

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

and

**INTERACTIVE CITATION
WORKBOOK FOR
*ALWD GUIDE TO LEGAL CITATION***

New York

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NEW YORK CITATIONS

A. INTRODUCTION

There is no one prevailing source for citation of legal authorities in documents filed in New York courts. Rule 10.3.1 of *The Bluebook: A Uniform System of Citation* and Rule 12.4(b)(1)(a) of the *ALWD Citation Manual: A Professional System of Citation* provide that case citations in documents submitted to state courts must conform with the local rules of that state. The local rules of New York, however, do not offer much guidance.

Rule 5529(e) of New York's Civil Practice Law and Rules (CPLR), the state's cognate of the Federal Rules of Civil Procedure, requires that "New York decisions shall be cited from the official reports, if any." Similarly, the rules of practice of several New York appellate courts, including the New York Court of Appeals (the state's highest court), also require the citation of New York decisions from the official reports, if available. See N.Y. Ct. App. R. 500.1(g); N.Y. Sup. Ct. App. Div. 1st Dep't R. 600.10(a)(11); N.Y. Sup. Ct. App. Div. 4th Dep't R. 1000.4(f)(7). These rules deviate from general *Bluebook* and *ALWD* convention for citation of state court decisions to the relevant unofficial West regional reporter. See *Bluebook* B4.1.3 (iv)-(v); *ALWD* Rule 12.4(b)(1)(a).

Beyond this one distinction, can the New York practitioner otherwise follow *The Bluebook* or the *ALWD Manual*? The answer is not always.

Citation conventions in New York are the result of longstanding tradition in practice, which often conflict with both *The Bluebook* and the *ALWD Manual*. For example, in order to determine the hierarchy of cited authorities, New York practitioners specify the court and jurisdiction of the court being cited. Thus, where Rule 10.4(b) of *The Bluebook* instructs that writers omit the department or district of a state court in citing decisions of lower state courts "unless that information is of particular relevance," a New York practitioner will always note the department of the Appellate Division, New York's intermediate appellate court, from which a cited decision comes. *E.g.*, *Matter of Schulz*, 1 A.D.3d 1 (1st Dep't 2003). Similarly, a New York practitioner will always note the county of the trial-level court from which a cited case comes, including the New York Supreme Court, the state's trial court of general jurisdiction. *E.g.*, *Gallegos v. Elite Model Mgmt. Corp.*, 1 Misc. 3d 200 (Sup. Ct. N.Y. Cnty. 2003).

This tradition is, in part, reflected in the *New York Law Reports Style Manual*, prepared by The Law Reporting Bureau of the State of New York and published annually by Thomson West. The *Style Manual*, binding upon the courts of New York in the preparation of their opinions, is not binding upon legal practitioners. Preface to the 2012 Edition. Traditional citation conventions are also reflected in *New York Rules of Citation*, published by *St. John's Law Review* of St John's University School of Law. Both the *Style Manual* and *New York Rules* cite *The Bluebook* as a source of general rules on citation; however, unlike *The Bluebook*, the emphasis of both New York publications is the compilation of rules for the citation of New York legal authorities.

In crafting this chapter, we consulted all of these sources as well as experts in New York citation. The resulting rules are an amalgam of the sources noted and reflect the citation rules used in practice. When *Bluebook* or *ALWD* rules are incorporated, the relevant rules will be identified.

Finally, while CPLR 5529(e) does not preclude the citation of parallel sources for a decision, given the requirement of citation to official reports, many practitioners limit their citation to official reports when they are available. Thus, our rules are limited to the official reports. Of course, when a decision has not been published in the official reports, Rule 5529(e) permits citation of other, available sources.

B. THE NEW YORK COURT SYSTEM AND THE OFFICIAL REPORTS

To understand the citation conventions in New York practice, it is important to understand the unique court system in the state.

