross of Greater New York (“Red Cross”).

12.0 WORD STYLE IN GENERAL**Contents of Section**

12.1 BIAS-FREE WRITING**12.1 (a) Using Inclusive Terms****12.1 (b) Using Gender-Neutral Pronouns****12.1 (c) Using Characteristics to Describe People****12.1 (d) Additional Background****12.2 COMPOUND AND HYPHENATED WORDS AND PHRASES****12.2 (a) Compound Words****12.2 (b) Hyphenated Adjectival Phrase****12.2 (c) Hyphenated Prefix****12.2 (d) Typography****12.3 FOREIGN WORDS AND PHRASES****12.3 (a) Using English-Language Words and Phrases****12.3 (b) Using Foreign Words and Phrases****12.3 (c) Typography****12.4 PERSONAL IDENTIFYING INFORMATION****12.4 (a) Personal Names****(1) Children****(2) Other Persons****(3) How to Redact****12.4 (b) Numerical Identifiers****(1) Account Numbers****(2) Birth Dates****(3) How to Redact****12.4 (c) Other Identifying Information****12.4 (d) Consistent Application of Omissions and Redactions****12.4 (e) Mandatory Redaction in Matrimonial Decisions for Publication****12.4 (f) Other Considerations****12.5 USING SUPRA AND INFRA**

12.1 BIAS-FREE WRITING

12.1 (a) Using Inclusive Terms

Avoid language that reasonable readers might find offensive or distracting. For example:

Use	Avoid
administrator	administratrix
a one-person operation	a one-man operation
artificial	man-made
Assembly Member, Member of the Assembly	Assemblyman
battered syndrome, battered-person syndrome	battered woman syndrome
businessperson, executive	businessman
chair, chairperson	chairman
colleagues	brethren
diplomacy	statesmanship
drafter	draftsman
executor	executrix
firefighter	fireman
presiding juror, foreperson	foreman
supervisor [Note: employment context]	foreman
high-ranking officials	men in high places
homemaker	housewife
journalists	gentlemen of the press
Member of Congress, Representative	Congressman
members of the jury	gentlemen of the jury
nurse	male nurse
police officer	policeman
reasonable person	reasonable man
representative	spokesman
staff	manpower
worker	workman
marriage	same-sex marriage
another sex, different sex	opposite sex
gay, lesbian	homosexual

Use	Avoid
gender transition, sex reassignment	sex change
sexual orientation	sexual preference
transgender, transgender woman, transgender man, transgender people	transsexual
intersex	hermaphrodite
John Doe	Mr. Doe
Jane Smith	Miss/Mrs./Ms. Smith
Black	African-American
legacy	grandfather clause
undocumented, noncitizen	illegal alien
screen	Chinese wall
intellectual disability, neurodiversity	mental retardation

12.1 (b) Using Gender-Neutral Pronouns

Avoid using “he” or “she” as a generic pronoun. “He” or “she” should not be used to refer to a group of people that may include men and women or an individual whose gender is not known. Instead, you might:

1. Eliminate the pronoun altogether. For example, “A court clerk can give you *her* advice on that form,” can be changed to “A court clerk can give you advice on that form.”
2. Find a neutral article or pronoun, such as “a,” “the,” or “this.” “A judge can always make *his* ruling orally,” might be replaced by “A judge can always make *the* ruling orally.”
3. Rearrange the sentence to use “who” as the pronoun. “If someone wants an adjournment, *he* should ask for it during the calendar call,” can be altered to “A person *who* wants an adjournment should ask for it during the calendar call.”
4. Replace the pronoun with a noun. “You should find a court officer. *He* is the one who can help you,” can be changed to “You should find a court officer. That is the *person* who can help you.”
5. Use a plural pronoun. Instead of writing, “A juror must make *his* own assessment of the credibility of each witness,” you can write, “Jurors must make *their* own assessments of the credibility of each witness.”

6. Use “they,” “their,” “them” and “themselves” as singular pronouns. “A judge can always make his ruling orally,” might be replaced by “A judge can always make their ruling orally.” Where a party expresses a preference for gender-neutral pronouns (it is increasingly common for transgender and nonbinary litigants to use they/them pronouns), “they” can be used as follows (with a plural verb): “Plaintiff alleged that they were injured when the car came to a sudden stop.” Consider adding a footnote or parenthetical clarifying the intentional use of the singular they.

12.1 (c) Using Characteristics to Describe People

Avoid irrelevant references to personal characteristics such as sex, race, ethnicity, disability, age, religion, gender identity, or sexual orientation. When relevant, consider the language preferred by the parties and, when using specific pronouns, use the pronouns that are used by the subject, if known. Generally, in formal legal writing, use terminology that emphasizes the person over the characteristic (e.g. individuals with disabilities, child who uses a wheelchair). Characteristics should also be used as adjectives, not nouns (e.g. Muslim woman, transgender person, Hispanic man, older adult, Black woman). Avoid language that equates persons with their condition (e.g. epileptics, autistics or quadriplegics); has negative overtones (e.g. afflicted with cerebral palsy, suffering from multiple sclerosis, confined to a wheelchair or wheelchair bound); or is regarded as derogatory or demeaning (e.g. handicapped, mentally deficient, avowed homosexual).

12.1 (d) Additional Background

New York State Unified Court System Office of Diversity & Inclusion, <https://ww2.nycourts.gov/careers/diversity/index.shtml>.

Code of Judicial Conduct Cannon 3 (22 NYCRR 100.3 [B] [4], [5]).

New York State Judicial Committee on Women in the Courts, *Fair Speech: Gender Neutral Language in the Courts* (NY St Unified Ct Sys [2017], <https://www.nycourts.gov/ip/womeninthecourts/pdfs/fair-broch2.pdf>).

New York State Unified Court System Advisory Committee on Judicial Ethics Opinion 21-09 (2021), <https://www.nycourts.gov/legacyhtm/ip/judicialethics/opinions/21-09.htm>.

12.2 COMPOUND AND HYPHENATED WORDS AND PHRASES

12.2 (a) Compound Words

Compound words may be open (e.g. case law), closed (e.g. courthouse) or hyphenated (e.g. self-defense). With frequent use, open and hyphenated compounds tend to become closed over time (e.g. “on line” to “on-line” to “online”).

12.2 (b) Hyphenated Adjectival Phrase

Compound modifiers formed of two or more words (i.e. adjectival phrases) should generally be hyphenated when they precede the noun modified (e.g. well-settled law). Adjectival phrases need not be hyphenated when they follow a noun (e.g. the law is well settled), but should be if ambiguity might otherwise result.

12.2 (c) Hyphenated Prefix

Generally, hyphenate a prefix to a root word only where ambiguity might otherwise result (e.g. re-present, not represent; re-serve, not reserve).

12.2 (d) Typography

See Appendix 5 for compound and hyphenated words and phrases commonly used in legal writing. Refer to Merriam-Webster.com Dictionary (<https://www.merriam-webster.com/>) for more guidance. See also section 10.2 for hyphenation of numbers.

12.3 FOREIGN WORDS AND PHRASES

12.3 (a) Using English-Language Words and Phrases

The use of Latin and other foreign-language words and phrases generally is discouraged where an English-language equivalent is available. Legalisms are also discouraged. For example, consider these substitutes:

Instead of	Consider Using
ab initio	from the beginning; from the inception
ad infinitum	forever; without end
a fortiori	for an even stronger reason
arguendo	for the sake of argument; hypothetically; assuming

Instead of	Consider Using
cestui que trust	beneficiary
circa	about
dehors	out of; beyond; outside
ex contractu	from a contract; contractual; in contract
indices	indexes
in loco delicti	in the place of the offense
in praesenti	in the present; at the present time
in statu quo	in the present condition
inter alia	among others; among other things
inter se	among themselves; between themselves
in toto	completely; in all; totally; on the whole
make a motion	move
nisi prius	trial court
opinion per	opinion by
or, in the alternative	or
pro rata	proportional; proportionate
pro tanto	partial; as far as it goes
qua	in the capacity of; as
quantum	amount
quondam	former
said	the
same	it; them
sans	without
sub silentio	silently; under silence
such	the; this <i>or</i> that
to wit	namely
viz.	namely

12.3 (b) Using Foreign Words and Phrases

The use of Latin and other foreign words and phrases is appropriate where the word or phrase has become part of standard English or is a legal term of art.

12.3 (c) Typography

Foreign words and phrases should generally be in italics. However, words and phrases that have become part of standard English or are legal terms of art should be in roman (not italics). See Appendix 5 for examples of foreign words and phrases commonly used in legal writing that should be in roman (not italics). For other words, refer to Black's Law Dictionary, including Appendix A, which includes legal maxims, which will indicate whether to use italics or roman. See also section 13.7.

12.4 PERSONAL IDENTIFYING INFORMATION

Privacy interests of individuals should be protected by omitting irrelevant references to personal identifying information and redacting necessary references.

12.4 (a) Personal Names

(1) Children. The name of any person younger than 18 years old should not appear in any published opinion. This includes the surname of an adoptive child (Domestic Relations Law § 112 [4]) and the name of a subject of a youthful offender proceeding (*see* CPL 720.35 [2]). Nor should any opinion contain the surname of any person, such as a parent, who shares a surname with the child.

(2) Other Persons. The names of affected persons should not appear in any published opinion where court records are made confidential by law or where the sensitivity or circumstances of the case raise privacy concerns. For example:

(a) The name of any victim of a sex offense or of an offense involving the alleged transmission of HIV should not be published (Civil Rights Law § 50-b).

(b) In Family Court proceedings, the names of the individual parties should not be published. This includes custody, paternity, family offenses, juvenile delinquency and PINS proceedings, foster care proceedings, child abuse and neglect proceedings, and support proceedings. (*See* Family Ct Act § 166.)

(c) In proceedings under Mental Hygiene Law article 9 (hospitalization of individuals with mental illness), the name of the subject individual should not be published (*see* Mental Hygiene Law §§ 9.11, 33.13).

(d) In matrimonial actions, the parties' names should not be published where access to the matrimonial files has been limited pursuant to Domestic Relations Law § 235. See also section 12.4 (e).

Special consideration should be given to the possibility that, under the circumstances of a case, the identification of a person in a published decision may raise concerns for that person's privacy or safety, even if that person's role in the case is already a matter of public record. This rule may require redaction of the names of witnesses or other nonparties who are referenced in text.

(3) How to Redact. If reference to protected personal names is necessary, use real or fictitious initials or other formats that shield the person from identification. For example, George Jones may be replaced by George J., or G.J., or George RR, or Anonymous.

12.4 (b) Numerical Identifiers

(1) Account Numbers. Numerical identifiers such as Social Security numbers; bank, credit and debit card numbers, insurance policy numbers and other financial account numbers; and driver's license numbers should not appear in any published opinion.

(2) Birth Dates. The exact date of birth of any individual should not appear in any published opinion.

(3) How to Redact. If reference to numerical identifiers is necessary, only the last three or four digits should be used (e.g. xxx/xx/1234). If reference to date of birth is necessary, use only the year (e.g. xx/xx/1975).

12.4 (c) Other Identifying Information

Other identifying detail, such as an exact street address, email address, home or work telephone number, name of a child's school or name of a person's employer, should be redacted in whole or in part where publication of that information would tend to identify a person whose identity requires protection under section 12.4 (a) or is not essential to the opinion.

12.4 (d) Consistent Application of Omissions and Redactions

Omissions and redactions should be applied consistently within a decision and to all subsequent decisions in the same action or proceeding, whether they issue out of the trial court or appellate courts. When the name of a party is redacted in

the title of a decision, the names of family members sharing the party's surname should also be redacted.

12.4 (e) Mandatory Redaction in Matrimonial Decisions for Publication

Uniform Rules for Trial Courts (22 NYCRR) § 202.16 (o) requires omission or redaction of certain confidential personal information from matrimonial decisions submitted for publication, whether or not a sealing order is or has been sought. That confidential information includes: individual or entity taxpayer identification numbers or any financial account numbers, except the last four digits; the actual home address of parties and their children; the full name of an individual known to be under the age of 18 or of either party in cases containing allegations of domestic violence, neglect, abuse, juvenile delinquency or mental health issues; and any individual's birth date, except the year of birth. The most recent version of section 202.16 (o) should be reviewed and required redactions made prior to submitting any matrimonial decision for publication.

While redaction of the adult parties' names is not required in all instances, it is strongly encouraged when inclusion of the parents' full names will likely reveal the identities of minor children whose names are required to be redacted in all published matrimonial decisions.

12.4 (f) Other Considerations

Many statutes and rules address privacy without reference to publication. Cases involving the Civil Rights Law, Criminal Procedure Law, Family Court Act, Domestic Relations Law, Mental Hygiene Law, Public Health Law and Social Services Law, as well as specialized acts like HIPAA, the Child Victims Act and the Red Flag Law, should be reviewed carefully before submission for publication. In addition, even where confidentiality is not required, resolution of the issue in dispute may affect an individual's right to privacy, such as where a party requests youthful offender status, a statute requires the sealing of a defendant's record after conviction, or a sex offender challenges their risk level. A nonparty's right to privacy should also be considered, such as where a complainant or witness is a victim of domestic violence or stalking. Special consideration should be given in these—and other—cases to whether an individual's name, address, or other identifying information should be redacted for publication purposes, in the discretion of the judge. Note that this standard may differ from what is required for an anonymous caption or sealing purposes (*see e.g.* 22 NYCRR 216.1).

12.5 USING SUPRA AND INFRA

If desired, *supra* and *infra* may be used to cross-reference text or a footnote in an earlier or later portion of an opinion. Include the specific page or footnote number that is being cross-referenced.

For example:

(See n 12, *infra*)

(Discussion of burden of proof, *supra* at 3-4)

(See Summary Judgment Standard, *supra* at 5)

—Notes—

—Notes—

PART III: TYPOGRAPHY AND SPACING

13.0 TYPOGRAPHY

Contents of Section

13.1 TITLES OF DECISIONS

13.2 PARAGRAPH AND SECTION HEADINGS

13.3 TABLES

13.4 JUDGE NAME IN OPINION OPENING AND VOTE LINE

13.5 SMALL CAPITALS

13.6 ADDED EMPHASIS

13.7 FOREIGN WORDS AND PHRASES

13.8 NAMES OF NEWSPAPERS, MAGAZINES, BOOKS, ETC.

13.1 TITLES OF DECISIONS

Name portions of a title are set in large and small capitals:

JOHN J. MURPHY et al., as Administrators C.T.A. of the Estate of
MARTIN T. MURPHY, Deceased, Plaintiffs, v GEORGE SMITH, as Admin-
istrator D.B.N. of the Estate of THOMAS SMITH, Deceased, Defen-
dant.

13.2 PARAGRAPH AND SECTION HEADINGS

Main headings and their component subheadings may comprise phrases or sentences. Capitalize words appearing in phrases with preference to an uppercase style; lowercase articles, short conjunctions and prepositions. Underscore the heading; do not use small capitals. Capitalize words appearing in sentences in accordance with section 10.1 (a). For example:

Background Information and Procedural History

Plaintiff's Motion for Summary Judgment

The Parties' Contentions and the Law

Defendant's motion to suppress his statements to the police is granted.

