

**INTERACTIVE CITATION
WORKBOOK FOR *THE BLUEBOOK:*
*A UNIFORM SYSTEM OF CITATION***

Illinois

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WORKBOOK FOR *THE BLUEBOOK:
A UNIFORM SYSTEM OF CITATION***

Illinois

Jacob Carpenter
Marquette University Law School

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Editorial Offices
630 Central Ave., New Providence, NJ 07974
201 Mission St., San Francisco, CA 94105-1831 (415) 908-3200
www.lexisnexis.com

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ILLINOIS CASES AND STATUTES

Three sources address case citations in Illinois: (1) Illinois Supreme Court Rule 6, (2) Illinois Supreme Court Rule 23, and (3) the Style Manual for the Supreme and Appellate Courts of Illinois. Two sources address statutory citations in Illinois: (1) 25 ILCS 135/5.04 (West 2010), and (2) the Style Manual for the Supreme and Appellate Courts of Illinois. This chapter will address case citations first and statutory citations second.

A. CITING TO CASES

Illinois has little in the way of controlling authority addressing citation format. For example, while Illinois Supreme Court Rule 6 states which Reporters to cite to, it provides almost no guidance on how to format citations to the print sources. Similarly, Illinois Supreme Court Rule 23(e) explains when attorneys can cite to unpublished opinions but does not discuss citation format. While Rules 6 and 23 are important, they provide almost no guidance on how to format your citations. Fortunately, a third source exists: the Style Manual for the Supreme and Appellate Courts of Illinois¹ (the Manual). Though this Manual is a guide for citation in judicial opinions, not necessarily briefs, the prudent attorney should follow the Manual's guidance for numerous reasons. First, because judges and their clerks are required to follow the citation formats stated in the Manual, they certainly will appreciate when attorneys do so in their briefs. Second, if an attorney's citations mirror the format the judges and clerks follow, the judges and clerks will view the attorney's formatting as proper. Third, because the Supreme Court Rules provide virtually no guidance, the Manual provides the most extensive, and nearly only, guidance to follow.

The remainder of this section will discuss each source in turn, starting with Rule 6, then turning to Rule 23, and ending with the style Manual. Following the guidance from these three sources provides a solid foundation from which Illinois attorneys can craft correct, consistent citations.

1. Illinois Supreme Court Rule 6

Rule 6 distinguishes between opinions filed in the print version of the official codes (opinions filed before July 1, 2011) and opinions filed online only (opinions filed on or after July 2, 2011). As discussed below, the formatting requirements for each are considerably different.

a. Opinions prior to July 1, 2011 (non-public domain citations)

Illinois opinions filed prior to July 1, 2011 do not include public-domain information. For these opinions, Rule 6 requires you to cite to the official reporter, with parallel citations to the North Eastern Reporter and the Illinois Decisions optional. Rule 6 also states that if you are citing to cases from other jurisdictions that do not use a public-domain citation, cite to (a) the official state reports, or (b) the regional reporter, or (c) both. Unfortunately, that's the extent of the Supreme Court Rules for citing to opinions that do not have public-domain citation information. While Rule 6 tells you when to cite to print Reporters, it does not state how to format such cites.

b. Opinions filed on or after July 1, 2011 (public-domain citations)

Supreme Court Rule 6 requires you to use the public-domain format when citing to any opinion that contains public-domain citation information. For Illinois cases, those are opinions filed on or after July 1, 2011. The Commentary that follows the 2011 revision to Rule 6 explains the public-domain format and provides helpful examples.

The public-domain designation numbers consist of (1) the year the case was decided, (2) the court abbreviation, and (3) a court-assigned identifier number (which derives from the case's docket number). The

¹ The "Style Manual for the Supreme and Appellate Courts of Illinois" can be found at http://www.state.il.us/court/StyleManual/SupCrt_StyleManual.pdf.

court abbreviation is either “IL,” which indicates the Supreme Court issued the opinion, or “IL App (1st),” which indicates the appellate court issued the opinion. Notice no period is included after the “App” abbreviation. You also likely noticed the number in parenthesis. This indicates which of the five appellate districts issued the opinion.

At times you will see a letter following the court-assigned identifier number. The letter U indicates that the opinion is unpublished per Supreme Court Rule 23. The letter B indicates that the opinion is the second opinion filed under the same docket number. If there is a third opinion filed under the same docket number, you will see the letter C. This pattern will continue for any additional opinions filed under the same docket number. Finally, if the opinion was issued from the Workers’ Compensation Commission Division, the letters “WC” will follow the identifier number.

