
MASSACHUSETTS REPORTS

STYLE MANUAL

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INTRODUCTION

This style manual is used by the Justices of the Supreme Judicial Court (SJC), their law clerks, and the staff of the office of the Reporter of Decisions. The manual may be useful to those preparing appellate briefs and it may offer readers of the official reports a better understanding of the process of reporting the court's opinions.

The manual includes general rules of SJC writing style, tables of abbreviations, guidelines for case citation, and rules of punctuation and capitalization followed in preparing the official reports. There are sections explaining the method of forming case captions and party designations. Examples of common statements of dispositive language, referred to as "snappers," are provided. Also, a number of familiar standards of review used by the court are set out.

A listing of citations to the memorials appearing in the official reports commemorating the lives of deceased Justices provides a history of the Massachusetts appellate courts.

The manual also contains information with regard to obtaining the court's decisions. The SJC provides its decisions initially in slip opinion form free of charge, either in traditional printed format or electronically by means of the official Web site (www.massreports.com) of the Reporter of Decisions. This Web site is separate from the general SJC Web site (www.mass.gov/courts/sjc).

A weekly advance sheet service containing permanent pagination is maintained in both printed and electronic format and is available by annual subscription. An opinion archive that contains opinions released since 2001 is available at no charge.

A new Web site service provides, also at no charge, the memoranda and orders that accompany release of decisions pursuant to rule 1:28 of the Appeals Court (unpublished decisions).

Finally, the official archive of SJC decisions is found in the bound volumes of the official reports, which may be purchased individually upon publication.

C. Clifford Allen
Reporter of Decisions

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1.00 General Rules

1.01 Introduction

In the past, the Supreme Judicial Court followed the Uniform System of Citation as its general authority for citations, although certain exceptions to the practices set out in the Uniform System had been followed in the interest of consistency with long-standing Massachusetts custom. However, the Style Manual of the Supreme Judicial Court (Style Manual) is now our guidepost and the Uniform System of Citation should be consulted only when referred to by the Style Manual or when the Style Manual is silent on a given matter.

1.02 Typeface

The typeface conventions followed in recent volumes of Massachusetts Reports continue to be an authoritative guide for choice of type. In particular, the names of all cited cases will continue to be italicized (underlined), with the letter "v." appearing in roman type. Introductory signals will continue to appear in textual roman type, as will titles of publications and citations to articles and student work.

1.03 Footnotes

This court has not adopted the practice followed by many legal periodicals of placing most citations in footnotes, rather than in the text. Footnotes will continue to be employed in judicial opinions in the same manner as is indicated in recent volumes of the Reports.

1.04 Numerals

The use of arabic numerals is preferred. However, in referring to articles of Constitutions (Federal or State) and statutes, where indicated in Session Laws, roman numerals should be retained.

1.05 Numbers

Spell out all numbers smaller than 101.

Exceptions:

1. Numbers that begin sentences are always spelled out.
2. Substitute words for strings of zeroes (\$10 million) or units of measure.
3. Use numerals where numbers occur throughout text.

Remember to use a comma when expressing numbers of four or more digits (1,000; 10,000)

1.06 Quotations

When lengthy quotations are indented (paragraph format, single spaced), the indentation is only on the left side of the page. Quotation marks are always used. See also §§ 4.09, 4.09.1.

1.07 Italics

Italicize a word or phrase by underlining with a single line.

1. Foreign words and phrases are not italicized

2. Italicize the expressions ante, post, supra, infra, id., and [sic]
3. In text, italicize the parties within a citation

1.08 Cross-references

When reference is made internally to a portion of the text or a footnote supra and infra may be used. With supra and infra, the page number is used without the abbreviation "p." In addition, supra and infra may be used in referring to cases and statutory material. When the first reference on a page is supra at 107, the second reference on the same page is just supra.

When citation is made to a separate opinion within the same volume, ante and post take the place of the volume number. The first time such a citation is made, it must include the opening page as well as the citing page (ante 156, 163-164 [2006]). After a case has been cited in this manner, it is then permissible to use supra at 163). Note that the year of decision is used when the opening page is cited but not when the opening page is not cited.

When citation is made within a majority opinion to a dissenting or concurring opinion in that case use "post at ." If there is only one dissenting or concurring opinion, there is no need to identify the opinion (i.e., "post at , [xxxx, J., dissenting]"). If there is more than one dissenting or concurring opinion, use "post at , (xxxx, J., dissenting)" only if the text does not identify the dissenting or concurring Justice. For citations to the majority opinion from a dissenting or concurring opinion, use "ante at ."

1.09 Introductory Signals

Signals are used to introduce citations by indicating the purpose of the citation and the degree of support a particular citation gives. The rules governing the use of signals may be found in the Uniform System of Citation.

Within a signal, we will cite cases of the Massachusetts Supreme Judicial Court first, the Massachusetts Appeals Court second, and follow the Uniform System of Citation for the rest. The exception to this rule, however, is that citations to cases decided by the Supreme Court of the United States, on Federal questions where the holding is binding on our court, should be placed first.

In a string citation introduced by a signal, a semicolon should separate the individual citations. Where a string citation has not been introduced by a signal, a period should separate the individual citations.

1.10 Maps and Plans

The engineering department in the Land Court will lend assistance in drafting a plan or map that is suitable for reproduction in the Official Reports.

2.00 Abbreviations

2.01 Reports, Digests and Encyclopedias

-A-

Alabama Appellate Court Reports(to 1976)	Ala. App.
Alabama Reports (1840-1976)	Ala.
Alaska Reports (1884-1959)	Alaska
American Jurisprudence	Am. Jur.

American Law Reports	A.L.R.
American Law Reports 2d Series	A.L.R.2d
American Law Reports 3d Series	A.L.R.3d
American Law Reports 4th Series	A.L.R.4th
American Law Reports Federal	A.L.R. Fed.
Arizona Reports (1866-Present)	Ariz.
Arizona Court of Appeals Reports (to 1976)	Ariz. App., after 1976
	____ P.2d ____ (Ct. App. 2006)
Arkansas Reports (1837-Present)	Ark.
Atlantic Reporter	A.
Atlantic Reporter 2d Series	A.2d

-B-

Bankruptcy Reporter	B.R. (Bankr. 2006)
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-C-

California Appellate Reports (1905-Present)	Cal. App., Cal. App. 2d,
California Reporter (1959-Present)	Cal. App. 3d, Cal. App. 4th
California Reports (1850-Present)	Cal. Rptr.
Colorado Court of Appeals (Colo. Ct. App.) (1891-1905) (1912-1915) (1970-1980)	Cal., Cal. 2d, Cal. 3d
Colorado Reports (1964-1980)	Colo. App.
Congressional Record	P.2d (Colo. Ct. App.)
Connecticut Appellate Reports (1983-Present)	Colo.
Connecticut Reports (1814-Present)	Cong. Rec.
Connecticut Supplement (1935-Present)	Conn. App.
Corpus Juris Secundum	Conn.
	Conn. Supp.
	C.J.S.

-D-

Delaware Reports (1920-1966)	Del.
Delaware Chancery Reports (1814-1968)	Del. Ch.
District of Columbia Appeals (1893-Present)	A.2d (D.C.)

-F-

Federal Appendix	Fed. Appx. (use only in later history: aff'd by unpublished opinion, ___ Fed. Appx. ___ [___ Cir., 20xx])
Federal Cases	F. Cas.
Federal Register	Fed. Reg.
Federal Reporter	F., F.2d, F.3d
Federal Reporter 2d Series	F.2d
Federal Rules Decisions	F.R.D.
Federal Supplement	F. Supp., F. Supp. 2d
Florida Reports (1846-1948)	Fla.
Florida Supplement (1948-Present)	Fla. Supp., Fla. Supp. 2d

-G-

Georgia Appeals Reports (1907-Present)	Ga. App.
Georgia Reports (1846-Present)	Ga.

-H-

Hawaii Appellate Reports (1980-Present)	Haw. App.
Hawaii Reports (1847-Present)	Haw.

-I-

Idaho Court of Appeals (Idaho Ct. App.) (1982-Present)	Idaho
Idaho Reports (1866-Present)	Idaho
Illinois Appellate Court Reports (1877-Present)	Ill. App., Ill. App. 2d, Ill. App. 3d
Illinois Court of Claims Reports (1889-Present)	Ill. Ct. Cl.
Illinois Reports (1849-Present)	Ill., Ill. 2d
Indiana Court of Appeals (1891-1979)	Ind. App.
Indiana Reports (1848-1981)	Ind.
Interstate Commerce Commission Reports	I.C.C.
Interstate Commerce Commission Reports, Motor Carrier Cases	M.C.C.
Iowa Court of Appeals (Iowa Ct. App.) (1977-Present)	N.W.2d
Iowa Reports (1855-1968)	Iowa

-K-

Kansas Court of Appeals Reports (1895-1901; 1977-Present)	Kan. App. Kan. App. 2d
Kansas Reports (1862-Present)	Kan.
Kentucky Reports (to 1951)	Ky.

-L-

Louisiana Court of Appeal Reports (1924-1932)	La. App.
Louisiana Reports (1900-1972)	La.

--

Maine Reports (1820-1965) ¹	Me.
Maryland Reports (1851-Present)	Md.
Maryland Appellate Reports (1967-Present)	Md. App.
Massachusetts Appeals Court Reports (1972-Present)	Mass. App. Ct.
Massachusetts Attorney Discipline Reports	Mass. Att'y Discipline Rep.
Massachusetts Reports (1867-Present) ²	Mass.
Allen (1861-1867)	Allen
Gray (1854-1860)	Gray
Cushing (1848-1853)	Cush.
Metcalf (1840-1847)	Met.
Pickering (1822-1839)	Pick.
Michigan Court of Appeals Reports (1965-Present)	Mich. App.
Michigan Reports (1847-Present)	Mich.
Minnesota Court of Appeals (Minn. Ct. App.) (1983-Present)	N.W.2d
Minnesota Reports (1851-1977)	Minn.

¹ For Maine cases after 1997, ignore the public domain format if the A.2d citation is available.

² Massachusetts cases reported from 1822-1867 will be cited solely by the name of the official reporter, abbreviated where appropriate as above. Where pagination differs between the original edition and the reprints of the early Massachusetts Report, use the original pagination as indicated by asterisks appearing in the reprinted version. (Do not include the asterisk in the citation.)

Mississippi Reports (to 1966)	Miss.
Missouri Court of Appeals Reports (1876-1952)	Mo. App.
Missouri Reports (1821-1956)	Mo.
Montana Reports (1868-Present)	Mont.
--	
Nebraska Reports (1860-Present)	Neb.
Nevada Reports (1865-Present)	Nev.
New Hampshire Reports (1816-Present)	N.H.
New Jersey Equity Reports (1830-1948)	N.J. Eq.
New Jersey Law Reports (1790-1948)	N.J.L.
New Jersey Miscellaneous Reports (1923-1949)	N.J. Misc.
New Jersey Reports (1948-Present)	N.J.
New Jersey Superior Court Reports (1948-Present)	N.J. Super.
New Mexico Court of Appeals (N.M. Ct. App.) (1967-Present)	N.M.
New Mexico Reports (1890-Present)	N.M.
New York Appellate Division Reports (1896-Present)	A.D., A.D.2d __ A.D.2d __ (N.Y. [year])
New York Court of Claims Reports	
New York Miscellaneous Reports (1892-Present)	Misc., Misc. 2d
New York Reports (1847-Present)	N.Y., N.Y.2d
New York Supplement (1888-Present)	N.Y.S., N.Y.S.2d
North Carolina Reports (1868-Present)	N.C.
North Carolina Court of Appeals Reports (1968-Present)	N.C. App.
North Dakota Court of Appeals Ct. App.) (1987-Present)	N.D. N.W.2d
North Dakota Reports (1890-1953) ³	N.D.
Northeastern Reporter	N.E., N.E.2d
Northwestern Reporter	N.W., N.W.2d
-O-	
Ohio Appellate Reports (1913-Present)	Ohio App., Ohio App. 2d Ohio App. 3d
Ohio Circuit Court Reports (1885-1901)	Ohio C.C.
Ohio Opinions (1934-1982)	Ohio Op., Ohio Op. 2d Ohio Op. 3d
Ohio Reports (1821-1851)	Ohio
Ohio State Reports (1852-Present)	Ohio St., Ohio St. 2d, Ohio St. 3d
Oklahoma Reports (1890-1953)	Okla.
Oklahoma Criminal Reports (1908-1953)	Okla. Crim.
Oregon Reports (1853-Present)	Or.
Oregon Court of Appeals Reports (1969-Present)	Or. App.
-P-	
Pacific Reporter	P., P.2d
Pennsylvania Commonwealth Court Reports (1970-Present)	Pa. Commw.
Pennsylvania District and County Reports (1921-Present)	Pa. D. & C., Pa. D. & C.2d, 3d, 4th
Pennsylvania District Reports	Pa. D.

³ For North Dakota cases after 1997, ignore the public domain format if the A.2d citation is available.

(1892-1921)	
Pennsylvania State Reports (1845-Present)	Pa.
Pennsylvania Superior Court Reports (1895-Present)	Pa. Super.
Public Laws, United States	Pub. L. No. _____ (2006)
-R-	
Rhode Island Reports (1828-1980)	R.I.
-S-	
South Carolina Court of Appeals (S.C. Ct. App.) (1983-Present)	S.C.
South Carolina Reports (1868-Present)	S.C.
South Dakota Reports (1890-1976) ⁴	S.D.
Southeastern Reporter	S.E., S.E.2d
Southern Reporter	So., So. 2d
Southwestern Reporter	S.W., S.W.2d
Supreme Court Reporter	S. Ct.
-T-	
Tennessee Court of Appeals Reports (1925-1971)	Tenn. App.
Tennessee Court of Criminal Appeals (1967-1971)	Tenn. Crim. App.
Tennessee Reports (1870-1971)	Tenn.
Texas Appeals	S.W.2d (Tex. Ct. App.)
Texas Criminal Reports (1876-1963)	Tex. Crim.
Texas Reports (1846-1962)	Tex.
-U-	
U.S. Congressional Record	Cong. Rec.
U.S. Court of Claims	Ct. Cl.
U.S. Law Week	U.S.L.W.
U.S. Reports (beginning with 91 U.S.)	U.S.
U.S. Reports (by Reporter, up to and including 90 U.S.)	e.g., 90 U.S. (23 Wall.) 46 (1874)
1 Dallas [1 U.S.]	Dall.
1 Cranch [5 U.S.]	Cranch
2 Wheaton [15 U.S.]	Wheat.
5 Peters [30 U.S.]	Pet.
3 Howard [44 U.S.]	How.
1 Black [66 U.S.]	Black
4 Wallace [71 U.S.]	Wall.
U.S. Supreme Court Reporter	S. Ct.
U.S. Supreme Court Reports, Lawyer's Edition	L. Ed., L. Ed. 2d
U.S. Tax Court	T.C.
Utah Reports (1855-1974)	Utah, Utah 2d
-V-	
Vermont Reports (1826-Present)	Vt.
Virginia Reports (1881-Present)	Va.
Virginia Court of Appeals Reports (1985-Present)	Va. App.

⁴ For South Dakota cases after 1997, ignore the public domain format if the A.2d citation is available.

Washington Court of Appeals (1969-Present)	Wash. App.
Washington Reports (1889-Present)	Wash., Wash. 2d
West Virginia Reports (1863-1973)	W. Va.
Wisconsin Court of Appeals (Wis. Ct. App.) (1978-Present)	Wis. 2d
Wisconsin Reports (1853-Present) ⁵	Wis. Wis. 2d
Wyoming Reports (1870-1959)	Wyo.

2.01.5 Other Case Reporters

- xx Mass. Civ. Serv. Rptr. xxx (yyyy)
- xx Mass. D.E.P. Rptr. xxx (yyyy)
- xx Mass. Discrimination Law Rep. xxxx (yyyy)
- xx Mass. Labor Rel. Rptr. xxx (yyyy)
- xx Mass. Land Court Rptr. xxx (yyyy)
- xx Mass. Special Educ. Rptr. xxx (yyyy)
- xx Mass. Workers' Comp. Rep. xxx (yyyy)
- xx M.L.C. xxxx (yyyy) (Mass. Labor Cases)

2.02 Cases

1. Do not abbreviate the first word in names of parties in titles.
2. Do not use "Inc." if the name of the firm also contains words that clearly indicate that the entity is a business (e.g., Co., Bros., Corp.)
3. The words "City of," "Town of," or "Inhabitants of" are not to be included in citations, but are to be included in the running heads.
4. The words "Board of" are dropped when the expression refers to constituent members (e.g., "Board of Overseers" or "Board of Selectmen"). The words are retained in such expressions as "Board of Appeals" or "Board of Health." Where a municipal official or board is a party, the name of the city or town should be retained (e.g., Smith v. Board of Appeals of Salem; Jones v. Mayor of Peabody). These words are retained in the running heads.
5. The following words and the names of States are to be abbreviated for purposes of citation. Abbreviations for the names of States appear in the Uniform System of Citation.

Accident	Acc.	Brotherhood	Bhd.
Administrat[ive], ion]	Admin.	Brothers	Bros.
Administrat[or], rix]	Adm'[r, x]	Builder	Bldr.
Agriculture	Agric.	Building	Bldg.
America[n]	Am.	Bureau	Bur.
Associate	Assoc.	Casualty	Cas.
Association	Ass'n	Center	Ctr.
Assurance	Assur.	Central	Cent.
Atlantic	Atl.	Chemical	Chem.
Authority	Auth.	Civil	Civ.
Automobile	Auto.	Commission	Comm'n
Avenue	Ave.	Commissioner	Comm'r
Board	Bd.	Committee	Comm.
Boulevard	Blvd.	Company	Co.