The heading may be centered or flush left depending on the author's preference, but placement within an opinion should be consistent. Both flush left and centered headings may be used in a single decision to clarify the hierarchy of main headings and subheadings.

13.3 TABLES

Create a data table in an opinion by using a word processor's table formatting features rather than manually inserting spaces or tabs. In WordPerfect, select "Table" from the menu at the top of the page; in Word, select "Insert" from the menu at the top of the page. Assistance is available in WordPerfect by selecting "Help" from the menu at the top of the page and in Word by pressing the F1 key on the keyboard.

13.4 JUDGE NAME IN OPINION OPENING AND VOTE LINE

The names of the judges at the opening of the opinion in the majority, dissent, etc., and in the vote line at the end of the opinion are set in large and small capitals, e.g. Chief Judge DiFiore.

13.5 SMALL CAPITALS

Do not use small capitals in the body of an opinion or in footnotes.

13.6 ADDED EMPHASIS

To add emphasis to a word or phrase, italicize it.

13.7 FOREIGN WORDS AND PHRASES

Foreign words and phrases should generally be in italics. However, words and phrases that have become part of standard English or are legal terms of art should be in roman (not italics). See Appendix 5 for examples of foreign words and phrases commonly used in legal writing that should be in roman (not italics). For

other words, refer to Black's Law Dictionary, including Appendix A, which includes legal maxims, which will indicate whether to use italics or roman.

13.8 NAMES OF NEWSPAPERS, MAGAZINES, BOOKS, ETC.

Names of newspapers, magazines, books, etc., appearing in text should not be italicized.

New York Times

Saturday Review of Literature

New York Law Journal

Black's Law Dictionary

Newsweek

To Kill a Mockingbird

—Notes—

14.0 SPACING**Contents of Section**

14.1 ABBREVIATION SPACING**14.2 STATUTORY SPACING****14.3 OTHER SPACING****14.3 (a) Empty Brackets****14.3 (b) Quotation Marks****14.1 ABBREVIATION SPACING**

There is no space between adjacent single-letter abbreviations used in either case names or titles of actions and proceedings. For example:

Erie R.R. v St. Mark's R.C. Church

THOMAS MOORE, M.D., P.C., Respondent, v EVANS & LEE, LLP, Appellant.

In the Matter of S.M., Petitioner, v M.M., Respondent.

14.2 STATUTORY SPACING

Spaces are inserted between the section number and each subsequent division cited as follows:

(Town Law § 199_Δ[1]_Δ[a];_Δ[4])

(Domestic Relations Law § 236_Δ[B]_Δ[6]_Δ[a])

14.3 OTHER SPACING**14.3 (a) Empty Brackets**

Where an empty bracket is used to indicate the omission or alteration of one or more characters of a word, insert a space between the brackets as follows:

“The petitioner[_Δ] presented proof which was rejected by the board.”

14.3 (b) Quotation Marks

A space is included between single and double quotation marks as follows:

The court reviews “whether counsel’s performance ‘viewed in totality’ amounts to ‘meaningful representation’^Δ” (*People v Grey*, 34 AD3d 832, 833 [2d Dept 2006]).

—Notes—

—Notes—

PART IV: APPENDIXES

Contents of Section

- APPENDIX 1 — COMMON CASE NAME ABBREVIATIONS
- APPENDIX 2 — ABBREVIATION OF CASE LAW REPORTS
- APPENDIX 3 — APPELLATE HISTORY AND OTHER ABBREVIATIONS USED IN CITATIONS
- APPENDIX 4 — STYLE AND ABBREVIATION OF PARTICULAR STATUTES
- APPENDIX 5 — STYLE OF PARTICULAR WORDS
- APPENDIX 6 — TITLES IN VARIOUS ACTIONS AND PROCEEDINGS, WITH CASE NAMES
- APPENDIX 7 — CITATIONAL FOOTNOTE STYLE (MODEL OPINION)
- APPENDIX 8 — FORMULATION OF SUMMARIES (APPEAL STATEMENTS)

APPENDIX 1

COMMON CASE NAME ABBREVIATIONS

(Add “s” inside the period for plural use, unless otherwise indicated. Do not abbreviate terms used as a possessive [Employers’ *not* Empls.] and do not abbreviate the first word of a party name [General Elec. Co. *not* Gen. Elec. Co.])

Accident	Acc.
Adjustment	Adj.
Administrat[ion, ive]	Admin.
Administrat[or, rix]	Adm[r, x].
Advertise, Advertising	Adv.
Agricult[ural, ure]	Agric.
Air Conditioning	A.C.

Aktiengesellschaft	AG.
America[n]	Am.
And	&
Apartment	Apt.
Article	Art.
Associate[s]	Assoc.
Association	Assn.
Assurance	Assur.
Atlantic	Atl.
Authority	Auth.
Automobile, Automotive	Auto.
Avenue	Ave.
Besloten Vennootschap	B.V.
Board	Bd.
Boulevard	Blvd.
British	Br.
Brotherhood	Bhd.
Brothers	Bros.
Builder	Bldr.
Building	Bldg.
Bureau	Bur.
Business	Bus.
Canada, Canadian	Can.
Casualty	Cas.

Center, Centre	Ctr.
Central	Cent.
Chapter	Ch.
Chemical	Chem.
Civil	Civ.
College, Collegiate	Coll.
Commission	Commn.
Commissioner	Commr.
Committee	Comm.
Compagnie	Cie.
Compania	Cia.
Company	Co.
Congregational	Cong.
Consolidated	Consol.
Construction	Constr.
Continental	Cont.
Contract[ing, ual, or]	Contr.
Cooperative	Coop.
Co-operative	Co-op.
Corporation	Corp.
Correction[s, al]	Corr.
County	<i>Do not abbreviate</i>
Court	Ct.
Creek	Cr.

Debenture	Deb.
Department[al]	Dept.
Development[al], Developer	Dev.
Distribut[ing, ion, or]	Distrib.
District	Dist.
Division	Div.
Domestic	Dom.
Drive	Dr.
East[ern]	E.
Education[al]	Educ.
Electric[al, ity], Electronic	Elec.
Elevat[ed, or]	El.
Employ[ee, er, ment]	Empl.
Engineer	Engr.
Engineering	Engg.
Enterprise	Enter.
Environment	Envt.
Environmental	Envtl.
Equipment	Equip.
Equitable	Equit.
European	Eur.
Exchange	Exch.
Executive	Exec.
Execut[or, rix]	Ex[r, x].

Federal	Fed.
Federation	Fedn.
Fidelity	Fid.
Financ[e, ial, ing]	Fin.
Foundation	Found.
Freight	Frgt.
General	Gen.
Gesellschaft mit beschränkter Haftung	GmbH
Government	Govt.
Guarantee, Guaranty	Guar.
Heights	Hgts.
Highway	Hwy.
Honorable	<i>Do not abbreviate</i>
Horticult[ural, ure]	Hort.
Hospital	Hosp.
Housing	Hous.
Incorporated	Inc.
Indemni[ty, fication]	Indem.
Independent	Ind.
Industr[y, ies, ial, ials]	Indus.
Information	Info.
Institut[e, ion, ional]	Inst.
Insurance	Ins.

International	Intl.
Invest[or, ment, ing]	Inv.
Island[s]	Is.
Judicial	Jud.
Junction	Junc.
Junior	Jr.
Kommanditgesellschaft auf Aktien	KGaA
Laboratory	Lab.
Liability	Liab.
Library	Lib.
Lighting	Light.
Limited	Ltd.
Limited Liability Company	L.L.C. or LLC [as used by party]
Limited Liability Partnership	L.L.P. or LLP [as used by party]
Limited Partnership	L.P. or LP [as used by party]
Liquor	Liq.
Litigation	Litig.
Lumber	Lbr.
Machine[ry]	Mach.

Magazine	Mag.
Management	Mgt.
Manager	Mgr.
Manufacturer	Mfr.
Manufacturing	Mfg.
Marine, Maritime, Marina	Mar.
Market	Mkt.
Marketing	Mktg.
Mechanic, Mechanical	Mech.
Medical	Med.
Meeting	Mtg.
Memorial	Mem.
Merchandise	Mdse.
Methodist Episcopal	M.E.
Methodist Reformed	M.R.
Metropolitan	Metro.
Mineral, Mining	Min.
Mortgage	Mtge.
Mountain	Mtn.
Municipal	Mun.
Mutual	Mut.
Naamloze Vennootschap	N.V.
National	Natl.
National Association	N.A.

Naval, Navigation	Nav.
North[ern]	N.
Number	No.
Office	Off.
Optical, Optician	Opt.
Orchestra	Orch.
Organi[z,s]ation, Organi[z,s]ing	Org.
Pacific	Pac.
Pharmaceutical, Pharmacy	Pharm.
Philadelphia	Phila.
Presbyterian	Presbyt.
Preservation	Preserv.
Printing	Print.
Product[ion]	Prod.
Professional Corporation	PC or P.C. [as used by party]
Property	Prop.
Protestant	Prot.
Public	Pub.
Public Limited Company	plc
Publication, Publishing, Publisher, Published	Publ.
Purchasing	Purch.
Railroad	R.R.
Railway	Ry.

Rapid Transit	R.T.
Recording	Rec.
Refining	Ref.
Reformed	Refm.
Refrigerat[ing, ion]	Refrig.
Reinsurance	Reins.
Restaurant	Rest.
River	Riv.
Road	Rd.
Roman Catholic	R.C.
Route	Rte.
Saint	St.
Savings	Sav.
School	Sch.
Securit[y, ies]	Sec.
Service	Serv.
Sociedad Anónima, Società in accomandita per azioni, Société Anonyme	S.A.
Società per Azioni	S.p.A.
Société à Responsabilité Limitée	S.A.R.L.
Society	Socy.
South[ern]	S.
Square	Sq.
Standard	Std.

Station	Sta.
Steamship[s]	S.S.
Storage	Stor.
Street	St.
Superintendent	Supt.
Surety	Sur.
System[s]	Sys.
Techn[ical, ology, ologies]	Tech.
Tele[gram, graph, phone, vision]	Tel.
Telecommunication[s]	Telecom.
Terminal	Term.
Theatrical	Theat.
Theological	Theol.
Township	Twp.
Transit	Tr.
Transport[ation]	Transp.
Treasurer	Treas.
Tribunal	Trib.
Unitarian	Unit.
University	Univ.
Utilit[y, ies]	Util.
Valley	Val.
Vehicle	Veh.
Vicinity	Vic.

Village

Vil.

West[ern]

W.

—Notes—

APPENDIX 2**ABBREVIATION OF CASE LAW REPORTS****Contents**

A. New York**B. Federal****C. Other Reports****D. Public Domain Citation****A. NEW YORK****A**

Abbott's New Cases	Abb NC
Abbott's Court of Appeals Decisions	Abb Ct App
Abbott's Practice Reports	Abb Prac
Abbott's Practice Reports, New Series	Abb Prac [NS]
Anthon's Nisi Prius Cases	Anth NP, Anth NP2d
Appellate Division Reports 1st Series	App Div
Appellate Division Reports 2d Series	AD2d
Appellate Division Reports 3d Series	AD3d

B

Barbour's Supreme Court Reports	Barb
Barbour's Chancery Reports	Barb Ch
Bosworth's Superior Court Reports	Bosw
Bradbury's Pleading and Practice Reports	Bradb

Bradford's Surrogate's Reports	Bradf
C	
Caines' Cases	Caines' Cas
Caines' Reports	Caines
Chancery Sentinel	Ch Sent
City Court Reports (NY)	NY City Ct Rep
City Hall Recorder (NY)	NY City H Rec
City Hall Reporter (NY)	NY City H Rptr
Civil Procedure Reports	NY Civ Pro Rep
Civil Procedure Reports, New Series	NY Civ Pro Rep [NS]
Clarke's Chancery Reports	Clarke Ch
Code Reporter	NY Code Rptr
Code Reporter, New Series	NY Code Rptr [NS]
Code of Procedure Reports, New Series	NY Code Pro Rep [NS]
Coleman's Cases	Colem Cas
Coleman & Caines' Cases	Colem & C Cas
Connolly's Surrogate's Reports	Connoly
Court of Claims Reports	NY Ct Cl
Cowen's Criminal Reports	Cow Crim Rep
Cowen's Reports	Cow

D

Daly's Common Pleas Reports	Daly
Demarest's Surrogate's Reports	Dem
Denio's Reports	Denio
Duer's Superior Court Reports	Duer

E and F

E.D. Smith's Common Pleas Reports	ED Smith
Edmond's Select Cases	Edm Sel Cas
Edwards' Chancery Reports	Edw Ch

G and H

Gibbons' Surrogate's Reports	Gibbons
Hall's Superior Court Reports	Hall
Hill & Denio, Lalor's Supplement	Hill & Denio
Hill's Reports	Hill
Hilton's Common Pleas Reports	Hilt
Hoffman's Chancery Reports	Hoff Ch
Hopkins' Chancery Reports	Hopk Ch
Howard's Court of Appeals Cases	How App Cas
Howard's Practice Reports	How Prac
Howard's Practice Reports, New Series	How Prac [NS]
Hun's Supreme Court Reports	Hun

I and J

Johnson's Cases	Johns Cas
Johnson's Chancery Reports	Johns Ch
Johnson's Reports	Johns
Jones and Spencer's Superior Court Reports	Jones & Sp

K and L

Keyes' Reports	Keyes
Lansing's Reports	Lans
Lansing's Chancery Reports	Lans Ch
Livingston's Judicial Opinions	Liv Jud Op
Lockwood's Reversed Cases	Lock Revd Cas

M

Mills' Surrogate Reports	Mills
Miscellaneous Reports	Misc
Miscellaneous Reports 2d Series	Misc 2d
Miscellaneous Reports 3d Series	Misc 3d

N

New York Annotated Cases	NY Ann Cas
New York City Court Reports	NY City Ct Rep
New York City Hall Recorder	NY City H Rec
New York City Hall Reporter	NY City H Rptr
New York Civil Procedure Reports	NY Civ Pro Rep

New York Civil Procedure Reports, New Series	NY Civ Pro Rep [NS]
New York Code Reporter	NY Code Rptr
New York Code Reporter, New Series	NY Code Rptr [NS]
New York Code of Procedure Reports, New Series	NY Code Pro Rep [NS]
New York Criminal Reports	NY Crim Rep
New York Law Journal	NYLJ
New York Leading Cases, Annotated	NYLC Ann
New York Legal Observer	NY Leg Obs
New York Monthly Law Bulletin	NY Monthly Law Bull
New York Reports	NY
New York Reports 2d Series	NY2d
New York Reports 3d Series	NY3d
New York State Court of Claims Reports	NY Ct Cl
New York State Department of Education Reports	36 Ed Dept Rep 508 [Decision No. 13,787] [Note: decisions in volumes 1-49] 51 Ed Dept Rep, Decision No. 16,256 [Note: decisions in volume 50 and above]
New York State Department Reports	NY St Dept Rep

