OKLAHOMA LAW REVIEW
OPERATING MANUAL

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I. Notes
A note focuses on a particular, noteworthy case. Therefore, its scope is somewhat limited. The main purposes of a case note are: (1) to present a comprehensive, reliable summary of the existing law on a particular issue, including the law as set out in the recent case; (2) to analyze the case and its holding; and, (3) to suggest what the law should be or the implications of the holding.

To begin a note, the author first reads the case he has chosen and relevant background material in hornbooks, treatises, and law review articles. If the case deals with more than one issue, the author may wish to focus on only one or two and leave the rest to be discussed in footnotes. However, whatever background or extra material the author collects should relate to the main case.

The note is the student's chance to be an appellate judge. In a sense, the case is before the author on appeal and the author is to determine whether the court below has made a well-reasoned decision in view of the prior case law and applicable public policies. Not all notes condemn the court's reasoning. Although it may be more satisfying to dissect an opinion, the author should not just be a critic; there is an added responsibility to suggest an alternative approach. On the other hand, examining a well-reasoned and supported decision can be rewarding. The author's duty, then, is to show how the court's decision logically evolves from prior case law and policies. Instead of suggesting alternatives, the author should focus on the case's implications for future developments on that issue and suggest possible problems that might arise.

In the process of writing a note, the author will become intimate with the case involved and, in a more general sense, familiar with the cases and articles cited within that as well as the area of law involved. Because the main case will determine the scope of the author's research, the note author will acquire a more specialized background in the area of law than will the author of a comment. To some extent, note authors will have less freedom as to the structure and content of their notes than the author of a comment. However, because the structure of a note is limited, the note author is less likely to be overwhelmed by the amount of material and the number of important issues in a general subject area. On the other hand, because the subject matter of a note is limited, the author, in order to place the case in proper perspective, must thoroughly understand the law on the issue before the case being researched. Therefore, although a comment author must spend extra time doing more research, a note author must spend an adequate amount of time analyzing prior case law applicable to the author's particular issue.

Below is a very basic outline of a note. This is merely an illustration, not a required structure. In determining a format for either a note or a comment, the author should keep in mind that the goal is to make it easy for the reader to follow the author's presentation. Therefore, the author, before beginning a note, should read several notes in the Oklahoma Law Review to get a feel for style, format, footnote structure and length. A

*Basic Outline for a Note*

I. Introduction

II. Law Before the case
   A. 
   B. 
   C. 

III. Statement of the case
   A. Facts
   B. Issue
   C. Holding

IV. Decision of the case, i.e., what did the court say? How did it reach its decision?

V. Analysis: This is the main section of the note. Here the author examines the court's use of precedent and policy, the logic of its reasoning, and the implications for future cases. The author also may outline problems that may arise because of this decision and suggest how the court should have decided the case to avoid these problems. The analysis should concentrate on the author's interpretation of the court's ruling and the impact it has on the law, the legal profession, and/or clients. The analysis may also relate another's interpretations of the case, but must include the author's criticism or support of the interpretation in addition to reasons for the support or criticism.

VI. Conclusion: Short summary, no analysis.

II. *Writing a Law Review Note: The Collected Thoughts of Professor Teree Foster*

A. Giving advice puts one in the position of someone who claims to be an expert on either soul-saving or exam-taking. No one knows how to do either until they have done it successfully, and even then, they have no idea, if they are candid, about what accounts for the success.

B. Selecting the Topic.

   I. There are two important things to keep in mind:

   a. Budget enough time. It takes an enormous amount of it if you
have to begin from scratch

b. Choose a topic that seems intriguing and intellectually challenging. You will be living with it intimately.

2. How to go about it? Keep in mind the purpose of a law review note; it can serve several purposes. For example:

   a. Pointing out the fact that confusion exists in a particular area.

   b. Attempting to either make sense out of the confusion, or giving it up as hopeless and making recommendations to the court or legislature for change or interpretation.

   c. Analyzing a new case or statute. What is its background? Where did it come from? Does it impact on the state of the law? Possible interpretations? Problem areas unresolved? Problem areas created? Short- and long-range effects?

Because the purpose of law review notes is to inform and to be read, stay away from areas that have been written on extensively, particularly areas where journals like Harvard, Stanford, Columbia, University of Chicago, have recently published.

3. What to do?

   a. Pick an area of interest, such as criminal procedure, torts, constitutional law, human rights, etc.

   b. Read newspapers, news magazines, etc., for current developments. Particularly, read the New York Times, the Washington Post, United States Law Week, Criminal Law Bulletin or other specialized reporters in your area. These are excellent sources.

   c. If your area of interest is one where you are taking a course, listen. Most professors say at least three times a week, "This is not clear." That marks a good topic.

   d. Talk to professors in your areas of interest. Ask them if the topic you have chosen is feasible, or if they have one. But, don't wait to ask until 50 others have already picked the professor's brain clean.
C. Narrowing the Topic.

Once you have selected the topic, you must narrow it to conform to the limitations of your time and the law review's space. For example, a topic like, "The significance of Blakely" is too broad. Books could be written on it. Keep the topic narrowly honed, enough so that you can be confident that you are fairly well exhausting it, not leaving whole areas uncovered. Example: "Judge Bohannon's order" is probably too broad. But, "Judge Bohannon's order and the role of the federal court" probably is not.

1. Read other law review articles in the area to see what has been said. It can help in the narrowing process. You don't want to duplicate – you want to add a new dimension.

2. Check with the Topics Editor or a professor, who has more experience. They can probably tell you if you have narrowed your topic enough.

YOUR PRELIMINARY OUTLINE CAN BE PREPARED AT THIS POINT.

D. Research.

This will be going on all during the selecting and editing process. Most important: Take good notes so that you don't have to do too much re-reading, although some is always necessary.

1. Where to start? This depends on where you are.

   a. Sources: Hornbooks are recommended. Treatises are invaluable for basic background information. If you don't know much about your topic, you might start with C.J.S. or Am.Jur., but these don't provide a lot of detailed information. Look at law review articles and the Index to Legal Periodicals. Read everything; plunder those footnotes. You need to know what has been said and from what perspective.

   b. Cases: Again, read everything. It is inexcusable not to discuss an important case. Take good notes even if you are not sure it is important. It may turn out to be important after you think through the topic more thoroughly.

   c. Other sources: As necessary. Example: hypnotism articles are found mostly in medical journals and psychiatric materials; it depends upon the nature of your subject matter.

2. How to tell when you are done?
Make a *detailed outline*. This is a painful synthesis of all you have accumulated and can take as much as several days to do. Re-read, and then put down the points in orderly, original form, identifying your authority, etc.

E. Writing. If your detailed outline is good, the writing will come easily after the first few pages.

1. Suggestions.
   a. Be clear – try to emulate Hemingway rather than Faulkner; use relatively short, declarative sentences.
   b. Err on the side of putting too much in, rather than having gaps.

2. Introduction: describe the background and what the purpose of the article is before getting into it. Divide your article into sections; this makes for easier reading.

3. *Every writer's library*: Dictionary; a thesaurus, for precision; Oxford English dictionary, for etymology of words, shades of meaning, what words are obsolete (or archaic).

F. Typing. See instructions in this operating manual for manuscript preparation.

G. Editing process. A unique experience.

Having experienced it from the point of view of both editor and editee, I guarantee that no Editor worth her salt will admit that anyone but she can write a clear, effective English sentence. Be ready to have your psyche bruised, but remember – it is your article. Don't let changes occur unless you are convinced of their wisdom. Do not be afraid to make your Editors articulate *reasons* for important changes, and disagree with them if you feel strongly about them. But keep in mind: the article will be like "Before" and "After" ads. You won't recognize it because, hopefully, it looks so much better.

III. *Writing a Comment.*

A comment explores an area of the law and must be comprehensive. The objective is to produce a well-reasoned, logically presented, scholarly essay on a legal issue. The author's first task, then, is to choose a topic that is broad enough to be rich in material about which to write, yet narrow enough not to overwhelm.

A comment topic may be an issue of interest to the author, for example:
"Artificial Insemination and Its Legal Consequences." A comment may deal with legal problems raised by a statute, an administrative ruling, or an agency decision. It may also deal with a case that has far-reaching ramifications, remembering, however, that a comment is much broader than a note.

The comment differs from a note in that the subject does not ordinarily focus on one particular case. Rather, it focuses on an issue and examines how courts in one or various jurisdictions have dealt with that problem. The author then can suggest a preferred approach or a completely new theory. The author does more than merely summarize the applicable statutes and prior decisions. Whereas the structure of a note comes from the case being analyzed, the structure of a comment comes from the author. Therefore, in some ways, comment authors have more freedom to mold the topic to their interests than does the author of a note. Upon completion of the writing project, the author of a comment has gained a broader background in a subject area than would be possible for the author of a note. There is a responsibility to narrow the topic and, in most instances, much more research is required than for a case note.