⁵ For Wisconsin cases after 1997, ignore the public domain format if the A.2d citation is available.

Consolidated	Consol.	Manufacturer	Mfr.
Construction	Constr.	Manufacturing	Mfg.
Continental	Cont.	Market	Mkt.
Contracting; Contractor	Contr.	Marketing	Mktg.
Cooperative	Coop.	Medicine; Medical	Med.
Corporation	Corp.	Metropolitan	Metro.
Department	Dep't	Mortgage	Mtge.
Development	Dev.	Municipal	Mun.
Distribut[or, ing]	Distrib.	Mutual	Mut.
District	Dist.	National	Nat'l
Division	Div.	North[ern]	N.
Domestic	Dom.	Number	No.
East[ern]	E.	Orchestra	Orch.
Education[al]	Educ.	Organiz[ation, ing]	Org.
Electric[al, ity]	Elec.	Pacific	Pac.
Electronic	Elec.	Pharmaceutical	Pharm.
Engineer	Eng'r	Product[ion]	Prod.
Engineering	Eng'g	Property	Prop.
Enterprise	Enter.	Public	Pub.
Environment	Env't	Publications; Publishing	Publ.
Environmental	Envtl.	Purchasing	Purch.
Equipment	Equip.	Railroad	R.R.
Exchange	Exch.	Railway	Ry.
Execut[or, rix]	Ex'[r,x]	Refining	Ref.
Federal	Fed.	Reproduct[ion,ive]	Reprod.
Federation	Fed'n	Road	Rd.
Fidelity	Fid.	Savings	Sav.
Financ[e, ial, ing]	Fin.	School[s]	Sch.
Foundation	Found.	Securit[y, ies]	Sec.
General	Gen.	Service	Serv.
Government	Gov't	Society	Soc'y
Guaranty	Guar.	South[ern]	S.
Hospital	Hosp.	Square	Sq.
Housing	Hous.	Steamship[s]	S.S.
Incorporated	Inc.	Street	St.
Indemnity	Indem.	Superintendent	Supt.
Independent	Indep.	Surety	Sur.
Industr[y, ies, ial]	Indus.	System[s]	Sys.
Information	Info.	Technical[ology]	Tech.
Institut[e, ion]	Inst.	Telecommunication[s]	Telecomm.
Insurance	Ins.	Tele[phone, graph]	Tel.
International	Int'l	Theological	Theol.
Investment	Inv.	Transport[ation]	Transp.
Junior	Jr.	Treasurer	Treas.
Laborator[y, ies]	Lab.	Typographical	Typo.
Liability	Liab.	University	Univ.
Limited	Ltd.	Utility	Util.
Litigation	Litig.	West[ern]	W.
Machine[ry]	Mach.		
Management	Mgt.		

To make an abbreviation plural, add an "s" inside the period, unless otherwise indicated.

Do not abbreviate the first word in names of parties in titles.

2.03 Periodicals

The following is a list of commonly used abbreviations.

Administrative Law Journal (Review)	Admin. L.J. (Rev.)
Albany Law Review	Alb. L. Rev.
American Bar Association Journal	A.B.A. J.
American Law Institute	A.L.I.
American University Law School	Am. U. L. Rev.
Annual	Ann.
Association	Ass'n
Bankruptcy	Bankr.
Bar	B.

Boston Bar Journal	B.B.J.
Boston College Environmental Affairs Law Review	B.C. Env'tl. Aff. L. Rev.
Boston College International and Comparative Law Review	B.C. Intl. & Comp. L. Rev.
Boston College Law Review	B.C. L. Rev.
Boston College Third World Law Journal	B.C. Third World L.J.
Boston University International Law Journal	B.U. Intl. L.J.
Boston University Journal of Tax Law	B.U. J. Tax L.
Boston University Law Review	B.U. L. Rev.
Boston University Public Interest Law Journal	B.U. Pub. Int. L.J.
Brandeis Law Journal	Brandeis L.J.
Bulletin	Bull.
Business	Bus.
Capital University Law Review	Cap. U. L. Rev.
Case Western Reserve Law Review	Case W. Res. L. Rev.
Catholic University Law Review	Cath. U. L. Rev.
Columbia Law Review	Colum. L. Rev.
Congressional	Cong.
Connecticut Law Review	Conn. L. Rev.
Constitution[al]	Const.
Cornell Law Review	Cornell L. Rev.
Criminal	Crim.
Defense	Def.
Development	Dev.
Digest	Dig.
Duke Law Journal	Duke L.J.
Environment	Env't
Environmental	Env'tl.
Ethics	Ethics
Family	Fam.
Federal	Fed.
George Washington Law Review	Geo. Wash. L. Rev.
Georgetown Law Journal	Geo. L.J.
Government	Gov't
Harvard Civil Rights-Civil Liberties Law Review	Harv. Civ. Rights-Civ. Libs. L. Rev.
Harvard Environmental Law Review	Harv. Env'tl. L. Rev.
Harvard Journal of Law and Public Policy	Harv. J.L. & Pub. Policy
Harvard Journal of Law and Technology	Harv. J.L. & Tech.
Harvard Journal on Legislation	Harv. J. on Legis.
Harvard Latino Law Review	Harv. Latino L. Rev.
Harvard Law Review	Harv. L. Rev.
Harvard Negotiation Law Review	Harv. Negot. L. Rev.
Harvard Women's Law Journal	Harv. Women's L.J.
Human	Hum.
Insurance	Ins.
International	Int'l
Journal	J.
Judicial	Jud.
Justice	Just.
Juvenile	Juv.
Labor	Lab.
Law	L.
Lawyer	Law.
Legislat[ion, I've]	Legis.
Litigation	Litig.
Maine Law Review	Me. L. Rev.
Management	Mgmt.
Maritime	Mar.
Massachusetts Law Review	Mass. L. Rev.
Municipal	Mun.
National	Nat'l
Negligence	Negl.
New England International and Comparative Law Annual	New Eng. Intl. & Comp. L. Annual
New England Journal of Medicine	New Eng. J. Med.
New England Journal on Criminal and	New Eng. J. on Crim. & Civ. Confinement

Civil Confinement	
New England Law Review	New Eng. L. Rev.
New York University Law Review	N.Y.U. L. Rev.
North[ern]	N.
Northwestern University Law Review	Nw. U. L. Rev.
NU Forum: A Cooperative Law Journal of Northeastern University School of Law	NU Forum
Ohio State Journal on Dispute Resolution	Ohio St. J. on Dis. Res.
Ohio State Law Journal	Ohio St. L.J.
Pacific	Pac.
Patent	Pat.
Planning	Plan.
Policy	Pol'y
Politic[al], s]	Pol.
Probate	Prob.
Property	Prop.
Public	Pub.
Quarterly	Q.
Register	Reg.
Regulat[ion, ory]	Reg.
Report[s, er]	Rep.
Review	Rev.
Rights	Rts.
Roger Williams University Law Review	Roger Williams U. L. Rev.
Rutgers Computer and Technology Law Journal	Rutgers Computer & Tech. L.J.
Rutgers Law Journal	Rutgers L.J.
Rutgers Law Review	Rutgers L. Rev.
School	Sch.
Scien[ce, ces, tific]	Sci.
Scribes Journal of Legal Writing	Scribes J. Leg. Writing
Section	Sec.
Securities	Sec.
Social	Soc.
Society	Soc'y
South[ern]	S.
Stanford Law Review	Stan. L. Rev.
Suffolk Transnational Law Review	Suffolk Transnatl. L. Rev.
Suffolk University Law Review	Suffolk U. L. Rev.
System	Sys.
Tax	Tax
Texas Law Review	Tex. L. Rev.
Transportation	Transp.
Trial	Trial
Uniform Commercial Code Law Journal	UCC L.J.
United States	U.S.
University of Chicago Law Review	U. Chi. L. Rev.
University of Pennsylvania Law Review	U. Pa. L. Rev.
Vermont Law Review	Vt. L. Rev.
Virginia Law Review	Va. L. Rev.
Wall Street Journal	Wall St. J.
West[ern]	W.
Western New England Law Review	W. New Eng. L. Rev.
Yale Journal of International Law	Yale J. Intl. L.
Yale Journal of Law and Feminism	Yale J.L. & Feminism
Yale Journal of Law and Liberation	Yale J.L. & Liberation
Yale Journal of Law and the Humanities	Yale J.L. & Humanities
Yale Journal on Regulation	Yale J. on Reg.
Yale Law and Policy Review	Yale L. & Policy Rev.
Yale Law Journal	Yale L.J.

2.04 Miscellaneous

affirmed	aff'd
amended	Do not abbreviate
Annotation	Annot.,
appeal	Do not abbreviate
certiorari	cert.
certiorari denied	cert. denied

certiorari dismissed	cert. dismissed
certiorari granted	cert. granted
chapter(s)	c. & cc.
Circuit	Cir.
denied	Do not abbreviate
dismissed	Do not abbreviate
edition	ed.
footnote	n.
modified	Do not abbreviate
paragraph	par.
rehearing	Do not abbreviate
reversed	rev'd
revised	rev.
volume	vol.

3.00 Citation Guidelines

3.01 Massachusetts Statutes

Citations to the General Laws should refer to the official compilation including the supplement, if any, in which the cited material appears, e.g., G. L. c. 231, § 63; G. L. c. 175, § 35 (Supp. 1995). (See the discussion below as to parenthetical material identifying statutes as appearing in the session laws, or as in effect at a particular time.)

Use of the phrases, "inserted by," "as appearing in," or "as amended by," with reference to the General Laws, is no longer required except for identifying the source of a quotation. Their use may be avoided (in the discretion of the author) by use of either of the following forms when reference to the statute as in effect at a particular time is important:

G. L. c. 156, § 10 (as amended through St. 1943, c. 549, § 4); or G. L. c. 156, § 10 (as in effect October 10, 1956).

Where there is a subsequent amendment it can be mentioned if appropriate.

References to "inserted by," "as appearing in," and "as amended by," of course, may be inserted where appropriate in the discretion of the author, in any precise form.

In all statutory citations, the word "chapter" will be abbreviated "c." (plural: "cc.").

Citation to the session laws will not require a reference to the page on which the statutory material appears. Such citations will appear, for example, as "St. 1969, c. 616."

In citing statutes, cite Massachusetts statutes first and follow the Uniform System for the rest.

Forms of citation to Massachusetts statutory material:

General Laws	e.g., G. L. c. 156, § 10 G. L. c. 93A, § 2 (<u>a</u>) (1) G. L. c. 231, § 2, first par.
amendment	e.g., G. L. c. 175, § 35 (Supp. 1996)
legislative history	e.g., G. L. c. 6, § 168, inserted by St. 1972, c. 805, § 1 G. L. c. 156, § 10, as amended through St. 1943, c. 549, § 4
legislative history	e.g., 1989 House Doc. No. 482 1992 Senate Doc. No. 301
Ordinances	Ordinances, c. 34 (1984) of the city of Boston

3.02 Federal Statutes

United States Code (U.S.C.) e.g., 42 U.S.C. § 1395 (1994)
42 U.S.C. § 1396p©(1) (1988 &
Supp. IV 1992)

amendments e.g., Pub. L. 101-239, 101st Cong., 1st
Sess., reprinted in 1989 U.S. Code
Cong. & Admin. News 1906
Pub. L. 101-239, Title VI, Subtitle B,
Part 2, § 6411(e)(1), 103 Stat. 2271
(1989)

congressional e.g., H.R. Rep. 265, 99th Cong., 1st Sess.,
pt. 1, at 71-72 (1985) (Committee on
Energy and Commerce); H.R. Conf. Rep. No. 104-458,
104th Cong., 2d Sess. [page] (1996)

3.03 Massachusetts Rules of Civil Procedure

Mass. R. Civ. P. 1, as amended, 450 Mass. 1403 (2008)

Mass. R. Civ. P. 1A, as amended, 450 Mass. 1401 (2008)

Mass. R. Civ. P. 1B, 371 Mass. 910 (1977)

Mass. R. Civ. P. 2, 365 Mass. 733 (1974)

Mass. R. Civ. P. 3, as amended, 385 Mass. 1215 (1982)

Mass. R. Civ. P. 4, as amended, 402 Mass. 1401 (1988)

Mass. R. Civ. P. 4 (a), 365 Mass. 733 (1974)

Mass. R. Civ. P. 4 (b), 365 Mass. 733 (1974)

Mass. R. Civ. P. 4 ©), as amended, 369 Mass. 997 (1976)

Mass. R. Civ. P. 4 (d), as amended, 370 Mass. 918 (1976)

Mass. R. Civ. P. 4 (e), 365 Mass. 733 (1974)

Mass. R. Civ. P. 4 (f), 365 Mass. 733 (1974)

Mass. R. Civ. P. 4 (g), 365 Mass. 733 (1974)

Mass. R. Civ. P. 4 (h), as appearing in 367 Mass. 918 (1975)

Mass. R. Civ. P. 4 (I), 385 Mass. 1215 (1982)

Mass. R. Civ. P. 4 (j), as appearing in 402 Mass. 1401 (1988)

Mass. R. Civ. P. 4.1, 365 Mass. 737 (1974)

Mass. R. Civ. P. 4.2, 365 Mass. 740 (1974)

Mass. R. Civ. P. 4.3, 365 Mass. 744 (1974)

Mass. R. Civ. P. 5, as amended, 404 Mass. 1401 (1989)

Mass. R. Civ. P. 5 (a), as amended, 387 Mass. 1221 (1983)

Mass. R. Civ. P. 5 (b), 365 Mass. 745 (1974)

Mass. R. Civ. P. 5 ©), 365 Mass. 745 (1974)

Mass. R. Civ. P. 5 (d), as amended, 404 Mass. 1401 (1989)

Mass. R. Civ. P. 5 (d) (2), as amended, 436 Mass. 1401 (2002)
Mass. R. Civ. P. 5 (e), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (f), 365 Mass. 745 (1974)
Mass. R. Civ. P. 5 (g), as amended, 368 Mass. 905 (1975)
Mass. R. Civ. P. 6, 365 Mass. 747 (1974)
Mass. R. Civ. P. 7, as amended, 385 Mass. 1215 (1982)
Mass. R. Civ. P. 7 (a), as amended, 385 Mass. 1215 (1982)
Mass. R. Civ. P. 7 (b), 365 Mass. 748 (1974)
Mass. R. Civ. P. 7 ©), 365 Mass. 748 (1974)
Mass. R. Civ. P. 8, 365 Mass. 749 (1974)
Mass. R. Civ. P. 9, 365 Mass. 751 (1974)
Mass. R. Civ. P. 10, as amended, 371 Mass. 909 (1977)
Mass. R. Civ. P. 11, 365 Mass. 753 (1974)
Mass. R. Civ. P. 12, 365 Mass. 754 (1974)
Mass. R. Civ. P. 12 (b) (9), as amended, 450 Mass. 1403 (2008)
Mass. R. Civ. P. 12 (b) (10), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 12 (d), as amended, 451 Mass. 1401 (2008)
Mass. R. Civ. P. 12 (h) (1), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 13, as amended, 423 Mass. 1405 (1996)
Mass. R. Civ. P. 13 (a), as amended, 423 Mass. 1405 (1996)
Mass. R. Civ. P. 13 (b), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 ©), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (d), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (e), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (f), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (g), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (h), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (I), 365 Mass. 758 (1974)
Mass. R. Civ. P. 13 (j), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 14, as amended, 385 Mass. 1216 (1982)
Mass. R. Civ. P. 14 (a), as amended, 385 Mass. 1216 (1982)
Mass. R. Civ. P. 14 (b), 365 Mass. 760 (1974)
Mass. R. Civ. P. 15, 365 Mass. 761 (1974)
Mass. R. Civ. P. 16, 365 Mass. 762 (1974)
Mass. R. Civ. P. 17, 365 Mass. 763 (1974)

Mass. R. Civ. P. 18, 365 Mass. 764 (1974)
Mass. R. Civ. P. 19, 365 Mass. 765 (1974)
Mass. R. Civ. P. 20, 365 Mass. 766 (1974)
Mass. R. Civ. P. 21, 365 Mass. 767 (1974)
Mass. R. Civ. P. 22, 365 Mass. 767 (1974)
Mass. R. Civ. P. 23, 365 Mass. 767 (1974)
Mass. R. Civ. P. 23.1, 365 Mass. 768 (1974)
Mass. R. Civ. P. 23.2, 365 Mass. 769 (1974)
Mass. R. Civ. P. 24, 365 Mass. 769 (1974)
Mass. R. Civ. P. 25, 365 Mass. 771 (1974)
Mass. R. Civ. P. 26, as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 26 (a), as appearing in 382 Mass. 823 (1981)
Mass. R. Civ. P. 26 (b), 365 Mass. 772 (1974)
Mass. R. Civ. P. 26 (b) (5), as appearing in 450 Mass. 1406 (2008)
Mass. R. Civ. P. 26 ©), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 26 (d), 365 Mass. 772 (1974)
Mass. R. Civ. P. 26 (e), 365 Mass. 772 (1974)
Mass. R. Civ. P. 27, as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a) (1), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 27 (a) (2), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (a) (3), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (a) (4), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 (b), 365 Mass. 777 (1974)
Mass. R. Civ. P. 27 ©), 365 Mass. 777 (1974)
Mass. R. Civ. P. 28, as amended, 385 Mass. 1209 (1982)
Mass. R. Civ. P. 28 (a), as amended, 385 Mass. 1209 (1982)
Mass. R. Civ. P. 28 (b), 365 Mass. 779 (1974)
Mass. R. Civ. P. 28 ©), 365 Mass. 779 (1974)
Mass. R. Civ. P. 29, 365 Mass. 780 (1974)
Mass. R. Civ. P. 30, as amended, 428 Mass. 1401 (1998)
Mass. R. Civ. P. 30 (a), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b), as amended, 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 (b) (1), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (2), 365 Mass. 780 (1974)

