

chicago manual of style legal citation examples for footnotes

chicago manual of style legal citation examples for footnotes are crucial for anyone navigating the complexities of legal scholarship, academic writing, and professional legal documents. This comprehensive guide delves into the nuances of citing legal sources using the Chicago Manual of Style (CMOS) in footnotes, a method favored for its clarity and detail in scholarly legal discourse. We will explore the fundamental principles of CMOS legal citation, dissecting the specific formatting requirements for various legal authorities, including statutes, case law, and secondary sources. Understanding these distinct citation styles ensures accuracy, credibility, and adherence to academic and professional standards. By providing clear, practical examples, this article aims to demystify the process, making the application of CMOS legal citation for footnotes accessible and manageable.

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Understanding Chicago Manual of Style Legal Citation for Footnotes

The Chicago Manual of Style (CMOS) offers a robust framework for academic and legal writing, and its approach to footnote citation is particularly detailed. When dealing with legal materials, CMOS provides specific guidelines that differ from its general citation practices. This section will lay the groundwork for understanding these differences, emphasizing the importance of accuracy and consistency when citing legal sources within the context of a footnote. The primary goal of a footnote is to provide readers with immediate access to the source of information without disrupting the flow of the main text.

Legal citation can be notoriously intricate, with various systems and conventions. CMOS, while generally adaptable, requires specific attention when applied to legal precedents, legislative enactments, and scholarly legal

commentary. Mastering these nuances is not merely about following rules; it's about enabling clear communication and reinforcing the authority of your arguments by meticulously attributing all borrowed material. The emphasis is on providing sufficient detail for an informed reader to locate the original source with ease, even in specialized legal databases or print archives.

Core Principles of CMOS Legal Footnotes

At the heart of CMOS legal citation for footnotes lies the principle of providing complete and unambiguous information. Each footnote should ideally contain enough data for a reader to locate the cited material without having to consult a bibliography, although a bibliography is often recommended in academic legal writing. The initial full citation in a footnote will typically include key identifiers such as the name of the case or statute, volume and page numbers, and the year of decision or enactment.

A critical aspect of CMOS is the distinction between the first citation of a source and subsequent citations. While the first reference in a footnote demands full bibliographical detail, subsequent references to the same source are typically shortened. This convention prevents redundancy while still maintaining clarity. Furthermore, CMOS encourages clarity regarding the specific edition of a source being cited, particularly for legal treatises and books, ensuring that readers are referencing the most current or relevant version.

The Purpose of Footnotes in Legal Citation

Footnotes in legal writing serve multiple purposes. Primarily, they attribute ideas, facts, and quotations to their original authors, upholding academic integrity. Beyond attribution, footnotes can also be used for supplementary information, elaborations, or tangential discussions that would disrupt the narrative flow of the main text. In legal contexts, footnotes are indispensable for citing specific holdings, legislative provisions, or scholarly analyses that form the bedrock of legal arguments.

The precision demanded by legal citation means that even minor deviations in footnote formatting can lead to confusion or undermine the credibility of the work. CMOS provides a standardized approach that helps legal scholars, practitioners, and students present their research in a consistent and professional manner. This consistency is vital for peer review, publication, and the overall dissemination of legal knowledge.

Citing Primary Legal Sources: Cases and

Statutes

Primary legal sources, such as judicial decisions (case law) and legislative enactments (statutes), are the foundational elements of legal research. Citing these sources correctly in CMOS footnotes is paramount. The specific format for case law involves referencing the case name, the volume and reporter where it can be found, the initial page number, and often the pinpoint citation to the specific page being referenced. For statutes, the citation typically includes the official or unofficial code where it is codified, the section number, and the year of the relevant session or publication.

Adherence to these specific citation formats ensures that readers can readily access the exact legal provisions or judicial pronouncements being discussed. The complexity arises from the various reporter systems and the different ways statutes are published. CMOS provides clear directives for handling these variations, ensuring that regardless of the jurisdiction or the source's publication, the citation remains informative and accurate.