Below is a very basic outline of a comment. This is merely an illustration, not a definite structure. Before beginning a comment, the candidate should read several comments in the Oklahoma Law Review to grasp the scope, style, format, footnote structure, and length of a comment. A suggested model is: "Affirmative Action in the Public Sector: The Admissibility of Post-enactment Evidence of Discrimination to Provide a Compelling Governmental Interest," by Andrew C. Jayne in 55 Okla. L. Rev. 121 (2002).

**Basic Outline for a Comment**

I. Introduction

II. A description of the general area to be addressed in the comment.

III. Introduction and analysis of the particular issue(s) and how they have been treated. (This along with Part IV. is the main section of the article.)
   A. Break the discussion
   B. into subheadings for each
   C. issue for clarification.

IV. Alternatives or suggested approaches
   A. Outline each approach
   B. and its strengths and
   C. weaknesses and why you prefer it.

V. Conclusion (Brief summary only - no analysis done here)

IV. **Form and General Style of Manuscript.**
A. **Typing Requirements.**

1. **General Requirements.** Printouts of articles should be submitted on 8-1/2" x 11" white paper. Lines should be double-spaced throughout. Any quote of more than 50 words should be indented at the left margin. Footnotes should be placed together in consecutive order at the end of the text.

   All notes and comments chosen for publication should be e-mailed to Michael Waters at mwaters@ou.edu. WordPerfect software, in version 9, is preferred, although most major software programs are acceptable.

2. **Spacing.** Text and endnotes must be double spaced in their entirety.

3. **Quotations.** Quotations of 50 words or more must be indented at least five spaces from the left and right margin and must be double spaced. All quotations require a footnote giving the source and pinpoint cite.

4. **Margins.** The top half of the first page of your text should be left blank, except for your name in the upper right-hand corner. The title of the note or comment should be centered at the top of the first page of your text. Leave a 1-l/2 inch margin at the left, and 1 inch margin at the right, bottom, and top of succeeding pages after the title page. Your name as you wish it to appear should be typed at the end of the text.

5. **Numbering pages.** Pages should be numbered in the upper right-hand corner of each text and footnote page.

   Ex.: Warmbrod, BCS 5

6. **Endnotes.** Double space all endnote material, including quotations. Quotations of 50 or more words are set off as in the text. Paragraphing may or may not be indicated, as circumstances dictate. Consult the Bluebook for this. Use quotation marks any time a quotation is not set off, and as indicated within the quotation. Follow Bluebook style for legal citation form.

B. **Title.**

1. The first word or phrase of the title should indicate the general topic. In most cases, it should be chosen from the Master Index. This is followed
by a phrase indicating the subject matter. Follow the Bluebook for rules on capitalizing words in the title.

Example: Evidence: Privileged Communications Between Physician and Patient

2. Keep the title as brief as possible but try to make it expressive. It should not be a complete sentence. Choose the title that best expresses the scope of your note or comment.

C. Legal Citation Form.

1. The Review follows the Uniform System of Citation (Bluebook) for footnote style. Become intimately familiar with proper Bluebook style.

2. Pay particular attention to the uses of supra and id. See Bluebook 4.1 and 4.2. Supra cannot be used to refer to primary authority cited earlier, nor can infra be used to refer to primary authority cited later. Id. can only be used if the preceding authority is a single citation.

3. You have not done thorough research if you have not provided a representative sample of authority supporting your position. For example, to support an assertion that several circuits have addressed an issue, a citation to a single case stating that a number of courts have considered the issue would be insufficient. You should refer to at least a few of the “several” cases. This also means that pinpoint cites are to be provided.

4. If any of your authorities cannot be found in our Law Library, this should be indicated to your Note Editor.

5. In one situation the Law Review deviates from Bluebook style. In citing the Oklahoma Statutes, the Review uses the title number preceding Okla. Stat., e.g., 84 Okla. Stat. § 123 (year). Remember that the official Oklahoma Statutes are published every 10 years (1981, 1991) and supplemented annually (Supp. 1982, Supp. 1983, etc.).

V. Oklahoma Law Review Members' Obligations

1. Writing Requirement Points: Each candidate must complete three writing
requirements, also known as points, in order to become a full member of the Review upon graduation. The first writing requirement will be due in the beginning of the spring semester of a member's second year of law school.

A student may choose to write either a case note or a comment. Each writing requirement should be completed on or before the deadline established by the officers. In addition, interim deadlines will be established throughout the semester for each major stage in the writing process. Members are expected to meet these deadlines as well.

Members should realize that Review work continues even though law school is not in session. Members' obligations to the Review extend beyond regular law school semesters.

There are several ways by which a member can complete their writing requirement points:

(A) Writing a Case Note: A case note focuses on a particular, noteworthy case. The main purposes of a case note are (1) to analyze the case and its holding; (2) to present a comprehensive, reliable summary of the existing law on a particular issue, including the law as set out in the recent case; and (3) to suggest what the law should be or the implications of the holding. Recent case notes in the Review have averaged 20 double-spaced typed pages of text and 100 footnotes. Members satisfy one (1) writing requirement by writing a case note. A published case note will receive an additional (1) writing requirement.

(B) Writing a Comment: A comment is a comprehensive, in-depth analysis of a particular area of the law. Recent comments in the Review have averaged 40 double-spaced typed pages of text and 200 footnotes. Members satisfy two (2) writing requirements by writing a comment. A published comment receives an additional (1) writing requirement.

(C) Serving as an Officer or as an Editor: The Officers include the Editor-in-Chief, Managing Editor, Notes Editors (3), and Articles Editors (2). Each officer is elected by the entire law review membership and earns two (2) points. An editor includes the Online Editor, the Indexing Editor and any other position appointed by the Officers. The points earned by an editor varies according to position.

(D) Discretionary Points: Points may also be awarded for other tasks as designated by the Editor-in-Chief or Managing Editor. These tasks will be substantial in nature and will require several weeks or months, as would writing another paper.

II. Technical Requirements: All members not serving in an editorial position share some of the work necessary for the publication of the Review. These tasks include
(A) Attending meetings.

(B) Cite-checking assignments: When doing a checking assignment, the checker ensures (1) the citation accurately supports the author's point; (2) the citation is in proper Bluebook form; (3) all quotations are accurate; and (4) any case has not been overruled by shepardizing all cited cases.

(C) Proofreading assignments: The proofreader edits page proofs.

*Please note that the Board may at its discretion alter or revise the above obligations section.
VI. Instructions for Cite-Checking

A. Procedure

1. Cite-checking sessions will be held for each edition of the Oklahoma Law Review.

2. All second-year OLR candidates must attend all cite-checking sessions.

   a. Candidates will be notified of cite-checking sessions at least 2 weeks in advance.

   b. All candidates must turn in their cite-checking assignments on the due date given by the Managing Editor.

3. Third-year Members may citecheck to earn additional points.

B. How to Cite-Check a Manuscript

1. The OLR follows a Uniform System of Citation (Bluebook) style and general style rules.

2. How to check a manuscript.

   a. Answer all questions and supply missing information. For example, in the citation, Circle v. Heron, 120 N.E. 343 ( ), the state court designation and year of decision are needed.

   b. All quotations in text and footnotes should be checked word by word and for punctuation. Verify capital letters and italics with the original source. If there is an obvious error, such as spelling or grammar, in the source, [sic] should be inserted after it to indicate that the quotation is accurate, even though in error. All quotes must be photocopied and attached to the cite-checking worksheet.

   c. When authority is cited, go to the cited authority (case, treatise, law review, etc.) to verify if it substantially supports the writer's statement. If cases are cited, it is never sufficient to read only the headnotes to determine if the proper case has been cited. Make sure that footnote numbers in the text correspond as to number and subject matter with those in the footnote section.
d. The citations must be absolutely correct.

(1) Check all volume numbers (if needed) and all page numbers.

(2) Check for proper case citation format.

(a) Use only the U.S. citation for U.S. Supreme Court cases. If that citation is unavailable, use the S. Ct. citation.