Mass. R. Civ. P. 30 (b) (3), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (4), as amended, 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 (b) (5), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (6), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (b) (7), 385 Mass. 1210 (1982)
Mass. R. Civ. P. 30 ©), as appearing in 428 Mass. 1401 (1998)
Mass. R. Civ. P. 30 (d), as amended, 423 Mass. 1401 (1996)
Mass. R. Civ. P. 30 (e), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (f), as amended, 404 Mass. 1401 (1989)
Mass. R. Civ. P. 30 (f) (1), as amended, 404 Mass. 1402 (1989)
Mass. R. Civ. P. 30 (f) (2), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (f) (3), as amended, 404 Mass. 1403 (1989)
Mass. R. Civ. P. 30 (g) (1), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30 (g) (2), 365 Mass. 780 (1974)
Mass. R. Civ. P. 30A, as amended, 406 Mass. 1403 (1990)
Mass. R. Civ. P. 30A (a), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (b), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A ©), as amended, 406 Mass. 1401 (1990)
Mass. R. Civ. P. 30A (d), as appearing in 406 Mass. 1402 (1990)
Mass. R. Civ. P. 30A (e), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (f), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (g), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (h), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (I), as appearing in 406 Mass. 1402 (1990)
Mass. R. Civ. P. 30A (j), 382 Mass. 824 (1981)
Mass. R. Civ. P. 30A (k), as appearing in 393 Mass. 1238 (1985)
Mass. R. Civ. P. 30A (l), 393 Mass. 1238 (1985)
Mass. R. Civ. P. 30A (m), as appearing in 406 Mass. 1403 (1990)
Mass. R. Civ. P. 31, as amended, 404 Mass. 1403 (1989)
Mass. R. Civ. P. 31 (a), 365 Mass. 786 (1974)
Mass. R. Civ. P. 31 (b), as appearing in 404 Mass. 1403 (1989)
Mass. R. Civ. P. 31 ©), as appearing in 404 Mass. 1403 (1989)
Mass. R. Civ. P. 32, as amended, 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (1), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (2), 365 Mass. 787 (1974)

Mass. R. Civ. P. 32 (a) (3), as amended, 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (3) (A), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (B), as appearing in 392 Mass. 1105 (1984)
Mass. R. Civ. P. 32 (a) (3) ©), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (D), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (3) (E), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (a) (4), as appearing in 385 Mass. 1211 (1982)
Mass. R. Civ. P. 32 (b), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 ©), 365 Mass. 787 (1974)
Mass. R. Civ. P. 32 (d), 365 Mass. 787 (1974)
Mass. R. Civ. P. 33, as amended, 385 Mass. 1212 (1982)
Mass. R. Civ. P. 33 (a), as appearing in 436 Mass. 1401 (2002)
Mass. R. Civ. P. 33 (b), 365 Mass. 790 (1974)
Mass. R. Civ. P. 33 ©), as amended, 385 Mass. 1212 (1982)
Mass. R. Civ. P. 34, as amended, 385 Mass. 1212 (1982)
Mass. R. Civ. P. 34 (a), 365 Mass. 792 (1974)
Mass. R. Civ. P. 34 (b), as appearing in 385 Mass. 1212 (1982)
Mass. R. Civ. P. 34 ©), 365 Mass. 792 (1974)
Mass. R. Civ. P. 35, 365 Mass. 793 (1974)
Mass. R. Civ. P. 36, 365 Mass. 795 (1974)
Mass. R. Civ. P. 37, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (a) (1), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (a) (2), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (a) (3), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (a) (4), as amended, 417 Mass. 1401 (1994)
Mass. R. Civ. P. 37 (b), as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (b) (1), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 37 (b) (2), as amended, 390 Mass. 1208 (1984)
Mass. R. Civ. P. 37 ©), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (d), 365 Mass. 797 (1974)
Mass. R. Civ. P. 37 (e), 365 Mass. 797 (1974)
Mass. R. Civ. P. 38, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 38 (a), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (b), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 ©), 365 Mass. 800 (1974)

Mass. R. Civ. P. 38 (d), 365 Mass. 800 (1974)
Mass. R. Civ. P. 38 (e), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 39, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 39 (a), as amended, 450 Mass. 1403 (2008)
Mass. R. Civ. P. 39 (b), 365 Mass. 801 (1974)
Mass. R. Civ. P. 39 ©), 365 Mass. 801 (1974)
Mass. R. Civ. P. 39 (d), as amended, 450 Mass. 1401 (2008)
Mass. R. Civ. P. 40, 365 Mass. 802 (1974)
Mass. R. Civ. P. 41, 365 Mass. 803 (1974)
Mass. R. Civ. P. 42, as amended, 423 Mass. 1406 (1996)
Mass. R. Civ. P. 42 (a), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 42 (b), as amended, 423 Mass. 1402 (1996)
Mass. R. Civ. P. 42 ©), as appearing in 423 Mass. 1406 (1996)
Mass. R. Civ. P. 42 (d), as appearing in 450 Mass. 1403 (2008)
Mass. R. Civ. P. 43, 365 Mass. 806 (1974)
Mass. R. Civ. P. 44, 365 Mass. 807 (1974)
Mass. R. Civ. P. 44.1, 365 Mass. 809 (1974)
Mass. R. Civ. P. 45, as amended, 399 Mass. 1214 (1987)
Mass. R. Civ. P. 45 (a), 365 Mass. 809 (1974)
Mass. R. Civ. P. 45 (b), 365 Mass. 809 (1974)
Mass. R. Civ. P. 45 ©), 365 Mass. 809 (1974)
Mass. R. Civ. P. 45 (d), as amended, 399 Mass. 1214 (1983)
Mass. R. Civ. P. 45 (d) (1), as amended, 399 Mass. 1214 (1987)
Mass. R. Civ. P. 45 (d) (2), 365 Mass. 809 (1974)
Mass. R. Civ. P. 45 (e), 365 Mass. 809 (1974)
Mass. R. Civ. P. 45 (f), 365 Mass. 809 (1974)
Mass. R. Civ. P. 46, 365 Mass. 811 (1974)
Mass. R. Civ. P. 47, 365 Mass. 812 (1974)
Mass. R. Civ. P. 47 (b), as amended, 450 Mass. 1402 (2008)
Mass. R. Civ. P. 47 ©), as appearing in 450 Mass. 1404 (2008)
Mass. R. Civ. P. 48, 450 Mass. 1404 (2008)
Mass. R. Civ. P. 49, 365 Mass. 812 (1974)
Mass. R. Civ. P. 50, as amended, 428 Mass. 1402 (1998)
Mass. R. Civ. P. 50 (a), 365 Mass. 814 (1974)
Mass. R. Civ. P. 50 (b), as amended, 428 Mass. 1402 (1998)

Mass. R. Civ. P. 51, 365 Mass. 816 (1974)

Mass. R. Civ. P. 52, as amended, 423 Mass. 1408 (1996)

Mass. R. Civ. P. 52 (a), as amended, 423 Mass. 1402 (1996)

Mass. R. Civ. P. 52 (b), as amended, 423 Mass. 1402 (1996)

Mass. R. Civ. P. 52 ©), as appearing in 450 Mass. 1404 (2008)

Mass. R. Civ. P. 52 (d), as appearing in 423 Mass. 1408 (1996)

Mass. R. Civ. P. 53, as amended, 423 Mass. 1408 (1996)

Mass. R. Civ. P. 53 (a), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (b) (1), as appearing in 423 Mass. 1408 (1996)

Mass. R. Civ. P. 53 (b) (2), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (b) (3), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 ©), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (d), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (e), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (f), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (g), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (h), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 53 (I), as amended, 386 Mass. 1237 (1982)

Mass. R. Civ. P. 54, as amended, 382 Mass. 829 (1981)

Mass. R. Civ. P. 54 (a), 365 Mass. 820 (1974)

Mass. R. Civ. P. 54 (b), 365 Mass. 820 (1974)

Mass. R. Civ. P. 54 ©), 365 Mass. 820 (1974)

Mass. R. Civ. P. 54 (d), as appearing in 382 Mass. 821 (1980)

Mass. R. Civ. P. 54 (e), as amended, 382 Mass. 829 (1981)

Mass. R. Civ. P. 54 (f), 382 Mass. 822 (1980)

Mass. R. Civ. P. 55, as amended, 423 Mass. 1402 (1996)

Mass. R. Civ. P. 55 (a), 365 Mass. 822 (1974)

Mass. R. Civ. P. 55 (b) (1), as amended, 450 Mass. 1402 (2008)

Mass. R. Civ. P. 55 (b) (2), as amended, 450 Mass. 1402 (2008)

Mass. R. Civ. P. 55 (b) (3), as appearing in 450 Mass. 1405 (2008)

Mass. R. Civ. P. 55 (b) (4), as appearing in 450 Mass. 1405 (2008)

Mass. R. Civ. P. 55 (b) (5), as amended, 450 Mass. 1402 (2008)

Mass. R. Civ. P. 55 (b) (6), as amended, 450 Mass. 1402 (2008)

Mass. R. Civ. P. 55 ©), 365 Mass. 822 (1974)

Mass. R. Civ. P. 55 (d), 365 Mass. 822 (1974)

Mass. R. Civ. P. 56, 365 Mass. 824 (1974)
Mass. R. Civ. P. 56 ©), as amended, 436 Mass. 1404 (2002)
Mass. R. Civ. P. 57, 365 Mass. 826 (1974)
Mass. R. Civ. P. 58, as amended, 371 Mass. 908 (1977)
Mass. R. Civ. P. 59, 365 Mass. 827 (1974)
Mass. R. Civ. P. 60, 365 Mass. 828 (1974)
Mass. R. Civ. P. 61, 365 Mass. 829 (1974)
Mass. R. Civ. P. 62, as amended, 423 Mass. 1409 (1996)
Mass. R. Civ. P. 62 (a), as amended, 423 Mass. 1409 (1996)
Mass. R. Civ. P. 62 (b), 365 Mass. 829 (1974)
Mass. R. Civ. P. 62 ©), 365 Mass. 829 (1974)
Mass. R. Civ. P. 62 (d), 365 Mass. 829 (1974)
Mass. R. Civ. P. 62 (e), as amended, 382 Mass. 821 (1980)
Mass. R. Civ. P. 62 (f), 365 Mass. 829 (1974)
Mass. R. Civ. P. 63, 365 Mass. 831 (1974)
Mass. R. Civ. P. 64, as amended, 423 Mass. 1410 (1996)
Mass. R. Civ. P. 64 (a), as amended, 450 Mass. 1402 (2008)
Mass. R. Civ. P. 64 (b), as appearing in 423 Mass. 1410 (1996)
Mass. R. Civ. P. 64A, 423 Mass. 1410 (1996)
Mass. R. Civ. P. 65, 365 Mass. 832 (1974)
Mass. R. Civ. P. 65.1, 365 Mass. 834 (1974)
Mass. R. Civ. P. 65.2, 376 Mass. 948 (1979)
Mass. R. Civ. P. 65.3, as appearing in 386 Mass. 1244 (1982)
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S.J.C. Rule 3:07, Canon 5, DR 5-108, 419 Mass. 1302 (1995)
S.J.C. Rule 3:07, Canon 6, as appearing in 382 Mass. 783 (1981)
S.J.C. Rule 3:07, Canon 7, as amended, 413 Mass. 1301 (1992)
S.J.C. Rule 3:07, Canon 7, DR 7-101, as appearing in 382 Mass. 784 (1981)
S.J.C. Rule 3:07, Canon 7, DR 7-102, as appearing in 382 Mass. 785 (1981)
S.J.C. Rule 3:07, Canon 7, DR 7-103, as appearing in 382 Mass. 786 (1981)
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S.J.C. Rule 3:07, Canon 7, DR 7-106 (A), as appearing in 382 Mass. 787 (1981)
S.J.C. Rule 3:07, Canon 7, DR 7-106 (B), as appearing in 382 Mass. 787 (1981)
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S.J.C. Rule 3:07, Canon 7, DR 7-107, as amended, 411 Mass. 1317 (1991)
S.J.C. Rule 3:07, Canon 7, DR 7-108 (A), as appearing in 382 Mass. 792 (1981)
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S.J.C. Rule 3:07, Canon 7, DR 7-108 ©), as appearing in 382 Mass. 792 (1981)
S.J.C. Rule 3:07, Canon 7, DR 7-108 (D), as appearing in 382 Mass. 1317 (1991)
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Mass. R. Prof. C. 1.7, as amended, 430 Mass. 1301 (1999)
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Mass. R. Prof. C. 1.9, 426 Mass. 1342 (1998)
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Mass. R. Prof. C. 1.13, as appearing in, 450 Mass. 1301 (2008)
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Mass. R. Prof. C. 3.1, 426 Mass. 1381 (1998)
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Mass. R. Prof. C. 3.8 (h), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.8 (I), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.8 (j), as appearing in 428 Mass. 1305 (1999)
Mass. R. Prof. C. 3.9, 426 Mass. 1400 (1998)
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Mass. R. Prof. C. 9.1, as amended, 430 Mass. 1313 (1999)
Mass. R. Prof. C. 9.2, 426 Mass. 1434 (1998)
S.J.C. Rule 3:09, Canon 1, as appearing in 382 Mass. 808 (1981)
S.J.C. Rule 3:09, Canon 2, as amended, 411 Mass. 1319 (1992)
S.J.C. Rule 3:09, Canon 2 (A), as appearing in 382 Mass. 809 (1981)
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S.J.C. Rule 3:09, Canon 2 ©), as appearing in 411 Mass. 1319 (1992)
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S.J.C. Rule 3:09, Canon 3 (A) (2), as appearing in 382 Mass. 809 (1981)
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S.J.C. Rule 3:09, Canon 3 (A) (4), as appearing in 382 Mass. 809 (1981)
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S.J.C. Rule 3:09, Canon 3 (B) (5), as appearing in 411 Mass. 1320 (1992)
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S.J.C. Rule 3:09, Canon 3 ©), as appearing in 382 Mass. 811 (1981)
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S.J.C. Rule 3:09, Canon 5, as amended, 427 Mass. 1323 (1998)
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S.J.C. Rule 3:09, Canon 5 ©) (3), as appearing in 382 Mass. 814 (1981)
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S.J.C. Rule 3:09, Canon 5 ©) (4) (b), as amended, 424 Mass. 1301 (1997)
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S.J.C. Rule 3:09, Canon 5 (D), as appearing in 382 Mass. 814 (1981)
S.J.C. Rule 3:09, Canon 5 (E), as appearing in 382 Mass. 814 (1981)
S.J.C. Rule 3:09, Canon 5 (F), as appearing in 382 Mass. 814 (1981)
S.J.C. Rule 3:09, Canon 5 (G), as appearing in 382 Mass. 814 (1981)
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S.J.C. Rule 3:09, Canon 7, as amended, 395 Mass. 1109 (1985)
S.J.C. Rule 3:09, Canon 8, as amended, 427 Mass. 1322 (1998)
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S.J.C. Rule 3:09, Canon 8 (A) (2), as amended, 427 Mass. 1322 (1998)
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S.J.C. Rule 3:11 (3), as amended, in 438 Mass. 1302 (2002)
S.J.C. Rule 3:11 (4), as amended, 409 Mass. 1302 (1991)
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S.J.C. Rule 3:12, as amended, 427 Mass. 1322 (1998)
S.J.C. Rule 3:12, Canon 1, as appearing in 407 Mass. 1301 (1990)
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S.J.C. Rule 3:13, as appearing in 407 Mass. 1308 (1990)
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S.J.C. Rule 4:01, § 1, as amended, 430 Mass. 1319 (2000)
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S.J.C. Rule 4:02, as amended, 416 Mass. 1319 (1993)
S.J.C. Rule 4:02 (1), as appearing in 416 Mass. 1302 (1993)
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S.J.C. Rule 4:08, as amended, 414 Mass. 1303 (1993)
S.J.C. Rule 4:09, as amended, 414 Mass. 1303 (1993)

3.06 Massachusetts Rules of Criminal Procedure

Mass. R. Crim. P. xx, 378 Mass. xxx (1979)

Note: There have been amendments to the Mass. R. Crim. P.
Mass. R. Crim. P. 1, as appearing in 442 Mass. 1501 (2004)

Mass. R. Crim. P. 2 (b), as amended, 397 Mass. 1226 (1986)
Mass. R. Crim. P. 3, as appearing in 442 Mass. 1502 (2004)
Mass. R. Crim. P. 3.1, 442 Mass. 1503 (2004)
Mass. R. Crim. P. 5, as appearing in 442 Mass. 1505 (2004)
Mass. R. Crim. P. 7, as appearing in 442 Mass. 1506 (2004)
Mass. R. Crim. P. 7 (a) (1), as amended, 397 Mass. 1226 (1986)
Mass. R. Crim. P. 8, as amended, 397 Mass. 1226 (1986)
Mass. R. Crim. P. 10 (a) (4), 426 Mass. 1501 (1997)
Mass. R. Crim. P. 11, as appearing in 442 Mass. 1509 (2004)
Mass. R. Crim. P. 12, as appearing in 442 Mass. 1511 (2004)
Mass. R. Crim. P. 12 ©), as amended, 399 Mass. 1215 (1987)
Mass. R. Crim. P. 13, as appearing in 442 Mass. 1516 (2004)
Mass. R. Crim. P. 14, as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 14 (a) (1) (B), as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 14 (a) (1) (D), as amended, 444 Mass. 1501 (2005)
Mass. R. Crim. P. 15, as appearing in 422 Mass. 1501 (1996)
Mass. R. Crim. P. 25, as amended, 420 Mass. 1502 (1995)
Mass. R. Crim. P. 25 ©) (2), as appearing in 420 Mass. 1502 (1995)
Mass. R. Crim. P. 30, as appearing in 435 Mass. 1501 (2001)
Mass. R. Crim. P. 33, as amended, 397 Mass. 1227 (1986)
Mass. R. Crim. P. 34, as amended, 442 Mass. 1501 (2004)
Mass. R. Crim. P. 36 (b) (1) (D), as amended, 422 Mass. 1503 (1996)

3.06.1 Other Massachusetts Court Rules

Dist./Mun. Cts. R. Civ. P. -- Massachusetts Rules of the District
and Municipal Courts

Mass. R. Dom. Rel. P.-- Massachusetts Rules of Domestic Relations
Procedure

Rule xx of the Rules of the Superior Court (19xx)

Rule xx of the Rules of the Probate Court (19xx)

Rule xx of the Rules of the Appeals Court (19xx)

Rule xx of the Rules of the Land Court (19xx)

Rule xx of the Rules of the Housing Court (19xx)

Rule xx of the Rules of the Appellate Tax Board (19xx)

Rule xx of the Rules of the Commission on Judicial Conduct (19xx)

Note: There has been one amendment -- Rule 14 of the
Rules of the Commission on Judicial Conduct (19xx)

Rule xx of the Rules of the Uniform Summary Process Rules (19xx)

Rule xx of the Rules of the Uniform Magistrate Rules (19xx)

Proposed Mass. R. Evid. xx

Reporters' Notes to Mass. R. Crim. P. 14 ©) (2), Mass. Ann. Laws, Rules of Criminal
Procedure, at 168 (Lexis 1997)

3.07 Federal Court Rules

e.g., Fed. R.A.P. xx (19xx)
Fed. R. Civ. P. xx (19xx)
Fed. R. Crim. P. xxx (19xx)
Fed. R. Evid. xxx (19xx)

3.08 State Reports

For citation to official State reports, see 2.01.

