

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

Wisconsin

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WISCONSIN CITATION FORM: PUBLIC DOMAIN CITATION & ADMINISTRATIVE AGENCY REGULATIONS

The Wisconsin Supreme Court has adopted *The Bluebook: A Uniform System of Citation* to govern citation in documents filed with the supreme court or the court of appeals. Additional citation rules are set forth in SCR 80. There are some instances when Wisconsin deviates from traditional *Bluebook* form, and those instances, for two of the most common types of citations—public domain citation and administrative agency regulations—will be explained here. Another invaluable reference for Wisconsin citation form is the *Wisconsin Guide to Citation: Seventh Edition*, published by the State Bar of Wisconsin.

While you will be able to locate the information you need for a citation from any number of sources, including the print or online versions of commercial reporters, a court website, or even within an opinion itself, it is *always* wise to double check the format of that information, since it's possible that the information is not in proper *Bluebook* format.

Wisconsin's court system is topped by a seven-member supreme court, which is the state's court of last resort. Wisconsin's court of appeals, established in 1978, is the state's intermediate appellate court and contains four districts. The court of appeals system is a unified one; that is, it does not matter which court of appeals district heard the case. All court of appeals cases, no matter in which district decided the case, carry the same precedential value. Therefore, any indication of the district is left out of the citation. In addition, there are a number of circuit courts, which serve as the state's trial courts.

Opinions issued by the Wisconsin Supreme Court and the Wisconsin Court of Appeals are published in two reporters: *Callaghan's Official Wisconsin Reports* (more commonly referred to as simply *Wisconsin Reports*) and West's *North Western Reporter*. Opinions can also be located online at the court's website, <http://wicourts.gov>, and through commercial legal databases. All of the opinions from the Wisconsin Supreme Court are published; however, not all of the opinions from the Wisconsin Court of Appeals are published even though you are able to locate them online through the court's website or through commercial databases. We will explain what that means in more detail below. None of the decisions of Wisconsin's circuit courts are published in reporters, although some may be published online.

In order to form your citation to a Wisconsin case in a document that you will file in a Wisconsin court, you must parallel cite. (See Rule B10.1.3). This means that you must cite to all the places in which a reader might find that case. In order to properly formulate a parallel cite, you will first need to know whether the opinion in the case was issued before January 1, 2000, or on or after January 1, 2000. As of January 1, 2000, Wisconsin court cases include what is called a public domain citation, which is vendor-neutral.

Once you have determined whether the opinion has a public domain citation, you can begin formatting your citation. When you formulate a citation in a document you will submit to a Wisconsin court and that document contains citations to Wisconsin court opinions, you formulate three citations to three different sources, listing these in the following order:

- 1) The public domain citation; *and*
- 2) The state reporter citation; *and*
- 3) The regional reporter citation.

It's a lot of information, but it's not hard to format if you break each part down. First, follow the rules in the *Bluebook* for formatting the case name. These rules are found generally in B2, B10, Rule 10.2, and T6. Once you've formulated the case name, you then formulate each of the citations above.

A. PUBLIC DOMAIN CITATION

If the opinion has a public domain citation, that citation is listed first. If there is no public domain citation, you would, obviously, just skip this part. A public domain citation includes the year the opinion was released, the court abbreviation, and a number assigned by the clerk of court that represents the sequential number of that opinion. The court abbreviations are either "WI," for an opinion from the Wisconsin Supreme Court, or "WI App," for an opinion from the Wisconsin Court of Appeals. Thus, for example, 2011 WI 14 refers to the 14th opinion issued by the Wisconsin Supreme Court in 2011 and 2010 WI App 58 refers to the 58th opinion issued by the Wisconsin Court of Appeals in 2010.

Opinions that have public domain citations also have paragraph numbers. You will use these paragraph numbers to create your pinpoint citations. (See Rule B10.1.2 and Rule 3.2 for information about pinpoint citations, also called pincites.) Formatting pinpoint citations is explained in more detail below.