Footnote Examples for Case Law

When citing a court case in a CMOS footnote, the essential elements are the case name, the reporter volume and abbreviation, the page number where the case begins, and a pinpoint citation to the specific page being referenced. If the case is particularly recent or from a less commonly reported jurisdiction, other identifying information might be necessary.

- **Full Citation Example:** *Miranda v. Arizona*, 384 U.S. 436, 478 (1966).
- **Explanation:** Here, "*Miranda v. Arizona*" is the case name. "384 U.S." indicates volume 384 of the United States Reports. "436" is the first page of the case, and "478" is the pinpoint citation. "(1966)" is the year of the decision.
- **Citation of a State Supreme Court Case:** *Plessy v. Ferguson*, 163 U.S. 537, 545 (1896).
- **Explanation:** This example shows a landmark Supreme Court case often cited for its historical significance. The format remains consistent, highlighting the reporter and page numbers.
- **Citation of a Federal Circuit Court Case:** *United States v. Nixon*, 418 U.S. 683, 693 (1974).
- **Explanation:** Even for different levels of federal courts, the structure of the case citation in CMOS footnotes is designed for clarity and easy retrieval.

Footnote Examples for Statutes

Citing statutes requires identifying the official or unofficial code, the specific section number, and the year of the statute or the code revision. The choice between official and unofficial codes can depend on the jurisdiction and the availability of the material. CMOS provides guidance on which to prioritize.

- **Citation of a Federal Statute:** 18 U.S.C. § 1001 (2018).
- **Explanation:** "18 U.S.C." refers to Title 18 of the United States Code. "§ 1001" is the specific section number. "(2018)" indicates the year of the statutory compilation being referenced.
- **Citation of a State Statute:** Cal. Civ. Code § 1714 (West 2022).
- **Explanation:** This example demonstrates citing a California Civil Code section. "West" indicates the publisher of the statutory compilation.
- **Citation of an Uncodified Statute:** Sarbanes-Oxley Act of 2002, Pub. L. No. 107-204, § 1, 116 Stat. 745 (2002).
- **Explanation:** For statutes not integrated into the main code, this format provides alternative citation elements, including the public law number and the Statutes at Large citation.

Citing Secondary Legal Sources in Footnotes

Secondary legal sources, such as law review articles, books, and treatises, are crucial for providing context, analysis, and scholarly commentary on legal issues. Proper citation of these materials in CMOS footnotes is as important as citing primary sources. These sources often provide in-depth exploration of legal topics and can significantly bolster an argument.

The formatting for secondary sources in CMOS footnotes generally includes the author's name, the title of the work, publication details (such as journal volume, issue number, and page numbers for articles; or publisher, place of publication, and year for books), and a pinpoint citation to the specific page being referenced. Clarity and completeness are key to ensuring that readers can locate the exact piece of information.

Footnote Examples for Legal Articles and Journals

Citing law review articles is a common requirement in legal scholarship. The format typically includes the author's full name, the title of the article in quotation marks, the journal's name in italics, the volume number, the year

of publication in parentheses, and the pinpoint page number.

- **Full Citation Example:** Guido Calabresi, The Common Law of Contracts, 71 U. Chi. L. Rev. 151, 155 (2004).
- **Explanation:** "Guido Calabresi" is the author. "The Common Law of Contracts" is the article title. "71 U. Chi. L. Rev." denotes volume 71 of the University of Chicago Law Review. "151" is the first page, and "155" is the pinpoint citation. "(2004)" is the year.
- **Example with Issue Number:** Cass R. Sunstein, On the Dangers of Over-Reliability on the Internet, 2009 Cato Sup. Ct. Rev. 199, 202 (2009).
- **Explanation:** If a journal uses issue numbers, they would be included as well, often after the volume number.

Footnote Examples for Books and Treatises

When citing legal books or treatises, the essential elements are the author(s), the title of the book, the edition (if not the first), the place of publication, the publisher, the year of publication, and the pinpoint page number.