1. Court of Appeals

New York's highest court is the Court of Appeals. The seven-member court sits in Albany, the state's capital. Decisions of the New York Court of Appeals are published officially in the *New York Reports* (N.Y., N.Y.2d, N.Y.3d). With the exception of citing to the official reporter, New York practitioners otherwise follow *The Bluebook*. As when citing decisions of other high courts, omit the name of the court in the parenthetical. *Bluebook* Rule 10.4(b).

In addition, the initials of the state in the name of the official *New York Reports* obviate the need for a New York attorney to identify New York as the jurisdiction. *Bluebook* Rule 10.4(b); *ALWD* Rule 12.4(d)(3)(g). Thus, only the year of decision is required.

Kassis v. Teacher's Ins. & Annuity Ass'n, 93 N.Y.2d 611 (1999).

2. Intermediate Appellate Courts

New York has three types of intermediate appellate courts:

i. Appellate Division of the Supreme Court

The statewide intermediate appellate court of New York is the Appellate Division of the state's Supreme Court. The Appellate Division hears civil and criminal appeals from the trial courts as well as civil appeals from the Appellate Terms and County Courts, discussed below. Appeals from the Appellate Division are taken to the Court of Appeals. Much as the U.S. Court of Appeals, the intermediate appellate court in the federal system, sits in various circuits throughout the country, the Appellate Division sits in four different Judicial Departments (First through Fourth) throughout the State of New York. And, much as there can develop "circuit splits" in the federal court system until an issue is resolved by the U.S. Supreme Court, in New York there can develop splits between and among the departments of the Appellate Division until the state's highest court, the New York Court of Appeals, resolves the issue.

Decisions of the Appellate Division are published officially in the *Appellate Division Reports* (A.D., A.D.2d, A.D.3d). Because a trial court will be bound by a decision of the Appellate Division within the Judicial Department where the court sits (but not bound by a contrary decision in another Department), New York practitioners provide more detail than Table 1.3 of *The Bluebook* requires and include the Department of the court that decided the case in the court and date parenthetical. This is consistent with *ALWD* Rule 12.6(b)(2) and Appendices 1 and 4. However, contrary to both *The Bluebook* and the *ALWD Manual*, New York practitioners do not use the abbreviation "N.Y. App. Div." Instead, they merely indicate the Department using the following abbreviations: "1st Dep't"; "2d Dep't"; "3d Dep't"; and "4th Dep't."

Milea v. Ames Dep't Store, Inc., 219 A.D.2d 798 (4th Dep't 1995).

ii. Supreme Court, Appellate Term

The Supreme Court, Appellate Term is an inferior appellate court which sits only in the First and Second Judicial Departments. In the First Department, there is one Appellate Term. In the Second Department, while there is one Appellate Term Clerk's Office, there are two Appellate Terms, each with a Presiding Justice: One Appellate Term hears appeals from lower courts in the 2d, 11th, and 13th Judicial Districts; the other hears appeals from lower courts in the 9th and 10th Judicial Districts.

The Appellate Term hears matters from trial-level courts of limited jurisdiction within the counties it serves, including appeals from civil and criminal cases originating in the Civil and Criminal Courts of the City of New York. In the Second Department, the Appellate Terms also have jurisdiction over appeals from civil and criminal cases originating in District, City, Town and Village Courts, as well as non-felony appeals from the County Court.

Decisions of the Appellate Term are published officially in the *Miscellaneous Reports*. When citing an Appellate Term decision, New York practitioners omit “N.Y.” from the court and date parenthetical and abbreviate Appellate Term as “App. T.” or “App. Term.” This is contrary to both Table 1.3 of *The Bluebook* and Appendix 1 of the *ALWD Manual*. In addition, New York practitioners identify the specific Department in which the court sits. This is contrary to Table 1.3 of *The Bluebook* but consistent with *ALWD* Rule 12.6(b)(2) and Appendices 1 and 4.

Hotel Martha Washington Mgmt. Co., 66 Misc. 2d 833 (App. T. 1st Dep’t 1971).