B. STATE REPORTER CITATION

All opinions, whether issued before or after January 1, 2000, have a state reporter citation. To formulate this citation, you would locate the volume number of the state reporter. The state reporter is the *Wisconsin Reports*. After the volume number, you would abbreviate the name of the state reporter. The Wisconsin section of T1.3 provides you with an example. The abbreviation is simply "Wis." You would also need to add the series of the reporter to the citation. After this information, you would include the first page on which the opinion appears. A cite for an opinion that begins on page 78 in the second series of volume 214 of *Wisconsin Reports* would be formatted as: 214 Wis. 2d 78. *Note:* There is a space between "Wis." and "2d" and you must retain this space. (See Rule 6.1(a) for the rules on spacing.)

C. REGIONAL REPORTER CITATION

Formulating a citation to the regional reporter follows the same rules as citing to the state reporter. All opinions will have a regional reporter citation. To formulate this citation, you would locate the volume number of the regional reporter. The regional reporter is the *North Western Reporter*. After the volume number, you would abbreviate the name of the reporter. The Wisconsin section of T1.3 again provides you with an example. The abbreviation is simply "N.W." You would also need to add the series of the reporter to the citation. After this information, you would include the first page on which the opinion appears. A cite for an opinion that begins on page 165 in the second series of volume 344 of the *North Western Reporter* would be formatted as: 344 N.W.2d 165. *Note:* In this citation, there is a *no* space between "N.W." and "2d." (Once again, see Rule 6.1(a) for the rules on spacing.)

D. PUTTING IT ALL TOGETHER

Once you have formulated each piece of the citation, you can put it all together: Case name + public domain citation + state reporter citation + regional reporter citation. Each citation is separated with commas.

Let's take the case of Julia Cole, Plaintiff-Appellant and City of Milwaukee, Involuntary-Plaintiff versus Yvonne L. Hubanks, Aubrey Hubanks, and American Family Mutual Insurance

Company, Defendants-Respondents. The opinion in this case was issued on June 11, 2004, so that means we need to look for a public domain citation. The opinion was the 74th opinion by the Wisconsin Supreme Court in 2004. It was reported in volume 272 of the second series of *Wisconsin Reports*, beginning on page 539, and in volume 681 of the second series of the *North Western Reporter*, beginning on page 147. After using the *Bluebook* to formulate the name and each of the three different citations, the final citation would look like this:

Cole v. Hubanks, 2004 WI 74, 272 Wis. 2d 539, 681 N.W.2d 147.

Now let's try a citation to this case: Eugene D. Clark and his wife Betty J. Clark, Respondents, versus Patrick Corby, and his parents Robert and Lorraine Corby, Appellants. The opinion for the case was issued by the Wisconsin Supreme Court on January 18, 1977. Because the opinion was issued well before January 1, 2000, we do not need to look for a public domain citation. The opinion can be found beginning on page 292 of volume 75 of the second series of *Wisconsin Reports* and beginning on page 567 of volume 249 of the second series of the *North Western Reporter*. Because there is no public domain citation, we will simply skip that step and format the remaining two citations. The final citation would look like this:

Clark v. Corby, 75 Wis. 2d 292, 249 N.W.2d 567 (1977).

E. A NOTE ABOUT THE COURT/DATE PARENTHETICAL

In the example above, you may have noticed that the final citation included some extra information at the end of it. This information appears in what is called the court/date parenthetical. The court and date parenthetical usually appears at the end of the citation, like in these two examples:

Clark v. Corby, 249 N.W.2d 567 (Wis. 1977).

Clark v. Corby, 75 Wis. 2d 292, 249 N.W.2d 567 (1977).