New York State Labor Relations Board, Decisions and Orders of	NYSLRB
New York State Law Digest	NY St Law Dig
New York State Reporter	NY St Rptr
New York Superior Court Reports (by Reporter)	Hall, Sandf, Duer, Bosw, Robt, Sweeny, Jones & Sp, Sheld
New York Supplement	NYS, NYS2d, NYS3d
New York Weekly Digest	NY Week Dig

O and P

Paige's Chancery Reports	Paige Ch
Parker's Criminal Reports	Parker Crim Rep
Power's Surrogates' Reports	Power
Public Employment Relations Board Reports	31 PERB ¶ 3050 [1998]
Public Service Commission of New York, Reports of	34 NY PSC 1524 [Op No. 94-24]
Public Service Commission of New York, First District, Proceedings of	19 PSCR [1st Dist, NY] 142
Public Service Commission of New York, Second District, Reports of Decisions of	9 PSCR [2d Dist, NY] 444

Q and R

Redfield's Surrogates' Reports	Redf
Robertson's Superior Court Reports	Robt

S

Sandford's Chancery Reports	Sandf Ch
Sandford's Superior Court Reports	Sandf
Selden's Notes of Cases	Seld Notes
Sheldon's Reports	Sheld
Silvernail's Court of Appeals Reports	Silvernail Ct App
Silvernail's Supreme Court Reports	Silvernail
Smith's (E.D.) Common Pleas Report	ED Smith
Sweeny's Superior Court Reports	Sweeny

T

Thompson and Cook's Supreme Court Reports	Thomp & C
Transcript Appeals	Transc App
Tucker's Surrogate's Reports	Tuck

U, V and W

Wendell's Reports	Wend
Wheeler's Criminal Cases	Wheel Crim Cas

X, Y and Z

Yates' Select Cases	Yates' Sel Cas
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B. FEDERAL

Bankruptcy Reporter	BR
Federal Appendix	Fed Appx
Federal Cases	22 F Cas 584 (ED Mo 1872, No. 13,071)
Federal Claims Reporter [1992-date] [see also US Court of Claims Reports and US Claims Court Reporter]	Fed Cl
Federal Reporter Series	F, F2d, F3d, F4th
Federal Rules Decisions	FRD
Federal Supplement Series	F Supp, F Supp 2d, F Supp 3d
Interstate Commerce Commission Reports	ICC
Motor Carrier Cases, Interstate Commerce Commission Reports	MCC
Supreme Court Reporter	S Ct
US Claims Court Reporter [1982-1992] [see also US Court of Claims Reports and Federal Claims Reporter]	Cl Ct
US Court of Claims Reports [1863-1982] [see also US Claims Court Reporter and Federal Claims Reporter]	Ct Cl

US Law Week	USLW
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US Reports (beginning with 91 US)	US
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US Reports (by Reporter, up to and including 90 US)	
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Dallas—	1 Dallas [1 US]
Cranch—	1 Cranch [5 US]
Wheaton—	2 Wheat [15 US]
Peters—	5 Pet [30 US]
Howard—	3 How [44 US]
Black—	1 Black [66 US]
Wallace—	4 Wall [71 US]

US Supreme Court Reporter	S Ct
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US Supreme Court Reports, Lawyers' Edition	L Ed, L Ed 2d
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US Tax Court	TC
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C. OTHER REPORTS

A and B

Alabama Appellate Court Reports [1910-1976]	Ala App
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Alabama Reports [1840-1976]	Ala
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Alaska Reports [1884-1959]	Alaska
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American Maritime Cases	AMC
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American Reports	Am Rep
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American State Reports	Am St Rep
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Arizona Reports [1866-date]	Ariz
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Arizona Court of Appeals Reports [1965-1976]	Ariz App
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Arkansas Appellate Reports [1981-2009] Ark App

Arkansas Reports [1837-2009] Ark

Atlantic Reporter A,
A2d,
A3d

C

California Appellate Reports [1905-date] Cal App,
Cal App 2d,
Cal App 3d,
Cal App 4th,
Cal App 5th

California Appellate Reports
Supplement Series
[1929-date] Cal App Supp,
Cal App 2d Supp,
Cal App 3d Supp,
Cal App 4th Supp

California Reporter [1959-date] Cal Rptr,
Cal Rptr 2d,
Cal Rptr 3d

California Reports [1850-date] Cal,
Cal 2d,
Cal 3d,
Cal 4th,
Cal 5th

Colorado Reports [1864-1980] Colo

Colorado Court of Appeals Reports
[1891-1915; 1970-1980] Colo App

Connecticut Appellate Reports
[1983-date] Conn App

Connecticut Reports [1814-date] Conn

Connecticut Supplement [1935-date] Conn Supp

Criminal Law Reporter	Crim L Rptr [BNA]
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D

Delaware Reports [1920-1966]	Del
Delaware Chancery Reports [1814-1968]	Del Ch
District of Columbia Appeals [1893-date]	US App DC
District of Columbia Reports	DC

E and F

Florida Reports [1846-1948]	Fla
Florida Supplement [1948-1992]	Fla Supp, Fla Supp 2d

G

Georgia Appeals Reports [1907-date]	Ga App
Georgia Reports [1846-date]	Ga

H

Hawaii Appellate Reports [1980-1994]	Haw App
Hawaii Reports [1847-date]	Haw

I

Idaho Reports [1866-date]	Idaho
Illinois Appellate Court Reports [1877-2011]	Ill App, Ill App 2d, Ill App 3d
Illinois Court of Claims Reports [1889-date]	Ill Ct Cl

Illinois Reports [1849-2011] Ill,
Ill 2d

Indiana Appellate Court Reports
[1890-1979] Ind App

Indiana Reports [1848-1981] Ind

Iowa Reports [1855-1968] Iowa

J and K

Kansas Court of Appeals Reports
[1895-1901; 1977-date] Kan App,
Kan App 2d

Kansas Reports [1862-date] Kan

Kentucky Reports [1785-1951] Ky

L

Louisiana Annual Reports [1846-1900] La Ann

Louisiana Courts of Appeal Reports
[1924-1932] La App

Louisiana Reports [1900-1972] La

M

Maine Reports [1820-1965] Me

Maryland Reports [1851-date] Md

Maryland Appellate Reports [1967-date] Md App

Massachusetts Appeals Court Reports
[1972-date] Mass App Ct

Massachusetts Reports [1804-date] Mass

Michigan Court of Appeals Reports
[1965-date] Mich App

Michigan Reports [1847-date]	Mich
Minnesota Reports [1851-1977]	Minn
Mississippi Reports [1818-1966]	Miss
Missouri Appeal Reports [1876-1952]	Mo App
Missouri Reports [1821-1956]	Mo
Montana Reports [1868-date]	Mont

N

Nebraska Appellate Reports [1992-date]	Neb App
Nebraska Reports [1860-date]	Neb
Nevada Reports [1865-date]	Nev
New Hampshire Reports [1816-date]	NH
New Jersey Reports [1948-date]	NJ
New Jersey Superior Court Reports [1948-date]	NJ Super
New Jersey Tax Court Reports [1979-date]	NJ Tax
New Mexico Reports [1852-2012]	NM
North Carolina Reports [1868-date]	NC
North Carolina Court of Appeals Reports [1968-date]	NC App
North Dakota Reports [1890-1953]	ND
North Eastern Reporter	NE, NE2d, NE3d

North Western Reporter NW,
NW2d

O

Ohio Appellate Reports [1913-date] Ohio App,
Ohio App 2d,
Ohio App 3d

Ohio Miscellaneous Reports [1965-2012] Ohio Misc,
Ohio Misc 2d

Ohio Opinions [1934-1982] Ohio Op,
Ohio Op 2d,
Ohio Op 3d

Ohio State Reports [1852-date] Ohio St,
Ohio St 2d,
Ohio St 3d

Oklahoma Reports [1890-1953] Okla

Oregon Reports [1853-date] Or

Oregon Court of Appeals Reports Or App
[1969-date]

P

Pacific Reporter P,
P2d,
P3d

Pennsylvania Commonwealth Court Pa Commw
Reports [1970-1994]

Pennsylvania District and County Pa D & C,
Reports [1921-date] Pa D & C 2d,
Pa D & C 3d,
Pa D & C 4th,
Pa D & C 5th

Pennsylvania State Reports [1845-date] Pa

Pennsylvania Superior Court Reports [1895-1997]	Pa Super
Public Utilities Reports	20 PUR3d 65, 108 PUR4th 81
Public Utilities Reports, New Series	52 PUR [NS] 65
Q and R	
Rhode Island Reports [1828-1980]	RI
S	
South Carolina Reports [1868-date]	SC
South Dakota Reports [1890-1976]	SD
South Eastern Reporter	SE, SE2d
Southern Reporter	So, So 2d, So 3d
South Western Reporter	SW, SW2d, SW3d
T	
Tennessee Court of Appeals Reports [1925-1971]	Tenn App
Tennessee Reports [1870-1971]	Tenn
Texas Criminal Reports [1876-1963]	Tex Crim
Texas Reports [1846-1962]	Tex

U

Utah Reports [1851-1974] Utah,
Utah 2d

V

Vermont Reports [1826-date] Vt

Virginia Reports [1881-date] Va

Virginia Court of Appeals Reports Va App
[1985-date]

W, X, Y and Z

Washington Court of Appeals Reports Wash App,
[1969-date] Wash App 2d

Washington Reports [1889-date] Wash,
Wash 2d

West Virginia Reports [1864-date] W Va

Wisconsin Reports [1853-date] Wis,
Wis 2d

Wyoming Reports [1870-1959] Wyo

D. PUBLIC DOMAIN CITATION

Several jurisdictions have implemented public domain citation for all or some of their courts. A public domain citation is assigned by the court or the Reporter of Decisions and is not associated with a particular vendor or a particular medium of publication. The citation formats adopted by these jurisdictions are listed below and the style rule governing these citations is found in section 2.3 (c) (4).

Arkansas [2009-date] [Note: official citation]	2022 Ark 106 2019 Ark App 292
Colorado [2012-date] [Note: official citation]	2012 CO 22 2012 COA 35

Illinois [2011-date] [Note: official citation]	2011 IL 102345 2011 IL App (1st) 101234 2011 IL App (1st) 101234WC
Louisiana [1994-date] [Note: official citation]	21-1601 (La [1/7/22]) 19-0939 (La App 1 Cir [12/17/20])
Maine [1997-date]	2020 ME 36
Mississippi [1997-date] [Note: official citation]	2010-CA-01084-SCT (Miss 2012) 2010-CA-00400-COA (Miss Ct App 2012)
Montana [1998-date]	1998 MT 1 1998 MT 1N [opinions not to be cited as precedent] 1998 MT 1W [opinions withdrawn or vacated] 1998 MT 1A [opinions amended]
New Mexico [1852-date] [Note: official citation]	2011-NMSC-028 2003-NMCA-064
North Dakota [1997-date] [Note: official citation]	2022 ND 117 2007 ND App 4
Ohio [2002-date]	2002-Ohio-2220 2005-Ohio-1797 (11th Dist) 2006-Ohio-6918 (MC)
Oklahoma [1890-date] [Note: official citation]	2018 OK 103 2021 OK CR 30 2012 OK CIV APP 85
Pennsylvania [1999-date]	2022 PA Super 98
South Dakota [1996-date]	2016 SD 65
Utah [1999-date] [Note: official citation]	1999 UT 16 1999 UT App 16
Vermont [2003-date]	2003 VT 1
Wisconsin [2000-date]	2000 WI 14 2001 WI App 9
Wyoming [2001-date] [Note: official citation]	2001 WY 12

APPENDIX 3

APPELLATE HISTORY AND OTHER
ABBREVIATIONS USED IN CITATIONS

Use the table below to abbreviate words in citations within parentheses, applying capitalization and italicization as appropriate in accordance with the Style Manual rule for specific citation types. Examples:

In a citation to a legislative memorandum appearing in a bill jacket, the abbreviation “Mem” is capitalized under section 3.1 (f): (Senate Introducer’s Mem in Support, Bill Jacket, L 2020, ch 130 at 5). However, a citation to a legal memorandum in a court record is not capitalized under section 7.7: (defendant’s mem in opp at 10).

To signal that certiorari has been denied, the table instructs that the word “certiorari” is abbreviated “cert” and the word “denied” is not abbreviated. The term “*cert denied*” is then italicized as illustrated in section 2.2 (a) (5) of the Style Manual.

The table instructs that “op” is the abbreviation for the word “opinion.” However, “op” is italicized and lowercased in “*affd on concurring op of Suozzi, J.*” under section 2.2 (a) (5); “op” is unitalicized and capitalized in “NY City Campaign Fin Bd Advisory Op No. 2007-2” under section 2.4 (b) (1).

Administrat(ion, ive)	Admin
Administrator	Admr
affidavit	aff
affirmation	Do not abbreviate
affirmed	affd
affirming	affg
Agricult(ural, ure)	Agric
amended	Do not abbreviate
amending	amdg
Amendment(s)	Amend(s)
America(n)	Am
and	&
Annual	Ann
appeal(s)	Do not abbreviate
Appellate	App
Appendix	Do not abbreviate
article(s)	art(s)

APPELLATE HISTORY AND OTHER
ABBREVIATIONS USED IN CITATIONS

APPENDIX 3

Association	Assn
Attorney	Atty
Authority	Auth
Bankruptcy	Bankr
Board	Bd
Building(s)	Bldg(s)
Bureau	Bur
Center	Ctr
certiorari	cert
chapter(s)	ch(s)
Circuit	Cir
City	Do not abbreviate [NY City, not NYC]
Civil	Civ
clause	cl
column	col
Commission	Commn
Committee	Comm
Comptroller	Comp
Conference	Conf
Congress(ional)	Cong
Consolidated	Cons
Constitution	Const
Construction	Constr
Correction(s, al)	Corr
County	Do not abbreviate
Court(s)	Ct(s)
Criminal	Crim
cumulative	cum
denied	Do not abbreviate
Department	Dept
Development(al)	Dev
Digest	Dig
Directive	Do not abbreviate
dismissed	Do not abbreviate
District(s)	Dist(s)
Division	Div
Document	Doc
Domestic	Dom
East(ern)	E

edition	ed
Education(al)	Educ
effective	eff
Electronic	Elec
Employ(ee, er, ment)	Empl
Environmental	Envtl
et alii (and other variations)	et al.
et sequens (and other variations)	et seq.
Evidence	Evid
Executive	Do not abbreviate
exempli gratia	e.g.
exhibit	Do not abbreviate
Famil(y, ies)	Fam
Federal	Fed
Financ(e, al, ing)	Fin
First	1st
footnote, footnotes	n, nn
Fourth	4th
General	Gen
Government	Govt
granted	Do not abbreviate
Hospital	Hosp
Housing	Hous
idem	id.
id est	i.e.
index	Do not abbreviate
indictment	Do not abbreviate
Informal	Inf
Information	Info
Insurance	Ins
Introduct(ion, ory)	Intro
Judicial	Jud
Jurisprudence	Jur
Justice	Just
leave	lv
Legislative	Legis
Library	Lib
Management	Mgt
Medical	Med
memorandum, memoranda	mem

APPELLATE HISTORY AND OTHER
ABBREVIATIONS USED IN CITATIONS

APPENDIX 3

modified	mod
modifying	modfg
Mortgage	Mtge
motion	mot
motion for leave to appeal denied	lv denied
motion for leave to appeal dismissed	lv dismissed
motion for leave to appeal granted	lv granted
motion for reargument denied	rearg denied
motion for reargument dismissed	rearg dismissed
motion for reargument granted	rearg granted
Naval, Navigation	Nav
New York	NY
North(ern)	N
Number(s)	No(s).
Office	Off
opinion(s)	op(s)
opposition	opp
Pamphlet	Pamph
paragraph	para; ¶
part	Do not abbreviate
Practice	Prac
Preservation	Preserv
Procedure	Pro
Professional	Prof
Public	Pub
reargument	rearg
Record	Rec
Register	Reg
Regulations	Regs
rehearing	reh
renumbered	renum
repealed	Do not abbreviate
Report	Rep
reversed	revd
reversing	revg
revis(ed, ion)	rev
River	Riv
Second	2d

section	§ [sec only when immediately preceding another section number]
Securit(y, ies)	Sec
sequence	seq
Service(s)	Serv(s)
Session	Sess
South(ern)	S
State	St
sub nomine	sub nom.
subchapter	subch
subdivision	subd
subparagraph	subpara
subpart	Do not abbreviate
subsection	subsec
Supplement(ary)	Supp
Support	Do not abbreviate
Supreme	Sup
Surrogate's	Sur
System(s)	Sys
Techn(ical, ology, ologies)	Tech
Temporary	Temp
Third	3d
title	Do not abbreviate
transcript	tr
Transportation	Transp
Tribunal	Trib
Unconsolidated	Uncons
United States	US
University	Univ
Update	Do not abbreviate
Vehicle(s)	Veh(s)
videlicet	viz.
volume	vol
West(ern)	W

APPENDIX 4**ABBREVIATION OF PARTICULAR STATUTES****Contents**

A. Current New York Statutes**B. Repealed or Superseded New York Statutes****C. Federal Statutes**

Use only the statutory names listed below. In running text, use either the full name or the abbreviated name. Within parentheses, use the abbreviated name.