- **Full Citation Example:** John C.P. Goldberg & Henry E. Smith, The Lost Cause of Classical Legal Thought 38 (2016).
- **Explanation:** "John C.P. Goldberg & Henry E. Smith" are the authors. "The Lost Cause of Classical Legal Thought" is the book title. "38" is the pinpoint page. "(2016)" is the year.
- **Example with Publisher and Place:** Laurence H. Tribe, American Constitutional Law 755 (2d ed. 1988).
- **Explanation:** This includes the edition and provides a comprehensive citation for a foundational constitutional law text.
- **Treatise Example:** 1 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 11 (3d ed. 2000).
- **Explanation:** For multi-volume treatises, citing the specific volume and section is crucial.

Citing Other Legal Authorities

Beyond cases and statutes, legal scholarship often relies on a variety of other authorities, including administrative decisions, regulations, and secondary sources from governmental bodies. CMOS provides guidelines for these less common, but still important, types of legal citations. Ensuring these are cited correctly adds another layer of rigor to legal writing.

The principle remains the same: provide enough information for the reader to locate the exact source. This might involve citing specific agency reports, the Federal Register for regulations, or other official publications. The structure will adapt based on the nature of the authority being referenced.

Footnote Examples for Administrative Decisions and Regulations

Administrative decisions and regulations are critical in many areas of law. Citations for these sources must clearly identify the issuing body, the decision or regulation number, and the publication where it can be found, along with the date.

- **Citation of a Federal Regulation:** 17 C.F.R. § 240.10b-5 (2023).
- **Explanation:** "17 C.F.R." refers to Title 17 of the Code of Federal Regulations. "§ 240.10b-5" is the specific regulation number. "(2023)" indicates the year of the compilation.
- **Citation from the Federal Register:** Notice of Proposed Rulemaking, 88 Fed. Reg. 71,000 (Oct. 13, 2023) (to be codified at 17 C.F.R. pt. 240).
- **Explanation:** This format is used for proposed rules published in the Federal Register, including the date of publication and a reference to where it is intended to be codified.
- **Citation of an Administrative Decision:** In re Enron Corp., 415 B.R. 261, 270 (Bankr. S.D.N.Y. 2009).
- **Explanation:** Similar to case law, administrative decisions have reporter systems and citation formats that must be followed.

Subsequent and Shortened Citations in Footnotes

A fundamental principle of CMOS, and indeed most citation styles, is the use of shortened citations for sources that have already been cited in full. This practice streamlines footnotes, making them less cumbersome. For subsequent

citations of legal authorities, CMOS typically uses the case name (or statute name), followed by a pinpoint citation, and sometimes the year if it's crucial for identification.

The use of "id." (an abbreviation for the Latin word "idem," meaning "the same") is also common for referring to the immediately preceding citation. However, its application requires careful attention to ensure it refers to the correct source. Mastering these shortened forms is key to efficient and professional legal writing under CMOS.

- **First Citation of a Case:** *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803).
- **Subsequent Shortened Citation:** *Marbury*, 5 U.S. at 177.
- **Using "id.":** If the immediately preceding footnote cited *Marbury v. Madison* and you need to cite the same pinpoint page, you would use: id. at 177. If you need to cite the same entire source and pinpoint page as the immediately preceding footnote, you would simply use: id.
- **Subsequent Citation of a Statute:** 18 U.S.C. § 1001 (2018).
- **Subsequent Shortened Citation:** 18 U.S.C. § 1001.

Advanced CMOS Legal Citation Considerations for Footnotes

While the fundamental rules for citing cases, statutes, and secondary sources cover most scenarios, advanced legal writing might involve citing less common legal materials or dealing with specific formatting challenges. CMOS offers guidance for these situations, ensuring a high degree of precision is maintained. This includes citing international law, unpublished materials, or sources found in specialized legal databases.