When the Appellate Term decision being cited is from the Second Department, it is important also to include which Appellate Term decided the case by indicating the Judicial Districts covered by that particular Appellate Term. This is contrary to *The Bluebook* but consistent with *ALWD* Rule 12.6(b)(2).

40-50 Brighton First Rd. Apts. Corp. v. Kosolapov, 39 Misc. 3d 27 (App. Term 2d Dep’t 2d, 11th & 13th Dists. 2013).

iii. County Courts

The County Courts sit in every county of the State of New York outside of the five counties that comprise New York City. County Courts are primarily trial courts, but in the Third and Fourth Departments they do hear appeals of decisions in cases starting in the City Courts and Town and Village Courts. Decisions of County Courts are published officially in the *Miscellaneous Reports*. Neither *The Bluebook* nor the *ALWD Manual* specifically addresses the County Courts. In citing to a decision of this court, New York practitioners identify the particular county in which the court sits to indicate the weight of authority of the cited court. This is consistent with *ALWD* Rule 12.6(b)(2). *Bluebook* users abbreviate “County” as “Cnty.” T7. *ALWD* users abbreviate “County” as “Co.” 12.4(b) Examples & Appendix 1B New York.

Clark v. Garth, 67 Misc. 2d 473 (Monroe Cnty. Ct. 1972).

Clark v. Garth, 67 Misc. 2d 473 (Monroe Co. Ct. 1972).

3. Supreme Court of the State of New York

Unlike the Supreme Court of the United States or of nearly every other state, the Supreme Court of the State of New York is not the highest court in the state. Rather, it is the trial-level court of general jurisdiction and sits in each of the 62 counties of the state. Decisions of the Supreme Court are published officially in the *Miscellaneous Reports*. As the Supreme Court in each county is a court of coordinate jurisdiction with the court in every other county, it is important in citing a decision by a Supreme Court to include the county in which the cited court sits. This is more detail than is required by Table 1.3 of *The Bluebook* yet consistent with *ALWD* Rule 12.6(b)(2) and Appendix 1B New York. However, contrary to both *The Bluebook* and the *ALWD Manual*, New York practitioners do not include “N.Y.” in the court and date parenthetical.

Green v. DeMarco, 11 Misc. 3d 451 (Sup. Ct. Monroe Cnty. 2005).

Green v. DeMarco, 11 Misc. 3d 451 (Sup. Ct. Monroe Co. 2005).

4. Miscellaneous Trial Courts

There are numerous trial-level courts in the State of New York in addition to the Supreme Court, the court of general jurisdiction. Other statewide trial courts include the Court of Claims (which adjudicates claims against the State), the Family Court (which hears matters involving children and families, including adoption and custody cases), and the Surrogate’s Court (which hears estate and probate matters). In addition, there are trial courts of limited jurisdiction, including but not limited to County Courts (in counties outside the City of New York); the Civil Court of the City of New York; the Criminal Court of the City of New

York; and City, Town, and Village Courts. The decisions of these and other trial-level courts are all published officially in the *Miscellaneous Reports*. Consistent with the above, when citing to these courts, New York practitioners always indicate the court and, where appropriate, the county in which the court sits to indicate the weight of authority of the cited court.

Lewis v. State, 69 Misc. 2d 1031 (Ct. Cl. 1972).

Zeek v. Zeek, 74 Misc. 2d 758 (Fam. Ct. Queens Cnty. 1973).

Zeek v. Zeek, 74 Misc. 2d 758 (Fam. Ct. Queens Co. 1973).

Gramford Realty Corp. v. Valentin, 71 Misc. 2d 784 (Civ. Ct. N.Y. Cnty. 1972).

Gramford Realty Corp. v. Valentin, 71 Misc. 2d 784 (Civ. Ct. N.Y. Co. 1972).