A. CURRENT NEW YORK STATUTES**A**

Abandoned Property Law § __

Administrative Code of the City of New York § __, *or* Administrative Code of City of NY § __ (*when repeated may be shortened to* Administrative Code § __)

Agriculture and Markets Law § __

Alcoholic Beverage Control Law § __

Alternative County Government Law § __

Arts and Cultural Affairs Law § __

B

Banking Law § __

Benevolent Orders Law § __

Business Corporation Law § __

C

Canal Law § __

Cannabis Law § __

Civil Practice Law and Rules § 3211 (a), *or* CPLR 3211 (a)

Civil Rights Law § __

Civil Service Law § __

Cooperative Corporations Law § __

Correction Law § __

County Law § __

Court of Claims Act § __

Criminal Procedure Law § 540.10, *or* CPL 540.10

D

Debtor and Creditor Law § __

Domestic Relations Law § __

E

Economic Development Law § __

Education Law § __

Elder Law § __

Election Law § __

Eminent Domain Procedure Law § 512, *or* EDPL 512

Employers' Liability Law § __

Energy Law § __

Environmental Conservation Law § 11-0529, *or* ECL 11-0529

Estates, Powers and Trusts Law § 2-1.9, *or* EPTL 2-1.9

Executive Law § __

F

Family Court Act § __, *or* Family Ct Act § __

Financial Services Law § __

G

General Associations Law § __

General Business Law § __

General City Law § __

General Construction Law § __

General Municipal Law § __

General Obligations Law § __

H

Highway Law § __

I

Indian Law § __

Insurance Law § __

J and K

Judiciary Law § __

L

Labor Law § __

Legislative Law § __

Lien Law § __

Limited Liability Company Law § __

Local Finance Law § __

Local Law No. 5 (1940) of City of New York § __, *or* Local Law No. 5 (1940) of City of NY § __ (*when repeated may be shortened to* Local Law No. 5 *or* Local Law 5)

Local Law No. 3-2011 of the County of Nassau [Note: Use the numbering format used by the municipality. When the date is clearly included in the local law number, do not repeat the date in parentheses]

M

McKinney's Unconsolidated Laws of NY § __, *or* McKinney's Uncons Laws of NY § __ (*when repeated may be shortened to* Uncons Laws § __)

Mental Hygiene Law § __

Military Law § __

Multiple Dwelling Law § __

Multiple Residence Law § __

Municipal Home Rule Law § __

N and O

Navigation Law § __

New York City Charter § __, *or* NY City Charter § __

New York City Civil Court Act § 1609, *or* NY City Civ Ct Act § 1609, *or* CCA 1609 [Note: in parentheses CCA 1609, *or* NY City Civ Ct Act § 1609]

New York City Criminal Court Act § __, *or* NY City Crim Ct Act § __

New York City Zoning Resolution § __, *or* NY City Zoning Resolution § __ (*when repeated may be shortened to* Zoning Resolution § __ *or* ZR § __)

Not-for-Profit Corporation Law § 201, *or* N-PCL 201

NY CLS Unconsolidated Laws § __, *or* NY CLS Uncons Laws § __

P and Q

Parks, Recreation and Historic Preservation Law § 14.01, *or*
PRHPL 14.01

Partnership Law § __

Penal Law § __

Personal Property Law § __

Private Housing Finance Law § __

Public Authorities Law § __

Public Buildings Law § __

Public Health Law § __

Public Housing Law § __

Public Lands Law § __

Public Officers Law § __

Public Service Law § __

R

Racing, Pari-Mutuel Wagering and Breeding Law § __

Railroad Law § __

Rapid Transit Law § __

Real Property Actions and Proceedings Law § 1361, *or* RPAPL
1361

Real Property Law § __

Real Property Tax Law § 402, *or* RPTL 402

Religious Corporations Law § __

Retirement and Social Security Law § __

Rural Electric Cooperative Law § __

S

Second Class Cities Law § __

Social Services Law § __

Soil and Water Conservation Districts Law § __

State Administrative Procedure Act § __

State Finance Law § __

State Law § __

State Printing and Public Documents Law § __

State Technology Law § __

Statute of Local Governments § __

Surrogate's Court Procedure Act § 201, *or* SCPA 201

T

Tax Law § __

Town Law § __

Transportation Corporations Law § __

Transportation Law § __

U

Uniform City Court Act § 1403, *or* Uniform City Ct Act § 1403, *or* UCCA 1403 [Note: in parentheses UCCA 1403, *or* Uniform City Ct Act § 1403]

Uniform Commercial Code § 3-305, *or* UCC 3-305

Uniform Commercial Code § 3-305, Comment 6, *or* UCC 3-305, Comment 6

Uniform District Court Act § 1508, *or* Uniform Dist Ct Act § 1508, *or* UDCA 1508 [Note: in parentheses UDCA 1508, *or* Uniform Dist Ct Act § 1508]

Uniform Justice Court Act § 1904, *or* Uniform Just Ct Act § 1904,
or UJCA 1904 [Note: in parentheses UJCA 1904, *or* Uniform Just Ct Act
§ 1904]

V

Vehicle and Traffic Law § __

Village Law § __

Volunteer Ambulance Workers' Benefit Law § __

Volunteer Firefighters' Benefit Law § __

W, X, Y and Z

Workers' Compensation Law § __

**B. REPEALED OR SUPERSEDED
NEW YORK STATUTES**

Civil Practice Act § __, *or* Civ Prac Act § __

Code of Civil Procedure § __, *or* Code Civ Pro § __

Code of Criminal Procedure § __, *or* Code Crim Pro § __

Code of Professional Responsibility DR 1-102 (a) (7) (22 NYCRR
1200.3 [a] [7])

Decedent Estate Law § __

Penal Code of 1881 § __

Penal Law of 1909 § __

2 Revised Statutes of New York, part IV, ch I, title I, § 5 (3) at 657
(1st ed 1829), *or* 2 Rev Stat of NY, part IV, ch I, title I, § 5 (3) at 657
(1st ed 1829)

C. FEDERAL STATUTES

Bankruptcy Act of 1898 (11 USC) § __

1978 Bankruptcy Code (11 USC) § __

Internal Revenue Code (26 USC) § __

Kidnapping Act (18 USC) § __

28 USC § __

US Revised Statutes § __, *or* US Rev Stat § __

APPENDIX 5

STYLE OF PARTICULAR WORDS

A

ab initio	amicus curiae
above-cited	a priori
ad damnum	arguendo
ad hoc	arm's length (<i>n.</i>)
ad infinitum	arm's-length (<i>adj.</i>)
ad valorem	attorney-at-law
a fortiori	attorney-in-fact
also known as (<i>do not abbreviate</i>)	at-will (<i>adj.</i>)
amici curiae	

B

backup (<i>adj. and n.</i>)	bona fides (<i>n.</i>)
back up (<i>v.</i>)	bright-line (<i>adj.</i>)
bar	buy out (<i>v.</i>)
bench	buyout (<i>n.</i>)
blue-sky law	bylaw
bona fide (<i>adj.</i>)	by-product

C

case-in-chief	caveat emptor
case law	cesarean section
causa mortis	cestui que trust

cestuis que trustent	correction officer
circa	cotortfeasor
claimant-appellant	counsel (<i>s. and pl.</i>)
class A-I felony	counselor-at-law
cocounsel	counterclaim
codefendant	countermotion
commingle	coworker
common law (<i>n.</i>)	cross-appeal (<i>n. and v.</i>)
common-law (<i>adj.</i>)	cross-claim (<i>n. and v.</i>)
commonsense (<i>adj.</i>)	cross-complaint
cooperative	cross-examination
co-owner	cross-examine
coram nobis	cross-motion
corpus	cross-move
corpus delicti	cy pres

D

damage (<i>n.</i>) (<i>referring to injury to person or property</i>)	dehors
damages (<i>n.</i>) (<i>referring to compensation for injury</i>)	de jure
de facto	de minimis
defendant-appellant	de novo
defendant Smith	dicta
defendant trustee	dictum
	doing business as (<i>do not abbreviate</i>)

E

e-file	evidence-in-chief
ejusdem generis	ex contractu
Election Day	ex officio
email	ex parte
en banc	ex post facto

F

factfinder	forgo (<i>to waive</i>)
fact-finding (<i>adj. and n.</i>)	forum non conveniens
far-reaching	401(k) (<i>no space between section and subsection</i>)
fellow-servant rule	
forego (<i>to go before</i>)	

G

good faith (<i>n.</i>)	grand jury
good-faith (<i>adj.</i>)	guardian ad litem
goodwill	

H

habeas corpus	HIV-positive (<i>adj.</i>)
High Court (<i>Supreme Court of the United States or New York Court of Appeals</i>)	

I

impleaded
defendant-respondent

in absentia

in camera

indicia

in forma pauperis

in futuro

injury-in-fact

in limine

in loco parentis

in pais

in pari delicto

in pari materia

in personam

in praesenti

in rem

in statu quo

inter alia

Internet

in terrorem

inter se

intervenor-defendant-
respondent

inter vivos

in toto

ipse dixit

ipso facto

J

jobsite

judgment

K

kidnapped

kidnapping

L

lesser included offense

Lexis (*but* LEXIS in
citations)

limited liability company (*do
not hyphenate*)

lineup (*n.*)

lis pendens	long-standing (<i>adj.</i>)
long-arm (<i>adj.</i>)	lump-sum (<i>adj.</i>)
M	
mandamus	mens rea
marihuana; marijuana	MetroCard
mechanic's lien	Mirandized (<i>not ital.</i>)
memoranda <i>or</i> memorandums (<i>pl.</i>)	multivehicle
N	
90/180-day	nonparty
nisi prius	non sequitur
no-fault (<i>adj.</i>)	non sui juris
noncompliance	nonworking
non compos mentis	non-work-related
nonhearsay	nunc pro tunc
O	
obiter dictum	overruled
online	
P	
parens patriae	pendente lite
party in interest	per capita
pat down (<i>v.</i>)	percent
pat-down (<i>adj.</i>)	per curiam

per diem	prearraignment
per se	preexisting
per stirpes	prejudgment
petitioner landlord	premises (<i>always takes plural verb</i>)
petitioner-respondent	preplea
plaintiff and judgment creditor	presentence
plaintiff husband	pretrial
plaintiff-appellant	prima facie
plaintiff-respondent	primary day
plead (<i>present tense</i>)	pro bono
pleaded (<i>past tense</i>)	pro forma
policyholder	pro hac vice
policymaking (<i>adj. and n.</i>)	pro rata
postjudgment	pro se
post-note of issue	pro tanto
postplea	pro tem
postrelease supervision	proved
posttermination	proven (<i>adj.</i>)
posttrial	purchase-money mortgage
pre-answer	
	Q
qua	quantum meruit
quantum	quasi

quasi contract

quasi-judicial

R

reargument

record keeping (*n.*)

recross-examination

rent-controlled (*adj.*)rent-stabilized (*adj.*)re-present (*present again*)

res

re-serve (*serve again*)

quitclaim

quo warranto

res gestae

res ipsa loquitur

res judicata (*not res
adjudicata*)

respondeat superior

respondent tenant

right-of-way

rulemaking (*adj. and n.*)**S**

sans

scienter

self-defense

self-evident

self-incrimination

self-interest

setoff (*n.*)set off (*v.*)set-off (*adj.*)

showup

sic

sine die

sine qua non

Social Security

stare decisis

station house

status quo

statute of frauds

statute of limitations (*s.*)statutes of limitations (*pl.*)

sua sponte

sub judice

subpoena; subpoena duces
tecum
sub silentio

successor in interest
surreply

T

third party (*n.*)

tortfeasor

third-party (*adj.*)

Totten trust

time-barred

two-family

U

ultra vires

V

verbatim

vis-à-vis

vice versa

voir dire

W

website

workplace

well-being

worksite

whistleblower

World Wide Web

X, Y and Z

X-ray (*adj., n. and v.*)

APPENDIX 6

**TITLES IN VARIOUS ACTIONS
AND PROCEEDINGS, WITH CASE NAMES**

The following model titles are merely illustrative. Variations may be required in certain titles.