(b) State Cases: Consult the Bluebook table T.1, at 183-244, to determine which source(s) to cite, as well as the proper abbreviating and spacing of the relevant reporter.

e. Check the name of the case, especially the spelling and proper abbreviations in footnote cites.

f. Indicate the court of decision if not unambiguously conveyed by the reporter title. 50 N.Y.S.2d 897 (N.Y. Sup. Ct. 1944).

g. Check the subsequent history, particularly decisions of lower federal courts. Shepard's or Keycite will have the history. Ex.: United States v. Pennell, 180 F.2d 2 (10th Cir. 1948), rev'd, 340 U.S. 128 (1950).

h. All citations to books or treatises must give the edition, if there is more than one, date of publication, and the first initial and the full name of the author as it appears on the publication. Ex: 3 Walter L. Summers, Oil and Gas § 553 (perm. ed. 1938). (OLR does not use "the Law of..." or "Handbook of ...").

i. If the state statute compilation is unofficial, give the name of the publisher or editor. Most annotated statutes are unofficial, but there are exceptions. A citation to an unofficial annotated statute is incorrect unless no other citation is available. Bluebook table T.1, found at pages 183-244, details all states' court and statutory citation sources.

j. Be sure to check the year cited in any statutory citation. Codifications are ordinarily updated by supplements, separately bound or intended for insertion as pocket parts, which should be cited in the same manner as the main volumes they supplement, but with "Supp." and identifying name, number, or letter, and the
year of the supplement in the parenthetical following the citation. Ex.: 54 Okla. Stat. § 150 (Supp. 1980).


VII. Instructions for Proofreading Citecheck Copy

A. The importance of detailed accuracy cannot be over-emphasized.

B. Read carefully, line for line. Check spelling, punctuation, capitalization, and typeface (roman, italic, or caps and small caps).

C. If you note that a footnote call in the text is missing or wrong, indicate this on the citecheck copy.

D. Make any changes on the citecheck copy. Red pen is required.

E. Scan the citecheck copy for any glaring errors such as wrong spacing of subheads, improper paragraph indentions, more than four consecutive hyphens down right margin.

F. If you have questions, please ask the Editor-in-Chief, Managing Editor, or an Assistant Managing Editor.
VIII. Instructions for Index Cards

A. General

The Oklahoma Law Review publishes annual, 5-year cumulative, and 20-year cumulative indexes. Each index contains five kinds of indexes: Index to Articles, Index to Authors of Articles, Book Review Index, Table of Cases, and Subject Index.

To assist the staff in the preparation of future editions of the index, authors who are published are required to prepare and submit index cards pertaining to two of the indexes, the Table of Cases and the Subject Index. These cards are to be prepared and turned in to the Indexing Editor when the note is available in page proof. A notice will be posted to alert you when page proof of your note or comment is ready.

B. Instructions

Instructions for preparing the two kinds of cards follow, as well as examples of each. Obtain 3x5 index cards from the OLR office and write the information on the cards. Alphabetize the Table of Cases cards and the Subject Index cards separately, according to the case name and subject, respectively. Rubber band the completed and alphabetized cards together, with a note on top giving your name and the title of your note or comment. Turn in the cards to the Indexing Editor.

1. Case Index Cards

For every case cited in the text of your note or comment, prepare a card like the following example. Do not prepare cards for cases that appear only in the footnotes and are not cited in the text of the note or comment unless such cases form an essential and integral part of the discussion in the note or comment. Do not put the citation of the case. Use the case name only. An example of a Case Index Card follows:

Abbott v. McCoy

34: 257

OLR volume number Page number here (added after page proof is ready)
2. Subject Index Cards

You will probably make several of these. It is important that you give serious thought to the preparation of these cards because the Subject Index is prepared directly from them and therefore, they determine the quality of the Subject Index. If the Subject Index is inadequate, the Review is useless as a research tool. You are the one best able to prepare the Subject Index Cards for your note or comment because of your familiarity with the subject.

Look through the Master Index contained in this packet and select every subject under which your note or comment could reasonably be listed, and make a subject card for each. Use only the Subject Headings listed in the Master Index. Select a subheading (an entry) for each heading. (You may find it helpful to look through the latest 5-year or 20-year index for possible wording of your entries or subheadings. If none of the subheadings seem suitable, create your own.) The first word of the subheading must be the key word in the phrase, i.e., the word under which one would logically be expected to be searching if he had the subject of your note in mind.

If your note or comment concerns a specific statute or statutes, or if a specific statute is cited in the text of your note or comment, you will need to prepare one or more subject cards for the subject: Legislation. (Do not make a card for any statute that appears only in the footnotes and is not cited in the text of your note or comment unless the statute forms an essential and integral part of the discussion in the note or comment.) If your note or comment deals with more than one section of a statute, a separate card must be prepared for each section, except that any consecutive sections may be put on one card. For example, if your note or comment concerned the following statutes: 75 Okla. Stat. §301, 305, 310-25, you would prepare one card for 75 Okla. Stat. §301, one card for 75 Okla. Stat. §305, and one card for 75 Okla. Stat. §§310-25.

Statutes should be set out on your index cards in proper citation form.
C. Examples

The following examples are the subject cards for a note entitled "Administrative Law: Contesting Subpoenas: Procedure":

Subject: Administrative Law
from
Master: Subpoenas, contesting procedure
Index (n)

subheading

34:275

OLR volume number  Page number

Contempt
Subpoenas, refusal to obey (n)

34:275
Courts
Subpoenas, enforcement of (n)

34: 275

Injunctions
Subpoenas, enjoining issuance (n)

34:275

Legislation
75 Okla. Stat. § 301-25 (Supp.-- 1980) (n)

34:275
IX.  Master Index

The following subject headings comprise the Master Index. All material is to be filed and cross-indexed under these topics. Examples of the application of this index in making index cards may be found in the pages that follow.

When *See* is used, the material is to be indexed under other headings, but these subject headings are to be carried in the printed index with the subjects listed thereunder to refer the reader to the place where the relevant material can be found.

The phrase *See also* is used in places to suggest to the author other places where a note or comment, or part thereof, should be indexed, if relevant.

When only part of a note or comment is relevant under a subject heading, the page reference in the index should refer only to that part. Do not refer to the whole note or comment, or even the page on which the note or comment begins. Whenever a recognized legal principle, term, or action is discussed in a note or comment, it should be shown in the index regardless of the headings or subheadings used in the note or comment. Often the heading or subheading of a note or comment should not be used as index entries because they are not phrased in terms that lawyers would use in trying to research a subject.

The Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and Internal Revenue Code should be listed alphabetically under the heading "Legislation" with a notation directing the reader to *See* the appropriate title of the U.S.C. under Legislation for page references to those sets of statutes. (Fed. R. Civ. Pro., Title 28; Fed. R. Crim. Pro., Title 18; Int. Rev. Code, Title 26).  

Contact the Indexing Editor if you have questions.
MASTER INDEX

Accounts and Accounting

Actions and Defenses
   See also Parties to Actions; Pleading; Trial Practice

Administration of Justice
   See also Trial Practice

Administrative Agencies

Administrative Law

Administrators
   See Executors and Administrators

Admiralty

Adoption
   See also Children; Parent & Child

Adverse User

Agency

Air Law

Aliens

Appeal and Error

Appearance
   See Process

Arbitration and Award
   See also Labor Law

Assault and Battery
   See Criminal Law; Damages; Torts

Assignments

Atomic Energy

Attachment and Garnishment
   See Debtor & Creditor Relations

Attorneys
   See also Professions and Occupations;
      Unauthorized Practice of Law

Attorney General

Automobiles
   See Damages; Insurance; Motor Vehicles; Negligence; Torts

Aviation
   See Air Law

Bailments

Bankruptcy
   See also Debtor & Creditor Relations

Banks and Banking

Bills and Notes
   See also Commercial Transactions;
      Conflicts of Law; Debtor and Creditor Relations

Blue Sky Law

Books Received

Boundaries

Cancellation of Instruments
   See Equity; Mistake; Reformation

Carriers
   See also Administrative Law; Torts

Cemeteries

Charities
Chattel Mortgages
  See Secured Transactions

Children
  See also Adoption; Guardian and Ward; Parent and Child

Civil Rights

Commercial Transactions
  See also Bills & Notes; Conflicts of Law; Debtor & Creditor Relations; Liens; Sales; Secured Transactions; Vendor & Purchaser

Commissions
  See also Administrative Agencies

Community Property
  See also Deeds; Real Property; Taxation

Concurrent Estates
  See also Community Property; Real Property

Conditional Sales
  See Secured Transactions

Confessions
  See Constitutional Law: Criminal Law; Evidence

Conflict of Laws
  See also Jurisdiction (Also cross index to various substantive law subjects discussed)

Constitutional Law

Consumer Credit Code
  See also Commercial Transactions; Consumer Credit Code; Contracts

Contempt
  See also Courts

Contracts
  See also Damages; Election of Remedies; Insurance; Remedies; Restitution

Contribution and Indemnity

Conveyances and Conveyancing
  See also Deeds

Copyright

Corporations

Costs
  See Courts

Courts
  See also Declaratory Judgments; Federal Jurisdictions & Practice

Covenants
  See also Deeds; Oil & Gas Warranty

Creditors' Rights
  See Debtor and Creditor Relations

Criminal Law
  See also Federal Jurisdiction & Practice; Pleading; Trial Practice