The following States have discontinued their official State reports and citations from more current years should be to the unofficial (West) citation:

<u>STATE</u>	<u>LAST VOLUME ISSUED</u>	<u>DATE</u>	<u>WEST CITE</u>
ALABAMA	295 Ala.	1975	331 So. 2d
ALABAMA APPEALS	57 Ala. App.	1975	331 So. 2d
ALASKA	17 Alaska	1958	260 P.2d
COLORADO	200 Colo.	1980	615 P.2d
COLORADO APP.	44 Colo. App.	1980	616 P.2d
CONN. CIRCUIT	6 Conn. Cir.	1974	327 A.2d
DELAWARE	59 Del.	1966	201 A.2d
FLORIDA	160 Fla.	1948	41 So. 2d
HAWAII	79 Haw.	1995	897 P.2d
INDIANA	275 Ind.	1980	419 N.E.2d
INDIANA APP.	182 Ind. App.	1980	396 N.E.2d
IOWA	261 Iowa	1968	158 N.W.2d
KENTUCKY	314 Ky.	1951	238 S.W.2d
LOUISIANA APP.	19 La. App.	1932	241 So. 2d
LOUISIANA REP.	263 La.	1972	270 So. 2d
MAINE	161 Me.	1965	215 A.2d
MINNESOTA	312 Minn.	1977	268 N.W.2d
MISSISSIPPI	254 Miss.	1966	185 So. 2d
MISSOURI	365 Mo.	1956	295 S.W.2d
MISSOURI APP.	241 Mo. App.	1953	274 S.W.2d
NORTH DAKOTA	79 N.D.	1953	60 N.W.2d
OKLAHOMA	208 Okla.	1953	258 P.2d
OKLAHOMA CRIMINAL	97 Okla. Crim.	1953	267 P.2d
RHODE ISLAND	122 R.I.	1980	414 A.2d
SOUTH DAKOTA	90 S.D.	1976	245 N.W.2d
TENNESSEE	225 Tenn.	1972	476 S.W.2d
TENNESSEE APPEALS	63 Tenn. App.	1972	480 S.W.2d
TENNESSEE CRIMINAL	4 Tenn. Crim. App.	1971	475 S.W.2d
TEXAS	163 Tex.	1962	359 S.W.2d
TEXAS CIVIL	63 Tex. Civ.	1911	135 S.W.2d
TEXAS CRIMINAL	172 Tex. Crim.	1963	363 S.W.2d
UTAH	30 Utah 2d	1974	520 P.2d
VIRGINIA	249 Va.	1995	454 S.E.2d
WYOMING	80 Wyo.	1959	345 P.2d

NOTE: ARIZONA APPEALS series is no longer published as a separate service. It has been consolidated with the ARIZONA REPORTS. Volume 27 Ariz. App. (1976) is labelled on spine "final Volume." For more recent cases, cite as: Ariz. (Ct. App. 19xx).

NOTE: ARKANSAS APPEALS is now bound with ARKANSAS REPORTS, beginning with 272 Ark.

The following States publish bound volumes of their official reports but do not issue advance sheets:

ARIZONA
IDAHO
MONTANA
NEBRASKA
NEVADA
NEW MEXICO
OHIO
OREGON
VERMONT
WEST VIRGINIA

For recent cases not available in bound official volumes, use the unofficial (West) citation, specifying State court: i.e., P.2d (Or. 1981). For Maine, North Dakota, South Dakota, and Wisconsin cases after 1997, ignore the public domain format if the A.2d citation is available.

3.09 Massachusetts Regulations

Code of Massachusetts Regulations

301 Code Mass. Regs. § 11.01(3) (1993)
106 Code Mass. Regs. § 303.230(A)(2)(b) (1986)

Do not use "et seq." when citing the Code of Massachusetts Regulations. Instead, use multiple section signs only (970 Code Mass. Reg. §§ 5.00 [1999])
If citation begins sentence, place "Title" before citation.

Massachusetts Register

205 Mass. Reg. 9-10 (April 10, 1980)

3.10 Federal Regulations

Code of Federal Regulations

45 C.F.R. § 233.90(c)(1)(v)(B) (1994)
18 C.F.R. § 292.304(e) (1988)

Federal Register

55 Fed. Reg. 36,813, 36,816 (1990)
53 Fed. Reg. 8034, 8068 (1988)

3.11 Massachusetts Constitution

The Massachusetts Constitution will be cited in the same manner as appears in recent volumes of Massachusetts Reports. Common examples are:

art. 48, The Initiative, II, § 3

art. 12 of the Declaration of Rights of the Massachusetts Constitution
("Massachusetts Declaration of Rights" acceptable)

art. 114 of the Amendments to the Massachusetts Constitution

art. 63, § 5, of the Amendments to the Massachusetts Constitution, as amended by art. 90 of the Amendments

art. 16 of the Declaration of Rights, as amended by art. 77 of the Amendments to the Massachusetts Constitution

Pt. 2, c. 1, § 2, art. 8, of the Constitution of the Commonwealth

art. 101, § 3, of the Amendments to the Massachusetts Constitution

3.12 Federal Constitution

Fourteenth Amendment to the United States Constitution
art. I, § 10, of the United States Constitution

For the official text of the United States Constitution, see Constitution of the United States of America (Rev. & Ann. 1982), prepared by the Congressional Research Service of the Library of Congress (available from the Government Printing Office)

3.13 Massachusetts Court Decisions

Where a court's decisions are officially reported, as in the Commonwealth of Massachusetts, only the official citation will be used. Only in instances where the permanent official citation is not available, as where a case is so recent that it does not appear in the official reports, may the West citation or a citation to a separately paginated advance sheet service be used in its place. The West citation may, of course, be used for those jurisdictions, e.g., Maine, which have adopted the West system as their official law reporter, commencing as of the date of such adoption.

Massachusetts cases reported from 1822 to 1867 will be cited solely by the names of the official reporter, abbreviated where appropriate as follows:

Pickering	Pick. 1822-1839
Metcalf	Met. 1840-1847
Cushing	Cush. 1848-1853
Gray	1854-1860
Allen	1861-1867

Early Mass. Reports Conversion Table

1 Pick. = 18 Mass.	16 Pick. = 33 Mass.	6 Met. = 47 Mass.
2 Pick. = 19 Mass.	17 Pick. = 34 Mass.	7 Met. = 48 Mass.
3 Pick. = 20 Mass.	18 Pick. = 35 Mass.	8 Met. = 49 Mass.
4 Pick. = 21 Mass.	19 Pick. = 36 Mass.	9 Met. = 50 Mass.
5 Pick. = 22 Mass.	20 Pick. = 37 Mass.	10 Met. = 51 Mass.
6 Pick. = 23 Mass.	21 Pick. = 38 Mass.	11 Met. = 52 Mass.
7 Pick. = 24 Mass.	22 Pick. = 39 Mass.	12 Met. = 53 Mass.
8 Pick. = 25 Mass.	23 Pick. = 40 Mass.	13 Met. = 54 Mass.
9 Pick. = 26 Mass.	24 Pick. = 41 Mass.	
10 Pick. = 27 Mass.		1 Cush. = 55 Mass.
11 Pick. = 28 Mass.	1 Met. = 42 Mass.	2 Cush. = 56 Mass.
12 Pick. = 29 Mass.	2 Met. = 43 Mass.	3 Cush. = 57 Mass.
13 Pick. = 30 Mass.	3 Met. = 44 Mass.	4 Cush. = 58 Mass.
14 Pick. = 31 Mass.	4 Met. = 45 Mass.	5 Cush. = 59 Mass.
15 Pick. = 32 Mass.	5 Met. = 46 Mass.	6 Cush. = 60 Mass.

7 Cush. = 61 Mass.	7 Gray = 73 Mass.	3 Allen = 85 Mass.
8 Cush. = 62 Mass.	8 Gray = 74 Mass.	4 Allen = 86 Mass.
9 Cush. = 63 Mass.	9 Gray = 75 Mass.	5 Allen = 87 Mass.
10 Cush. = 64 Mass.	10 Gray = 76 Mass.	6 Allen = 88 Mass.
11 Cush. = 65 Mass.	11 Gray = 77 Mass.	7 Allen = 89 Mass.
12 Cush. = 66 Mass.	12 Gray = 78 Mass.	8 Allen = 90 Mass.
	13 Gray = 79 Mass.	9 Allen = 91 Mass.
1 Gray = 67 Mass.	14 Gray = 80 Mass.	10 Allen = 92 Mass.
2 Gray = 68 Mass.	15 Gray = 81 Mass.	11 Allen = 93 Mass.
3 Gray = 69 Mass.	16 Gray = 82 Mass.	12 Allen = 94 Mass.
4 Gray = 70 Mass.		13 Allen = 95 Mass.
5 Gray = 71 Mass.	1 Allen = 83 Mass.	14 Allen = 96 Mass.
6 Gray = 72 Mass.	2 Allen = 84 Mass.	

Where pagination differs between the original edition and the reprints of the early Massachusetts Reports, use the original pagination as indicated by asterisks appearing in the reprinted version. (Do not include the asterisk in the citation.)

Citation to Massachusetts Reports from 1867-present (97 Mass. to present) should be to the official reports.

Example: Gaffney v. Contributory Retirement Appeal Bd., 423 Mass. 1 (1996)

Citation to Massachusetts Appeals Court Reports should be to the official reports.

Example: Commonwealth v. Bartlett, 41 Mass. App. Ct. 468 (1996).

3.13.1 _____; Subsequent History

_____S.C., is "same case," and is used with a case of either the SJC or the Appeals Court where subsequent action has taken place in the SJC. The SJC reviews the action in the court of origin and does not reverse or affirm Appeals Court decisions.

Examples:

Reversal by the SJC followed by an appeal from convictions at new trial:

Commonwealth v. Lanoue, 392 Mass. 583, 589 (1984), S.C., 400 Mass. 1007 (1987), and 409 Mass. 1 (1990).

Commonwealth v. Schnopps, 383 Mass. 178, 180 (1981), S.C., 390 Mass. 722 (1984).

Commonwealth v. Haas, 373 Mass. 545, 550 (1977), S.C., 398 Mass. 806 (1986).

Remands for further proceedings:

Onofrio v. Department of Mental Health, 408 Mass. 605 (1990), S.C., 411 Mass. 657 (1992).

Dynan v. Fritz, 400 Mass. 230 (1987), S.C., Martin v. F.S. Payne Co., 409 Mass. 753 (1991).

Cases considered by the SJC on further appellate review:

Wilcox v. Riverside Park Enters., 21 Mass. App. Ct. 419, 421 (1986), S.C., 399 Mass. 533 (1987).

White Constr. Co. v. Commonwealth, 11 Mass. App. Ct. 640, 647 (1981), S.C., 385 Mass. 1005 (1982).

Ferrari v. Toto, 9 Mass. App. Ct. 483 (1980), S.C., 383 Mass. 36 (1981).

Subsequent history (S.C., cert. denied, aff'd, rev'd, etc.) appears before any parenthetical phrase.

3.14 Federal Court Decisions

A citation to a United States Supreme Court decision should be to the United States Reports (U.S.). If that citation is not available, citation should be to S. Ct. or U.S.L.W. in that order. Citation to the United States Reports:

1875 - present	U.S.
1863 - 1874	e.g., 71 U.S. (4 Wall.)
1861 - 1862	e.g., 66 U.S. (1 Black)
1843 - 1860	e.g., 44 U.S. (3 How.)
1828 - 1842	e.g., 30 U.S. (5 Pet.)
1816 - 1827	e.g., 25 U.S. (12 Wheat.)
1801 - 1815	e.g., 5 U.S. (1 Cranch)
1790 - 1800	e.g., 1 U.S. (1 Dall.)

Supreme Court Reporter: S. Ct.

United States Law Week: U.S.L.W. (date of pamphlet rather than date of opinion)

A citation to a decision of a Court of Appeals:

Federal Reporter F., F.2d, F.3d (1891-present)

A citation to a decision of a District Court:

Federal Supplement F. Supp., F. Supp. 2d (1932-present)

A citation to a decision of a Bankruptcy Court:

Bankruptcy Reporter B.R. (Bankr.) (1979-present)

A citation to a decision of a Tax Court:

Reports of the United States Tax Court T.C. (1942-present)

3.15 Texts

Note: The list below is a guide for form of citation only. It is a good practice to provide the paralegal editor with a photocopy of the front and back of the title page when citing a treatise. This provides a check on the correct edition, especially if the treatise is supplemented irregularly.

A list of citations to often cited texts:

-A-

ABA Standards for Imposing Lawyer Sanctions § ___ (1992).

ALI Principles of Corporate Governance § 7.06 (Tent. Draft No. 8, 1988).

9 American Law of Property § xx (A.J. Casner ed. 1952) or (1952 & Supp. 1962).

2A R.A. Anderson, Uniform Commercial Code § 2-209:49 (3d ed. 1997).

3A R.A. Anderson, Uniform Commercial Code § 2-401:90 (3d rev. 2002).

7C J.A. Appleman, Insurance Law and Practice § 4687, at 192 (rev. ed. 1979).

6A J.A. Appleman & S. Liebo, Insurance Law and Practice § 4055 (Supp. 2001).

-B-

2 W. Blackstone, Commentaries *305-306 [(star ed. Blue Book p. 105)].

Black's Law Dictionary 1675 (8th ed. 2004).

Author, Title, 34 Boston Bar J. 16 (May/June 1998).

-C-

B. Cardozo, The Nature of the Judicial Process 155 (1921).

1 A.J. Casner, Estate Planning xxx (5th ed. 1983).

10 Collier, Bankruptcy, par. 9010.02 (15th ed. rev. 2005).

6A A. Corbin, Contracts § 396 (rev. ed. 2002).

1 G. Couch, Insurance § ___ (3d ed. 1998).

Crocker's Notes on Common Forms § ___ (8th ed. 1995 & Supp. 2000)

-D-E-F-

4 K.C. Davis, Administrative Law § 29.09 (1958) or (1958 & Supp. 1970).

2 Debates in the Massachusetts Constitutional Convention 1917-1918, 776-778 (1918).

5 Encyclopedia Americana 590 (Int'l ed. 1994).

Epstein, Takings: Private Property and the Power of Eminent Domain (1985).

Equal Justice: Eliminating the Barriers, Commission to Study Racial and Ethnic Bias in the Courts 64 (1994).

-G-

2 S. Gard, Jones on Evidence, Civil and Criminal § 9:22-9:23 (6th ed. 1972).

J. Grasso & C. McEvoy, Suppression Matters Under Massachusetts Law § 14-1 [], at 14-3 (2006)

Guidelines for Judicial Practice: Abuse Prevention Proceedings § 3:02 commentary (Dec. 2000)

-H-

- 1 Hale, Pleas of the Crown 583 (1800).
1 F. Harper & F. James, Torts § 45 (19xx).
2 Hawkins, Pleas of the Crown c. 14, § 1 (6th ed. 1787).
O.W. Holmes, Jr., The Common Law 271-272 (1881).

-I-J-K-

- F. James & G. Hazard, Civil Procedure § 11.17 (2d ed. 1977).