ABUSED CHILDREN

In the Matter of TINA MARIE H., a Child Alleged to be Abused. COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES, Respondent; CINDY L., Appellant.

case name: *Matter of Tina Marie H. (Cindy L.)*

ACCOUNTING

In the Matter of the Accounting of JAMES W. OSBORNE, as Executor and Trustee under the Will of EUGENE LA GROVE, Deceased, Appellant. IVY L. LA GROVE, Respondent.

case name: *Matter of Osborne (La Grove)*

ADMINISTRATORS

HELEN IMMEDIATE, as Administrator of the Estate of LOUIS J. IMMEDIATE, Deceased, Appellant, v ST. JOHN'S QUEENS HOSPITAL, Defendant, and JOSEPH S. SPINDLER, Respondent.

case name: *Immediate v St. John's Queens Hosp.*

ETHEL KORNBLUT, Individually and as Administrator of the Estate of FRED KORNBLUT, Deceased, Appellant, v CHEVRON OIL COMPANY et al., Respondents, et al., Defendants.

case name: *Kornblut v Chevron Oil Co.*

ADOLESCENT OFFENDERS

THE PEOPLE OF THE STATE OF NEW YORK v Y.L., Defendant.

or

THE PEOPLE OF THE STATE OF NEW YORK v Y.L., Adolescent Offender.

case name: *People v Y.L.*

ADOPTION AND TERMINATION OF PARENTAL RIGHTS

In the Matter of the Adoption of JESSICA MARIE R., an Infant.

case name: *Matter of Jessica Marie R.*

In the Matter of JESSICA M., an Infant. KAREN M., Petitioner; DANIEL F. et al., Respondents.

case name: *Matter of Jessica M. (Karen M.—Daniel F.)*

In the Matter of the Custody of JUDY G. and Another, Infants. JEWISH CHILD CARE ASSOCIATION, Petitioner; BENJAMIN G. et al., Respondents.

case name: *Matter of Judy G. (Benjamin G.)*

ARBITRATION

In the Matter of the Arbitration between ACTING SUPERINTENDENT OF SCHOOLS OF LIVERPOOL CENTRAL SCHOOL DISTRICT, Appellant, and UNITED LIVERPOOL FACULTY ASSOCIATION et al., Respondents. [Note: This is the preferred form for arbitration titles.]

case name: *Matter of Acting Supt. of Schs. of Liverpool Cent. Sch. Dist. (United Liverpool Faculty Assn.)*

In the Matter of WYANDANCH UNION FREE SCHOOL DISTRICT, Respondent-Appellant, v WYANDANCH TEACHERS ASSOCIATION, by WANDA WILLIAMS, as President, Appellant-Respondent. [Note: This is an acceptable form for arbitration titles.]

case name: *Matter of Wyandanch Union Free Sch. Dist. v Wyandanch Teachers Assn.*

ARTICLE 78 PROCEEDINGS

In the Matter of AARON CHERVIN, Petitioner, v THOMAS A. DUFFY et al., Constituting the STATE LIQUOR AUTHORITY, Respondents.

case name: *Matter of Chervin v Duffy*

In the Matter of ROBERTS REAL ESTATE, INC., et al., Petitioners, v NEW YORK STATE DEPARTMENT OF STATE, DIVISION OF LICENSING SERVICES, Respondent.

case name: *Matter of Roberts Real Estate, Inc. v New York State Dept. of State, Div. of Licensing Servs.*

ATTORNEY GENERAL PROCEEDINGS

In the Matter of THE PEOPLE OF THE STATE OF NEW YORK, by ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, Respondent, v SENIOR CITIZENS ASSISTANCE GROUP, INC., Also Known as SENIOR CITIZENS MEALS ON WHEELS ASSISTANCE GROUP, INC., et al., Defendants, and GARRETT MORGAN, Appellant.

case name: *Matter of People v Senior Citizens Assistance Group, Inc.*

BANKRUPTCY TRUSTEE

ROBERT J. MUSSO, as Trustee of the Bankruptcy Estate of TONG LIN WU, Debtor, Respondent-Appellant, v HSING WEI CHIEN et al., Respondents, and DANIEL FERNANDEZ, Appellant.

case name: *Musso v Hsing Wei Chien*

NANJING USA, INC., Appellant, v SALVATORE LAMONICA, as Chapter 7 Trustee of BLOCK CORPORATION, Debtor, Respondent.

case name: *Nanjing USA, Inc. v LaMonica*

BOARDS, COMMISSIONS, ETC.

In the Matter of DAVID K. WONG, Respondent, v EDWARD J. MAHONEY et al., Constituting the BOARD OF ELECTIONS OF ERIE COUNTY, Respondents, and WILLIAM L. MARCY, JR., Appellant.

case name: *Matter of Wong v Mahoney*

CIVIL FORFEITURE

CHRISTINE MALAFI, County Attorney for the County of Suffolk, Plaintiff, v A 2000 VOLKSWAGEN, VIN WVVMA23B3YP226270, et al., Defendants.

case name: *Malafi v A 2000 Volkswagen, VIN WVWMA23B3YP226270*

CLASS ACTIONS

ANTHONY S. VOTTA, on Behalf of Himself and All Others Similarly Situated, Respondent, v JANET SELLECK, Appellant.

case name: *Votta v Selleck*

ANGELO CHIARELLA et al., Individually and on Behalf of ALL PAYERS OF REAL PROPERTY TAXES TO THE CITY OF ROCHESTER FOR THE FISCAL YEARS 1974-1975 THROUGH 1977-1978, Respondents, v CITY OF ROCHESTER, Appellant.

case name: *Chiarella v City of Rochester*

CONDEMNATION

In the Matter of CITY OF NEW YORK, Appellant, Relative to Acquiring Title in Fee Simple for the MILL CREEK PHASE 1, STATEN ISLAND BLUEBELT SYSTEM.

case name: *Matter of City of New York (Mill Cr. Phase 1, Staten Is. Bluebelt Sys.)*

In the Matter of VILLAGE OF NEWARK URBAN RENEWAL AGENCY, Appellant, Relative to Acquiring Title to Real Property for an Urban Renewal Project Known as Newark Midtown Project in the Village of Newark. NEWARK GRANGE No. 366 et al., Respondents.

case name: *Matter of Village of Newark Urban Renewal Agency (Newark Grange No. 366)*

In the Matter of the Acquisition of Real Property by COUNTY OF BROOME, Appellant. MILLER FACILITIES CORPORATION et al., Respondents.

case name: *Matter of County of Broome (Miller Facilities Corp.)*

In the Matter of CITY OF NEW YORK Relative to Acquiring Title in Fee Simple Absolute to Certain Real Property Where Not Heretofore Acquired for the GRANTWOOD RETENTION BASIN Located in the Area Generally Bounded by Shotwell Avenue to the East, Tyron Avenue to the South, Grantwood Avenue to the West, and Woodrow Road to the North, in the Borough of Staten Island, City and State

of New York. CASSINO CONTRACTING CORP. (Fee Claimant with Respect to Damage Parcel 1, Block 5676, Lot 1), Claimant, v CITY OF NEW YORK, Condemnor.

case name: *Matter of City of New York (Grantwood Retention Basin—Cassino Contr. Corp.)*

CONSERVATORSHIP

In the Matter of the Conservatorship of SUSAN E. WARGOLD, Also Known as SUSAN SERLIN.

case name: *Matter of Wargold*

CORPORATE DISSOLUTION (REHABILITATION OR LIQUIDATION)

In the Matter of the Dissolution of ST. PAUL FIRE AND MARINE INSURANCE COMPANY. ROGER HEASLEY, Appellant; HEWLETT GIBSON et al., Respondents.

case name: *Matter of St. Paul Fire & Mar. Ins. Co.*

In the Matter of the Dissolution of JONES COMPANY, Appellant. RUPERT WHITE, Respondent.

case name: *Matter of Jones Co. (White)*

In the Matter of the Rehabilitation of FRONTIER INSURANCE COMPANY. CALLON PETROLEUM, Appellant, v NEW YORK STATE DEPARTMENT OF INSURANCE, as Rehabilitator of FRONTIER INSURANCE COMPANY, Respondent.

case name: *Matter of Frontier Ins. Co.*

In the Matter of SHIV SHANKAR GUPTA, for the Dissolution of RADIANT GEMS AND MINERALS, INC. RADIANT GEMS AND MINERALS, INC., Respondent, v TECH GEM CORPORATION et al., Appellants.

case name: *Matter of Gupta*

COURT OF CLAIMS ACTIONS

WILLIAM J. WILSON, III, Claimant, v STATE OF NEW YORK, Defendant. (Claim No. 63044.)

case name: *Wilson v State of New York*

CRIMINAL ACTIONS

THE PEOPLE OF THE STATE OF NEW YORK, Respondent, v HARRY E. WENZEL, Also Known as HARRY EDWARD WENZEL, JR., Appellant.

case name: *People v Wenzel*

THE PEOPLE OF THE STATE OF NEW YORK v GEORGE IOANNIDIS, DANIEL H. NASSIF, CHRISTOPHER SOMALIS and JOHN RODRIGUEZ, Defendants.

case name: *People v Ioannidis*

DISCIPLINARY PROCEEDINGS

In the Matter of LAWRENCE K. SMITH (Admitted as LAWRENCE KANE SMITH), a Suspended Attorney, Respondent. ATTORNEY GRIEVANCE COMMITTEE FOR THE FIRST JUDICIAL DEPARTMENT, Petitioner.

case name: *Matter of Smith*

In the Matter of ATTORNEYS IN VIOLATION OF JUDICIARY LAW § 468-A. ATTORNEY GRIEVANCE COMMITTEE FOR THE THIRD JUDICIAL DEPARTMENT, Petitioner; ALICE A. JONES, Respondent.

case name: *Matter of Attorneys in Violation of Judiciary Law § 468-a (Jones)*

DOING BUSINESS AS

CENTRA TRUST COMPANY, Respondent, v ARNOLD J. GOLDMAN et al., Individually and Doing Business as GOLDMAN & GOLDMAN, Appellants.

case name: *Central Trust Co. v Goldman*

ESTATES AND PROBATE PROCEEDINGS

In the Matter of the Estate of KATHLEEN FRAZIER, Deceased. ROBERT G. LAMB, JR., Appellant; WILLIAM J. FRAZIER, as Executor of KATHLEEN FRAZIER, Deceased, Respondent.

case name: *Matter of Frazier*

In the Matter of the ESTATE OF PHILIP MANDELBAUM, Deceased, Appellant, v FIVE IVY CORP., Respondent.

case name: *Matter of Estate of Mandelbaum v Five Ivy Corp.*

FORECLOSURE

In the Matter of the Foreclosure of Tax Liens by the COUNTY OF RENSSELAER, Respondent. RIVERSIDE AVENUE CORPORATION, Appellant.

case name: *Matter of County of Rensselaer (Riverside Ave. Corp.)*

IN REM TAX FORECLOSURE ACTION NO. 47. CITY OF NEW YORK, Appellant; MAX MELAMED et al., Respondents.

case name: *In Rem Tax Foreclosure Action No. 47*

In the Matter of TAX FORECLOSURE OF 2000 AND PRIOR LIENS BY PROCEEDING IN REM PURSUANT TO ARTICLE 11 OF THE REAL PROPERTY TAX LAW. TOWN OF GREENBURGH, Respondent; ROUTE 9A REALTY CORPORATION, Appellant.

case name: *Matter of Tax Foreclosure of 2000 & Prior Liens*

GOVERNMENT OFFICIALS

In the Matter of DEBORAH SOULE, Appellant, v TINA STANFORD, in Her Official Capacity as Chairperson of Board of Parole, Respondent.

case name: *Matter of Soule v Stanford*

In the Matter of HARVEY GOLDBERG, Appellant, v MARYELLEN ELIA, as Commissioner of Education, Respondent.

case name: *Matter of Goldberg v Elia*

GRAND JURY REPORTS

In the Matter of SECOND REPORT OF THE SEPTEMBER 1975 GRAND JURY OF THE COUNTY OF ERIE. TWO PUBLIC OFFICIALS NAMED IN THE ABOVE-ENTITLED REPORT, Appellants; WILLIAM H. POWER, as District Attorney of the County of Erie, Respondent.

case name: *Matter of Second Report of the Sept. 1975 Grand Jury of the County of Erie*

GROUP LITIGATION (STOCK, ASBESTOS, LEAD PAINT, ETC.)

In the Matter of OMNICON GROUP INC. SHAREHOLDER DERIVATIVE LITIGATION. GARY OTTERBACH et al., Respondents, v BRUCE CRAWFORD et al., Appellants, and OMNICON GROUP INC., Respondent.

case name: *Matter of Omnicon Group Inc. Shareholder Derivative Litig.*

GUARDIANSHIP

In the Matter of the Guardianship of DANIEL AARON D., an Infant. LOUISE WISE SERVICES, as Guardian and Custodian of DANIEL AARON D., Respondent; PHOEBE D., Appellant.

case name: *Matter of Daniel Aaron D. (Phoebe D.)*

In the Matter of ESTER CHACKERS, as Director of Social Services of New York University Medical Center, Petitioner, for the Appointment of a Guardian of the Person and Property of SHIRLEY W.

case name: *Matter of Chachkers (Shirley W.)*

HABEAS CORPUS

THE PEOPLE OF THE STATE OF NEW YORK ex rel. NASAR ABDUL AZIZ, Also Known as RAYMOND GILLIARD, Petitioner, v EUGENE LEFEVRE, as Superintendent of Clinton Correctional Facility, Respondent.

case name: *People ex rel. Aziz v LeFevre*

THE PEOPLE OF THE STATE OF NEW YORK ex rel. ERIC TRAVIS, on Behalf of JACK JONES, Appellant, v SAMUEL TWEED, as Commissioner of the Fishkill Correctional Facility, Respondent.

case name: *People ex rel. Travis v Tweed*

In the Matter of MENTAL HYGIENE LEGAL SERVICE, on Behalf of CAMILLE H., Appellant, v DENNIS DUBEY, Respondent.

case name: *Matter of Mental Hygiene Legal Serv. v Dubey*

INCAPACITATED PERSONS

In the Matter of ARNOLD O., a Person Alleged to be Incapacitated. JAMES T. TOWNE, JR., as Guardian of ARNOLD O., Appellant; JOHN T. BISCONI, Respondent.

case name: *Matter of Arnold O. (Biscone)*

In the Matter of MICHAEL V. JONES, Petitioner, for the Appointment of a Guardian of the Property of JOHN B. DeSANTIS, SR., an Alleged Incapacitated Person.

case name: *Matter of Jones (DeSantis)*

In the Matter of STEPHEN G., Appellant. COMMISSIONER OF NEW YORK STATE OFFICE OF MENTAL HEALTH, Respondent.

case name: *Matter of Stephen G. (Commissioner of N.Y. State Off. of Mental Health)*

INFANTS

NORMAN B., as Parent and Natural Guardian of PHILIP B., an Infant, Appellant, v SARA LEVITT, Respondent.

case name: *Norman B. v Levitt*

LAWRENCE R., an Infant, by FREDERICK H.R., JR., His Father and Natural Guardian, et al., Respondents, v LOUISE SNYDER et al., Appellants.

case name: *Lawrence R. v Snyder*

JULIE A.J., an Infant, by Her Parent, ROBERT G.J., et al., Appellants, v DONNA KING, Respondent.

case name: *Julie A.J. v King*

In the Matter of COMMISSIONER OF SOCIAL SERVICES, on Behalf of KRISTA A.S., Appellant, v JOHN M. JONES, Respondent.

case name: *Matter of Commissioner of Social Servs. v Jones*

INFANTS (Parents named as both representative and individual parties)

KRYSTAL G., an Infant, by Her Parents and Natural Guardians, VIVIAN G. et al., et al., Plaintiffs, v ROMAN CATHOLIC DIOCESE OF BROOKLYN et al., Defendants.

case name: *Krystal G. v Roman Catholic Diocese of Brooklyn*

INTERVENORS

In the Matter of ROCHESTER GAS CORPORATION, Appellant, v PUBLIC SERVICE COMMISSION OF THE STATE OF NEW YORK, Respondent, and EMPIRE STATE PETROLEUM ASSOCIATION, INC., et al., Intervenors-Respondents.