Criminal Procedure
  See also Constitutional Law

Damages (Also cross-index to various substantive law subjects discussed)

Debtor and Creditor
  See also Attachment; Bankruptcy; Bills & Notes; Commercial Transactions; Secured Transactions

Declaratory Judgments

Dedications
Deeds
See also Conveyances and Conveyancing; Covenants

Defamation
See Damages; Libel and Slander

Depositions
See Discovery; Evidence; Trial Practice

Descent and Distribution
See also Executors & Administrators; Probate Practice & Procedure; Wills

Discovery
See also Evidence; Pretrial Conference; Trial Practice

Divorce
See also Children; Husband and Wife; Marriage

Domestic Relations
See Adoption; Children; Divorce; Husband and Wife; Marriage; Parent and Child

Easements

Ejectment

Election of Remedies
See also Declaratory Judgments; Equity; Injunctions; Remedies; Restitution

Eminent Domain

Environmental Law

Equity
See also Declaratory Judgments; Election of Remedies; Estoppel; Injunctions; Interpleader; Quieting Title; Remedies; Restitution

Estate Planning
See also Taxation

Estate Tax
See Taxation

Estate in Land
See also Concurrent Estates Estoppel

Ethics, Legal and Professional

Evidence
See also Administrative Law; Constitutional Law; Criminal Law; Discovery

Executions
See Debtor and Creditor Relations

Executors and Administrators
See also Probate Procedure and Practice; Wills

Exemptions
See Debtor and Creditor Relations; Homestead; Taxation

Federal Jurisdiction and Practice
See also Removal of Causes

Fixtures

Foreign Law

Forfeiture

Fraud

Future Interests
See also Estates in Land; Real Property; Trusts

Gaming

Garnishments
See Debtor and Creditor Relations

Gift Tax
See Taxation

Gifts
Government
   See also Administrative Law; Municipal Corporations

Guardian and Ward
   See also Children; Parent and Child

Habeas Corpus
   See also Criminal law; Criminal Procedure

Highways and Streets

Homestead
   See also Husband and Wife

Husband and Wife
   See also Adoption; Children; Divorce; Homestead; Marriage; Parent & Child

Indians

Infants
   See Children; Guardian and Ward; Parent and Child

Injunctions
   See also Election of Remedies; Equity

Insurance

Interest

International Law

Interpleader
   See also Equity; Pleading

Interstate Commerce
   See also Constitutional Law

Judges

Judgments
   See also Debtor and Creditor Relations; Trial Practice (Declaratory Judgment material should not be filed here but under Declaratory Judgment)

Judicial Review
   See Appeal and Error

Juries and Jurors
   See also Trial Practice

Jurisdiction

Jurisprudence

Labor Law
   See also Arbitration and Award

Landlord and Tenant

Law Books

Law School News

Leases

Legal Services

Legislation (Use this for statutes. Use Statutory Construction for rules on construing statutes) See also Statutory Construction

Libel and Slander
   See also Damages; Torts

Licenses

Liens
   See also Judgments; Mortgages; Secured Transactions

Limitations of Actions

Literary Property

Mandamus

Marriage
   See also Divorce; Husband and Wife

Master and Servant
   See Agency
Military Law

Mines and Mineral Resources  
*See also* Oil and Gas

Minors  
*See* Children

Misrepresentation  
*See* Fraud

Mistake  
*See also* Cancellation of Instruments; Reformation

Mortgages  
*See also* Liens; Secured Transactions

Motor Vehicle  
*See also* Damages; Insurance; Negligence; Torts

Municipal Corporations

Negligence  
*See also* Torts

New Trials  
*See* Trial Practice

Notice

Nuisances  
*See also* Torts; Zoning

Officers

Oil and Gas  
*See also* Covenants; Leases; Mines and Minerals; Pipelines

Parent and Child  
*See also* Adoption; Children; Guardian and Ward

Parties to Actions

Partition

Partnership

Patent Law

Personal Property  
*See also* Bailments

Physicians and Surgeons  
*See* Evidence; Professions and Occupations

Pipelines  
*See also* Interstate Commerce; Oil and Gas

Pleading  
*See also* Federal Jurisdiction and Practice; Parties to Action; Practice and Procedure; Trial Practice

Poems

Powers

Practice and Procedure

Prescription  
*See Adverse User; Easements*

Pretrial Conference

Prisons and Prisoners

Probate Practice and Procedure  
*See also* Descent and Distribution; Executors and Administrators; Homestead; Taxation; Wills

Probation and Parole

Procedure  
*See* Appeal and Error; Criminal Law; Discovery; Federal Jurisdiction and Practice; Pleading; Practice and Procedure; Pretrial Conference; Parties to Actions; Process; Trial Practice
Process
See also Federal Jurisdiction and Practice; Pleading; Trial Practice

Products Liability

Professions and Occupations
See also Attorneys; Evidence

Prohibition, Writ of

Property
See Personal Property; Real Property

Public Lands

Public Law
See also Administrative Law

Public Utilities
See also Municipal Corporations

Quieting Title
See also Real Property

Race Relations
See also Constitutional Law

Real Property
See also Adverse User; Boundaries; Community Property; Concurrent Estates; Conveyances and Conveyancing; Covenants; Deeds; Easements; Estates in Land; Future Interests; Homestead; Landlord and Tenant; Licenses; Liens; Mortgages; Quieting Title; Tax Titles; Vendor & Purchases; Zoning

Remainders
See Future Interests

Remedies
See also Declaratory Judgments; Election of Remedies; Equity; Injunctions; Restitution

Removal of Causes
See also Federal Jurisdiction and Trial Practice; Trial Practice

Replevin

Restitution
See also Commercial Transactions; Secured Transactions

Secured Transactions
See also Bills and Notes; Commercial Transactions; Sales

Securities Regulation

Separate Maintenance
See Children; Divorce; Husband & Wife

Social Security

Space Law

Specific Performance
See Equity; Real Property; Vendor and Purchaser

Statute of Frauds

Statutory Construction
See also Legislation

Surety and Guaranty

Symposia

Tax Titles

Taxation
See also Partnership; Tax Titles
Torts
   See also Damages; Libel and Slander;
   Municipal Corporations; Negligence;
   Nuisance; Restitution

Trade Regulations

Trial Practice
   See also Courts; Evidence; Federal
   Jurisdiction and Practice; Juries and
   Jurors; Practice and Procedure; Pretrial
   Conference; Probate Practice and
   Procedure; Process; Venue; Verdicts;
   Witnesses

Trusts
   See also Future Interests; Taxation;
   Wills

Unauthorized Practice of Law
   See also Attorneys; Professions and
   Occupations

Unfair Competition
   See Equity; Torts; Trade Regulations

Uniform State Laws

Vendors and Purchasers
   See also Contracts; Deeds; Personal
   Property; Real Property; Restitution;
   Sales

Venue
   See also Trial Practice

Verdicts
   See also Criminal Law; Federal
   Jurisdiction and Practice; Trial Practice

Voting

Waiver

Warranty
   See also Covenants; Sales; Torts

Water
X. Contributor's Guide

General Form

The Oklahoma Law Review, in general, follows The Bluebook: A Uniform System of Citation (18th edition, 2005), published by the Harvard Law Review Association. The Chicago Manual of Style and Webster's Third New International Dictionary are followed for style, in hyphenation, capitalization, and spelling. If these sources are not available to you, please consult a current copy of the Review for matters of style and citation form. Your cooperation in properly formatting your manuscript will be of great assistance to the staff.

Production Deadlines

The Oklahoma Law Review is published four times a year; issues are dated Spring, Summer, Fall, and Winter. For information on specific publishing deadlines, call Michael Waters, Editorial Advisor, at (405) 325-5191, or Jodi Warmbrod, Editor-in-Chief, at (405) 325-5192.

When you submit an article, please indicate if your article has been submitted to more than one publication. We will endeavor to acknowledge receipt of your article within a week to ten days after receipt, and to make a decision whether to publish it within four weeks. Please inform us if your submission is accepted for publication elsewhere.

Typing Requirements

Hard copy printouts of articles should be submitted on 8-1/2" x 11" white paper. Lines should be double-spaced throughout. Any quote of more than 50 words should be indented at the left margin. Footnotes should be placed together in consecutive order at the end of the text.

Submissions by computer diskette are welcome, and the Review requests all articles accepted for publication to be provided on diskette. WordPerfect software is preferred, although most major software programs are acceptable.

When typing on word processing software, all new paragraphs, as well as the first line of all footnotes, should be indicated with a tab keystroke. Block quotes should be indicated with an indent keystroke. Please do not use the space bar to indicate paragraphs or indents.