-L-

- W.R. LaFave, Criminal Law § 1.2(e), at 18 (2d ed. 2003).
4 W.R. LaFave, Search and Seizure § 9.2(f), at 390 (3d ed. 1996).
2 W.R. LaFave & A.W. Scott, Jr., Substantive Criminal Law § 6.9, at 170 (1986).
5 W.R. LaFave, J.H. Israel & N.J. King, Criminal Procedure § 24.2(d) (1999 & Supp. 2004).
7 A. Larson, Workers' Compensation Law § 121.04[4] (2005).
2 Legal Papers of John Adams 106-147 (L. Wroth & H. Zobel eds. 1965).
P.J. Liacos, M.S. Brodin & M. Avery, Massachusetts Evidence § ____, at ____ (7th ed. 1999 & Supp. 2006).
M.S. Brodin & M. Avery, Massachusetts Evidence § ____, at 192-193 (8th ed. 2007)

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- J. Maguire, Evidence of Guilt § 2.07, at 65 n.1 (1959).
2 McCormick, Evidence § 272, at 204 (5th ed. 1999).
Donovan, Judgment in Superior Court Civil Practice Manual § 15.10, at 15-12 (Mass. Cont. Legal Educ. 20xx)
7 E. McQuillin, Municipal Corporations § 24.507, at 479 (3d ed. 1981).
Model Jury Instructions for Use in the District Courts (1995)
Model Jury Instructions on Homicide XX (1999)
Model Code of Pre-Arrest Procedure § 140.8(4) (Proposed Official Draft 1975).
6 Moore's Federal Practice par. 56.07, at 2044 (2d ed. 19xx).
1 Perlin, Mottola's Proof of Cases in Massachusetts §§ 241-244 (3d ed. 1993).
M.G. Perlin & J.M. Connors, Civil Procedure in the Massachusetts District Court § 2.5 (2d ed. 1990 & 2001 Supp.).

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- 1 T. Belknap, Newhall's Settlement of Estates § 189, at 555 (5th ed.) or (4th ed. 1958 & Supp. 1975).
4A P. Nichols, Eminent Domain § 14.244[4] (3d rev. ed. 1981).

-O-P-Q-

- W. Page, Wills § 10.23, at XX (Bowe-Parker rev. 1960).
M. Park & D. Park, Real Estate Law § 8.2 (3d ed. 1995).
M. E. Park & D.D. Park, Conveyancing § 123 (1968).
R. Perkins, Criminal Law 201 (2d ed. 1969).
R. Perkins & R.N. Boyce, Criminal Law 1103 (3d ed. 1982).
14 R. Powell, Real Property § 82.01[3], at 82-13 (M. Wolf ed. 2000).
W.L. Prosser & W.P. Keeton, Torts § 125, at 931-934 (5th ed. 1984).

-R-

- Reporters' Notes to Rule XX, Mass. Ann. Laws Court Rules, Rules of XXX Procedure, at XX (LexisNexis 20xx).

Restatement (Second) of Judgments § 27 & comment d (1982)
Restatement (Second) of Torts § 139 (1965).
Restatement (Second) of Torts § 941 comment c, at 583-584 (1979).

-S-

9 A. Scott, Trusts § 12.34 (3d ed. 1967).
3 A.W. Scott & W.F. Fratcher, Trusts § 200 (4th ed. 1988)
2B N.J. Singer, Sutherland Statutory Construction § 51.02, at 122 (6th ed. & Supp. 2000).
2 IA. Schermer, Automobile Liability Insurance § 39.01[4] (3d ed. 1995).
1 S.M. Speiser, C.F. Krause, & A.W. Gans, Torts 4:36 (1983).
Stedman's Medical Dictionary _____ (5th ed. 1982).

-T-U-V-

2 C. Torcia, Wharton's Criminal Law § 242 (15th ed. 1994).
10 U.L.A. App. Rule 311(b) (Spec. Pamph. 1992).
Unif. R. Crim. P. 243(b), 10 U.L.A. 32 (Master ed. Supp. 1992).

-W-

Webster's Third New Int'l Dictionary 2705 (1995).
3 J. Weinstein & M. Berger, Evidence, par 606[13], at 606-25 (1978).
3 J. Weinstein & M. Berger, Evidence, at 606-11 (1978).
1 A.I. Widiss, Uninsured and Underinsured Motorist Insurance § 7.12 (1992).
X J. Wigmore, Evidence § 2161 (xxxxx ed. 19xx) or (Chadbourn rev. ed. 19xx).
29 S. Williston, Contracts § 73.5 (4th ed. 2003).
C.W. Wolfram, Model Legal Ethics § 15.3.2, at 859 (1986).
X C.A. Wright & XXXXXXXX, Federal Practice and Procedure § 1350 (19xx).

-Z-

1 Ziegler, Rathkopf's Zoning and Planning § 14.02 (4th ed. 1975).

3.15.1 _____ ; Massachusetts Practice Series (MPS)

Volumes in the Massachusetts Practice Series are cited by author and title without reference to the MPS.

H.J. Alperin & R.F. Chase, Consumer Law (2d ed. 2001).
H.J. Alperin, Summary of Basic Law (4th ed. 2006).
P.M. Annino, Estate Planning (2d ed. 1997).
A. C. Bailey & W. G. Van Dorn, Taxation (4th ed. 2000).
R.W. Bishop, Prima Facie Case (5th ed. 2005).
A. Cella, Administrative Law and Practice (1986).
E.G. Daher & H. Chopp, Landlord and Tenant Law (3d ed. 2000).
S.M. Dunphy, Probate Law and Practice (2d ed. 1997).
A.L. Eno & W.V. Hovey, Real Estate Law (4th ed. 2004).
P.A. Finn & J.R. McCarthy, Mediation and Arbitration (2006).
W.C. Flanagan, Trial Practice (1993).
W.V. Hovey & A.B. Koenig, Legal Forms (4th ed. 1999).
R.L. Ireland, Juvenile Law (2d ed. 2006).
S.L. Jones, Drunk Driving Defense (2004).
R.J. Kenney, Jr., & T.J. Farris, Motor Vehicle Law and Practice (3d ed. 1998).

address might may have changed between the time the source is cited and the time a reader seeks access. The Reporter's office strongly discourages citations to sources on the Internet because of the impermanence of such sources.

In some circumstances, the Internet source sought to be cited may appear in a more permanent location. For example, an opinion found on a Web site may also be located and retrieved from the office of the clerk of court if the citation includes a case caption, the name of the court, a docket number, and the date of release of the opinion. The same is true of an administrative decision that is found on an agency's Web site, but which is later removed. A citation to the agency, a case caption, a number equivalent to a docket number, and a date should be sufficient for a reader to find the administrative decision.

If an Internet source must be cited, the words "as of" the date the search uncovered the source should be considered to guard against the situation in which the source may later disappear. Also, if the signal "See, e.g." is used, at least the source is not being used as a primary authority. Finally, a photocopy of the material cited should be made and given to the Reporter of Decisions, and another photocopy and placed in the case's permanent file in the clerk's office. This will insure that a permanent record of the Internet source exists.

4.00 Punctuation

4.01 Apostrophe

Singular possessive:
administratrix's
Congress's
Richards's
witness's

Plural possessive:
Johnsons'
Richardses'
witnesses'
1970's

4.02 Brackets

Brackets are used around the expression [sic] and to enclose citations, corrections, explanations, etc., that were not in the original text but that have been subsequently added.

4.03 Colon

Use the colon after an independent clause to introduce a list.

4.04 Comma

Joseph Calloway vs. Richard Smith & others, trustees.
ABC Mortgage Co., Inc. vs. Drury Corp., Inc., & another.
Lydia Griffin, administratrix, vs. Lars Boman.
Commonwealth vs. Marion H. Hall, Sr.
Federal Deposit Insurance Corporation, receiver, vs. Robert Poc.
100,000; 10,000; 1,000

The accident occurred in January, 1996, before . . .
The statute, G. L. c. 123, § 6, violates . . .
See Morgan v. Johnson, supra at 63.
See Tucker v. Smith, supra, in which . . .

4.05 Dash

The so-called em-dash (--) is used to indicate a break in the structure of a sentence. It should be typed by using two hyphens.

4.06 Hyphen

As a general rule, a hyphen should be placed in an adjectival phrase.

Examples: child-support payment; common-law
indemnity; felony-murder rule; first-degree
murder; second-story building

Otherwise, hyphens should be avoided. When a word has a prefix, make it solid.

Examples: antitrust; biweekly; codefendant;
coconspirator; counterclaim;
extrajudicial; interstate;
intrastate; multistate; nonpayment;

postjudgment; posttrial; pretrial;
subcontractor; prearrest

Exceptions: Proper noun: anti-Marxist
Looks bad: anti-intellectual
Confusing: re-sign

4.07 Parentheses

If a full sentence is enclosed in parentheses, the end punctuation should be included; if less than a full sentence is enclosed the punctuation should not remain inside the parentheses. Brackets are used within parentheses to avoid double parentheses.

4.08 Virgules (slashes)

Avoid using slashes: and/or, his/her, etc. Use "or" in most situations.

4.09 Quotation Marks

Quotation marks are commonly used with a colloquialism, e.g., "rock concert," "double aught buckshot," "cruising."

Quotation marks are used in an opinion when material is quoted directly from another source whether it appears in the text, footnotes, or blocked.

With the exception of colons and semi-colons all punctuation is enclosed in the quotation marks.

If the author wishes to bring a word in a quotation to the reader's attention he or she may use "[sic]." If the author wants to correct or change a word in a quotation he or she may do so and the change appears in brackets.

4.09.1 Subquotes

Where, within a direct quote, there is material quoted from another source single quotes (subquotes) are used. "The polling procedure serves a similar purpose because it provides each juror with an opportunity, 'to change his mind about a verdict to which he has agreed in the jury room.'" Commonwealth v. Nettis, 418 Mass. 715, 719 (1994), quoting United States v. Shepherd, 576 F.2d 719, 724 (7th Cir.), cert. denied, 439 U.S. 852 (1978).

If both sources quote the exact same material the subquotes are unnecessary and the first citation is followed by a second citation.

"We consider the state of the evidence both at the close of the Commonwealth's case, and at the close of all the evidence." Commonwealth v. Zevitas, 418 Mass. 677, 680 (1994), quoting Commonwealth v. Basch, 386 Mass. 620, 622 (1982).

4.09.2 Colloquy

Colloquies between or among judges, counsel, witnesses, or parties may appear in the text or footnotes and may be blocked or may run on in the text. See, e.g., Commonwealth v. Woods, 419 Mass. 366, 375 n.13 (1995) (run on in footnote); Commonwealth v. Barnoski, 418 Mass. 523, 534-535 n.6 (1994) (footnote); Commonwealth v. Fordham, 417 Mass. 10, 16 (1994) (blocked in text); Commonwealth v. Noble, 417 Mass. 341, 343 (1994) (footnote).

4.09.3 Alterations in quotations

Parentheticals regarding alterations to quotations, such as (citation omitted) or (emphasis added), are placed immediately following the altered quotation and before the citation to the quoted source.

When the alteration appears in the quotation before the last sentence quoted, use "(Citation omitted.)" or "(Emphasis added.)" When the alteration appears in the last sentence quoted, use "(citation omitted)." or "(emphasis added)."

If multiple alterations have been made (e.g., a citation has been omitted and emphasis has been added), this should be noted in separate parentheticals. For example,

We recognized that the "fundamental requisite of due process" on temporary suspension is "an opportunity to be heard at a meaningful time and in a meaningful manner" (emphasis added) (citation omitted). Matter of Kenney, 399 Mass. 431 (1987).

Finally, if the altered quotation is itself enclosed within parentheses, the alteration should be noted in brackets within the parentheses. For example,

See G. L. c. 234A, § 39 ("The court shall have authority to excuse a juror . . . only upon a finding of an emergency or other compelling reason" [emphasis added]).

5.00 Capitalization

5.01 Governments, Officials, and Parties

Capitalize the following:

1. "Federal", such as Federal government, Federal Reserve, Federal constitutional law, etc.
2. "State" when referring to a State of the United States.
3. Titles of the Commonwealth's constitutional officers:
Governor, Lieutenant Governor, Attorney General, Secretary of the Commonwealth, Treasurer and Receiver General, Auditor, Attorney General
4. Names of Statewide Commonwealth offices (except when defined as lower case).
Ex. Department of Revenue, Department of Environmental Protection
5. Titles of the heads of Statewide Commonwealth offices (except when defined as lower case)
Ex. Commissioner of Revenue, Registrar of Motor Vehicles
6. Courts
Ex. Supreme Judicial Court, Appeals Court, Superior Court, District Court, Probate and Family Court, Juvenile Court, etc.
7. Justice: when referring to a Justice of the Supreme Judicial Court or the Appeals Court.
8. References to the Supreme Court or intermediate appellate court of a particular State or the United States Court of Appeals for a particular circuit.
9. Names of governmental bodies:
Appellate Tax Board Congress
Legislature Assembly
Senate Parliament
House

Do not capitalize the following:

bureaus or divisions of the Commonwealth offices (except Division of Insurance and Division of Special Education)
mayors and lesser municipal officials
district attorney
city of Boston
town of Danvers
assistant attorney general
house of correction
zoning boards
other municipal-level entities

5.02 State and Federal Constitutions

The word "Constitution" is capitalized in references to either the Federal or a State Constitution. References to major parts of either such as "Declaration of Rights" or "Fifth Amendment" take capitals, but expressions such as "due process," "commerce clause," and "equal protection clause" do not.

5.03 Statutes

This court capitalizes the expressions "Statute of Frauds" and "Statute of Wills" (but not "statute of limitations").

5.04 Title or Designation Preceding a Name

A title or designation preceding a name, e.g., Officer Smith, Trooper Johnson, President Clinton, Governor Weld

6.00 Case captions and party designations

6.01 Criminal Cases.

1. Case caption.

GENERAL RULE: The name which appears on the complaint or indictment is the name which appears in the caption.

EXCEPTIONS: Where there is an obvious error in the indictment, the defendant's correct name should be used.

2. Party designation.

GENERAL RULE: The defendant can be referred to in the text as either the defendant, or, by his or her last name. A victim is a victim when judgment is affirmed, otherwise use complainant.

6.02 Multiple Indictments and Companion Cases

Case caption.

GENERAL RULE: Each indictment (conviction of which is appealed) is considered a case. When more than one indictment exists and more than one defendant there must be a companion case for each.

Examples:

Commonwealth vs. David Alvarez
(and seventeen companion cases).
422 Mass. 198 (1996)

Commonwealth vs. Ventry Gordon
(and six companion cases).
422 Mass. 816 (1996)

Commonwealth vs. Daniel J. Curtis
(and a companion case²).
417 Mass. 619 (1996)

² Commonwealth vs. Mark J. Giglio.

DISTINGUISH: When there is more than one defendant named in the indictment itself, it is considered one case, and is indicated in the heading by "& another" or "others."

Example:

Commonwealth vs. Max J. Allen & others¹
379 Mass. 564 (1980)

¹ Michael R. Cappiello and Martin Koplow.

6.03 Tax Cases

1. Case caption.

GENERAL RULES: The party appealing is named first in the heading. In the heading, the title should appear as Commissioner of Revenue.

2. Party designation.

The taxpayer, whether individual or corporate, should be referred to in the text as taxpayer. It is also correct to just use his or her last name. (Note: The party is not referred to as either plaintiff or petitioner).

In most cases, the appeal is usually from a decision of the Appellate Tax Board. In the text, it should be referred to as:

Appellate Tax Board (board)

There have been very few cases involving partnerships, but the name of the partnership should not be used in the heading.

See Anderson vs. Phoenix Investment Counsel of Boston, Inc., 387 Mass. 444 (1982)

6.09 Unions

DiLuzio vs. United Elec., Radio & Mach. Workers, Local 274, 386 Mass. 314 (1982), held that labor unions are legal entities for the purpose of suing or being sued.

Therefore, the official name of the union appears in the heading.

6.10 Minors or Incompetent Person

GENERAL RULE: A minor or incompetent person cannot be sued. Parent(s), guardian, or conservator are named parties.

With respect to minors, the term p/p/a is not to be used.

Bouchard vs. DeGagne, 368 Mass. 45 (1975)

Where an incompetent is of age, his or her surname is used.

Matter of Spring, 380 Mass. 629 (1980)

Where the incompetent is not of age, he or she is referred to by the appropriate pseudonym. A list of pseudonyms is provided by Dan Thurler in the Appeals Court and he may be telephoned at (617) 557-8096 if a pseudonym is needed.

Matter of Moe, 385 Mass. 555 (1982)

6.11 Custody and Adoption Cases

1. Case caption.

In custody and adoption cases, the assigned headings appear as follows:

See, e.g., Custody of Brandon, 407 Mass. 1 (1990)

Adoption of Mary, 414 Mass. 705 (1993)

Adoption of (Pseudonym), 386 Mass. 741 (1982)

2. Party designation.

The name of the child is never used.

6.12 Juveniles

1. Case caption.

In cases involving juveniles, the assigned heading appears as follows:

Patrick P., a juvenile, vs. Commonwealth, 421 Mass. 186 (1995)

Note: Since the juvenile is usually the party appealing, the pseudonym is first in the heading.

2. Party designation.

The name of the juvenile is never used. Refer to as juvenile.

6.13 Workers' Compensation Cases

1. Case caption.

[The Claimant's Name] Case

Gateley's Case, 415 Mass. 397 (1993)

2. Party designation.

The person who is appealing is referred to as the claimant.

Zerofski's Case, 385 Mass. at 591 (1982)

6.14 Inanimate Objects

Inanimate objects can be sued where they are the goods that have been forfeited pursuant to G. L. c. 94C, § 47.

Case caption.

A description of the inanimate object appears as the heading.