case name: *Matter of Rochester Gas Corp. v Public Serv. Commn. of the State of N.Y.*

INVOLUNTARY TREATMENT

In the Matter of SCOTT H. PERRA, Petitioner, for an Order Authorizing the Involuntary Treatment of THERESA DOE, a Patient in the Psychiatric Unit at Albany Medical Center, Respondent.

case name: *Matter of Perra (Doe)*

JOINT VENTURES

THOMAS CRIMMINS CONTRACTING CO., INC., and CAYUGA CONSTRUCTION CO., a Joint Venture, Respondents, v CITY OF NEW YORK et al., Appellants.

case name: *Thomas Crimmins Contr. Co., Inc. v City of New York*

JUDGES AND JUSTICES

In the Matter of GILBERY WILEY, Petitioner, v HERBERT ALTMAN, as Justice of the Supreme Court of the State of New York, Respondent.

case name: *Matter of Wiley v Altman*

In the Matter of FRANCIS W. BENJAMIN, a Justice of the Jewett Town Court, Petitioner. STATE COMMISSION ON JUDICIAL CONDUCT, Respondent.

case name: *Matter of Benjamin (State Commn. on Jud. Conduct)*

JUVENILE DELINQUENTS

In the Matter of CLEVE C., a Person Alleged to be a Juvenile Delinquent, Appellant. WARREN COUNTY ATTORNEY, Respondent.

case name: *Matter of Cleve C.*

LIEN DISCHARGE

In the Matter of BENSON PARK ASSOCIATES LLC, Petitioner, for an Order Surrendering Money Paid into Court to Discharge the Notice of Mechanic's Lien Filed by MEGA CONSTRUCTION CORP., Respondent.

case name: *Matter of Benson Park Assoc. LLC (Mega Constr. Corp.)*

MULTIPLE APPEALS WITH COUNTERCLAIMS

GREENSTONE/FONTANA CORPORATION, Formerly Known as TOPLINE ADVERTISING, INC., Plaintiff/Counterclaim Defendant-Appellant, v NEIL FELDSTEIN et al., Defendants/Counterclaim Plaintiffs-Respondents. JEANNE FONTANA et al., Additional Counterclaim Defendants-Appellants, et al., Additional Counterclaim Defendants. (Appeal No. 1.) GREENSTONE/FONTANA CORPORATION, Formerly Known as TOPLINE ADVERTISING, INC., Plaintiff/Counterclaim Defendant-Respondent, v NEIL FELDSTEIN, Defendant/Counterclaim Plaintiff-Respondent, and NEIL BUICK CORPORATION et al., Defendants/Counterclaim Plaintiffs-Respondents-Appellants. TOPLINE ADVERTISING, INC., Additional Counterclaim Defendant-Respondent, and JEANNE FONTANA et al., Additional Counterclaim Defendants-Appellants-Respondents. (Appeal No. 2.) GREENSTONE/FONTANA CORPORATION, Formerly Known as TOPLINE ADVERTISING, INC., Counterclaim Defendant-Respondent, v NEIL FELDSTEIN, Defendant/Counterclaim Plaintiff, and NEIL BUICK CORPORATION et al., Defendants/Counterclaim Plaintiffs-Appellants. TOPLINE ADVERTISING, INC., et al., Additional Counterclaim Defendants-Respondents. (Appeal No. 3.)

case name: *Greenstone/Fontana Corp. v Feldstein*

NEGLECTED CHILDREN

In the Matter of MICHAEL A., a Child Alleged to be Permanently Neglected. AZILDA A. et al., Respondents.

case name: *Matter of Michael A. (Azilda A.)*

In the Matter of DEPARTMENT OF SOCIAL SERVICES, on Behalf of JENNIFER M. and Another, Children Alleged to be Abused and/or Neglected, Appellant. SANDY G., Respondent.

case name: *Matter of Department of Social Servs. (Sandy G.)*

PERSONAL REPRESENTATIVES

RONALD RORIE et al., as Personal Representatives of the Estate of LEONARD SEGAL, Deceased, Appellants, v JOSEPH ROSS, Respondent, et al., Defendants.

case name: *Rorie v Ross*

PERSON IN NEED OF SUPERVISION

In the Matter of KRISTIAN CC., Alleged to be a Person in Need of Supervision, Appellant. JOHN SIMONS, as Director of Pupil Personnel Services at Salmon River Central School, Respondent.

case name: *Matter of Kristian CC.*

PROFESSIONAL CORPORATIONS

CONNECTICUT INDEMNITY Co. et al., Respondents, v DAVID L. HOEXTER, D.M.D., P.C., et al., Defendants, and HERBERT S. RUBIN, D.M.D., Appellant.

case name: *Connecticut Indem. Co. v David L. Hoexter, D.M.D., P.C.*

RECEIVERSHIP

In the Matter of the Ancillary Receivership of RELIANCE INSURANCE COMPANY. ENVIRO EXPRESS, INC., Appellant; GREGORY V. SERIO, as Superintendent of the New York State Insurance Department, and as Ancillary Receiver of Reliance Insurance Company, Respondent.

case name: *Matter of Reliance Ins. Co.*

SETTLEMENTS

In the Matter of the Judicial Settlement of the Final Account of Proceedings of THE CHASE MANHATTAN BANK, as Trustee of THE INTERMEDIATE TERM TAXABLE BOND FUND OF CHEMICAL BANK.

case name: *Matter of Chase Manhattan Bank (Intermediate Term Taxable Bond Fund of Chem. Bank)*

In the Matter of the Petition of SETTLEMENT FUNDING OF NEW YORK, LLC, for Approval of Transfer of Structured Settlement Payment Rights of MARK ASPROULES in Accordance with General Obligations Law § 5-1701.

case name: *Matter of Settlement Funding of N.Y., LLC (Asproules)*

In the Matter of 321 HENDERSON RECEIVABLES LIMITED PARTNERSHIP, Petitioner, for Approval of a Transfer of Structured Settlement Proceed Rights of JASON DEMILLIE.

case name: *Matter of 321 Henderson Receivables L.P. (DeMillie)*

In the Matter of the Judicial Settlement of the First Intermediate Accounts of Proceedings of CENTRAL HANOVER BANK AND TRUST COMPANY, as Trustee under Those Six Agreements of Trust Dated September 16, 1927, and under That Certain Agreement of Trust dated October 5, 1927, Made by ELIZABETH L. DE SANCHEZ.

case name: *Matter of Central Hanover Bank & Trust Co. (De Sanchez)*

In the Matter of the Petition of SETTLEMENT FUNDING OF NEW YORK, LLC, for Judicial Approval of Absolute Assignment and UCC Article 9 Security Agreement with CALLOWAY JOHNSON Pursuant to Article 5, Title 17 of the New York General Obligations Law, Petitioner, v SUN LIFE ASSURANCE COMPANY OF CANADA et al., Respondents.

case name: *Matter of Settlement Funding of N.Y., LLC v Sun Life Assur. Co. of Can.*

In the Matter of the Judicial Settlement of the Account of SALEM TAMER et al., as Trustees of the O. WINSTON LINK REVOCABLE TRUST Dated January 18, 2001.

case name: *Matter of Tamer (O. Winston Link Revocable Trust)*

STATE DIVISION OF HUMAN RIGHTS ACTIONS

STATE DIVISION OF HUMAN RIGHTS, on Complaint of CHARLES W. GHEE, Appellant, v COUNTY OF MONROE et al., Respondents.

case name: *State Div. of Human Rights v County of Monroe*

STOCKHOLDERS' DERIVATIVE AND REPRESENTATIVE ACTIONS

HERMAN GROSS, as a Stockholder and on Behalf of CONTINUED CARE FACILITIES, INC., Appellant-Respondent, v CARL H. NEUMAN et al., Respondents-Appellants, and CONTINUED CARE FACILITIES, INC., Respondent.

case name: *Gross v Neuman*

HENRY MILLER, on Behalf of Himself and All Other Stockholders of CENTRAL TOBACCO COMPANY, INC., Respondent, v ARNOLD KASTNER et al., Appellants.

case name: *Miller v Kastner*

SUBPOENA

In the Matter of NASSAU COUNTY GRAND JURY SUBPOENA DUCES TECUM DATED JUNE 24, 2003. "DOE LAW FIRM" et al., Appellants; ELIOT SPITZER, as Attorney General of the State of New York, Respondent.

case name: *Matter of Nassau County Grand Jury Subpoena Duces Tecum Dated June 24, 2003*

In the Matter of Subpoena Issued by STATE TAX COMMISSION to SAMUEL J. WEISS, as President of WELCO DRESS CO., INC.

case name: *Matter of State Tax Commn. (Weiss)*

In the Matter of the Application of ANTHONY MASSAR, as Chairman of the Municipal and Public Affairs Committee of Binghamton City Council, Petitioner, to Compel Compliance with Subpoenas Duly Served on FAMILY AND CHILDREN'S SOCIETY OF BROOME COUNTY et al., Respondents.

case name: *Matter of Massar (Family & Children's Socy. of Broome County)*

SUCCESSORS IN INTEREST

HEARST CORPORATION, as Successor in Interest to HEARST CONSOLIDATED PUBLICATIONS, INC., Respondent, v HERTZ CORPORATION, Appellant, and HARTFORD ACCIDENT AND INDEMNITY COMPANY et al., Respondents. (And Another Action.)

case name: *Hearst Corp. v Hertz Corp.*

TAX LAW PROCEEDINGS

In the Matter of HOOPER HOLMES, INC., Petitioner, v JAMES W. WETZLER, as Commissioner of Taxation and Finance of the State of New York, et al., Respondents.

case name: *Matter of Hooper Holmes, Inc. v Wetzler*

In the Matter of EQUIFAX SERVICES, INC., Petitioner, v TAX APPEALS TRIBUNAL OF THE STATE OF NEW YORK et al., Respondents.

case name: *Matter of Equifax Servs., Inc. v Tax Appeals Trib. of the State of N.Y.*

THIRD-PARTY ACTIONS

DESIGNCRAFT JEWEL INDUSTRIES, INC., et al., Plaintiffs, v RAMPART BROKERAGE CORP., Defendant and Third-Party Plaintiff-Appellant. FRANK FEIT & CO., INC., et al., Third-Party Defendants-Respondents, et al., Third-Party Defendant. [Note: This is the suggested style when the defendant(s) and third-party plaintiff(s) are identical.]

case name: *Designcraft Jewel Indus., Inc. v Rampart Brokerage Corp.*

FRANCINE HELLER et al., Respondents, v ENCORE OF HICKSVILLE, INC., et al., Appellants, et al., Defendant. ENCORE OF HICKSVILLE, INC., Third-Party Plaintiff-Respondent, v K. KADIN, INC., et al., Third-Party Defendants-Appellants. (And Another Action.)

case name: *Heller v Encore of Hicksville, Inc.*

CHEMICAL BANK, Plaintiff, v NATIONAL UNION FIRE INSURANCE COMPANY, Defendant and Third-Party Plaintiff-Respondent. JOSEPH J. BLAKE AND ASSOCIATES, INC., Third-Party Defendant-Appellant, et al., Third-Party Defendants. (And a Fourth-Party Action.)

case name: *Chemical Bank v National Union Fire Ins. Co.*

TRUSTEES

In the Matter of ROTRAUT L.U. BEINY, as Trustee of the Trust Created by ELIZABETH N.F. WEINBERG, as Grantor.

case name: *Matter of Beiny (Weinberg)*

DAVID J. SMITH et al., as Cotrustees of a Trust Created by JANET ROTH, Appellants, v GULF AND WESTERN INDUSTRIES, INC., Respondent.

case name: *Smith v Gulf & W. Indus., Inc.*

In the Matter of H. EARL FULLILOVE et al., as Trustees of the NEW YORK BUILDING AND CONSTRUCTION INDUSTRY BOARD OF URBAN AFFAIRS, Respondents, v MARIO CUOMO, as Governor and Chief Executive Officer of the State of New York, et al., Appellants.

case name: *Matter of Fullilove v Cuomo*

DAVID MORGULAS, as Testamentary Trustee of Trusts Created by I. ROY PSATY, Deceased, et al., Appellants, v J. YUDELL REALTY, INC., Respondent.

case name: *Morgulas v J. Yudell Realty, Inc.*

UNEMPLOYMENT INSURANCE

In the Matter of the Claim of JAMES GLASS, Appellant. MARQUETTE CEMENT COMPANY, Respondent; THOMAS F. HARNETT, as Commissioner of Labor, Respondent.

case name: *Matter of Glass (Marquette Cement Co.—Harnett)*

In the Matter of MITCHELL D. POSNER, Appellant. HF MANAGEMENT SERVICES, LLC, Respondent; COMMISSIONER OF LABOR, Respondent.

case name: *Matter of Posner (HF Mgt. Servs., LLC—Commissioner of Labor)*

WARDEN

THE PEOPLE OF THE STATE OF NEW YORK ex rel. CLYDE JONES, Appellant,
v THOMAS SMITH, as Warden of the Penitentiary of the City of New
York, Rikers Island, Respondent.

case name: *People ex rel. Jones v Smith*

THE PEOPLE OF THE STATE OF NEW YORK ex rel. MALIK HOWARD,
Petitioner, v WARDEN OF RIKERS ISLAND CORRECTIONAL FACILITY et al.,
Respondents.

case name: *People ex rel. Howard v Warden of Rikers Is. Corr.
Facility*

WORKERS' COMPENSATION

In the Matter of the Claim of ANTOINETTE YANNON, Respondent, v
NEW YORK TELEPHONE COMPANY, Appellant. WORKERS' COMPENSATION
BOARD, Respondent.

case name: *Matter of Yannon v New York Tel. Co.*

YOUTHFUL OFFENDER

THE PEOPLE OF THE STATE OF NEW YORK, Respondent, v CASEY R.B.,
Appellant.

case name: *People v Casey R.B.*

APPENDIX 7 CITATIONAL FOOTNOTE STYLE (MODEL OP)

ORTIZ v VARSITY HOLDINGS LLC [18 NY3d 335]

Opinion by PIGOTT, J.

[960 N.E.2d 948, 937 N.Y.S.2d 157]

LUIS F. ORTIZ, Appellant, v VARSITY HOLDINGS, LLC et al.,
Respondents.

Argued November 14, 2011; decided December 20, 2011

OPINION OF THE COURT

PIGOTT, J.

Plaintiff Luis F. Ortiz was injured while engaged in demolition work at an apartment building being renovated in Brooklyn. The property was owned by defendant Varsity Holdings, LLC and managed by defendant Mag Realty Corp. Ortiz and his coworkers were taking debris from the building and placing it in a dumpster outside. According to Ortiz, the dumpster was about six feet high, eight feet wide, and 14 feet long. The ledge at the top of the dumpster was about eight inches in width.