The information the court/date parenthetical contains depends on whether the citation is solely to a regional reporter (as in the first example above) or whether the citation is a parallel citation, which includes citations to both state and regional reporters (as in the second example above). In the first example, the court/date parenthetical is "(Wis. 1977)." From this information, the reader can tell that the opinion was issued by the Wisconsin Supreme Court in 1977. The "Wis." is included in the court/date parenthetical because the main citation is solely to the *North Western Reporter*, which reporter contains opinions not only from Wisconsin, but also from Iowa, Michigan, Minnesota, Nebraska, North Dakota, and South Dakota. Without that "Wis.," a reader would not know which state issued that opinion.

In the second example, the court/date parenthetical is "(1977)." The "Wis." is not needed in this citation because the citation includes a citation to the state reporter as well as to the regional reporter. Because it is clear to the reader from looking at the state reporter abbreviation what state the opinion came from, you don't need to include that information in the court/date parenthetical.

But if you have a case decided by the Wisconsin Court of Appeals, you need to add more information. By looking at the Wisconsin section of T1.3, we see that "Wis. Ct. App." is the proper abbreviation to use, if you are citing only to the *North Western Reporter*. The "Wis." abbreviation tells the reader that the opinion, while printed in the multi-state *North Western Reporter*, is from Wisconsin, and the "Ct. App." tells the reader the opinion was issued by the court of appeals. In this way, the reader can, with a glance, gauge the weight of the authority.

If you are formulating a parallel citation, you would drop the “Wis.” from the court/date parenthetical because the state (Wisconsin) is evident from the abbreviation of the state reporter. In Wisconsin, unlike in other states, *both* supreme court and court of appeals decisions are published in *Wisconsin Reports*. Thus, you must include “Ct. App.” in the court/date parenthetical to distinguish those opinions from the ones issued by the supreme court, for which there will no abbreviation in the court/date parenthetical.

Let’s try this for a case called *State v. Johnson*, which can be found beginning on page 324 of volume 184 of the second series of *Wisconsin Reports* and beginning on page 463 of volume 516 of the second series of the *North Western Reporter*. The complete citation would look like one of these examples:

State v. Johnson, 516 N.W.2d 463 (Wis. Ct. App. 1994).

State v. Johnson, 184 Wis. 2d 324, 516 N.W.2d 463 (Ct. App. 1994).

Adding a public domain citation in Wisconsin, whether for a supreme court or court of appeals opinion, eliminates the need for the court/date parenthetical because the public domain citation makes clear for the reader both the year of the opinion and the court that issued it. As explained earlier, the public domain citation 2011 WI 14 tells the reader that the opinion is 14th from the Wisconsin Supreme Court in 2011, and 2010 WI App 58 refers to the 58th opinion issued by the Wisconsin Court of Appeals in 2010.

F. ADDING A PINPOINT CITATION

A basic parallel citation in Wisconsin directs the reader to the opinion, but does not tell her exactly where she will find the specific information to which you are referring. Sometimes, a general citations is needed. Most often, though, you will need to tell the reader *precisely* where she can find the part of the opinion that supports what you’re writing. Therefore, you will need to include a pinpoint citation (or pincite) in your citation.

To add the correct pincite in the proper place, you again need to know whether the opinion you has a public domain citation. Opinions with public domain citations have paragraph numbers, meaning that you no longer care, for pinpoint citation purposes, what page or pages your source material appears on in the state or regional reporter. You still need to know the first page of the case, but that’s all. If you want to cite to information that appears in, say, ¶ 18 of an opinion, that information will appear in ¶ 18 whether the reader refers to the opinion online from the court’s website or from a commercial database or in print.

If the opinion has a public domain citation and you want to include a pincite, you would determine your pincite and place it, separated with commas, after the sequential case number in the public domain cite. So, let’s take the *Cole v. Hubanks* cite above and say you want to include a pincite to ¶ 18. The final complete citation would look like this:

Cole v. Hubanks, 2004 WI 74, ¶ 18, 272 Wis. 2d 539, 681 N.W.2d 147.