Please do not use all capital letters in either text or footnotes. If using WordPerfect software, you may use boldface to indicate words which should be placed in small caps (according to A Uniform System of Citation, small caps words include titles of books, names of periodicals, names of government agencies and titles of most government documents).

Indicate emphasis by underlining. When you wish to add emphasis on quoted material, the footnote following the quote should include the phrase "(emphasis supplied)." You should not use "emphasis added" to indicate that emphasis appeared in the original.

The word "section" is spelled out in the text, but the symbol "§" is used in footnotes unless it is the first word of a sentence. If you are using a typewriter or word processor not equipped with the "§", use a substitute key (one not used for any other purpose in the article), and indicate to us in a note that the substitute key is being used in lieu of "§".
Length

The *Review* imposes no general restrictions on the length of lead articles or commentaries. However, authors who submit work for possible inclusion in a specific issue of the *Review* are cautioned to inquire in advance, by phone or writing, to insure no length restrictions apply to that particular issue.

Footnoting: Generally

All statements requiring footnoting should be accompanied by full and accurate information as to the source. Generally, footnoting is required for:

(a) all quotations

(b) all statements attributing opinions to specific persons or groups

(c) all references to, or statements made in reliance upon, cases, statutes, treatises, periodicals, pamphlets, government publications, newspapers, manuscripts, or any other written or printed source.

Footnoting: Cases

The reference should include the name of the case, citation by volume, page, and date, and case history when applicable and relevant. Cite the reporter listed in Table 1 of *The Bluebook*. Examples:

High v. Low, 23 U.S. 45 (1900).
[For recent cases where the U.S. reporter is not available, use -- S. Ct. -- cite]

High v. Low, 145 F.2d 58 (9th Cir. 1944).


All cites to Oklahoma state cases must include a public domain citation.

High v. Low, 1955 OK 21, 290 P.2d 118.

High v. Low, 1955 OK 21, ¶ 5, 290 P.2d 118, 120.

Refer to the source of material quoted from cases by giving the complete case citation and adding the page on which the quotation begins, both in the official and unofficial reporters.

Footnoting: Statutes


Stat. § 183 (Supp. 20--).


Note: The Review does not supra or infra to cases or statutes, nor should cases and statutes be abbreviated, except as stated in the rules of A Uniform System of Citation. You may use "Id." to refer to an authority which is (a) the only authority in the immediately preceding footnote, or (b) the immediately preceding authority in the same footnote.

Cases and Statutes: Order of Citation

Cases and Statutes should be cited in the following order: United States Supreme Court cases, lower federal court decisions, decisions of other states, alphabetically by state, United States Constitution, federal statutes, state constitutions, state statutes.

Footnoting: Books and Treatises

Volume number, if more than one, author's full name is it appears on the publication, title, specific portion referred to, date of publication: 3 Eugene O. Kuntz, Oil and Gas Law 421 (1966) [if using WordPerfect software, use boldface in footnotes to indicate author and title].

Footnoting: Periodicals

Author's full name as it appears on the publication, title of article, volume number, title of publication, page numbers, date: Maurice Merrill, The Basic Doctrine of Oklahoma Public Law, 1 Okla. L. Rev. 262 (1948) [if using WordPerfect software, use underline in footnotes to mark title of article and boldface to mark name of periodical].

Footnoting: Newspapers and Non-Scholarly Magazines

Name of publication, date, page, column (if applicable): N.Y. Times, Feb. 14, 1947, at 1, col. 1; Newsweek, Aug. 24, 1982, at 31. Author's full name (if one is named) and title of article may be added at the beginning of the citation.

Books, Periodicals, and Newspapers: Order of Citation

Books, periodicals and newspapers should be cited in the following order: books and treatises, alphabetically by name of author; lead articles in law reviews, alphabetically by name of author; notes and comments, alphabetically by name of periodical.

Biographical Information

Upon submission of your article, please furnish us with the following personal data: present position or occupation, degrees, with dates of each and name of conferring institution; bar associations and learned societies of which you are a member, and official positions held which are relevant to the article.

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At an early point in production of your Review issue in which your article will appear, you will be sent a first proof of the article in type. Do not be unduly concerned by typographical errors; the production process should catch all typos, since the article is examined by authors, the Review's editorial advisor, student checkers, and WordPerfect's spell checking function.

The primary purpose of providing a first proof to authors is to provide an opportunity to reread the article as it will appear when published, to make any changes necessitated by developments since the completion of the manuscript, and to check the changes made by the editors.

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Should the author not wish to give the editors such license, the opportunity to read the proof provides sufficient time to make changes before publication. It is stressed that at all times, editors strive to retain author intent and style, and that author changes made to any extent on the proof often prove costly and delay the publication of the issue, both to the detriment of the timeliness of the article and of the publication. Substantial editorial changes or cutting are never done without the author's approval.

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Each lead article author receives two free copies and 25 free reprints with covers. At the time your proof is sent, you may receive upon request the cost of any additional reprints you wish to order.

If you have any questions about the above information, please call Michael Waters, Editorial Advisor, at (405) 325-5191; Jodi Warmbroad, Editor-in-Chief, at (405) 325-5192; or either Melissa Alcorn or Jeran Steuart, Articles Editors, at (405) 325-5192.
Introduction

Style and usage on the Oklahoma Law Review and the American Indian Law Review are governed by two sources: the seventeenth edition of The Bluebook: A Uniform System of Citation (2000) and the fifteenth edition of The Chicago Manual of Style (2003). This provisional style manual attempts to give OU's law review editors quick and easy answers to recurring stylistic and grammatical questions.

Its main purposes are twofold: (1) to codify the current grammatical practices of the American Indian Law Review and the Oklahoma Law Review in a concise manner, and (2) to cite the relevant pages of the Bluebook and Chicago Manual, so that editors can get further information on stylistic questions without having to wade through the index of either publication.

One additional purpose of this provisional manual is to provide the basis for eventual publication of a permanent Style Manual for the University of Oklahoma Law Reviews – a standard reference booklet which editors can use from year to year. You can help move us toward completing that style manual, by (1) critiquing this document, and (2) noting style and grammar questions which arise during the course of your work, and bringing those questions to the Editorial Advisor. All questions and comments are welcome.

Finally, this manual may be edited and reissued during the academic year, if comments or requests for information warrant.

POSTSCRIPT -- The Chicago Manual of Style and one other reference book referred to in the following pages, Webster's Third New International Dictionary, are available in the Editorial Advisor's office.
1. CAPITALIZATION

1(a). Names. Names and initials are capitalized (Chicago at 237), except for the particles of certain European-derived names (ex: Manfred von Richthofen) and articles, particles, contractions and prepositions in other foreign names (see Chicago at 312-13).

1(b). Formal Titles. In text usage, capitalize titles when preceding a name (ex: President Bush, Chief Justice Burger) but not when following a name (ex: George Bush, president of the United States; Warren Burger, chief justice of the United States) (Chicago at 317).

1(c). Second References. Common nouns are capitalized only if they refer to specific entities and have a clear antecedent (ex: “the Board,” referring to the Water Resources Control Board or “the Chief Justice,” following a previous reference to Chief Justice William Rehnquist) (Bluebook R. 8, at 51-53) [Exceptions: see 1(d) and 1(e) following].

1(d). Constitution, Justice, Court, Term. These words are only capitalized as common nouns when referring to federal agencies, positions, titles, or documents. Specifically:

1(d)i. "Constitution" is always capitalized when referring to the U.S. Constitution or when naming any constitution in full (ex: the twenty-seven amendments to the Constitution, Alabama's constitution, the Alabama Constitution) (Bluebook R. 8, at 52).

1(d)ii. "Justice" is capitalized only when referring to a Justice of the U.S. Supreme Court, or as part of a title, when giving the name of a specific judge or justice (Id.).

1(d)iii. "Court" is capitalized only when referring to the U.S. Supreme Court or when naming any court in full (Id.).

1(d)iv. "Term" is capitalized only when referring to a term of the U.S. Supreme Court (Id. at 53).

1(e). Circuit, State. "Circuit" is capitalized only when used with a circuit number. Ex: circuit courts, the Fifth Circuit. "State" is only capitalized when it is part of the full state title (ex: the State of Kansas), when the word it modifies is capitalized (ex: the State Commissioner), or when referring to a state as a governmental actor or party to litigation (ex: the State relitigated the issue) (Id. at 52).

1(f). Amendment, Article & Other Subsection Words. Capitalize parts of the U.S. Constitution when referring to them in textual sentences, but not in citations (ex: article 1 of the Oklahoma Constitution, the First Amendment, the Preamble, the Commerce Clause; see U.S. Const. art. I, § 8, cl. 17.) (Id. at 52).
1. CAPITALIZATION (cont.)