After several hours of work, the dumpster was filling up, and Ortiz and his colleagues climbed up it, using footholds built into the side, and began to rearrange the debris inside to make more room. It started to rain, making the surface of the dumpster slippery. Ortiz was injured when, while holding a wooden beam and standing at the top of the dumpster, with at least one foot on the narrow ledge, he lost his balance and fell to the ground.¹

Ortiz commenced this action, claiming violations of Labor Law §§ 200, 240 (1), and 241 (6). Defendants moved for summary judgment as to all of plaintiff's Labor Law claims. Ortiz cross-moved for summary judgment on his Labor Law § 240 (1) claim, insisting that defendants should have provided a scaffold to prevent his fall. In his affidavit in support of his cross-motion and in opposition to defendants' motion, Ortiz stated that the task he was instructed to carry out required him to stand on the eight-inch ledge while placing heavy debris in open areas of the dumpster.

1. In his deposition testimony, Ortiz recalled that he had one foot on the ledge and one foot on the garbage in the dumpster. In his affidavit in opposition to defendants' motion and in support of his cross-motion, Ortiz stated that both feet were on the ledge.

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Ortiz challenged the dismissal of his section 240 (1) cause of action, and the denial of his cross-motion on that claim. The Appellate Division affirmed, simultaneously granting Ortiz leave to appeal to this Court and certifying the question whether its order was properly made.² We now modify.

Defendants and amicus the Defense Association of New York argue that, as a matter of law, the task Ortiz was performing—loading a dumpster and rearranging the debris therein—did not create an elevation-related risk of the kind that the safety devices listed in Labor Law § 240 (1) protect against. Defendants cite *Toefer v Long Is. R.R.*,³ noting our holding that “[a] four-to-five-foot descent from a flatbed trailer or similar surface does not present the sort of elevation-related risk that triggers Labor Law § 240 (1)’s coverage.”⁴

It is true that courts must take into account the practical differences between “the usual and ordinary dangers of a construction site, and . . . the extraordinary elevation risks envisioned by Labor Law § 240 (1).”⁵ A worker may reasonably be expected to protect himself by exercising due care in stepping down from a flatbed truck. However, the present case, with the facts considered in the light most favorable to the non-moving party, is distinguishable from *Toefer*. Ortiz’s particular task of rearranging the demolition debris and placing additional debris in the dumpster, as he describes it, required him to stand at the top of the dumpster, six feet above the ground, with at least one foot perched on an eight-inch ledge. Moreover, defendants failed to adduce any evidence demonstrating that being in a precarious position such as this was not necessary to the task. Nor do defendants demonstrate that no safety device of the kind enumerated in section 240 (1) would have prevented his fall.

On this record, therefore, we cannot say as a matter of law that equipment of the kind enumerated in section 240 (1) was not necessary to guard plaintiff from the risk of falling from the top of the dumpster. Consequently, defendants have not demonstrated entitlement to summary judgment.

2. 75 AD3d 538 (2d Dept 2010).

3. 4 NY3d 399 (2005).

4. *Id.* at 408.

5. *Id.* at 407, quoting *Rodriguez v Margaret Tietz Ctr. for Nursing Care*, 84 NY2d 841, 843 (1994).

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However, we agree with defendants that Ortiz’s cross-motion for summary judgment was properly denied. To recover under section 240 (1), Ortiz must establish that he stood on or near the ledge at the top of the dumpster because it was necessary to do so in order to carry out the task he had been given.⁶ Ortiz failed to adduce evidence, through testimony or other means, to establish what he asserted in his affidavit—that he was required to stand on or near the ledge. While that assertion is enough, in the context of this case and without contradictory evidence from defendants, for plaintiff to ward off summary judgment, it is not sufficient by itself for plaintiff to win summary judgment.

Moreover, to prevail on summary judgment, plaintiff must establish that there is a safety device of the kind enumerated in section 240 (1) that could have prevented his fall, because “liability is contingent upon . . . the failure to use, or the inadequacy of” such a device.⁷ Because this too is a triable issue of fact, plaintiff is not entitled to summary judgment.

Viewing the facts in the light most favorable to defendants, as we must when we consider plaintiff’s summary judgment motion, a question of fact remains regarding whether the task Ortiz was expected to perform created an elevation-related risk of the kind that the safety devices listed in section 240 (1) shield workers from.

Accordingly, the order of the Appellate Division should be modified, without costs, by denying defendants’ motion for summary judgment as to plaintiff’s Labor Law § 240 (1) cause of action, and, as so modified, affirmed, and the certified question should not be answered as unnecessary. Chief Judge LIPPMAN and Judges CIPARICK, GRAFFEO, READ, SMITH and JONES concur.

Order modified, etc.⁸

6. See *Broggy v Rockefeller Group, Inc.*, 8 NY3d 675, 681 (2007).

7. *Narducci v Manhasset Bay Assoc.*, 96 NY2d 259, 267 (2001).

8. This decision is not the official report of the opinion in *Ortiz v Varsity Holdings, LLC*, 18 NY3d 335 (2011). It is a model intended only to illustrate the rules for drafting an opinion in the citational footnote style. New York Law Reports Style Manual § 1.2 (e) (2022).

APPENDIX 8

FORMULATION OF SUMMARIES
(APPEAL STATEMENTS)

A. General Rules for Formulating Summaries

1. Accuracy — A summary of an appellate case should be factually and legally accurate. It should faithfully track the jurisdictional predicate and procedural posture of the appeal. It will typically comprise more than one sentence and should be formulated with an emphasis on concision and clarity.

2. Tense — Summaries of appeals should be written in the past tense. In Court of Appeals summaries, use the past perfect tense to describe the disposition of a court/administrative body that occurred prior to the disposition that is being appealed to the Court of Appeals.

3. Verification — A summary should be verified against the record on appeal whenever possible. Certain courts provide jurisdictional statements that resemble summaries. These jurisdictional statements are not part of the opinion itself and are not published as part of the opinion. They may be used as a basis for formulating a summary. A summary should, however, be composed in accordance with the Law Reporting Bureau's formulation rules.

4. Consistency — A summary should be consistent with the description of the appeal contained in the opinion and with the court's decretal or ordering paragraph. Verify the accuracy of the information in a summary against the record and/or opinion. If the information conflicts, and conformity cannot be achieved by reference to the record and/or opinion, the matter should be resolved through consultation with the appropriate court, clerk or decision department.

5. Names of Courts — The name of the court should conform to the following examples: Court of Appeals; Appellate Division of the Supreme Court in the First Judicial Department; Appellate Term of the Supreme Court in the First Judicial Department (add appropriate judicial districts for the Second Department); Supreme Court, Kings County; Court of Claims; Albany County Court; Family Court of Onondaga County; Surrogate's Court of Broome County; City Court of Buffalo, Erie County; Civil (Criminal) Court of the City of New York, Queens County; District Court of Nassau County, First District; Justice Court of the Town (Village) of Colonie, Albany County.

6. Names of Judges — The full name of the judge or justice who presided at the hearing or trial below should be included whenever available (*see* Judiciary Law § 433) and should conform to the name as listed in the judges' list contained in the front of bound volumes of the Miscellaneous Reports. Place the name of the judge or justice in parentheses following the name of the court.

7. Style — A summary should be styled in accordance with the New York Law Reports Style Manual.

8. Structure — The first sentence of a summary contains the type of cause (appeal, proceeding, cross-appeals, etc.); the jurisdictional predicate (by permission, on constitutional grounds, etc.), including whether an appeal or a proceeding has been transferred; the appealable paper, followed by the name of the court and the judge's name where appropriate; and the entry date. When the opinion involves an original proceeding in that court, the first sentence may also contain a statement of the nature of the proceeding. The second and any other sentences contain the balance of the information that summaries traditionally have contained, including relevant decretal portions of the appealable paper and of any orders or judgments brought up for review.

9. Criminal Cases in General — Summaries in criminal cases generally should be formulated in accordance with the following templates:

Court of Appeals Cases (appeal from an intermediate appellate court):

[First sentence. See Appendix 8 (A) (8).] The Appellate Division [affirmed, reversed, etc.] a judgment of the [court and judge's name], which had convicted defendant, [upon a jury verdict] [upon a plea of guilty] [after a nonjury trial], of [name of crime(s), but omit the words 'the crime(s) of'] and sentenced defendant [description of sentence]." The "sentence" clause should be included only when the sentence itself is the subject of the appeal.

Appellate Division and Appellate Term Cases and Direct Appeals to the Court of Appeals:

[First sentence. See Appendix 8 (A) (8).] The judgment convicted defendant, [upon a jury verdict] [upon a plea of guilty] [after a nonjury trial], of [name of crime(s), but omit the words 'the crime(s) of'] and

sentenced defendant [description of sentence].” The “sentence” clause should be included only when the sentence itself is the subject of the appeal.

10. Samples — Whenever possible use the Sample Forms of Summaries as a template for summaries. If none of the samples squarely addresses the procedural posture of an opinion, adapt the closest sample to the posture presented. The drafter may also use summaries found in prior Official Reports 2d or 3d series volumes for guidance, but should adapt the format of a prior summary to conform to these General Rules and Sample Forms.

B. Sample Forms of Summaries: Court of Appeals

1. Appeal as of Right—CPLR 5601

CPLR 5601 (a)—Two Justice Dissent

APPEAL from an order of the Appellate Division of the Supreme Court in the Fourth Judicial Department, entered August 20, 2020. The Appellate Division, with two Justices dissenting, (1) reversed, on the law, insofar as appealed from, an order of the Supreme Court, Cayuga County (Mark H. Fandrich, A.J.), in a proceeding pursuant to Mental Hygiene Law article 10, which had granted petitioner’s motion to set aside the jury verdict on the ground of juror misconduct and ordered a new trial; (2) denied the motion; and (3) reinstated the jury verdict.

CPLR 5601 (b) (1)—Constitutional Grounds—Appeal from Appellate Division

APPEAL, on constitutional grounds, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered January 10, 2019. The Appellate Division (1) reversed, on the law, an order of the Supreme Court, New York County (Shirley Werner Kornreich, J.), which had denied defendants’ motion for summary judgment dismissing the complaint; and (2) granted the motion.

CPLR 5601 (d)—Based upon Nonfinal Determination of Appellate Division—Final Judgment, Order, Determination, or Award

APPEAL from a final determination of respondent Town Board of the Town of Penfield, dated September 22, 2021. The determination suspended petitioner from her job for a period of two months without pay. The appeal brings up for review an order of the Appellate Division of the Supreme Court in the Fourth Judicial Department, entered

April 30, 2021, in a proceeding pursuant to CPLR article 78 (transferred to the Appellate Division by order of the Supreme Court, entered in Monroe County). The Appellate Division, with two Justices dissenting, had (1) modified, on the law, a determination of respondents which had terminated petitioner's employment with respondent Town of Penfield; and (2) remitted the matter to respondent Town Board of the Town of Penfield for imposition of an appropriate penalty less severe than termination. The modification consisted of granting the petition in part by annulling that part of the determination finding petitioner guilty under charges one and two and vacating the penalty of termination. The Appellate Division confirmed the determination as modified.

2. Appeal by Permission—CPLR 5602

Permission of Court of Appeals

APPEAL, by permission of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered February 13, 2020. The Appellate Division affirmed a judgment of the Supreme Court, Bronx County (Mary Ann Brigantti, J.), entered in a proceeding pursuant to CPLR article 78, which had (1) denied the petition to annul the determination of respondent New York State Department of Motor Vehicles which, after a hearing, revoked petitioner's license to drive for at least one year and imposed a \$500 civil penalty; and (2) dismissed the proceeding.

Permission of the Appellate Division

(a) Appeal by Permission of Appellate Division—Certified Question—Nonfinal Order/Judgment

APPEAL, by permission of the Appellate Division of the Supreme Court in the First Judicial Department, from an order of that Court, entered January 17, 2019. The Appellate Division (1) reversed, on the law, an order of the Supreme Court, New York County (Marcy Friedman, J.), which, insofar as appealed from as limited by the briefs, had granted defendants' motion to dismiss the cause of action for breach of representations and warranties to the extent it sought compensatory damages inconsistent with the sole remedy clauses of the parties' agreements, punitive damages, and attorneys' fees; and (2) denied the motion. The following question was certified by the Appellate Division: "Was the order of this Court, which reversed the order of the Supreme Court, properly made?"

(b) Appeal by Permission of Appellate Division—Final Order/
Judgment

APPEAL, by permission of the Appellate Division of the Supreme Court in the Third Judicial Department, from an order of that Court, entered February 21, 2019. The Appellate Division modified, on the law, a judgment of the Supreme Court, Albany County (Raymond J. Elliott, III, J.), entered in a combined proceeding pursuant to CPLR article 78 and action for declaratory judgment, which had, among other things, dismissed petitioner’s application to review a determination of respondent interpreting Executive Law § 259-c (14). The modification consisted of granting the petition to the extent of declaring that petitioner was not subject to the school-grounds restriction set forth in Executive Law § 259-c (14).

3. Certified Question from United States Court of Appeals

PROCEEDING, pursuant to NY Constitution, article VI, § 3 (b) (9) and Rules of the Court of Appeals (22 NYCRR) § 500.27, to review a question certified to the New York State Court of Appeals by the United States Court of Appeals for the Second Circuit. The following question was certified by the United States Court of Appeals and accepted by the New York State Court of Appeals: “Does a merchant comply with New York’s General Business Law § 518 so long as the merchant posts the total-dollars-and-cents price charged to credit card users?”

4. Determination of State Commission on Judicial Conduct

PROCEEDING, pursuant to NY Constitution, article VI, § 22 and Judiciary Law § 44, to review a determination of respondent State Commission on Judicial Conduct, dated February 14, 2020. The Commission determined that petitioner should be removed from the office of Judge of the Family Court of Broome County.

5. Criminal Cases

Permission of Appellate Division Justice

APPEAL, by permission of a Justice of the Appellate Division of the Supreme Court in the Second Judicial Department, from an order of that Court, entered November 12, 2020. The Appellate Division (1) reversed, on the law and on the facts, a judgment of the Suffolk County Court (Barbara R. Kahn, J.), which had convicted defendant, upon a

jury verdict, of murder in the second degree; (2) dismissed the indictment; and (3) remitted the matter to the Suffolk County Court for further proceedings consistent with CPL 160.50.

Permission of Associate Judge of Court of Appeals

APPEAL, by permission of an Associate Judge of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered January 5, 2021. The Appellate Division affirmed (1) a judgment of the Supreme Court, New York County (Ruth Pickholz, J.), which had convicted defendant, after a nonjury trial, of assault in the first degree (four counts); and (2) an order of that Supreme Court which had denied defendant's CPL 440.10 motion to vacate the judgment.

Appeal from Sentence

APPEAL, by permission of an Associate Judge of the Court of Appeals, from an order of the Appellate Division of the Supreme Court in the First Judicial Department, entered June 25, 2013. The Appellate Division (1) modified, as a matter of discretion in the interest of justice, a judgment of the Supreme Court, Bronx County (Colleen D. Duffy, J.), which had convicted defendant, upon his plea of guilty, of robbery in the first degree and sentenced defendant, as a second felony offender, to a term of imprisonment of 25 years; and (2) affirmed an order of that Supreme Court (op 34 Misc 3d 1217[A], 2012 NY Slip Op 50127[U] [2012]), which had denied defendant's CPL 440.20 motion to set aside the sentence. The modification consisted of reducing the sentence of imprisonment to a term of 15 years. The Appellate Division affirmed the judgment as modified.