See Commonwealth vs. One 1976 Cadillac DeVille Automobile, 380 Mass. 411 (1980)

Commonwealth vs. Fourteen Thousand Two Hundred Dollars, 421 Mass. 1 (1995)

6.15 Petition for Writ of Habeas Corpus

1. Case caption.

The heading is _____, petitioner. 387 Mass. 359 (1982)

2. Party designation.

The petitioning party may be referred to as petitioner.

6.16 Cities and Towns

GENERAL RULE: The term "city of" or "town of" is omitted in the heading unless just against the City of _____.

EXCEPTION: New York City

Compare Roda Realty Trust vs. Board of Assessors of Belmont, 385 Mass. 493 (1982); Worcester Vocational Teachers Association vs. City of Worcester, 385 Mass. 1103 (1982)

Note: Another convention with regard to cities and towns requires that a town board or committee precede the municipality's name: Rent Control Board of Belmont; School Committee of Beverly; Retirement Board of Springfield, Board of Selectmen of Wenham

6.17 Office Holders

GENERAL RULE: The heading appears as the title of the office, not the surname of the office holder.

Example: Attorney General vs. Travelers Insurance Co., 385 Mass. 598 (1982)

Libby vs. Commissioner of Correction, 385 Mass. 421 (1982)

6.18 Petition for Discharge from Commitment

GENERAL RULE: In a petition for discharge from commitment under G. L. c. 123, § 2, the heading appears as _____, petitioner.

6.19 Interveners

GENERAL RULE: Interveners (note spelling) are usually indicated by & another or & others.

6.20 Double Headings

GENERAL RULE: Double headings appear when cases separately argued are addressed in a single opinion. Note: that is not the same as cases being consolidated in the trial court or an appellate court.

Ruby W. West vs. First Agricultural Bank

Joan McDougall vs. S & S of N.E., Inc., 382 Mass. 534 (1981)

6.21 Third-Party Cases

GENERAL RULE: If there is a third party plaintiff or defendant, that is usually indicated in the heading.

7.00 Word Styles

A	burglar's tools (not burglar tools)
aboveground	bus
aboveground wires	bused
above-mentioned (avoid)	buses
abridgment	busing
accidentally not accidently	bylaw (provisions are adopted not enacted)
accommodation	
acknowledgment	
action if a law matter; suit if equity matter	C
adversary (not adversarial)	café
adviser but advisory	canceled
African-American	canceling
aforementioned (avoid)	cancellation
air conditioning	case-by-case basis
alcoholic beverages control commission	case-in-chief
all-alcoholic license	case law
all right (not alright)	"castle law" statute
amendments to the Constitution ("to" not "of")	cellular telephone
and/or (avoid use)	center rather than centre
annulment	charge back (two words)
annulling	child victim
ante mortem (two words)	child witness
anti (no hyphen): antitrust	citation (n.)
appeal from	cite (v.)
Appellate Division	City Hall, Boston,
Appellate Tax Board	city of Boston (except in citation)
appendices	Civil War veteran
Appendix (attachment to opinion)	clerk-magistrate
Armed Forces	cliché
arm's length (n.)	closely held corporation
arm's-length (adj.)	coconspirator
assistant attorney general	co-counsel
as to whether (omit as to)	codefendant
attorney-at-law	coexecutor
Attorney General <u>but</u> assistant attorney general	coinsurer
attorney-in-fact	collector-treasurer
audiotape	Colonial
audio-visual	commerce clause
Auditor	Commissioner of Insurance
automobile or car (not "auto")	commissioner of internal revenue
Avenue (when one)	Commissioner of Revenue
avenues (when more than one)	commissions (in general, lower case)
axe	common-law (adj.)
	common law (n.)
B	common-law indemnity
baby-sitter	common-law misdemeanor
baby-sitting	common-law right
back-dating	commonsense (adj.)
band-aid	common sense (n.)
bankbook	Commonwealth (always cap, unless in a quote or name of an act)
bankruptcy court (no caps)	Communist Party
bar counsel (lc in text)	condominium units (not condominiums)
before (not "preliminary to")	Congress congressional
before-mentioned (avoid)	Constitution (cap even when plural)
benefiting	constitutional
benefited	conviction of, not for
bilateral	cooperation
bimonthly	cooperative
bind-over	coowner
blacktop	correspondent
blood alcohol test	cotenant
bloodstain	coterminous
boards are not to be capitalized (contrary Retirement Appeal Board)	cotrustee
board of assessors	councillors
bodily injury	counselled
bondholders	counselling
bookkeeper	counsellors
Boston navy yard	count 1
Boston police headquarters	counter affidavit
boy friend	counterclaim
break-in (n.)	counter designation
breach (do not breach a contract but commit a breach)	country-wide
breathalyzer	county of Suffolk but Suffolk County, Barnstable County, and County of Dukes County (full name)
bullets (caliber not calibre)	court house but Suffolk County Court House
	court appointed
	court room

coventurer
coworker
"crack" cocaine
criticise
cross action
cross appeal (n.)
cross-appeal (v.)
cross bill
cross claim (n.)
cross-claim (v.)
cross complaint
cross-examination (n.)
cross-examine (v.)
cross motion (n.)
cross-move (v.)
cross payments
cross section
crosswalk
cul-de-sac (plural: culs de sac)
Custom House
cutoff (n. & adj.)

D

damage (loss or injury)
damages (monetary compensation)
daytime
day-to-day (adj.)
dead end (n.)
dead-end street (adj.)
decision maker
decision-making
declaration in set-off
deem (avoid)
defense
de minimis
different from (not different than)
dissociate (not disassociate)
district attorney
dollar bill
domicil
doorknob
doorway
doubtless (adv.) (not doubtlessly)
down payment
Draconian
driver's side
drug store
due process clause
duplicative convictions
(not duplicitous)

E

each and every (avoid)
east coast
e.g. (for example)
electronic mail message (e-mail)
embarrass
empanelled
empanelling
empanelment
encumbrance
enforceable
ensure/insure/assure
entranceway
entrust
equal protection clause
etc. (not favored): "and so forth"
et seq. (no comma, no italics)
exhibit A
exit (not favored as verb)
extrajudicial
extreme atrocity or cruelty
eyewitness

F

face-to-face
fact finder (n.)
fact finding (n.)
fact-finding (adj.)
fall (as a season)
far-reaching (adj.)
father-in-law
F. B. I. (written out when speaking of
the Federal Bureau of Investigation)
Federal

federally
felony-murder
F. H. A. (leave spaces)
finalize (avoid)
fingernail (one word)
fire fighter
fire house
fireproof
firsthand (adj.)
first hand (n.)
fitted (past tense & past participle)
(not fit)
five to four decision (no hyphens)
food stamp
forbear (tolerate)
forebear (ancestor)
forcible
forego, foregoing (to go before)
forgo, forgoing (to do without, waive,
renounce, waive, avoid)
forgo (do without)
forum shopping (hyphenate as adj., not
as noun)
freeze-out (n.)
freeze out (v.)
fulfil
fulfilling
fulfilment
full-blown
full court
full-time (adj.)
full time (n.)
fund raising

G

gasoline and gasoline station (DO NOT
USE gas)
girl friend
good will
Governor
grandchildren
grand jury for the county of Norfolk
but grand jury for Essex County and
grand jury for Suffolk County
grand jury were (considered plural)
grand jury which
grievous (not grievious)
"ground" words - aboveground
wires/underground wires
guarantee (v.)
guaranty (n.)
guardian ad litem
"gun" words - gunshot/shotgun/but
machine gun/double barreled
shotgun

H

happened (not transpired)
hallway
hand bills
handbag
handgun
hand rail
harass
hard pressed
headlight
head on collision
heir at law
heirs at law
high-speed
high tension wire
high-power lines
hit-and-run (adj.)
Hobson's choice
hopefully (avoid)
hospital: Northampton State
Hospital (but be sure it is the
legal name of the hospital)
hot topping and hot top
house of correction (lc.)
Houses (when referring to House and
Senate)

I

id. (period and underscore-no comma)

idiosyncrasy (not idiosyncracy)
i.e. (that is)
ill-advised
ill-considered
ill-equipped
impact (avoid use as verb)
impostor
inasmuch as
in camera
in-court
in-court identification
incumbent
indicate (better to use say, state, or show)
individual (better to use person)
indorse (not e)
indorsement (not endorsement)
Industrial Accident Board
industry-wide
in evidence (not into evidence)
inferable
in personam
insofar (one word)
insofar as
installation, install, installed but installment
inter alia (better to use "among others")
Internet
Interstate Highway 93
Interstate Commerce Commission
Internal Revenue Service
intervener never intervenor
in the circumstances (not under)
Irish-American
irregardless (not a word)
italicized

J

East Cambridge jail
Suffolk County jail
judgment
judgment n.o.v. (not jnov)
Jury: The jury are (plural)
The jury who not the jury that
jury-of-six (adj.)
jury of six (n.)
jury-waived (adj.)
Justices
joint venture

L

labeled, labeling
landowner
last-minute
lawmaker
lay persons
Legislature
legislative
lesser included offense
libellous
lienholder
Lieutenant Governor
life beneficiary (used in trust matter, life tenant used in connection with real estate)
life-style
lifetime
linchpin
lineup
lock up (v.)
long standing (the arrangement was long standing)
long-standing arrangement
Lord's day
lot 40
lump-sum (adj.)

M

makeup (cosmetics)
marihuana (marijuana beginning with 429 MaSS.)
mayor of Boston
Mexican-American
mid-1970's

millimeter (i.e., nine millimeter hand gun)
mischievous
minuscule
mugshots
murder in the first degree

N

next door
nighttime
Nineteenth Century (initial caps.)
no-fault
nol pros (v.)
nolle prosequi (n.)
nonfelony-murder
non words (generally no hyphen)
nonunion, nonprejudicial

O

observed (not favored)
o'clock (9 A.M., 9:15 P.M.)
one-on-one
off duty (was off duty)
off-duty officer
offset (n. & v.)
oneself
one-way street
ongoing
on the part of (avoid; use "by")
out-of-court
out-of-State trustee
over-all (adj.)
overall (adv. & n.)

P

pager (not beeper)
parameter (avoid)(use "limit")
part time(n.)
part-time (adj.)
pat-down
patfrisk (n.)
pat frisk (v.)
pejorative (not perjorative)
per cent
petit larceny (not petty larceny)
photocopied (not reproduced)
plan to go (not "plan on going")
pleaded (past tense of plead)
(not pled)
post (generally no hyphen)
postjudgment
postminority
post mortem
posttrial
"pre-" words: hyphenate only when prefixed to words beginning with "e"
(Ex. pre-existing)
prescribe (dicate)
prefer . . . to or over (not prefer . . . than)
pretext (not pretextual)
pretrial
preventive (not preventative)
pro rata (adj. & adv.) no hyphen
proscribe (prohibit)
Probate Court
probate judge
product (not products) liability
proffered
property-damage (adj.)

Q

quasi (separate word)
quasi contract
quasi contractual
quasi judicial
question whether (not "question as to whether" or "question of whether")

R

rainwater
ratemaking
ratepayer

rate setting (two words)
 record-keeping
 recommittal
 redirect
 reenactment/reexamine/
 reelected/reenacts/
 reexamination/reelection
 regardless of whether
 registry of deeds
 remodeling
 required finding
 res judicata - not res adjudicata
 resume
 retroactive to
 revise or revoke
 a right of way
 right hand side
 roll call vote
 Route 125
 rowboat
 rule against perpetuities
 rule making
 runoff election

S

S.C. (same case; cap.; ital.)
 second-hand
 second level hearsay
 self-(always hyphenated)
 Secretary of the Commonwealth
 setback (n.)
 setoff (n.)
 set-off (adj.)
 set off (v.)
 self-dealing
 self-defense
 self-help
 semiautomatic
 sentence of from (three to five years)
 shortfall
 showup
 [sic] (bracketed & underscored)
 sidebar
 single-family house
 six-story building (hyphen)
 small-time
 snide (avoid use)
 snow blower
 snow storm
 so-called
 Social Security
 son-in-law
 spring (as in season)
 stage two (Bishop-Fuller protocol)
 staircase
 stairway
 stairwell
 state of mind
 statement of agreed facts - not "agreed
 statement"
 State police
 State Secretary
 State trooper
 Statewide
 station house
 Statute of Frauds
 statute of limitations
 Statute of Wills
 step
 streets (when plural)
 struck (not stricken)
 subbid
 subcontractor
 sub-subcontractor
 Suffolk County
 susceptible of

T

T-shirt
 tape recorded (v.)
 tape-recorded (adj.)
 tax-exempt character
 taxicab
 telephone call (telephoned)
Terry-type
 third prong malice

thirty-day period rather than thirty
 days' period. When the possessive is
 used, however, the hyphen is not.

The following nouns denoting
 elapsed spans of time should
 preferably be used as indicated:

thirty days' ----- time
 thirty days' ----- duration
 thirty-day ----- period
 thirty-day ----- term
 thirty-day ----- span
 thirty-day ----- spell
 thirty-day
 or
 thirty days' ----- notice
 thirty-day ----- interim
 thirty-day ----- interval
 thirty-day ----- pendency
 thirty-day ----- intermission
 thirty-day ----- sentence
 thirty-day
 or
 thirty days' ----- delay
 thirty-day ----- lapse
 thirty days' ----- grace
 thirty-day ----- reign
 thirty-day ----- tenure
 time-barred (adj.)
 town of
 traveled
 traveler
 traveling
 Treasurer and Receiver General
 treble damages
 trial court
 truth-telling (adj.)
 two-lane traffic
 two-tone

U

unobjected-to statements

V

vis-à-vis
 Vice-President (U.S.)
 vice-president (all others)
 videotape

W

Web site
 well-being
 well established (predicatively or
 adjectively after word modified)
 well-established (attributive adj.)
 well-intentioned
 well-reasoned
 well-settled
 wholly owned
 widespread
 wilful
 witness's
 witnesses'
 work product doctrine
 work related
 workers' compensation
 workers' compensation act
 World War II

X

X-ray

Y

year old (adj.)

8.00 Snappers; General

A judgment is the final decisive act taken by a court in setting forth the rights of the parties. The judgment may include a decree and order from which an appeal lies. Traditionally, a decree was the final act taken by an equity court. Today we use judgment as the term for final disposition in either an equity or legal proceeding.

A verdict is handed down by a jury. Also, an appeal is taken from a judgment not a verdict.

In drafting a judgment or snapper the lower court must be given clear instruction. If the words "So ordered." are used, they should be preceded by a statement making the disposition clear.

The following distinctions should be kept in mind: The SJC affirms, reverses, or modifies judgments; and remands cases.

The court will sometimes issue an order in a case "with opinion or opinions to follow"; no snapper is needed when opinion is subsequently released.

No snapper is necessary on opinions answering questions certified to this court by the Federal District Court or the Court of Appeals for the First Circuit.

A number of common errors committed in drafting an order or snapper are illustrated in a law review article written by former Chief Justice Robert W. Calvert of the Supreme Court of Texas (6 Tex. Tech. L. Rev. 915 [1975]).

1. Do not mistake the lower court for its judgment.
Ex. "We deny the petitions and affirm [the order of the] Interstate Commerce Commission."
2. Do not mistake the case for the judgment below.
Ex. "The case [judgment] is affirmed."
3. Do not mistake the lower court's opinion for its judgment.
Ex. "The opinion [judgment] of the District Court is reversed."
4. Do not mistake the judgment for the case.
Ex. "The judgment of the trial court is reversed and [the case] remanded."
5. Do not omit a remand.
Ex. "The judgment that the plaintiff take nothing is reversed.", should read "We reverse the judgment and remand for a determination of damages."

8.01 Judgment reversed or vacated.

The snapper "Judgment reversed" should be used when the judge in the trial court should have disposed of a case in a different manner. If the trial judge may not have been incorrect in deciding a case but the SJC is remanding the case for further proceedings, the snapper "Judgment vacated." should be used.

8.02 Common examples; civil cases.

Judgment affirmed.

Judgment reversed.

The judgment is vacated and the case is remanded to the Superior Court for entry of an order declaring that

So ordered.

Judgment affirmed.

Order denying motion for new trial affirmed.

8.03 _____; criminal cases

Judgment affirmed.

Judgment reversed.

Verdict set aside.

If the evidence remaining after a suppression motion is allowed is insufficient to warrant a conviction on the charges, then judgment is entered for the defendant, or if a retrial is implausible or impossible:

Judgment reversed.

Verdict set aside.

Judgment for the defendant.

Order denying motion for new trial affirmed.

If the case was tried to a judge rather than a jury:

Judgment reversed.
Finding set aside.

8.04 Particular cases; Appellate Division

When the Appellate Division agrees with the trial court, it dismisses the report.

Order of Appellate Division dismissing report affirmed.

Order of Appellate Division reversed.

Judgment for the plaintiff on the findings of the District Court.

8.05 _____; Appellate Tax Board

Decision of the Appellate Tax Board reversed (affirmed).

8.06 _____; Arbitration

A judgment of a lower court is either to "confirm" or "vacate" an arbitration award.

Judgment affirmed.

8.07 _____; Care and protection

The judge's order granting the petition to dispense with parental consent to adoption of the two children is affirmed.

So ordered.

The judge's order committing the children to the care and protection of the department, and the orders allowing the petitions to dispense with the need for consent to adoption are affirmed.

So ordered.

8.08 _____; Companion and consolidated cases

The snapper should recognize multiple judgments.

Judgments affirmed (reversed).

8.09 _____; Contributory Retirement Appeal Board

The judgment of the Superior Court affirming the Contributory Retirement Appeal Board's decision to deny benefits is affirmed.

So ordered.