Understanding the underlying logic of CMOS citation—prioritizing clarity, accuracy, and ease of retrieval—allows for adaptation to new or unusual source types. The goal is always to provide sufficient information for the reader to find the exact material being referenced, thereby supporting the credibility and thoroughness of the legal argument presented.

- **Citing Unpublished Materials:** For manuscripts or documents not yet formally published, CMOS requires information that helps identify and locate the source, such as author, title, date, and the repository where it can be accessed.
- **Citing Online Legal Sources:** When citing online versions of legal

documents, CMOS generally follows the same principles as print sources but may include URLs and access dates if the source is not easily locatable through standard methods. However, preference is always given to stable, authoritative sources.

- **International Law Sources:** Citations for treaties, international court decisions, and other international legal documents have their own conventions, and CMOS provides specific guidance on how to integrate these into its footnote system, often requiring unique identifiers and treaty series information.

Ensuring Accuracy and Consistency

The bedrock of effective legal citation, regardless of the style guide, is unwavering accuracy and consistency. In the context of CMOS legal citation examples for footnotes, this means double-checking every detail: the spelling of names, the volume and page numbers, the exact wording of statutes, and the dates of publication. Inconsistency in citation can be as damaging to credibility as an incorrect citation.

Legal scholars and practitioners are encouraged to consult the latest edition of The Chicago Manual of Style and relevant legal citation guides, such as The Bluebook or ALWD, which often align with or complement CMOS for legal materials. While CMOS provides a strong general framework, legal-specific citation practices can sometimes vary by jurisdiction or publication venue. Therefore, always be aware of any specific editorial requirements.

FAQ

Q: What is the primary difference between CMOS and Bluebook citation for legal footnotes?

A: The Bluebook is a specialized guide for legal citation, while CMOS is a broader style guide that includes specific rules for legal citation. While both aim for accuracy, The Bluebook is generally considered more comprehensive and detailed for legal materials and is the dominant style in U.S. legal practice and academia. CMOS offers a more streamlined approach for general academic writing that incorporates legal sources.

Q: Can I use a bibliography in addition to footnotes when using CMOS for legal citation?

A: Yes, CMOS strongly recommends the use of a bibliography for longer works, even when using footnotes for citations. The bibliography provides a

comprehensive list of all sources consulted, enhancing the reader's ability to explore the research further.

Q: How do I cite a legal dictionary in a CMOS footnote?

A: To cite a legal dictionary in a CMOS footnote, you would typically include the dictionary's name, the entry you are referencing (often in quotation marks or italicized, depending on the dictionary's convention), the edition, the publisher, and the year, followed by a pinpoint citation. For example: Black's Law Dictionary (11th ed. 2019), "Res Judicata."

Q: What is the rule for citing subsequent citations of the same case in CMOS footnotes?

A: For subsequent citations of the same case in CMOS footnotes, you generally use a shortened form that includes the case name and a pinpoint citation. For instance, if you previously cited *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803), a subsequent citation to the same page would be *Marbury*, 5 U.S. at 177.

Q: How do I cite a statute that has been amended multiple times using CMOS?

A: When citing an amended statute in CMOS, you should cite the most current version of the statute and indicate the year of the compilation or session laws in which it appears. If a specific amendment is critical to your point, you may need to cite the session law that enacted the amendment in addition to the codified statute.

Q: Is it permissible to use "ibid." in CMOS legal citations?

A: CMOS prefers the use of "id." over "ibid." for subsequent citations. "Id." is derived from the Latin "idem" (meaning "the same") and refers to the immediately preceding footnote. If the immediately preceding footnote cited the same source and pinpoint page, you simply use "id." If it cited the same source but a different pinpoint page, you would use "id. at [page number]."

Q: What is the CMOS approach to citing online legal materials that do not have a print equivalent?

A: For online legal materials without a print equivalent, CMOS requires the author's name (if available), the title of the specific document or page, the

name of the website or platform, and a stable URL. It is also advisable to include an access date if the content is likely to change. However, preference is always given to stable, authoritative sources over ephemeral online content.

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