6. Reargument of Appeal

REARGUMENT of an appeal from an order of the Appellate Division of the Supreme Court in the Third Judicial Department, entered April 26, 2007. The Appellate Division affirmed an order of the Supreme Court, Clinton County (Patrick R. McGill, J.), which had granted defendants' motion to dismiss the complaint. Following the dismissal by the Court of Appeals of the original appeal on the ground that no substantial constitutional question was directly involved (9 NY3d 985 [2007]), the United States Supreme Court vacated the judgment and remanded (556 US —, 129 S Ct 2734 [2009]) to the Court of Appeals for further consideration in light of *Haywood v Drown* (556 US —, 129 S Ct 2108 [2009]).

C. Sample Forms of Summaries: Appellate Division

1. Civil Cases

Order

APPEAL from an order of the Supreme Court, Suffolk County (Marian R. Tinari, J.), entered December 21, 2020, in an action for a divorce and ancillary relief. The order denied defendant's motion pursuant to CPLR 510 and 511 to change the venue of the action from Suffolk County to New York County.

Part of an Order

APPEAL from an order of the Supreme Court, New York County (Francis A. Kahn, III, J.), entered November 23, 2020. The order, insofar as appealed from, granted defendants' motion for summary judgment dismissing the complaint.

Order and Judgment (one paper)

APPEAL from an order and judgment (one paper) of the Supreme Court, Albany County (Kimberly A. O'Connor, J.), entered January 16, 2019. The order and judgment, after a nonjury trial, was entered upon a decision of the court in favor of defendant that dismissed plaintiffs' third amended complaint.

Order and Judgment Entered Thereon

APPEALS from (1) an order of the Supreme Court, Albany County (L. Michael Mackey, J.), entered August 29, 2019; and (2) the judgment entered upon the order, in an action to foreclose on a mortgage. The order granted a cross-motion by defendants for summary judgment dismissing the complaint against them. The judgment canceled and discharged the mortgage.

Judgment

APPEAL from a judgment of the Supreme Court, Saratoga County (Robert J. Chauvin, J.), entered August 24, 2017. The judgment was entered upon a decision of that court in favor of plaintiff.

Appeal by Permission

APPEAL, by permission of the Appellate Division of the Supreme Court in the First Judicial Department, from an order of the Appellate Term of the Supreme Court in the First Judicial Department, entered

March 2, 2017. The order affirmed a judgment of the Civil Court of the City of New York, New York County (Sabrina Kraus, J.), entered on or about February 10, 2014, after a nonjury trial, which had awarded possession of the rent-stabilized apartment to petitioner.

2. Unemployment Insurance Decisions

APPEALS from two decisions of the Unemployment Insurance Appeal Board, filed October 19, 2018. The decisions ruled that defendant was liable for unemployment insurance contributions on remuneration paid to claimant and others similarly situated.

3. Workers' Compensation Decisions

APPEAL from a decision of the Workers' Compensation Board, filed January 27, 2021. The decision ruled that claimant sustained an injury arising out of and in the course of his employment.

4. Family Court Proceedings

APPEAL from an order of the Family Court of Chemung County (James T. Hayden, J.), entered August 30, 2012, in a proceeding pursuant to Family Court Act article 4. The order dismissed petitioner's application for an order of child support.

APPEAL from an order of disposition of the Family Court of Bronx County (Sarah P. Cooper, J.), entered on or about February 9, 2016. The order adjudicated respondent a juvenile delinquent upon a fact-finding determination that respondent committed acts which, if committed by an adult, would constitute the crimes of criminal sexual act in the first degree (two counts), sexual abuse in the first degree (two counts), sexual misconduct (two counts), and endangering the welfare of a child.

5. CPLR Article 78 Proceeding

APPEAL from a judgment of the Supreme Court, New York County (Melissa A. Crane, J.), entered August 20, 2020, in a proceeding pursuant to CPLR article 78. The judgment (1) denied the petition to annul a November 14, 2019 vote of the City Council, which modified a Zoning Resolution in order to facilitate the development of the East Side Coastal Resiliency Project; and (2) dismissed the proceeding.

6. Attorney Disciplinary Proceedings

DISCIPLINARY PROCEEDING instituted by the Grievance Committee for the Tenth Judicial District pursuant to 22 NYCRR 1240.8 against respondent by the service and filing of a notice of petition and a verified petition, both dated August 15, 2018. Respondent served and filed a verified answer dated October 27, 2018. Respondent was admitted to the bar on February 7, 1990, at a term of the Appellate Division of the Supreme Court in the Second Judicial Department.

APPLICATION by the Grievance Committee for the Ninth Judicial District pursuant to former 22 NYCRR 691.3 to impose discipline on respondent based upon disciplinary action taken against him by the Supreme Court of the State of Minnesota (871 NW2d 753 [Minn 2015]). Respondent was admitted to the bar on February 23, 1972, at a term of the Appellate Division of the Supreme Court in the Second Judicial Department. By decision and order on application of that Court dated January 20, 2017, as amended, the Grievance Committee's application to impose reciprocal discipline upon respondent was held in abeyance pending a hearing, upon respondent's request, and the defenses asserted were referred to the Honorable John M. Perone, as Special Referee, to hear and report.

7. Criminal Cases

Jury Trial

APPEAL from a judgment of the Supreme Court, Queens County (Michael B. Aloise, J.), rendered June 12, 2014. The judgment convicted defendant, upon a jury verdict, of murder in the second degree (two counts), burglary in the first degree, attempted robbery in the first degree, and criminal possession of a weapon in the second degree.

Bench (nonjury) Trial

APPEAL from a judgment of the Supreme Court, New York County (Felicia A. Mennin, J., at motions; Arlene D. Goldberg, J., at trial and sentencing), rendered November 1, 2018. The judgment convicted defendant, after a nonjury trial, of criminal possession of a controlled substance in the third degree.

Guilty Plea

APPEAL from a judgment of the Broome County Court (Joseph F. Cawley, Jr., J.), rendered September 5, 2018. The judgment convicted

defendant, upon a plea of guilty, of criminal possession of a controlled substance in the third degree and tampering with physical evidence.

Order

APPEAL from an order of the Saratoga County Court (Felix J. Catena, J.), entered April 13, 2015. The order granted the People's motion for limited disclosure of a presentence investigation report pursuant to CPL 390.50.

Sentence

APPEAL from an order of the Supreme Court, Albany County (Peter A. Lynch, J.), entered June 24, 2019. The order, on defendant's motion pursuant to CPL article 440, set aside the sentence following defendant's conviction of manslaughter in the first degree and ordered resentencing, after a hearing.

Vacatur of Judgment

APPEAL from an order of the Supreme Court, New York County (Gilbert C. Hong, J.), entered March 27, 2017. The order denied defendant's CPL 440.10 motion to vacate a judgment of conviction rendered November 5, 1998.

8. Appeal Bringing Up for Review a Prior Order

APPEALS from (1) an order of the Supreme Court, New York County (Arthur F. Engoron, J.), entered September 25, 2020; and (2) a judgment of that court, entered November 18, 2020, in a proceeding pursuant to CPLR article 78. The judgment granted, on the terms of the September 25, 2020 order, the petition to annul the determination of respondent New York City Board of Standards and Appeals, dated October 15, 2019, which affirmed the issuance of a building permit by respondent New York City Department of Buildings allowing respondents to proceed with construction. The appeal brings up for review an order of that court, entered March 20, 2020, which denied respondents' motion to dismiss the petition.

9. Appeals Transferred to the Appellate Division

APPEAL (transferred to the Appellate Division of the Supreme Court in the Third Judicial Department, by order of the Appellate Division, Second Department) from an order of the Supreme Court, Suffolk County (Paul J. Baisley, Jr., J.), entered December 11, 2020, in a

combined proceeding pursuant to CPLR article 78 and action for declaratory judgment. The order denied respondents' motion to dismiss the petition/complaint.

10. Proceedings Transferred to the Appellate Division

PROCEEDING pursuant to CPLR article 78 (transferred to the Appellate Division of the Supreme Court in the First Judicial Department by order of the Supreme Court, entered in New York County) to review a determination of respondent New York City Office of Administrative Trials and Hearings. The determination found that petitioners were using their property in violation of the certificate of occupancy and the New York City Department of Buildings rules, and imposed a penalty.

11. Proceedings Commenced in the Appellate Division

PROCEEDING pursuant to CPLR article 78 (initiated in the Appellate Division of the Supreme Court in the Third Judicial Department pursuant to Public Service Law § 170 [1]) to review a determination of respondent State Board on Electric Generation Siting and the Environment granting an application by respondent Bluestone Wind, LLC for a certificate of environmental compatibility and public need to construct a wind farm.

12. Reargument of Appellate Division Decision

REARGUMENT of a decision of the Appellate Division of the Supreme Court in the Third Judicial Department, dated May 22, 2002. The decision reversed a judgment of the Supreme Court, Albany County (John G. Connor, J.), entered July 29, 2001, which granted plaintiff's motion for summary judgment on the issue of liability.

D. Sample Forms of Summaries: Appellate Term

1. Civil Cases

Order

APPEAL from an order of the Civil Court of the City of New York, New York County (Marcia J. Sikowitz, J.), entered March 1, 2021. The order denied petitioner's motion for summary judgment of possession in a holdover summary proceeding.

Multiple Orders (same judge)

APPEAL from orders of the Civil Court of the City of New York, New York County (Timmie E. Elsner, J.), entered March 9, 2020, and dated

August 17, 2020. The order entered March 9, 2020, after a trial upon stipulated facts, dismissed the petition and awarded respondents damages for rent overcharge in a holdover summary proceeding. The order dated August 17, 2020, granted the parties' motions to modify the prior order to the extent of striking the damages award and directing a hearing to determine the legal regulated rent for the premises and a recalculation of damages.

Multiple Orders (different judges)

APPEAL from (1) an order of the Civil Court of the City of New York, Kings County (Zhuo Wang, J.), dated December 15, 2020; and (2) an order of that court (Thomas M. Fitzpatrick, J.; op 2021 NY Slip Op 32894[U] [2021]) entered March 30, 2021. The order dated December 15, 2020, granted respondents' motion to dismiss the petition in a nonpayment summary proceeding. The order dated March 30, 2021, denied petitioner's motion for leave to reargue its opposition to respondents' prior motion.

Appeal from Order Deemed Appeal from Judgment

APPEAL from an order of the Civil Court of the City of New York, New York County (Frances A. Ortiz, J.), entered September 11, 2019, deemed from a judgment of that court entered on the same date (*see* CPLR 5501 [c]). The judgment, entered pursuant to the September 11, 2019 order granting petitioner's motion for summary judgment, awarded petitioner final judgment of possession in a holdover summary proceeding.

Judgment

APPEAL from a judgment of the City Court of Middletown, Orange County (Richard J. Guertin, J.), entered June 4, 2019. The judgment, after a nonjury trial, awarded plaintiff the principal sum of \$1,912.50 in a small claims action.

Appeal by Permission

APPEAL, by permission of the Appellate Term of the Supreme Court in the Second Judicial Department, Second, Eleventh and Thirteenth Judicial Districts, from an order of the Civil Court of the City of New York, Kings County (Harriet L. Thompson, J.), entered October 31, 2012. The order, insofar as appealed from, upon consolidating two name change proceedings for purposes of determination (*see* CPLR 602 [a]), dismissed both petitions.

2. Criminal Cases

Order

APPEAL from an order of the Criminal Court of the City of New York, Bronx County (Myrna Socorro, J.), entered January 3, 2019. The order granted defendant's motion to dismiss the accusatory instrument pursuant to CPL 30.30.

Judgment (nonjury trial)

APPEAL from a judgment of the Criminal Court of the City of New York, New York County (Anne J. Swern, J., on motion to dismiss; Herbert J. Moses, J., at trial and sentencing), rendered April 15, 2019. The judgment convicted defendant, after a nonjury trial, of stalking in the fourth degree.

Judgment (jury trial)

APPEAL from a judgment of the Criminal Court of the City of New York, Queens County (Karen Gopee, J.), rendered December 5, 2018. The judgment convicted defendant, upon a jury verdict, of driving while intoxicated (common law).

Judgment (guilty plea)

APPEAL from a judgment of the Criminal Court of the City of New York, Kings County (Elizabeth N. Warin, J.), rendered January 4, 2019. The judgment convicted defendant, upon a plea of guilty, of disorderly conduct.

Appeal by Permission

APPEAL, by permission of a Justice of the Appellate Term of the Supreme Court in the Second Judicial Department, Second, Eleventh and Thirteenth Judicial Districts, from an order of the Criminal Court of the City of New York, Kings County (John T. Hecht, J.), dated September 27, 2013. The order denied defendant's motion, pursuant to CPL 440.10, to vacate a judgment convicting defendant, upon a plea of guilty, of attempted criminal sale of marijuana in the fourth degree.

3. Appeal from Part of an Order

APPEAL from an order of the Civil Court of the City of New York, Kings County (Lorna J. McAllister, J.), dated November 25, 2019. The

order, insofar as appealed from, denied defendants' cross-motion for summary judgment dismissing so much of the complaint as was asserted against them.

4. Various Courts: New York City, District, City, Justice Courts

Civil Court of the City of New York

APPEAL from an order of the Civil Court of the City of New York, Kings County (David A. Harris, J.), entered April 23, 2020. The order granted plaintiff's oral application to discontinue the proceeding pursuant to CPLR 3217.

Criminal Court of the City of New York

APPEAL from a judgment of the Criminal Court of the City of New York, New York County (Gilbert C. Hong, J., at speedy trial motion; Felicia A. Mennin, J., at trial and sentencing), rendered February 29, 2016. The judgment convicted defendant, after a nonjury trial, of sexual abuse in the third degree.

District Court

APPEAL from a judgment of the District Court of Nassau County, First District (Darlene D. Harris, J.), entered June 4, 2019. The judgment convicted defendant, upon a jury verdict, of driving while ability impaired, speeding, and unsafe lane change (two counts).

City Court

APPEAL from a judgment of the City Court of Beacon, Dutchess County (Rebecca S. Mensch, J.), entered June 13, 2018. The judgment, after a nonjury trial, awarded plaintiff the principal sum of \$5,000.

Justice Courts (Sometimes referred to as a Town or Village Court, these are properly stated as Justice Court of the respective town or village.)

APPEAL from a judgment of the Justice Court of the Town of Poughkeepsie, Dutchess County (Paul O. Sullivan, J.), rendered June 11, 2019. The judgment convicted defendant, upon a jury verdict, of assault in the third degree.

APPEAL from judgments of the Justice Court of the Village of Old Westbury, Nassau County (Susan Schmidt-Chorost, J.), rendered March 11, 2020. The judgments convicted defendant, after a nonjury

trial, of creating a hazardous or offensive condition in violation of the Code of the Village of Old Westbury § 147-1 (H) (two counts) and unlawfully using property in violation of the Code of the Village of Old Westbury § 216-22.3 (four counts).

—Notes—

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(References are to sections unless otherwise indicated.)

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