A complete public-domain citation will include the following information, in order: (1) the case name, (2) the year, (3) the court abbreviation, (4) the identifier number, and (5) the pinpoint cite to the paragraph number. To demonstrate all of this, let’s look at a few examples:

- Supreme Court: *People v. Leach*, 2012 IL 111534, ¶ 5.
- Appellate Court: *People v. Cobian*, 2012 IL App (1st) 980535, ¶¶ 19-21.
- Unpublished: *People v. Cooper*, 2012 IL App (1st) 102545-U, ¶ 50 (unpublished order under Supreme Court Rule 23).

2. Illinois Supreme Court Rule 23

Illinois Supreme Court Rule 23 addresses what are commonly called “unpublished opinions.” The citation format you should use when citing to unpublished opinions is addressed in the Manual, discussed in the next section. But, attorneys should realize that Rule 23 prohibits attorneys from citing to unpublished opinions unless you do so “to support contentions of double jeopardy, res judicata, collateral estoppel, or law of the case,” or to provide the reader with a fuller understanding of the history of a case. Thus, the Illinois Supreme Court Rules prohibit attorneys from citing to unpublished opinions in most situations.

3. The Style Manual for the Supreme and Appellate Courts of Illinois

When addressing citation, the Manual states that the Bluebook (19th ed.) is the official style guide for Illinois reviewing court opinions. However, it is safe to assume that when subsequent editions of the Bluebook are published, attorneys should use the most recent edition. The Manual does provide exceptions to specific Bluebook rules and expands on the Bluebook rules for authorities specific to Illinois practice. While the Manual addresses citation for various sources, below is a brief explanation of the exceptions and expansions that pertain to case citations.

a. Signals (Exception to Bluebook Rule 1.2)

The Manual’s Rule III(A)(1) instructs you not to italicize signals, except for *contra*, *cf.*, and *e.g.*

b. Illinois Official Reports (Exception to Bluebook Table T1)

Rule III(A)(3) instructs you to cite to the official reporter if the opinion is published in it. But, for opinions filed on or after July 1, 2011, citation should be made to the public-domain information. If you choose to parallel cite, your parallel cite must be to the North Eastern Reporter only.

Further, the Manual reminds readers that when you determine the authoritative value of opinions, the five districts constitute one unified appellate court. Because of this, when you provide the year of the decision in parenthesis, you need not indicate the district, “unless [the district] is of particular relevance to the discussion.” As a practical matter, though, Illinois attorneys do routinely include the district along with the date in parenthesis.

c. Public-Domain Formats (Exception to Bluebook Rule 10.3.3)

If you are citing to a public-domain citation (whether an Illinois opinion or a non-Illinois opinion) and including a pinpoint citation, Rule III(A)(3) instructs you to pinpoint cite to the paragraph number. If you include a parallel citation to a print source, you are not to include a pinpoint citation for that print source. Rule III(A)(3) also instructs you to include a space between the paragraph symbol and number, and to include a comma after the paragraph number (if you provide a subsequent parallel citation). These rules apply even if you cite to an opinion from a jurisdiction whose citation rules differ.

d. United States Supreme Court (Addition to Bluebook Table T1)

Like in the Bluebook’s Table T1, the Manual’s Rule III(A)(4) instructs you to cite only to the United States Reports (U.S.) when citing a United States Supreme Court opinion. But, if such an opinion is not yet printed in the United States Reports advance sheets, you should then follow this format example: *Lewis v. City of Chicago*, 560 U.S. __, __, 130 S. Ct. 2191, 2220 (2010).

e. Italicize Case Name (Exception to Bluebook Rule 2.1(a))

Rule III(A)(5) instructs you to italicize—not underline—case names. This is simple. The more complicated part of the rule distinguishes between case opinions and causes of action. When citing to a cause of action, you should not italicize the case name, and you should include the cause number (a/k/a as the docket number). Thus, the difference is demonstrated as follows:

- Opinion: *City of Chicago v. Joyce*, 38 Ill. 2d 368 (1967)
- Cause of action: Smith v. White, No. 83-C-101 (Cir. Ct. Lake Co.)