1(g). Titles of Government Bodies, Codes and Legislation. Capitalize all words except for articles, conjunctions and prepositions of four or fewer letters when identifying specific groups, government offices, or government bodies (ex: Oklahoma Statutes, Federal Nonnuclear Energy Research and Development Act of 1974, Department of Education) (Bluebook rule 8, at 51). Do not capitalize subsections (ex: title 28, section 556 of the Delaware Code) (see examples in Bluebook rule 12.9(c), at 90).

1(h). First Letter in a Quotation. When a quotation is preceded by a comma, a colon or other formal break, the first word of that quotation should be capitalized, even if that means changing the first letter to uppercase. Use brackets to indicate any such change [see Rule 4(g)]. If a quotation is preceded by "that" or "to" or a similar connective, the first word of the quotation should not be capitalized (based on Chicago at 448-49).

1(i). Regions. Words such as south and west are generally capitalized when naming a specific region (ex: the Deep South, the Far West, the North Atlantic, the Eastern Seaboard) but not when indicating direction (ex: a midwestern phenomenon, a southern city). (Chicago at 327). Particular location names are always capitalized (ex: the Bay Area, the Bermuda Triangle) (Chicago at 326-327).

1(j). Political Groups and Movements. Words in this category are not capitalized unless they either are derived from a proper name, or are used in reference to a specific body (ex: a democratic approach, the Democratic primary, communism, Marxism, Epicurean, naturalism (Chicago at 336-38).

1(k). Historical Terms. Terms referring to periods of history are never capitalized when used in a general sense (ex: the twenties, the twentieth century, the sixties), but often terms referring to specific cultural and historical periods are capitalized (ex: the Roaring Twenties, the Gilded Age) (Chicago at 340-41).

1(l). Other Terms Capitalized. Names of nationalities, specific political and topographical divisions, structures and public places, awards, months, days of the week, holidays, deities, religious groups and events, military forces, most geological and astronomical terms, trademarks, creative works, unpublished manuscripts, notices and mottoes (see generally Chicago at 342-78).

1(m). Other Terms Not Capitalized. Common words derived from geographical or personal names (ex: french fries, manila envelopes, roman numerals), names of the seasons, vernacular names of plants and animals (except for proper nouns used in the name), physical and chemical terms, diseases and syndromes, and computer terms (ld.).
2. PUNCTUATION -- COMMAS

Generally, editors may employ or remove commas in law review text mainly as a matter of “good judgment, with ease of reading as the end in view” (Chicago at 244). However, the following rules should be strictly observed to ensure commas are not used in an ambiguous, misleading, or redundant manner.

2(a). Mistaken Junction. Commas should be employed or retained to ensure that sentences are free of unclear antecedents or puzzling clauses (Chicago at 246, 249). Ex:

Sandra saw Todd when he snuck into the house, and called the police.

For Bobby, Grant's words meant everything.

2(b). Series. In any series containing three or more elements, use commas to separate the elements with commas. Put a comma in front of conjunctions such as "and," when used to join the last two elements (Chicago at 245). Ex:

Kennedy, O'Connor, and Souter have been hailed in the media as if they were akin to Brennan, Marshall, and Stevens

2(c). Dates. When dates in text are written in the month-day-year format, use commas before and after the year (Chicago at 253). Ex:

On February 9, 1964, the Beatles first performed on the Ed Sullivan Show.

2(d). Commas in Compound Sentences. A comma should be used to break up clauses of a compound sentence joined by a conjunction, except in short sentences (Chicago at 248). Ex:

Swift and sure doesn't always win the race, but that's the way to bet.

I opened the door and Jamie screamed.

2(e). Commas with Compound Predicates. Do not use a comma to separate parts of a sentence in which two or more verbs have the same subject (Chicago at 249). Ex:

I slowed the ship's speed to forty knots and tried desperately to avoid the reef.

2(f). Dependent Adverbial Clauses. A dependent clause should be set off with a comma when the primary meaning of the sentence can be understood without the clause. However, if the main idea of the sentence is altered by omission of the clause, do not use a comma (Chicago at 249). Ex:

We will bombard the fort unless you surrender.

I ate the steak, although I would have preferred chicken.
2. **PUNCTUATION -- COMMAS (cont.)**

2(g). *Dependent Clauses at the Beginning of a Sentence.* Any adverbial clause starting a sentence should be set off with a comma, but a comma is *not* used with a short introductory phrase (*Chicago* at 249). Ex:

If you want to save money on textbooks, call Debbie between now and next Friday.

After lunch I met Lewis at the construction site.

2(h). *Dependent Clauses in the Middle of a Sentence.* When an adverbial clause or phrase is located between the noun and the verb, set it off with commas (*Chicago* at 247-248). Ex:

Clarissa, to my surprise, was wearing a ten-gallon hat.

2(i). *Adjective Clauses and Phrases.* An adjectival clause or phrase which limits the meaning of the noun in a way essential to the meaning of a sentence should be set off by commas. A merely descriptive adjectival clause or phrase does not need commas (*Chicago* at 167-68). Ex:

The man standing beside the President held the "black box."

The phone bill, which totaled $1,401, was finally paid last week.

2(j). *Coordinate Adjectives.* If two adjectives modify a noun independently, the adjectives should be separated by commas. In other words, if the adjectives could be sensibly joined by "and," use a comma. However, if the first adjective modifies an idea expressed by a combination of the second adjective and the noun, no comma is needed (*Chicago* at 250). Ex:

He was an ugly, dastardly fiend.

Group marriage is a nontraditional American lifestyle.

2(k). *Introductory Participial Phrases.* A participial phrase at the beginning of the sentence should be set off by a comma, unless it is immediately followed by a verb (*Chicago* at 246). Ex:

Wired from all the coffee he'd consumed, Steve stayed up with us until almost dawn.

Helping with the sale was Lorna's niece.
2. PUNCTUATION -- COMMAS (cont.)

2(l). Other Uses. Use commas in these situations:

Parenthetical Elements I was, to say the least, stunned.

Interjections No, we won't publish this.

Direct Address Friends, I need some money.

Appositives Thomas, the quarterback, scored.

(Chicago at 246-48).

3. PUNCTUATION -- HYPHENS

Under The Chicago Manual of Style 7.84 titled, “The trend toward closed compounds," Chicago states: “With frequent use, open or hyphenated compounds tend to become closed . . . .[this] does not preclude occasional exceptions when the closed spellings have become widely accepted, pronunciation and readability are at stake, and keystrokes can be saved.” See generally Chicago at 299-308 for more information on the following rules:

3(a). Independent Elements as Nouns. Do not use a hyphen with most compound nouns composed of two elements which could stand as nouns on their own. Ex: decision maker, boardinghouse, stomachache. If you have any doubts as to whether a noun of this type should be spelled closed or open, consult Webster's Third New International Dictionary in the Editorial Advisor's office.

3(b). Independent Elements as Adjectives. When a two-word modifier includes an adverb ending in ly-, write as an open compound. Ex: highly complex, wholly invented. However, two-word modifiers composed of an object and a present participle are always hyphenated. Ex: decision-making, thirst-quenching.

3(c). Prefixes Which Employ Hyphens. Hyphens should be used with the following prefixes in adjective and noun form:

<table>
<thead>
<tr>
<th>all-</th>
<th>ever-</th>
<th>ill-</th>
<th>low-</th>
</tr>
</thead>
<tbody>
<tr>
<td>best-</td>
<td>ex-</td>
<td>lesser-</td>
<td>much-</td>
</tr>
<tr>
<td>better-</td>
<td>half-</td>
<td>little-</td>
<td>self-</td>
</tr>
<tr>
<td>best-</td>
<td>high-</td>
<td>long-</td>
<td>still-</td>
</tr>
<tr>
<td>cross-</td>
<td></td>
<td></td>
<td>well-</td>
</tr>
</tbody>
</table>

[Exceptions: crossbred, crosshatched, halfhearted, halfway]
3(d). Prefixes Which Do Not Employ Hyphens. In almost all cases, do not use hyphens with words made from these prefixes:

<table>
<thead>
<tr>
<th>Prefix</th>
<th>Inter</th>
<th>Non</th>
<th>Sub</th>
</tr>
</thead>
<tbody>
<tr>
<td>ante</td>
<td>inter</td>
<td>non</td>
<td>sub</td>
</tr>
<tr>
<td>anti</td>
<td>intra</td>
<td>over</td>
<td>super</td>
</tr>
<tr>
<td>bi</td>
<td>macro</td>
<td>post</td>
<td>supra</td>
</tr>
<tr>
<td>bio</td>
<td>meta</td>
<td>pre</td>
<td>trans</td>
</tr>
<tr>
<td>co</td>
<td>micro</td>
<td>pro</td>
<td>ultra</td>
</tr>
<tr>
<td>counter</td>
<td>mid</td>
<td>pseudo</td>
<td>un</td>
</tr>
<tr>
<td>extra</td>
<td>mini</td>
<td>re</td>
<td>under</td>
</tr>
<tr>
<td>infra</td>
<td>multi</td>
<td>semi</td>
<td></td>
</tr>
</tbody>
</table>

[Exceptions: anti-inflammatory, anti-utopian, anti-hero, co-opt, co-op, co-worker, non-native, semi-independent, semi-indirect. See also the general exceptions listed in rule 3(l)]

3(e). In-, out-. Hyphenate in- as part of a compound adjective if an open spelling of the compound would appear unfamiliar or misleading. Ex: in-house, in-state. Out- should be hyphenated when combined with "of" in an adjective phrase. Ex: out-of-print, out-of-state, out-of-the-way. However, do not hyphenate out as part of a two-unit compound verb, and spell these usages closed. Ex: outtalk, outgrow, outflow, outfox. If you are unsure about a particular usage of out- or in-, consult the Webster's Third New International Dictionary.