The judgment of the Superior Court is vacated. An order is to enter remanding the case to the Contributory Retirement Appeal Board for further proceedings consistent with this opinion.

So ordered.

8.10 _____; Multiple convictions

An order and snapper should clearly identify which convictions are being reviewed (convictions that are filed or not appealed do not count; count only those convictions from which an appeal is taken).

8.11 _____; Dismissal

Appeal dismissed.

8.12 _____; Habeas corpus

Order denying petition for writ of habeas corpus affirmed.

8.13 _____; Labor Relations Commission

Decision (or order) of commission dismissing the . . . affirmed.

8.14 _____; Medical Malpractice Tribunal

Judgment of dismissal affirmed.

The findings of the tribunal are to be replaced by the decision of this court that the offer of proof of the original plaintiffs, if properly substantiated, is sufficient to raise a legitimate question of liability appropriate for judicial inquiry. The judgment of dismissal is vacated and the present plaintiffs may proceed with their claims.

So ordered.

8.15 _____; Mootness

The judgment is vacated, not on the merits but because the case became moot, and a new judgment is to be entered dismissing the action.

So ordered.

The issues raised on appeal are moot and the appeal is dismissed. The judgment is to stand.

So ordered.

8.16 _____; Rate Setting Commission

The judgment of the Superior Court reversing the decision of the commission is affirmed.

So ordered.

9.00 Standards of Review

9.01 Administrative Agency

"A reviewing court must determine whether an agency decision is supported by substantial evidence 'upon consideration of the entire record, or such portions of the record as may be cited by the parties. The court shall give due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it.' G. L. c. 30A, § 14(7)."
Flint v. Commissioner of Public Welfare, 412 Mass. 416, 420 (1991).

9.02 Ineffective Assistance of Counsel

"Whether there has been serious incompetency, inefficiency, or inattention of counsel -- behavior of counsel falling measurably below that which might be expected from an ordinary fallible lawyer -- and, if that is found, then, typically, whether it has likely deprived the defendant of an otherwise available, substantial ground of defence." Commonwealth v. Saferian, 366 Mass. 89, 96 (1973).

9.03 Judgment Notwithstanding Verdict and Directed Verdict

"The standard of review to be employed on a motion for judgment notwithstanding the verdict and a directed verdict is the same. . . ." Whitehall Co. v. Barletta, 404 Mass. 497, 504 (1989). In considering whether the trial judge properly denied [the defendant's] motion for [jnov], our inquiry is whether 'anywhere in the evidence, from whatever source derived, any combination of circumstances could be found from which a reasonable inference could be drawn in favor of the plaintiff.' Toubiana v. Priestly, 402 Mass. 84, 85 (1988), quoting Raunela v. Hertz Corp., 361 Mass. 341, 343 (1972).

9.04 License Denial

"In cases in which a particular statute did not explicitly provide for an appeal from the denial of a license, we have held that the proper standard of review is the 'arbitrary or capricious' standard." Roslindale Motor Sales, Inc. v. Police Commissioner of Boston, 405 Mass. 79, 84 (1989).

9.05 Motion to Dismiss

"In determining the appropriateness of a judgment dismissing a complaint, 'we accept as true all of the allegations of the complaint and all reasonable inferences which may be drawn from the complaint and which are favorable to the party whose claims have been dismissed. . . . Further a motion to dismiss a complaint . . . should not be allowed unless it appears certain that the complaining party is not entitled to relief under any state of facts which could be proved in support of the claim.' Rae v. Air-Speed, Inc., 386 Mass. 187, 191 (1982)."
Harvard Law School Coalition for Civil Rights v. President and Fellows of Harvard College, 413 Mass. 66, 68 (1992).

9.06 Motion to Suppress

"In reviewing the denial of a motion to suppress, we accept the motion judge's subsidiary findings of fact absent clear error." Commonwealth v. Yesilciman, 406 Mass. 736, 743 (1990).

9.07 Order of Single Justice

"The proper standard of review of a single justice's order is whether the single justice committed an abuse of discretion or a clear error of law." Commonwealth v. Nettis, 418 Mass. 715 (1994).

9.08 Preliminary Injunction

"In reviewing a denial of a request for a preliminary injunction, we determine whether the judge abused his discretion." GTE Products Corp. v. Stewart, 414 Mass. 721, 722 (1992).

9.09 Required Finding of Not Guilty

"We consider the evidence in the light most favorable to the Commonwealth to determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." Commonwealth v. Cordle, 412 Mass. 172, 175 (1991).

9.10 Substantial "Likelihood" of a Miscarriage of Justice

"Under G. L. c. 278, § 33E, [the SJC is] required to consider the law and the evidence to determine whether a reversal, or . . . a reduction of [a] murder conviction, is required to prevent a substantial likelihood of a miscarriage of justice. See Commonwealth v. Marquetty, 416 Mass. 445, 452 (1993); Commonwealth v. Baker, 346 Mass. 107, 109 (1963). The statute specifically provides that [the SJC] may direct the entry of a verdict of a lesser degree of guilt 'if satisfied that the verdict was against the law or the weight of the evidence, or because of newly discovered evidence, or for any other reason that justice may require.'" Commonwealth v. Coyne, 420 Mass. 33, 35 (1995).

9.11 Substantial "Risk" of a Miscarriage of Justice

In opinions concerning a crime other than murder, the appropriate standard of review of errors to which no objection was made at trial is a substantial "risk" of a miscarriage of justice, rather than the "substantial likelihood" wording of review under G. L. c. 278, § 33E, applicable to capital cases. See Commonwealth v. Richmond, 379 Mass. 557, 562-563 & n.4 (1980); Commonwealth v. Roberts, 378 Mass. 116, 122-123 (1979); Commonwealth v. Freeman, 352 Mass. 556, 563-564 (1967).

10.00 Massachusetts Legislative History (Prepared by The Reference Staff of the Massachusetts State Library).

TRACING A MASSACHUSETTS LAW

Legal research is often difficult and time-consuming, and the tracing of the history of our State's legislation is unfortunately, no exception. It is difficult to find legislative intent as legislative debate, hearings, and committee reports are not in most instances officially recorded. The State Library has put together this guideline to make it easier for you to perform this activity. The Library staff is here to help you. Please do not hesitate to call upon us for assistance.

I. Profiles of Basic Reference Sources

A. Bulletin of Committee Work (1918-present)

A record of the work of the Committee of the General Court consisting basically of three parts

1. alphabetical arrangement by Committee with a listing and title of each bill referred to a committee, date of hearing, report of committee, membership of committee and room number.

2. "Legislative Record" section with status or disposition of a bill.

3. "Acts and Resolves Approved by Governor" - a list of enacted legislation with the last bill number from which it originated, Published with the Bulletin since 1951.

The Bulletins from 1918-1972 have individual subject indexes. Subject access of legislation since 1973 is by means of the indexes in the House and Senate Journals. If the legislation being traced is for the current year, the subject and bill number can be determined by checking with

the Legislative Service Bureau, Room 572A State House or the State Library. Beginning in 1981 the Bulletin has been published in a new format consisting of separate pamphlets for each Committee and a separate pamphlet for the section titled "Acts Approved by Governor."

B. Journals of the House and Senate

The Journal of the House and the Journal of the Senate contain the chronological record of the business of each branch for every legislative day during a session of the General Court. Debates are not included and only roll call votes are recorded. There is an index and a supplemental/miscellaneous index printed with the final volume for each year. Since 1970 a "Bill History Index" has also been published with the final volume. In the current year the Journals are printed for each legislative day, in pamphlet format.

C. Orders of the Day

Matters to be considered by the Senate or House of Representatives such as changes in a bill, substitutions, or adverse reports. These are listed on the Calendar of the Senate and the Calendar of the House for each legislative day. Calendars are printed and available prior to each day's session. Back issues of the Calendar from 1869-1975 are bound and on file in the State Library.

D. Legislative Documents (designated by House or Senate numbers) include the following:

1. Bills that have been printed from the original petitions
2. Special reports authorized by the General Court
3. Governor's messages
4. Departmental recommendations for legislation

E. Other Documents

1. Auditor's reports
2. Agency annual reports
3. Special advisory commission reports

F. Archives Division of the Secretary of the Commonwealth

Documentation for a Legislative History is found in the State Library and the Archives Division of the Department of the Secretary of the Commonwealth. Each collection compliments the other.

Here are found the "legislative packages," papers related to legislation. These contain original petitions with names of all petitioners; miscellaneous documents and letters; margin notes and written changes in a bill.

G. State House News Service:

1972-present/legislative debate press releases
1975-present/general State House press releases

News releases from legislative committees, state officials, state officers, members of the General Court, special interest groups, and excerpts of debate in the Senate and House. On file Massachusetts State Library.

II. Tracing a State Law for Current Year

A. When chapter number of Acts and Resolves is known:

1. Consult separate booklet titled "Acts and Resolves Approved by Governor" for bill number

B. When bill number is known:

1. Consult Legislative Record (computer printout)
2. Latest status of bill available at Legislative Service Bureau (Room 527A)

C. When only subject matter of bill is known:

1. Attempt to determine the committee that the bill would be assigned to by matching subject with scope of committee (e.g., taxes - Taxation Committee)
2. Consult separate Bulletin for that Committee

3. Subject index to legislation (computer printout) available at State Library or Legislative Service Bureau (Room 527A)

D. When only a reference to a chapter and section of Massachusetts General Laws is known and you know that the bill has been enacted into law:

1. Consult "Table of Laws, Amended, Repealed" in Legislative Service pamphlets to Massachusetts General Laws
2. Follow procedure in Section II A and B above

E. When you only know that a Special Act has been amended:

1. Consult Section "Statutes Amended, Repealed, etc" of Legislative Service pamphlets to Massachusetts General Laws
2. Follow procedure in Section II A and B above

III. Tracing a State Law for Prior Years

A. Determine the Acts and Resolves citation of the year of enactment of the law being researched. This can be found at the end of the General Law section, or in the Historical Notes" of the General Laws.

1. Consult the Bulletin of Committee Work (final edition), Section "Acts Approved by the Governor," for the bill number. This section has been printed with the Bulletin since 1951.

Prior to 1951 access to bill numbers is available through the subject index of the final Bulletin. The subject index has been published with the Bulletin from 1918-1972. Subject access to bill numbers is also available through the indexes of the House and Senate Journals.

2. Proceed to "Legislative Record" section of the Bulletin for a complete history of the bill (arranged by bill number).

- a. This includes committee assignments, dates considered in the House and Senate, dates of any amendments (check Journals of the House and Senate for the text of amendments) supplementary bill numbers, messages from the Governor, enactment date, and chapter number.

- b. All documents listed in the "Legislative Record" should be examined for statements from committee chairmen, department head letters, Governors' messages, etc.

- c. House and Senate floor debates and transcripts of committee hearings are not officially printed. The rare exception is when a public stenographer is present. A copy of the transcript is then deposited with the State Library.

1. From 1972 to the present the State Library has collected unofficial press releases of floor debate in the House and Senate.

2. From 1975 to present, unofficial press releases of some hearings and other State House activities have been retained also.

3. Consult reference staff for use and location of these State House News Services press releases.

- d. Consult the Legislative Research Council's Index of Special Reports Authorized by the General Court. Selected reports effecting legislation are published during and prior to the year of enactment.

B. When only the bill number is known:

Follow the procedure outlined in Section III A 2 above beginning with the "Legislative Record."

C. When only the subject is known:

1. If the year of the legislation is known:

- a. Consult the Bulletin (final edition), "Subject Index" (1918-1972) or the Indexes of

the House and Senate Journals 1973-present for the bill number.

b. Follow the procedure in Section III A 2 above

2. If the year of the legislation is not known and only if the legislation was enacted:

a. Use the subject index to the Massachusetts General Laws to determine the General Law chapter and section.

b. Examine this chapter and section to determine the Acts and Resolves citation of the year of enactment. Then follow the procedure in Section III A parts 1 and 2 above.

D. When only a reference to a chapter and section of Massachusetts General Laws is known:

1. Examine this chapter and section to determine the Acts and Resolves citation of the year of enactment. Then follow the procedure in Section III A parts 1 and 2.

2. For Special Acts which are not in the General Laws:

Proceed as outlined in Section III A parts 1 and 2 above

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11.00 Memorials

The following memorials to Justices of the Supreme Judicial Court have been published in the Massachusetts Reports. The full text of each memorial appears (along with a painting, photograph, or other image of the Justice) in the Directory section of the Reporter of Decisions website.

<u>Citation</u>	<u>Justice Honored in Memorial</u>	<u>Date Presented</u>
10 Mass. 507	Chief Justice Parsons	November 23, 1813
11 Mass. 496	Chief Justice Sewall	July 12, 1814
12 Mass. 501	Daniel Dewey	June, 1815
26 Mass. 576	Isaac Parker	September, 1830
6 Cush. 583	Samuel Sumner Wilde (retirement)	November 9, 1850
15 Gray 599	Lemuel Shaw (retirement)	December 30, 1867
1 Allen 597	Lemuel Shaw	April 9, 1861
98 Mass. 601	George Tyler Bigelow (retirement)	December 30, 1867
112 Mass. 558	Reuben Atwater Chapman	September 2, 1873
119 Mass. 600	Theron Metcalf	November 27, 1875
119 Mass. 605	John Wells	December 4, 1875
124 Mass. 598	George Tyler Bigelow	May 3, 1878
125 Mass. 598	Benjamin Franklin Thomas	October 17, 1873
130 Mass. 599	Seth Ames	November 11, 1881
131 Mass. 595	James D. Colt	September 14, 1881
137 Mass. 591	Otis P. Lord	March 22, 1884
137 Mass. 597	Waldo Coburn	October 20, 1886
145 Mass. 593	Augustus Lord Soule	September 27, 1887
147 Mass. 621	William Sewall Gardner	November 27, 1888
152 Mass. 601	Charles Devens	February 7, 1891
153 Mass. 601	Marcus Morton	May 19, 1891
154 Mass. 607	William Allen	September 15, 1891
163 Mass. 597	Ebenezer R. Hoar	March 9, 1895
174 Mass. 591	Walbridge A. Field	November 25, 1900

177 Mass. 607	William Crowninshield Endicott	November 24, 1901
182 Mass. 613	Horace Gray, Jr.	January 17, 1903
189 Mass. 605	James Madison Barker	January 20, 1906
209 Mass. 613	John Lathrop	October 21, 1911
214 Mass. 608	Charles Allen	May 24, 1913
231 Mass. 615	Marcus Perrin Knowlton	March 22, 1919
246 Mass. 581	John Wilkes Hammond	November 17, 1923
248 Mass. 593	James Madison Morton	May 17, 1924
250 Mass. 605	Charles Francis Jenney	January 17, 1925
251 Mass. 620	Charles Ambrose DeCourcy	June 27, 1925
257 Mass. 597	Henry Newton Sheldon	March 12, 1927
272 Mass. 591	Lemuel Shaw (century since appointment)	September 16, 1930
275 Mass. 586	Henry King Braley	May 23, 1931
277 Mass. 589	William Caleb Loring	December 12, 1931
280 Mass. 589	James Bernard Carroll	November 19, 1932
281 Mass. 559	George Augustus Sanderson	February 11, 1933
297 Mass. 589	William Cushing Wait	April 3, 1937
298 Mass. 575	Oliver Wendell Holmes, Jr.	October 9, 1937
302 Mass. 625	Arthur Prentice Rugg	April 1, 1939
306 Mass. 622	Edward Peter Pierce	June 8, 1940
318 Mass. 800	John Crawford Crosby	December 8, 1945
328 Mass. 746	Arthur Walter Dolan	October 30, 1951
329 Mass. 773	Fred Tarbell Field	November 20, 1952
331 Mass. 779	Charles Henry Donahue	April 29, 1954
343 Mass. 784	James Joseph Ronan	December 12, 1961
344 Mass. 779	Henry Tilton Lummus	March 23, 1962
344 Mass. 791	Edward Augustine Counihan, Jr.	May 18, 1962
345 Mass. 798	Louis Sherburne Cox	September 28, 1962
351 Mass. 814	Harold Putnam Williams	November 15, 1966
351 Mass. 824	Stanley Elroy Qua	December 1, 1966
358 Mass. 850	Arthur Easterbrook Whittemore	January 18, 1971
361 Mass. 912	Raymond Sanger Wilkins	April 11, 1972
279 Mass. 931	John Varnum Spalding	November 20, 1979
385 Mass. 121	Paul Grattan Kirk	April 22, 1982
387 Mass. 122	Robert Braucher	September 21, 1982
394 Mass. 1115	Jacob J. Spiegel	April 18, 1985
405 Mass. 1703	Paul Cashman Reardon	September 7, 1989
418 Mass. 1603	Richard Ammi Cutter	September 14, 1994
421 Mass. 1603	G. Joseph Tauro	September 28, 1995
431 Mass. 1603	Paul Julian Liacos	June 13, 2000
433 Mass. 1303	Francis J. Quirico	December 19, 2000
451 Mass.	Edward F. Hennessey	April 15, 2008
451 Mass.	Martha Browning Sosman	June 10, 2008

In addition, the following proceedings have been published in the reports of the Appeals Court. The full text of each memorial appears (along with a photograph of the Justice) in the Directory section of the Reporter of Decisions website.