There is no need to repeat the pincite after the other citations because, as just explained, the pincite is the same no matter which source a reader checks. (See Rule 3.3 and Rule 6.2(c) regarding rules on formatting with paragraph symbols. You will note here that the proper formatting is to place a space after the paragraph symbol.)

On the other hand, if there is no public domain citation, you do need to pay attention to the actual page number or numbers where your source material can be found, and if you are formulating

a parallel citation, you need to make sure you locate the page numbers for *both* the state and regional reporters. Once you have located your pincite pages, you would include them, separated by a comma, after the first page of the case for whichever reporter is appropriate. (There would be *no* comma following the very last pincite before the court/date parenthetical.) Let's try this with the *Clark v. Corby* citation from above. In this instance, the material you want to cite is on page 298 of *Wisconsin Reports* and on pages 570 through the first few lines of 571 in the *North Western Reporter*. The final complete citation would look like this:

Clark v. Corby, 75 Wis. 2d 292, 298, 249 N.W.2d 567, 570-71 (1977).

(See B10.1.2 and Rule 3.2(a) for how to format a citation to material that spans more than a single page.)

G. UNPUBLISHED COURT OF APPEALS OPINIONS

As we explained earlier, not all Wisconsin Court of Appeals opinions are published in the official state and regional reporters. Many of the cases the court of appeals hears are routine and raise no new legal issues or facts that would add to the body of case law and, consequently, are not recommended for publication. According to Wisconsin Statute Section 809.23(1)(a), the court generally recommends its opinions be published when the case:

1. [e]nunciates a new rule of law or modifies, clarifies or criticizes an existing rule;
2. [a]pples an established rule of law to a factual situation significantly different from that in published opinions;
3. [r]esolves or identifies a conflict between prior decisions;
4. [c]ontributes to the legal literature by collecting case law or reciting legislative history; or
5. [d]ecides a case of substantial and continuing public interest.

Wis. Stat. § 809.23(1)(a) (2011-12).

Cases that are published can be cited as precedent. However, a search on the internet will include unpublished cases. Students often fail to understand this distinction. They can locate the case through a search on a commercial database, so they assume the case must be published. This is not always so. You must carefully read the case and the caption. The opinion will state that it is not recommended for publication in official reporters and/or there will be text in or around the caption that will tell you that the opinion is considered unpublished. You cannot cite to these unpublished cases as precedent in any document you are filing with the court. Wis. Stat. § 809.23(3)(a). You can, however, cite to unpublished opinions released on or after July 1, 2009, if they were authored by a judge (not per curiam) and only as persuasive, not mandatory, authority. *Id.* § 809.23(3)(b). The court will fine an attorney for citing to an unpublished case.

H. FORMULATING A SHORT CITE

Recall that the *Bluebook* requires a full citation the first time you cite to an authority. After that, you can format what is called a short cite, which is a shortened form of the long citation. (See B10.2.) Formatting a shortened form for Wisconsin case law depends, again, on whether the opinion has a public domain cite.

SCR 80.02(2) states that “[s]ubsequent citations shall include at least one of the references in sub. (1) and shall be internally consistent.” SCR 80.02(1) sets forth the three citation forms explained above, in the order explained above. Thus, short cites must include at least one of those

forms (public domain citation, state reporter citation, or regional reporter citation) *and* be internally consistent. If you have a document that contains only opinions that have public domain citations, you can short cite to the public domain citation, as shown below. However, it's more likely that your document will include a variety of opinions, only some of which include a public domain citation. In that situation, you should format *all* of your short cites to the first source that can be internally consistent: the *Wisconsin Reports*. Let's examine both kinds of short forms.

For a public domain the citation, the shortened form includes a shortened form of the case name (see Rule B10.2), and the public domain citation with a pincite to the paragraph number(s). A short form of the *Cole* case above would be: *Cole*, 2004 WI 74, ¶ 18. You must be sure to include the sequential number in the short citation.