3(f). Multi-Word Combinations. Hyphenate word combinations which include a prepositional phrase and are used as nouns. Ex: stay-at-home, stick-in-the-mud, jack-of-all-trades [Exceptions: flash in the pan, ball of fire].

3(g). Quasi-. Never hyphenate this prefix when used in a noun, but always hyphenate when used in an adjective. Spell open in noun form. Ex: quasi scholar, quasi union, quasi-judicial, quasi-public.

3(h). Noun-Noun Combinations. When two nouns of equal importance are combined, the result is hyphenated. Ex: city-state, playwright-poet, soldier-statesman.

3(i). Writing Out Numbers. Hyphenate cardinal numbers combined with units of measurement or the suffix -odd. Also, hyphenate common fractions written out as adjectives or adverbs. Exceptions include percentages and any numbers written with the suffix -fold. Ex: sixty-odd, six-inch, four-fifths, tenfold.

3(j). Suffixes -like, -wide, & -ed. Never hyphenate -like unless the base word ends in l or contains three or more syllables. Never hyphenate -wide; write in closed form. Hyphenate adjective-noun compounds ending in -ed when they precede the noun, but generally not when they follow the noun. Ex: catlike, statewide, able-bodied, even-handed.
3(k). **Foreign words.** Foreign words used in a compound adjective are spelled open, unless hyphenated in the original language. Ex: bona fide, per capita [Exception: laissez-faire].

3(l). **When To Ignore These Rules.** It is proper to disregard any prohibitions in this section and add a hyphen if (1) the closed form is unfamiliar and unclear (ex: *non-riparian* instead of *nonriparian*); (2) the second element is a capitalized word or a numeral (ex: post-1945, pre-Columbian); (3) if the second element consists of more than one word (ex: post-latency period); (4) if the closed form could be mistaken for a different word. Ex: *re-create* instead of *recreate*, *re-cover* instead of *recover*.

### 4. PARENTHESES, QUOTATIONS, & MISC. PUNCTUATION

4(a). **Parentheses.** In law review text, parentheses are generally employed to indicate the first use of an acronym or short form. Any parenthetical usage of an acronym or short form must be immediately preceded by the full name. *Do not* use quotation marks around any acronym or short form, and do not capitalize the "t" in "the" when used as part of a short form. Ex: (the Act), not ("The Act"); the Internal Affairs Subcommittee (the Subcommittee); Mothers Against Drunk Driving (MADD).

4(b). **Quotations -- General.** In law review text, any quotation of fifty words or more should be indented and separated from the body of text, without quotation marks. A footnote should be placed at the end of the quote block. Generally, quotations of forty-nine words or less should be indicated by quotation marks, but not otherwise separated from the text [Exception: see Rule 4(c)]. A footnote should be placed at the end of any quotation (*Bluebook* rule 5.1(a), at 43-44).

4(c). **Block Quotations -- Testimony & Dramatic Dialogue.** Regardless of length, material which would ordinarily be separated from the text, such as transcripts of testimony, lines of poetry, or dialogue from a play may appear as a block quote (*Bluebook* rule 5.1(a), at 44).

4(d). **Quotations -- Commas & Periods.** In non-block quotations, place commas and periods inside any quoted material. *Do not* place question marks, semicolons, or other punctuation inside quotation marks unless the punctuation is part of the quoted material (*Id.*).

4(e). **Quotations Within Quotations.** In non-block quotations, use single ("single") quotes to indicate any quoted material within the quotation. However, in block quotes use double ("double") quotation marks to indicate quoted material within the quotation (*Chicago* at 453-54).
4. PARENTHESES, QUOTATIONS, & MISC. PUNCTUATION (cont.)

4(f). Use of Brackets in Quotations. In law review text, brackets should be used instead of parentheses to indicate alteration of a word or letter in quoted text. Brackets can also indicate substituted words in a quotation (Bluebook rule 5.2, at 44-45). When "sic" is used to indicate mistakes in the quoted material, place it in brackets (Id.).

4(g). Using Brackets with the First Letter of a Quotation. When a quotation begins with a lowercase letter, and it is preceded by a comma or a colon, change the lowercase letter to uppercase and indicate the change by placing brackets around it. Conversely, if a quotation begins with an uppercase letter, and it is preceded by "that" or "to" or some other connective, change the uppercase letter to lowercase (Id.). Ex:

A portion of the report stated, "[A]n inexpensive alternative is needed."

Another portion of the report stated that "[w]e do not lack the means to solve our own problems."

4(h). Altering Quotations for Style Purposes. Do not alter quoted material to conform that material to the capitalization and punctuation rules of this style manual. Ex: if a block quotation makes reference to "the first amendment," do not change to "the First Amendment." Indicate factual errors in quoted material by inserting the word "sic" in brackets, and indicate substituted words by use of brackets.

4(i). When to Use Ellipses. Use an ellipsis in text quotations (1) to indicate omitted words within a clause or phrase; (2) to indicate omitted words in the middle or at the end of a quoted sentence; or (3) to indicate omitted words or sentences in a block quotation. An ellipsis should not be employed (1) at the beginning of a quotation; (2) to indicate an omitted citation or footnote; or (3) to indicate alteration of a single word or letter (Bluebook rules 5.3, at 46-47).

4(j). Structure of Ellipses. The periods in an ellipsis should always be separated by spaces ("..."). When an ellipsis is used to either link the end of a sentence with another part of the quotation, or is used at the end of the quotation, it should be combined with a period ("...").

4(k). Using Semicolons. Semicolons are used chiefly in law review text to separate any series of items when those items are sentence-length or contain internal punctuation. Ex: Some of the most important dates in U.S. history are July 4, 1776; Nov. 11, 1918; Dec. 7, 1941; and Nov. 22, 1963. Semicolons may also be used to separate the two parts of a compound sentence in place of a conjunction, and also preceding the adverbs then, however, thus, hence, indeed, accordingly, besides, and therefore when those words are used to separate clauses in a compound sentence (Chicago at 256-57).
4. PARENTHESES, QUOTATIONS, & MISC. PUNCTUATION (cont.)

4(l). Using Colons. Colons are used chiefly in law review text to introduce series and to formally introduce a quotation or statement. A colon is often employed to introduce a block quotation unless the word "that" immediately precedes the quotation. Ex:

The President cited three major issues: the budget deficit, education, and arms control.

In *Stratton*, Justice Kiser stated:
After reviewing the record, especially the doctors' evaluations, and keeping in mind etc. etc. [rest of block quote].

5. SECS. SYMBOLS, NUMERALS & PERCENTAGES

5(a). Text Usage of "Section" and "§". In law review text, spell out "section" in reference to the sections of named statutes, state codes, and almost all other instances. Use the "§" symbol in text only in reference to United States Code provisions (*Bluebook* rule 6.2(c) at 50, 12.9(b) at 90). Write any reference to the United States Code in text the same as in a footnote, (*Id.*). Employ the format used in the following examples to refer to statutes in text:

The confusion was generated by section 3 of the Administrative Procedure Act [first text usage].

This led to significant changes in section 3 [subsequent text usage].

The effect of 41 U.S.C. § 168 has been devastating.

The original language of title 10, section 18 of the Oklahoma Statutes mandated placement of public spittoons.

5(b). Footnote Usage of "Section" -- "§" -- "Secs.". Generally, use the "§" symbol to indicate "section" in formal citations, unless you are referring the a U.S. statute or when "section" is the first word in a sentence. When a session law amends a prior act, cite the bill's sections with "sec." and the amended act's sections with the "§" symbol. The word "section" should not be spelled out in citations (*Bluebook* table T.17, at 349; rule 3.4, at 37; rule 12.9(c), at 90; rule 6.2(c), at 50). Use "§§" any time that two or more sections are cited.
5. SECS. SYMBOLS, NUMERALS & PERCENTAGES (cont.)