C. DECISIONS NOT REPORTED IN THE OFFICIAL REPORTS

Where a decision is unavailable in the official reports, citation of the decision should be to the most available unofficial source. That source may be, and often is, the *New York Supplement* (N.Y.S., N.Y.S.2d), the unofficial West reporter for New York decisions.

Matter of Baron, 6 N.Y.S.2d 631 (Sup. Ct. Livingston Cnty. 1938).

Matter of Baron, 6 N.Y.S.2d 631 (Sup. Ct. Livingston Co. 1938).

Unpublished decisions may also be found online on LEXIS or Westlaw. Contrary to Rules B4.1.4 and 18.3.1 of *The Bluebook*, when citing to widely-used electronic databases such as LEXIS or Westlaw, practitioners do not include the docket number after the case name. This rule is more consistent with Rule 12.12(d) of the *ALWD Manual* which makes citation of the docket number optional.

Conaway v. 200 W. 54th St. Corp., 1995 N.Y. App. Div. LEXIS 11508 (1st Dep't Oct. 24, 1995).

Fourtounis v. N.Y.C. Hous. Auth., 2002 WL 31956105 (App. T. 2d Dep't 2d & 11th Dists. Sept. 25, 2002).

Unpublished decisions may also be published in the *New York Law Journal*, a daily legal newspaper that is often the only source of decisions, including Appellate Division decisions on motion practice. When citing to the *New York Law Journal*, practitioners include: (i) the case name; (ii) the abbreviation "N.Y.L.J."; (iii) the date of the *Journal*; (iv) the first page in which the case appears preceded by "at"; (v) the column number; and (vi) court and date parenthetical, including the date of the decision. This is contrary to general citation convention for periodicals in both *The Bluebook* and the *ALWD Manual*.

Dinino v. D.A.T. Constr. Corp., N.Y.L.J., July 6, 1999, at 28, col. 3 (1st Dep't July 1, 1999).

D. PROCEDURAL PHRASES IN CASE NAMES

Contrary to both Rule 10.2.1 (b) of *The Bluebook* and Rule 12.2(p) of the *ALWD Manual*, practitioners do not abbreviate expressions such as "in the matter of," "petition of," and "application of," to "*In re*." Instead, practitioners reduce case names that include such procedural phrases to "*Matter of*" and the name of the party. This elimination of procedural phrases and descriptive terms is consistent with *Bluebook* Rule 10.2.1(b) and (e) and *ALWD* Rule 12.2(p).

Matter of Bridget Y., 93 A.D.3d 77 (4th Dep't 2011).

E. STATUTORY CITATIONS

Just as with case citation, statutory citation conventions in New York are the result of longstanding tradition in practice, which often conflict with both *The Bluebook* and the *ALWD Manual*. For the New York practitioner, there are four primary differences.

First, contrary to *Bluebook* Rule 12.3.1(d) and Table 1.3, and Appendix 1 of the *ALWD Manual*, New York practitioners usually cite New York statutes without specifying the publication in which they found the statute. Note that New York does not have an official code. Instead, there are three unofficial codes: *McKinney's Consolidated Laws of New York*, published by West; the *New York Consolidated Laws Service*, published by LexisNexis, and *New York Consolidated Laws Unannotated*, published by LexisNexis. The unofficial code need not be identified in the date parenthetical.

Energy Law § 3-101 (2012).

Not: Energy Law § 3-101 (McKinney 2012).

Second, contrary to *Bluebook* Table 1.3 and Appendix 1 of the *ALWD Manual*, New York practitioners omit reference to “N.Y.” when citing a New York statute in a document to be filed in a New York court.

Aband. Prop. Law § 300 (2012).

Not: N.Y. Aband. Prop. Law § 300 (2012).