The Manual then seems to contradict itself a bit. If you are “discussing” a cause of action, the Manual instructs you to refer to it by its cause number (83-C-101), not its case name (Smith v. White). However, the Manual then states that if you are “referring” to a cause of action that you have already introduced, you should not use a single party’s name (like you would when referring in short form to an opinion), but instead you should include the full case name (Smith v. White). The difference between “discussing” a case and “referring” to a case, for purpose of this rule, is unclear. In other words, after you’ve introduced a cause of action and then subsequently mention it again, should you use its cause number (83-C-101) or its case name (Smith v. White)? Just remember that you should always strive to be clear. Thus, when mentioning that cause of action again, either mention it by case name or by cause number, whichever would be least likely to confuse the reader.

f. Prepositional Phrases of Location (Exception to Bluebook Rule 10.2.1(f))

Rule III(A)(6) addresses prepositional phrases in case names. If a party’s name includes a school district or other governmental entity, the rule instructs you to include the full name, even if part of the name could be considered a “phrase of location” under the Bluebook’s Rule 10.2.1(f). To demonstrate, the Manual provides the following two examples:

- *Board of Education of Community Unit School District No. 201-U v. Crete-Monee Education Ass’n*, 147 Ill. App. 3d 188 (1986).
- *Metropolitan Sanitary District of Greater Chicago ex rel. O’Keeffe v. Ingram Corp.*, 85 Ill. 2d 458, 475 (1981).

g. Abbreviations in Party Names (Exception to Bluebook Rule 10.2)

Rule III(A)(7) significantly limits your use of abbreviations in case names. First, under the rule you are limited to abbreviating the following words only:

- & (and)
- Ass'n (Association)
- Co. (Company)
- Cos. (Companies)
- Comm'n (Commission)
- Corp. (Corporation)
- Corps. (Corporations)
- Inc. (Incorporated)
- Ltd. (Limited)
- No. (Number)
- Nos. (Numbers)
- R. (Rail)
- R.R. (Railroad)
- Ry. (Railway)

Second, you must not abbreviate the first word in a party's name. Third, do not abbreviate "Company" if it is not indicating a business designation. Fourth, include articles (such as "The") if they are "an integral part of the business's name." The Manual demonstrates these last two rules with the following example:

- Correct: *The Company Man, Inc. v. Robinson*
- Incorrect: *Co. Man, Inc. v. Robinson*

These limitations on the use of abbreviations are directed only to abbreviations within case names. The Manual states that "[i]n all other elements of citation, the Bluebook's recommended rules on abbreviations control."

h. Date of Decision (Addition to Bluebook Rule 10.5)

Consistent with the Bluebook, Rule III(A)(8) instructs you to provide the year the opinion was filed. Unlike the Bluebook, though, the Manual specifically addresses *nunc pro tunc* entries. If a court makes a *nunc pro tunc* entry, the court is correcting a clerical error so that the record accurately reflects what occurred earlier. The *nunc pro tunc* entry applies retroactively. In other words, the original order is treated consistently with what it should have said originally and how it has since been corrected. The *nunc pro tunc* date is the date the original order was entered, not the file-stamped date of the entry making the correction. Thus, if encountering such a situation, you should provide the earlier *nunc pro tunc* date.

i. Illinois Administrative Agency Decisions (Exception to Bluebook Rule 14.3)

In Rule III(A)(9), the Manual tells you to follow the Bluebook's Rule 14.3 generally. But, the Manual specifically addresses (a) Illinois Labor Relations Decisions and (b) unpublished agency decisions. Regarding Illinois Labor Relations decisions, the Manual notes that, as of July 9, 2000, the Illinois State Labor Relations Board and the Illinois Local Relations Board were dissolved. These Boards' jurisdiction and authority were transferred to the Illinois Labor Relations Board's State Panel and Local Panel. Thus, your citations to Illinois Labor Relations decisions filed before July 9, 2000, will vary in form from those filed after July 9, 2000. To demonstrate, the Manual provides the following examples:

- Illinois State Labor Relations Board: *Pleasure Driveway & Park District of Peoria*, 6 PERI ¶ 2042 (ISLRB 1990).
- Illinois Labor Relations Board State Panel: *American Federation of State, County & Municipal Employees, Council 31*, 24 PERI ¶ 84 (ILRB State Panel 2008).
- Illinois Labor Relations Board Local Panel: *Metropolitan Pier & Exposition Authority*, 22 PERI ¶ 87 (ILRB Local Panel 2006).

- Illinois Educational Labor Relations Board: *Spaggins-Gully*, 16 PERI ¶ 1043 (IELRB 2000).