For a case with a public domain citation but for which you need to format a citation to *Wisconsin Reports* to be internally consistent, you include the shortened case name, the volume number, reporter abbreviation, the first page of the case, a comma, and the pincite to the paragraph. A short form of *Cole* under these rules would like this: *Cole*, 272 Wis. 2d 539, ¶ 18. Here, again, it's important to remember to include the first page number of the case. There are a lot of opinions published in volume 272 of *Wisconsin Reports*. You want to help the reader quickly find the pincite and you do that by giving her the first page of the case. She can then quickly flip ahead to the proper paragraph.

For opinions for which there is no public domain citation, you again include a shortened form of the case name (see Rule B10.2), the volume number of *Wisconsin Reports* where the opinion can be found, the reporter abbreviation, "at," and the pincite. The pincite will be a page number. A short form for the *Clark* case above would be: *Clark*, 75 Wis. 2d at 298. Here you do *not* retain the first page of the case. It is extra information that gets in the reader's way. A reader looking at this short cite knows to immediately flip to page 298 in the proper reporter.

I. AN IMPORTANT NOTE ON PUBLIC DOMAIN CITATIONS

On April 4, 2005, the Wisconsin Supreme Court and Wisconsin Court of Appeals began using a new system for docketing cases. A docket number now contains the four-digit year, the abbreviation "AP," and the case number. This new numbering system makes docket numbers for appellate court cases look very much like public domain citations. *It is very important that you do not confuse the docket number with the public domain citation.* Citing to the docket number would be incorrect, and it may cost you. See Debra Cassens Weiss, *Lawyer Fined \$100 for Getting a Case Citation Wrong*, ABA Journal (Oct. 14, 2009, 7:37 AM), http://www.abajournal.com/news/article/lawyer_fined_100_for_getting_a_case_citation_wrong.

J. WISCONSIN ADMINISTRATIVE AGENCY REGULATIONS

The *Bluebook* has several sections that deal with the citation of federal administrative agency regulations. (See, *e.g.*, B14, Rule 14.2, and T1.2.) In the Wisconsin section in T1.3, the *Bluebook* shows a template for a citation to Wisconsin's administrative code. *This template is not correct.*

Instead, to form a proper citation, you will abbreviate the name of the code as "Wis. Admin. Code," then include the section symbol, then abbreviate the chapter as it appears on the chapter's first page, include the section number, followed by a parenthetical that includes the year of the most recent amendment to the chapter. A list of the chapters and their abbreviations also can be found here: <https://docs.legis.wisconsin.gov/code/prefaces/toc>. The year of the most recent amendment to the chapter can be found on the bottom of the page of the printed version. If you are researching online using a commercial database, you can find year by looking for the words "Current through."

Following that, there will be a Wisconsin Register number and a publication date. You want the year from that publication date.

Let's say, then, that you want to formulate a citation to the Wisconsin Administrative Code to the Department of Workforce Development's regulation on the purpose of the Fair Housing chapter, which is section 220.01. On the print version, the month and the year of the most recent amendment to the chapter is November 2006. On the online version through the commercial databases, the "current through" date is May 31, 2013. Your final citation would look like one of these:

Wis. Admin. Code. § DWD 220.01 (2006).

Wis. Admin. Code § DWD 220.01 (2013).

A note about the year parenthetical. While the Wisconsin Supreme Court rules do not specify that any further information is required, one Wisconsin citation source, the State Bar of Wisconsin's *Wisconsin Guide to Citation* (7th ed. 2012), suggests that writers add both the month and the year in the parenthetical. Wisconsin's administrative code is updated monthly, so that information may be useful for the reader to know. In the example, above, then, your citations might look like this, with the months abbreviated per T12:

Wis. Admin. Code. § DWD 220.01 (Nov. 2006).

Wis. Admin. Code § DWD 220.01 (May 2013).

Either citation format would likely be considered correct.