Third, because many New York statutes are codified by subject, *The Bluebook* and the *ALWD Manual* dictate that the subject be identified in the citation and each provides a list of abbreviations per subject, to be followed by the word “Law.” *Bluebook* Table 1.3 & *ALWD* Appendix 2. For the New York practitioner, however, certain titles of law are regularly reduced to standard initials in citation which differ from those provided in *The Bluebook* or the *ALWD Manual* and are not followed by the word “Law.” For example, the Estates, Powers and Trusts Law is regularly cited as “EPTL” and not “Est. Powers & Trusts Law.” The Business Corporation Law is regularly cited as “BCL” and not “Bus. Corp. Law.” For those titles of law so reduced to familiar initials, the section symbol (“§”) is omitted in citation of a particular provision within those titles: UCC 2-201. The titles of law regularly reduced to initials in citation include: Business Corporation Law (BCL), Civil Practice Law and Rules (CPLR), Criminal Procedure Law (CPL), Eminent Domain Procedure Law (EDPL), Environmental Conservation Law (ECL), Estates, Powers and Trusts Law (EPTL), General Obligations Law (GOL), Real Property Actions and Proceedings Law (RPAPL), Surrogate’s Procedure Act (SCPA), the Uniform Commercial Code (UCC), and the Vehicle and Traffic Law (VTL).

GOL 5-1401.

Not: GOL § 5-1401.

The CPLR bears special mention in this connection, since its provisions include both “sections” and “rules.” Rather than requiring inclusion of a section symbol to cite “sections” and a redundant “R.” to cite “rules,” the CPLR itself advises the bench and bar that “[r]eference to a provision in the [CPLR] may, except when such provision is being enacted or amended, be made without indicating whether it is a rule or section.” CPLR 101. The state courts and a vast majority of practitioners in New York follow the practice of omitting any reference to whether a cited CPLR provision is a rule or section.

CPLR 2212.

Not: CPLR § 2212.

CPLR 3212.

Not: CPLR R. 3212.

Conversely, some titles of law are spelled out and the abbreviations in *The Bluebook* and the *ALWD Manual* are not used. For example, the Labor Law is regularly cited as “Labor Law” and not “Lab. Law” and the Judiciary Law is regularly cited as “Judiciary Law” and not “Jud. Law.”

Lastly, if relying on a print source, New York practitioners omit the year of the code. Similarly, if relying on an electronic database, they omit information regarding the currency of the database.

F. ADMINISTRATIVE RULES AND REGULATIONS

New York administrative rules and regulations are published in the *Official Compilation of Codes, Rules & Regulations of the State of New York*. Contrary to Table 1.3 in *The Bluebook* and Appendix 1 in the *ALWD Manual*, New York practitioners abbreviate this publication as “NYCRR.” The abbreviation is preceded by the appropriate title number and followed by the appropriate section number. No section symbol is used, and the date is omitted.

12 NYCRR 23-1.7(b)(1).

Not: N.Y. Comp. Codes R. & Regs. tit.12, § 23.1-7(b).

G. DRY RUN

Whew! Got all that? It’s really less complicated than it might seem. Let’s try one. Say that you want to cite *Hernandez v. Robles*. The opinion was issued by the Appellate Division of the Supreme Court of the State of New York, First Judicial Department, in 2005. The opinion is printed in volume 26 of *Appellate Division Reports*, Third Series, page 98. On appeal, that opinion was reversed by the New York Court of Appeals in an opinion issued in 2006. That opinion is printed in volume 7 of the *New York Reports*, Third Series, at page 338. First, get down the information you already know from completing past ICW exercises:

Hernandez v. Robles, 26 A.D.3d 98.

Then, add a parenthetical indicating the year of the decision, remembering to indicate the weight of the authority by including the Department of the Appellate Division that issued the opinion.

Hernandez v. Robles, 26 A.D.3d 98 (1st Dep’t 2005).

Then add the subsequent history of the case, indicating the reversal by the Court of Appeals.

Hernandez v. Robles, 26 A.D.3d 98 (1st Dep’t 2005), *rev’d*, 7 N.Y.3d 338.

Finally, add the parenthetical including the year of the reversal only.

Hernandez v. Robles, 26 A.D.3d 98 (1st Dep’t 2005), *rev’d*, 7 N.Y.3d 338 (2006).