When citing to unpublished agency decisions, you simply replace the reporter with the abbreviated name of the agency. Also, after the agency’s name, abbreviate the type of report you are citing to (opinion, report, etc.) followed by the document number. In parenthesis, state the date of the decision. The Manual provides the following two examples:

- Opinion: *Mills*, Ill. Pollution Control Bd. Op. 93-69 (Dec. 7, 1993).
- Report: *Moberly*, Ill. Hum. Rts. Comm’n Rep. 1992SF0137 (March 6, 1993).

j. Electronic Databases (Addition to Bluebook Rule 18.3)

Rule III(A)(10) cautions readers that recent cases may be posted on electronic databases before the court has taken final action on the opinion and released it for publication. To check this, you need to visit the Illinois Supreme Court website and find the opinion you are citing to. On the list of opinions, next to each case’s docket number there will be either “NRel” or “Official Reports.” If it says “NRel,” the opinion has not yet been finalized and released for publication. If it says “Official Reports,” the opinion is final. If the opinion is not yet finalized and released for publication, you must note that for the reader in a parenthetical at the end of your citation.

k. Slip Opinions (Addition to Bluebook Rule 10.8.1(b))

Rule III(A)(11) states that if a slip opinion has been placed on an electronic database or has been formatted for public-domain citation, then cite accordingly. But, if it has not, then cite to the slip opinion as directed in Bluebook Rule 10.8.1(B). The Manual adds that you must also include any information known that may affect the status of the opinion. As an example, the Manual provides the following example: *In re B.C.*, 2012 IL App (3d) 101234, *pet. for leave to appeal pending*, No. 110613 (filed Jan. 25, 2012).

l. Reference to Authoring Judge

Rule III(A)(12) addresses how to refer to the authoring judge in a parenthetical at the end of the citation if you are citing a lead (but not majority or plurality) opinion, a plurality opinion, or a separate opinion (a concurrence or a dissent). The Manual’s instructions are consistent with the Bluebook Rule 10.6.1.

m. Case Histories (Exception to Bluebook Rule 10.7)

Rule III(A)(13) essentially mirrors the Bluebook Rule 10.7 as to how and when to include prior and subsequent history in your citations. The only difference is that the Bluebook instructs you to include prior history only if it is significant to the point for which you are citing to the opinion. The Manual, on the other hand, does not include this limitation. Instead, the Manual states: “The first time that a decision is cited, give any prior or subsequent history of the case with italicized words between the two citations.” Thus, if following the Manual’s Rule III(A)(13), when you first cite to a Supreme Court case in full, it seems that you should always include the prior history from the lower appellate court.

That said, citations in Illinois Supreme Court opinions rarely include prior history as part of a case citation. It is clear from reading opinions that the practice is *not* to include prior history, unless it is significant to the point for which you are citing the opinion. As a result, when addressing prior and subsequent history in a case citation, there does not seem to be any real exception to Bluebook Rule 10.7, regardless of what the Manual directs. If you endeavor to follow the citation practice of judges in the Supreme Court and appellate courts, you would typically omit prior and subsequent history, as directed in the Bluebook Rule 10.7.

n. Abstract Opinions (Addition to Bluebook Rules)

Abstract opinions include nothing more than the case caption, the disposition, and editorial summary and headnotes. They do not include the words of opinion’s author. The Manual’s discussion of abstract opinions is a real head-scratcher. Rule III(A)(15) states that abstract opinions have some precedential value, and Rule III(A)(14) provides an example of how to cite to them: *People v. Whitson*, 31 Ill. App. 3d 49 (abstract of op.). However, case law states that abstract opinions have no precedential value and states that you are not allowed to cite to abstract opinions.² Because case law trumps the style Manual, you should avoid citing abstract opinions in a brief.

o. Rule 23 Orders (Exception to Bluebook Rule 10.8.1)

Illinois Supreme Court Rule 23 addresses what is commonly called “unpublished opinions.” Under Rule 23, appellate court decisions may be expressed as (1) opinions, (2) written orders, or (3) summary orders. While opinions have precedential value, written orders and summary orders are “unpublished” and do not. Thus, you may not cite to written orders and summary orders unless you are citing to them “to support contentions of double jeopardy, res judicata, collateral estoppel, or law of the case,” or to provide the reader with a fuller understanding of the history of a case.