5(c). Numbers -- When Written as Numerals. Generally, use numerals to indicate: (1) numbers of 100 or more in text, except for round numbers; (2) numbers of 10 or more in footnotes; (3) all chapter, section, title, and other subdivision numbers; (4) any number containing a decimal point; (5) all percentages and dollar amounts, except for round numbers and colloquial usages (ex: $101, a hundred bucks) (see also 5(g) & 5(h) following); (6) a series of numbers in which one or more of the items would ordinarily be indicated with numerals (ex: "the number of votes in the four wards totaled, respectively, 113, 76, 938, and 5.") (Bluebook rule 6.2, at 50; Chicago at 380-81).

5(d). Numbers -- When Spelled Out. Generally, spell out: (1) the whole numbers zero to ninety-nine; (2) any number which begins a sentence; (3) round numbers such as "a hundred" or "four thousand," if done consistently and unless used in a tabulation. Numerals should be used if the number includes a decimal point, for repeated references to dollar amounts, and for section or other subdivision numbers (Bluebook, R. 6.2, at 49-50).

5(e). Using Commas with Multi-Digit Numbers. Use commas with numbers of five digits or more. Ex: a population of 11,412; a total of 2113 cases. (Id.).

5(f). Using Numbers With Parentheses in a Series. When writing a series of items, use parentheses to enclose numerals marking individual items in the series (Chicago at 190). If the items in the series are brief, separate them with commas; if the items are sentence-length and/or contain internal punctuation, separate them with semicolons (Id.). Ex:

For every problem there is a solution which is (1) simple, (2) attractive, and (3) wrong.

5(g). Percentages -- Use of Numerals. The Bluebook and the Chicago Manual of Style do not as a whole offer consistent, concise guidance on when percentages should be spelled out ("four percent") and when percentages should be written as numerals with the percentage symbol ("4%"). Thus, for the sake of convenience OU's law reviews abide by the following:

Use numerals for all percentages used in a statistical manner or in a financial context. Ex: "35% of a sampling"; "a 12% interest rate." However, if a percentage is used in a colloquial manner, or with a round number, spell out the number and use the word "percent," spelled closed. Ex: "I'll support you a hundred percent"; "the seven percent solution" (based upon the guidelines found in Bluebook rule 6.2(d), at 50, and Chicago at 384-85).
5. SECS. SYMBOLS, NUMERALS & PERCENTAGES (cont.)

5(h). Dollar Amounts -- Use of Numerals. The "$" symbol should be used where numerals are used, but a symbol should never begin a sentence. Ex: "I owe Mark a thousand dollars." Never write out "dollars" with a numeral, as in "1000 dollars." "Fifty dollars is the maximum fine" (Bluebook rule 6.2(d), at 50).

6. USAGE

Many of the following rules are not drawn specifically from the Bluebook or Chicago, but reflect widespread practice and are found in most grammar texts. Specifically, consult the Harbrace College Handbook in the Editorial Advisor's office for more information about these general subject areas.

6(a). Split Infinitives. One grammatical "myth" holds that placing an adverb between "to" and the verb in an infinitive is always wrong, and should always be eliminated. Yet several authorities, such as the Harbrace Handbook, hold that sometimes "splitting an infinitive is not only natural but desirable" (Chicago states that "it is now widely acknowledged that adverbs sometimes justifiably separate the to from the principal verb, Chicago at 175). A split infinitive should only be rewritten to assist clarity, and should not be rewritten if to do so would make a sentence appear stilted or awkward. Ex:

Correct: They tried to temporarily halt the thirty-day inner city demolition project. [infinitive is split, but meaning is clear]
Incorrect: They tried to halt temporarily the thirty-day inner-city demolition project. [object of infinitive is less clear]
Incorrect: They tried to halt the thirty-day inner-city demolition project temporarily. [adverb is too far away from the verb it modifies]
Incorrect: They tried temporarily to halt the thirty-day inner-city demolition project. [unclear which verb the adverb modifies]

6(b). Pronouns with Unclear Antecedents. The pronouns it, this, that, which, and such can be used to make a reference to a general idea (ex: "The car wouldn't start. This presented a big problem."). Or, these pronouns can be used with a specific antecedent (ex: "The car wouldn't start. I tried to repair it."). In either case, make sure these pronouns clearly refer to their antecedents. If you have any doubts about the clarity of pronoun usage in a given sentence, eliminate the pronoun and repeat the antecedent.
6. USAGE (cont.)

6(c). Passive Voice. In most circumstances, write sentences with active verbs rather than with forms of the verb "to be." Generally, active voice is more concise and provides more information to the reader than passive voice does. Ex:

Passive: The report was prepared during a six-month period.
Active: The board prepared the report during a six-month period.

6(d). "And/or". This construction is permissible, especially in situations in which its removal would require adding a significant number of words to a sentence.

6(e). Nonsexist Language. Political and social arguments aside, there is one practical argument for use of gender-neutral language in writing: A perception of gender bias, even if inadvertent, might interfere with successfully communicating an article's thesis. Hence, apply one or more of the following principles to eliminate use of "his" as an indeterminate pronoun: (1) alternate "his" and "her" in indeterminate use; (2) substitute "a" or "the" for "his," unless to do so would make the sentence sound awkward; (3) change singular constructions to plural ones, so that "his" becomes "their"; or (4) repeat the antecedent in place of "his," unless this adds a significant number of words to the sentence. Do not use double pronouns, such as "his/her" and "his or her."

7. ITALICS AND BOLDFACE

7(a). When to Use Italics in Text. In law review text, always italicize the following: (1) all case names; (2) titles of all publications, articles and speeches; (3) capital letters used to represent hypothetical names (ex: "city X"); (4) all words in subheadings used to divide sections of text, including case names; (5) words emphasized by the author; and (6) foreign words and phrases which have not been made a part of ordinary English usage [There is a strong presumption that Latin words and phrases found generally in legal writing have been incorporated into common usage and should not be italicized] (Bluebook rule 2.2, at 32-33; rule 7, at 50-51).

7(b). Foreign Words and Phrases. In law review text, do not italicize any of the following Latin words and phrases: ad hoc, a fortiori, a priori, alter ego, amicus curiae, bona fide, carte blanche, certiorari, de facto, de jure, de minimis, de novo, dictum, en banc, enigma, etc., ex post facto, feme-sole, forum non conveniens, guardian ad litem, habeas corpus, in forma pauperis, in personam, in rem, in specie, inter vivos, inter alia, ipse dixit, lex loci, mandamus, nisi prius, nolle prosequi, nolo contendere, pendente lite, per capita, per curiam, per se, per stirpes, prima facie, pro forma, pro rata, quasi in rem, quid pro quo, quo warranto, res judicata, seriatim, stare decisis, status quo, sua sponte, subpoena (and modifying words), sub silentio, sui generis, supercededas, ultra vires, venire facias de novo, verbatim, versus, via, vis-a-vis (based on Bluebook, rule 7, at 51).

7(c). When to Use Italics in Footnotes. In footnotes, italicize: (1) titles of articles, films,
and broadcasts [but not case names within titles, or any other material originally italicized in the title]; (2) short forms for cases [but not full case cites]; (3) procedural phrases such as "in re" and "ex rel." in full case cites; (4) introductory signals; (5) explanatory phrases; (6) all uses of "supra," "infra," and "id." [but not "hereinafter"]; and (7) any authority named, but not cited fully, in a text sentence within a footnote (Bluebook rule 2.2, at 32-33).

7(d). General Use of Boldface. Never use boldface in law review text or footnotes for any purpose. However, boldface type will often appear on computer printouts of law review articles; in this context it is merely reflects the computer code for small & large capital letters. If use of small & large capital letters is not indicated for a given word or string of words, delete boldface in that instance.

8. WHERE WE DIFFER -- FOOTNOTES

In a few important respects, the University of Oklahoma law reviews go their own way, differing from the Bluebook. One difference -- writing percentages -- is described in Rule 5(g) of this style sheet. Additional deviations from Bluebook rules are delineated in this section.

8(a). Citing to Oklahoma Statutes. As found in Bluebook table T.1, at 226, the Bluebook differs from University of Oklahoma practice in two respects: (1) placement of the volume number and (2) use of the abbreviation "tit." for "title." Note the differences as spelled out in the examples below:


8(b). Using "Id." with Statutes. The Bluebook doesn't spell it out very well, but most law reviews, including OU's, use id. when short-citing to the U.S.C., to the Oklahoma Statutes, or similar authorities. Here is when to use and not to use id. with statutes:

Use id. to short-cite a statute when the title and year is the same as in the preceding cite. Such as:

2. Id. § 121. [note 2 is citing 15 U.S.C. § 121 (1988)]