<u>Citation</u>	<u>Justice Honored in Memorial</u>	<u>Date Presented</u>
4 Mass. App. Ct. 875	David A. Rose (retirement)	March 11, 1976
16 Mass. App. Ct. 1111	Reuben Goodman	June 15, 1983
40 Mass. App. Ct. 1135	Edith W. Fine	April 17, 1996
40 Mass. App. Ct. 1151	David A. Rose (memorial)	April 22, 1996
45 Mass. App. Ct. 1127	Allan M. Hale	November 18, 1998
49 Mass. App. Ct. 1123	J. Harold Flannery	January 11, 2000
58 Mass. App. Ct. 1115	Joseph P. Warner	June 24, 2003
64 Mass. App. Ct. 1115	John H. Mason	September 16, 2005
66 Mass. App. Ct. 1121	Edmund V. Keville	May 12, 2006
71 Mass. App. Ct. 1129	Donald R. Grant	May 12, 2008

12.00 Release of Massachusetts Opinions

Decisions of the Supreme Judicial Court and the Appeals Court are released daily at 10 A.M. The decisions are originally released in so-called slip opinion form and contain the opinion and certain preliminary material added by the Reporter's office (county of origin, date of argument, date of decision, panel, catchwords indicating various issues, statement of procedural history, and listing of counsel). Slip opinions may be obtained in printed form from the Public Information Office, the Reporter's office, or by going to the Web site of the Reporter of Decisions (www.massreports.com) and downloading a copy of the slip opinion. One may also register on the Web site to receive the daily slip opinions automatically by e-mail.

The decisions next appear in weekly advance sheet form. The advance sheets contain everything found in the slip opinion plus headnotes added by the Reporter's office and permanent pagination provided by the official printer, thus making official citations available upon publication of the advance sheets. If a decision is handed down by Wednesday of a given week it will appear in the issue of advance sheets dated Friday of the same week. Any corrections or amendments to the advance sheets should be forwarded to the Reporter by 2 P.M. on Wednesday so that they may appear in the next issue of the advance sheets. Each weekly issue of advance sheets (a preliminary print for each court) will be mailed to subscribers on Friday and is available in both printed and electronic formats. For a subscription dial 1-800-762-5272. The advance sheets are also available by subscription on the Web site. For a subscription log onto the Web site.

After approximately 960 pages of advance sheets have been accumulated, the volume is closed and these pages form the bound volume. Any corrections to the advance sheets should be forwarded to the Reporter by mail, facsimile, or email so that they may appear in the bound volume. The bulk of such corrections do not require that replacement pages be mailed to subscribers to the advance sheets (e.g., typographical errors that do not blur the author's meaning). If a Justice wishes to amend an opinion, an amended replacement page is prepared. If a significant error is found that affects the meaning of the opinion or in some way makes the opinion unclear, a corrected replacement page is prepared.

Slip opinions are superseded by the publication of the advance sheets. If discrepancies exist between the slip opinion and the advance sheet versions, the advance sheet version controls. If discrepancies exist between print and electronic versions of a slip opinion, the print version controls.

Advance sheet pamphlets are superseded by the publication of the bound volume. If discrepancies exist between the advance sheet and bound volume versions, the bound volume version controls.

The bound volumes of the Massachusetts Reports and Massachusetts Appeals Court Reports contain the only official text of the opinions of the Supreme Judicial Court and Appeals Court. If discrepancies exist between any other version of a case and the bound volume version of the Massachusetts Reports or Massachusetts Appeals Court Reports, the bound volume version controls.

The pagination of a volume of Massachusetts Reports is uniformly established and provides room for expansion so that full opinions, rescript opinions, FAR orders, and rules always appear in the same numerical sequence:

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Memorials	--
Index	--

13.00 Rules for Typing and Formatting Opinions

13.01 Basic Rule

Use the simplest, most straightforward method of formatting. This will ensure that the opinions appear as they should in the advance sheets and bound volumes of the Mass. Reports. This rule is applicable to any stage of the process in which material is typed.

13.02 Guidelines for Formatting Opinions

Here are some guidelines that everyone who types opinions, or documents that may become part of a judicial opinion, should be aware of. Following these guidelines will help ensure that the opinions of the SJC and Appeals Court published by Thomson West will accurately reflect the formatting we desire.

Background. In the past, the only thing that was important (from a formatting perspective) in preparing opinions was how the final opinion looked. How that appearance was achieved -- e.g., what formatting codes were used -- was not important. Thus, in the past, it did not matter whether the indentation of a paragraph was created by the use of a "Tab" or by the use of a series of spaces.

At the present time, Thomson West publishes the Advance Sheets and bound volumes for both the SJC and the Appeals Court. For opinions sent to Thomson West, it is important how documents are constructed. Thus, for example, it is important to use a "tab" to indent the first line of a paragraph, rather than a series of spaces.

Guidelines

Judicial secretaries and law clerks (and, ideally, any justices who type their own opinions) should strive to comply with the following guidelines when formatting opinions:

1. A "Tab" should always be used to indent the first line of any paragraph whose first line should be indented. Spaces should not be used to create the indentation.
2. Hard Returns (the Enter key) should not be inserted in the middle of a paragraph. If there is a need to be sure that certain text appears together on the same line, a "Hard Space" (Home-Spacebar) should be inserted between the words that need to be kept together on the same line. The formatting examples in the text of this memorandum are for WordPerfect 5.1 for DOS. For those users who compose opinions in WordPerfect 6.1 for Windows, the Hard space is created by Control-Spacebar.
3. The Indent key (F4) should be used to block indent a paragraph of text. In WordPerfect 6.1 for Windows, an "Indent" is the F7 key. The Indent code (and other paragraph-formatting codes) should appear only on the first line of the paragraph. There is one tricky exception: Occasionally, there may be a need to create a footnote whose first paragraph is block indented. Because the footnote window starts out already indented one tab stop, the only way to do this is to insert a Hard Return (Enter) at the end of the first line, and an "Indent" (F4) in front of the second line of the paragraph. I believe this is the only time in which it should be necessary to insert a paragraph formatting code in a place other than in the first line of the paragraph. The indentation of the blocked paragraph should not be achieved by changing the left (and/or right) margins (e.g., to a 2" left margin). So-called "hanging indents" may also be used, on those relatively rare occasions where the second and subsequent lines of a paragraph need to be indented one tab stop further than the first line of a paragraph. In WordPerfect 5.1 for DOS, a hanging indent is created by F4, Shift-Tab. (In WordPerfect 6.1 for Windows, a hanging indent can be created by Control-F7).
4. If a series of codes is used to indent text, there should be no spaces between the codes. Thus:

This is a paragraph that is block indented two tab stops from the left margin, and whose first line is further indented.

[indent][indent][Tab]This is that same paragraph, showing the codes that precede the first line. There are no spaces between any of the codes. (Note: the same formatting can be achieved by [Tab][Indent][Tab]; either approach is OK).

5. Similarly, the "snapper" lines at the end of an opinion should be indented through the use of a series of "Tabs", and not by changing the margin (e.g., to a 4" left margin), and not through the use of a series of spaces. Where a second or third line of a "snapper" paragraph is needed, a series of "Tabs" followed by an additional space or two should be used to further indent the second or third line of the "snapper"). Thus:

[Tab] [Tab] [Tab] [Tab] [Tab] [Tab] [Tab] Judgment affirmed.
[Tab] [Tab] [Tab] [Tab] [Tab] [Tab] [Tab] Order denying motion for new trial
[Tab] [Tab] [Tab] [Tab] [Tab] [Tab] [Tab] affirmed.

6. Formatting codes should not be placed in the lines of "white space" between the case captions (e.g., "COMMONWEALTH vs. MARY JONES") and the first line of the opinion. For example, the "Bold" codes that make the author's name bold, should appear on the same line as the author's name, and should "hug" the author's name (e.g., "[Bold]WILKINS, C.J.[bold]"). Any formatting codes that apply to the opinion as a whole (e.g., nonstandard margin settings or justification codes) should appear on the first line of the opinion text.
7. When there is a need to leave a space in an opinion, concurrence or dissent where a later page reference will be inserted (e.g., "The court says, ante at , that . . ."), spaces should be used to create the space. "Tabs" should not be used to create the space.

Attached are some sample pages illustrating how the paragraph formatting codes should be used.

After reviewing many opinions created by both appellate courts, it appears that the above guidelines are consistent with the way our appellate court opinions currently are formatted by most people, most of the time. Now, however, it is important to try to follow these guidelines consistently, all of the time. Doing so will help ensure that the Advance Sheets published by Lawyers Coop reproduce the formatting of opinions in a manner that accurately reflects the formatting in the "slip" opinion.

As we gain experience with providing opinions to the new publisher, we may discover additional refinements to some of the opinion formatting conventions that will help ensure accurate publication of our appellate opinions.

Advanced Formatting Examples

[TAB] This document illustrates some typical paragraph formatting styles, and how they can be created using WordPerfect codes.

[TAB] We have paragraphs that have a Tab-indented first line and otherwise are flush to the left margin, like this paragraph.

[INDENT] [TAB] We have paragraphs which are indented one tab-stop from the margin, and whose first line is tab-indented an additional tab-stop, like this paragraph.

[INDENT]We also have paragraphs which are indented one tab-stop from the margin, but whose first line is not indented one tab stop, like this paragraph.

[INDENT]{MAR REL} Occasionally, we have paragraphs that begin with hanging indents, where the second and subsequent lines of the paragraph are indented one tab stop further than the first line, like this paragraph.

[TAB][Indent][MAR REL] (a)[TAB] We also occasionally have paragraphs where a prefatory letter or other label precedes what appears to be a block indented paragraph. This type of paragraph can be created in more than one way. One way is a Tab, followed by a hanging indent (F4, Shift-Tab), and another tab in between the "(a)" and the "We".

[TAB](a)[INDENT] Another way, is a Tab, followed by the "(a)", followed by an indent, as this paragraph illustrates.

[TAB](b)[TAB](1)[INDENT] On extremely rare occasions, there may be multiple labels preceding what appears to be a block indented paragraph, and each label appears to be positioned by means of a tab or indent code, so that it lines up nicely, like this paragraph; or

[TAB][TAB](2)[INDENT] there is a further indented part of such a list, like this paragraph.

[TAB] There are often times when there will be a reference to a page in a majority or dissenting opinion where a blank must be left to be filled in later by the publisher, as: "The majority says, ante at , that I respectfully disagree."

[TAB] An opinion usually identifies an author.

[TAB] WARNER, C.J. In this case, we decide that

[TAB] ABRAMS, J. (dissenting). The majority say that

This page shows various types of paragraph formatting. The following examples show the codes that would be seen in "Reveal Codes" in WordPerfect 5.1 for DOS.

14.00 Electronic Opinion Distribution

14.01 Web site

The official Web site of the office of the Reporter of Decisions of the Massachusetts Supreme Judicial Court and the Appeals Court is www.massreports.com. The primary purposes of the site are to provide the most timely and efficient dissemination of the decisions of the two Massachusetts appellate courts and to provide information about the operation of the office of the Reporter of Decisions and the history of the court.

14.02 _____ ; Recent Additions

1. An Opinion Archive has been created, containing the most recent 3,600 decisions of the Massachusetts Appellate Courts. This feature is similar to the Massachusetts Internet Advance Sheets, although the headnotes prepared by the Reporter are not available. This searchable feature is available without a subscription.

2. Memorials to the late Chief Justice Edward F. Hennessey and Justice Martha Browning Sosman of the Supreme Judicial Court, which were presented at special sittings of the Supreme Judicial Court on April 15, 2008, and June 10, 2008, have been added. In addition, a Memorial to the late Justice Donald R. Grant of the Appeals Court, which was presented at a special sitting of the Appeals Court on May 12, 2008, has been added.

3. The 2008-2009 Edition of the Supreme Judicial Court Style Manual is available.

4. An Updated Compilation of the Massachusetts Rules of Appellate Procedure, the Massachusetts Rules of Civil Procedure, the Massachusetts Rules of Criminal Procedure, and the Rules of the Supreme Judicial Court, as appearing in the bound volumes of the Massachusetts Reports through September 1, 2008, are provided.

5. Decisions issued by the Appeals Court pursuant to its rule 1:28 (unpublished decisions), which have been released since the decision of the Appeals Court in Chace v. Curran, 71 Mass, App. Ct. 258, 260 n.4 (2008), have been added to the Web site. These decisions are primarily addressed to the parties and, therefore, may not fully address the facts of the case or the panel's decisional rationale. Moreover, rule 1:28 decisions are not circulated to the entire court and, therefore, represent only the views of the panel that decided the case. A summary decision pursuant to rule 1:28, issued after February 25, 2008, may be cited for its persuasive value but, because of the limitations noted above, not as binding precedent. These summary decisions may be found on the Web site by clicking on "Unpublished Decisions" in the green left-hand margin.

14.03 _____ ; Distribution of Opinions

The opinions of the Massachusetts Supreme Judicial Court and Appeals Court are made available to the bar, public, and press through the office of the Reporter of Decisions by means of the Web site (www.massreports.com). The slip opinions are released without charge electronically on the Web site, and the advance sheets are available by subscription on the Web site. The opinions of the two appellate courts released since 2001 are available, without charge, in the "Opinion Archive" section of the Web site, as are the decisions pursuant to rule 1:28 of the Appeals Court released since February 26, 2008, in the "Unpublished Decisions" section of the Web site.

Slip opinions. In most cases the courts' opinions will be released within 130 days of oral argument, the text of which is made available to the public at 10 A.M. on days opinions are released. An announcement is made on the Web site (Today's SJC Opinions) at 8 A.M. indicating whether the Supreme Judicial Court intends to release cases at 10 A.M. and listing the case captions and docket numbers of those opinions the court intends to release. The opinions of the Appeals Court are not announced in advance.

The Web site provides two methods for gaining access to the slip opinions: (a) checking the Web site, clicking on a case caption, and either reading or printing the case from the screen; or (b) registering for automatic electronic mail delivery of cases from the following designated practice areas:

- (I) All cases
- (ii) All civil cases
- (iii) All criminal cases
- (iv) Business law
- (v) Civil procedure
- (vi) Insurance
- (vii) Labor and employment
- (viii) Municipal
- (ix) Public law
- (x) Real estate
- (xi) Torts
- (xii) Trusts, estates, and family law
- (xiii) Miscellaneous

Slip opinions posted to the Web site are removed at the end of two weeks and, thereafter, may be found in the "Opinion Archive."

Advance Sheets. The slip opinions are superseded by publication of the advance sheets. They appear on this Web site each Monday. The advance sheets (both printed and electronic versions) include the official headnotes, the same pagination that will later appear in the bound volumes, and any subsequent amendments and substantive corrections made to the opinions between the time of release and the publication of the bound volumes. In addition, the electronic version of the advance sheets provides full searchability of the opinions by docket number, date of release, party name, and word or phrase. A subscription to the electronic advance sheets may be obtained on the Web site, or by calling 1-800-344-5009. The opinions, without headnotes added by the Reporter, may be found in a searchable format, at no charge, in the "Opinion Archive."

15.00 Gender Neutral Writing.

The following suggestions are offered as aids to avoiding objectionable sexist language in opinion writing.

1. Use plural pronouns and antecedents.

Attorneys should conscientiously represent the interests of their clients.

2. Eliminate the direct object.

An attorney should conscientiously represent the interests of clients.

3. Eliminate the personal pronoun.

An attorney can give you his advice as to a possible solution.

becomes

An attorney can give you advice as to a possible solution.

4. Replace the personal pronoun with "the," "this," or "a."

A prudent testator will review his will to ensure that it continues to provide for an appropriate distribution of his estate.

becomes

A prudent testator will review the will from time to time to ensure that it continues to provide for an appropriate distribution of the estate.

5. Use the gender-neutral "who" or "whose."

A law professor often assumes that if a student cannot write clearly, he cannot analyze a complex legal problem.

becomes

A law professor often assumes that a student who cannot write clearly cannot analyze a complex legal problem.

6. Use passive voice instead of active voice.

If the judge concludes that venue is improper, he should grant a motion to transfer venue.

becomes

If the judge concludes that venue is improper, a motion to transfer venue should be granted.

7. Repeat the noun.

If the judge concludes that the court lacks jurisdiction, he should dismiss the appeal.

becomes

If the judge concludes that the court lacks jurisdiction, then the judge should dismiss the appeal.

Additional suggestions:

<u>Use</u>	<u>Avoid</u>
presiding juror worker	foreman workman
member of congress, senator, or representative	congressman
reporter chair anchor	newspaperman chairman anchorman
members of the jury	gentlemen of the jury
colleagues	brethren
fire fighter	fireman
homemaker	housewife
nurse	male nurse
executive	businessman
representative	spokesman
reasonable person	reasonable man
artificial	man-made
staff	manpower
diplomacy	statesmanship
server	waiter

16.00 Internet Citations.

It is important to remember that Internet citations to sources are not always accessible. The most common reason is that such sources are impermanent. It is often the case that an electronic source that has been cited is removed before a reader of the opinion in which the citation appears attempts access, or the URL address might have changed between the time the source is cited and the time a reader seeks access. The Reporter's office strongly discourages citations to sources on the Internet because of the impermanence of such sources.

In some circumstances, the Internet source sought to be cited may appear in a more permanent location. For example, an opinion found on a Web site may also be located and retrieved from the office of the clerk of court if the citation includes a case caption, the name of the court, a docket number, and the date of release of the opinion. The same is true of an administrative decision that is found on an agency's Web site, but which is later removed. A citation to the agency, a case caption, a number equivalent to a docket number, and a date should be sufficient for a reader to find the administrative decision.

If an Internet source must be cited, the words "as of" the date the search uncovered the source should be considered to guard against the situation in which the source may later disappear. Also, if the signal "See, e.g." is used, at least the source is not being used as a primary authority. Finally, a photocopy of the material cited should be made and given to the Reporter of Decisions. Another photocopy should be placed in the permanent file of the case in the clerk's office. This will insure that a permanent record of the Internet source exists.

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