That wasn’t so bad (or so different from “normal” rules of citation you have encountered in *The Bluebook* or the *ALWD Manual*). Let’s try another. Now you want to cite an opinion in *Carrano v. Castro*. The 2006 opinion was issued in the Appellate Term of the Supreme Court, Second Judicial Department, for the 2nd and 11th Judicial Districts. The opinion is printed in volume 12 of *Miscellaneous Reports*, Third Series, at page 5. Start with the basics:

Carrano v. Castro, 12 Misc. 3d 5.

Then, add a parenthetical indicating the year of the decision. Remember to add reference to the Appellate Term in the parenthetical, since the *Miscellaneous Reports* publishes not only opinions of the Appellate Term, but of the many trial-level courts in the State of New York. Since there are Appellate Terms in both the First and Second Departments, don't forget to include reference to the Second Department in the parenthetical.

Carrano v. Castro, 12 Misc. 3d 5 (App. T. 2d Dep't 2006).

But you're not done! Because there are two different Appellate Term benches within the Second Department, remember to indicate the weight of the authority by including the Judicial Districts covered by this specific Appellate Term court.

Carrano v. Castro, 12 Misc. 3d 5 (App. T. 2d Dep't 2d & 11th Dists. 2006).

That's it!

How about one more (including a citation of a trial-level decision)? The case is *Sharp v. Scandic Wall Ltd. P'ship*. You want to cite an opinion deciding a pretrial motion, issued by the state Supreme Court, New York County, in 2002, and affirmed by the Appellate Division, First Department, in 2003. The Supreme Court's opinion is printed in volume 195 of *Miscellaneous Reports*, Second Series, at page 254. So, the basic citation is:

Sharp v. Scandic Wall Ltd. P'ship, 195 Misc. 254.

We've already recognized that because the *Miscellaneous Reports* includes decisions from so many different courts, citation to this reporter requires us to specify the court that decided the case in the parenthetical with the year of the decision. In addition, because there is a state Supreme Court in each of the 62 counties of the state, we must include the county as well as the name of the court in that parenthetical.

Sharp v. Scandic Wall Ltd. P'ship, 195 Misc. 2d 254 (Sup. Ct. N.Y. Cnty. 2002).

Not so complicated. Now, you just have to add the subsequent affirmance by the Appellate Division. It is printed in volume 306 of the Appellate Division Reports, Second Series, at page 39. Don't forget to include the Department of the Appellate Division that decided the case!

Sharp v. Scandic Wall Ltd. P'ship, 195 Misc. 2d 254 (Sup. Ct. N.Y. Cnty. 2002), *aff'd*, 306 A.D.2d 39 (1st Dep't 2003).

Great! You're ready for some exercises now!

Checklist for New York Citation

- Is your case cited in the official reports? If so, cite to the official reporter. Parallel citation is not required.
- If citing to a decision of the New York Court of Appeals, your parenthetical should include ONLY the year the decision was published.
- If citing to a decision of the Appellate Division of the Supreme Court, did you identify the Department that decided the case in your court and date parenthetical? Did you properly abbreviate the Departments as follows: 1st Dep't; 2d Dep't; 3d Dep't; 4th Dep't?
- If citing to the Appellate Term of the Supreme Court, did you identify the Department in which the court sits? If citing to an Appellate Term decision from the Second Department, did you include which Appellate Term decided the case by indicating the Judicial Districts covered by that particular Appellate Term?
- If citing to a trial level court, did you identify the court and, where appropriate, the county in which the court sits?
- If citing to a statutory provision:
 - did you check to see if your cite is one which is regularly reduced to initials? If so, did you omit the section symbol?
 - did you omit reference to "N.Y." before the statute name?
 - did you omit reference to the publication and the date in your parenthetical?
- If citing to a regulation, did you properly abbreviate the NYCRR? Did you omit the section symbol and title number? Did you omit the date?