While written and summary orders are not published, tables in the back of the Illinois Appellate Court Reports will include their titles, docket numbers, filing dates, and dispositions. When citing to a written order or summary order, you must state in a parenthetical that the order is an “unpublished order under Supreme Court Rule 23.” When citing to written orders or summary orders filed before July 1, 2011, you may cite to it one of two ways, as demonstrated by examples provided in the Manual’s Rule III(A)(15):

- To the tables of the Illinois Appellate Court Reports: *People v. Castro*, 127 Ill. App. 3d 1159 (1984) (table) (unpublished order under Supreme Court Rule 23).
- To the title, docket number, and filing date: *People v. Castro*, No. 1-83-2151 (1984) (unpublished order under Supreme Court Rule 23).

When citing to written orders or summary orders filed on or after July 1, 2011, you must cite to the public-domain designator:

- *People v. Brown*, 2011 IL App (5th) 090400-U (unpublished order under Supreme Court Rule 23)

p. Short-form Case Citations (Exception to Bluebook Rule 10.9)

The citation requirements when citing in short-form are virtually identical under the Bluebook and the Manual’s Rule III(A)(16). The only difference is that while the Bluebook instructs you to use the first party’s name when only using one party’s name in the shortened form, the Manual allows you to use either party’s name. Further, if a case is known popularly by a particular name, the Manual instructs you to use that name.

B. CITING TO STATUTES

The format for citations to Illinois statutes looks considerably different than the format provided in the Bluebook’s Table 1. Under both section 5.04 of the Legislative Reference Bureau Act (25 ILCS 135/5.04 (West 2010)) and the Manual’s section III(B), citation to Illinois statutes must be formatted as follows: X ILCS Y/Z (West A). In this example, X equals the chapter number, ILCS stands for the Illinois Compiled

² *Schusse v. Pace Suburban Division of the Regional Transportation Authority*, 334 Ill. App. 3d 960, 968 n.1 (2002) (stating that “an abstract cannot be relied upon as precedent”); *Cochran v. Great Atlantic & Pacific Tea Co.*, 203 Ill. App. 3d 935, 937 (1990) (stating that “[t]he use of abstract opinions and Rule 23 orders as precedent consistently has been condemned by courts of review-condemnation so universal that no citation is required”); see also *People v. Oetgen*, 62 Ill. App. 3d 29, 35 (1978).

Statutes, Y equals the Act, Z equals the section number of that Act (together Y/Z is the section number in the chapter of the ILCS), West is the publisher, and A is the year of publication. Thus, a citation should look like this: 720 ILCS 5/7-1 (West 2010). Additional details are provided below.

1. Textual references

Rule III(B)(2) states that when referring to a statute in a textual sentence, you must refer to it by its full, official short title of the public act. The Manual provides the following examples:

- Incorrect: Defendant was convicted under 720 ILCS 5/12-1.
- Correct: Defendant was convicted under section 12-1 of the Criminal Code of 1961 (720 ILCS 5/12-1 (West 2010)).

Once you have provided the full citation, you may shorten the short title (such as referring to “the Code”) as long as it is clear which act or code you are referring to, but you cannot use an acronym (such as “the IMDMA”).

When writing the words “appendix,” “article,” “chapter,” “division,” “part,” “paragraph,” and “section,” in a textual sentence, you must spell those words out. You can only abbreviate them if they are used as part of a citation, not as part of a textual sentence. If any of these words are used immediately before a number, then capitalize the word.

2. Quoting statutory sections

Per Rule III(B)(3), if you quote a statute, you must make sure not to include anything added by the publisher, such as section titles, footnotes, or statutory history.

3. Consecutive sections (Exception to Bluebook Rule 3.3)

Rule III(B)(4) allows you to use “*et seq.*” if you are citing to an entire act. Further, the rule instructs you to include all elements of the section number when citing a span of sections. To demonstrate this exception, the Manual provides this example:

- Incorrect: 735 ILCS 5/2-615, -619 (West 2010).
- Correct: 735 ILCS 5/2-615, 2-619 (West 2010).

4. Former Code (Pre-1993)

Illinois statutes were re-codified into the Illinois Compiled Statutes in 1993. Prior to that, statutes were codified in the Illinois Revised Statutes. Many older statutes which were in the Illinois Revised Statutes may not be in the current Illinois Compiled Statutes, due to amendment. If you are citing to such a statute, the Manual provides the following example for you to follow: Ill. Rev. Stat. 19xx, ch. 38, ¶ 7-5(a)(2), (3).