

EDITING GUIDELINES FOR THE DELAWARE LAW REVIEW

(Revised August 2010)*

I. BODY OF THE MANUSCRIPT

BASIC FORMATTING

- Text and endnotes should be double-spaced, left justified, and in 12-point Times New Roman font.
- When indenting paragraphs, set tabs; do not use the space bar.
- Use your computer software's "smart quotes" feature, not its "straight quotes" feature.
- Do not use your computer software's automatic hyphenation feature.

TITLE/AUTHOR(S)

- A sample formatting page appears at the end of these Editing Guidelines.
- The title of the article should appear centered at the top of the first page in all capital letters.
- The author's name should appear centered, two lines below the title.
- Relevant information about the author(s) and acknowledgements, if any, should appear in the *endnote section*, before the first endnote, preceded by an asterisk, not a note number.

HEADINGS

- A sample formatting page appears at the end of these Editing Guidelines.
- Major section headings should be centered on the page, in unbolded, capital letters, single-spaced, and not underlined. If there is more than one major section heading, number them in upper case Roman numerals.
- Subsection headings should be centered on the page, in unbolded, upper and lower case letters (initial capitals), single-spaced, and not underlined. If there is more than one subsection heading, letter them with capital letters.
- Sub-subsection headings should follow the formatting for subsection headings, except that if there are multiple sub-subsections, they should be preceded by Arabic numerals.

* The Delaware Law Review gratefully acknowledges the efforts of Patricia L. Enerio, Esquire, of Proctor Heyman LLP and Jean K. Hodgman, of Bayard P.A., both in Wilmington, Delaware, in preparing these instructions.

- Sub-sub-subsection headings should follow the formatting for sub-subsection headings, except that if there are multiple sub-sub-subsections, they should be preceded by lower case letters.

QUOTATIONS

- Quotations of 50 or more words should appear in block quotation format: single-spaced and indented left and right, without quotation marks.
- Quotation marks within a block quotation should appear as they do in the original.

CASE NAMES

- Names of cases in the body of the manuscript should be italicized.
- Include only the case name in the body of the manuscript. Citation information and case history relating to the case name must appear in an endnote.

ENDNOTE REFERENCE MARKS

- Endnote reference marks in the body of the article must be superscripted, *i.e.*, in the superior position, above the line of the reference in the body of the manuscript.

II. ENDNOTE TEXT

Citation of authorities should conform to the form suggested in the most recent edition of *The Bluebook: A Uniform System of Citation*, HARV. L. REV. ASS'N., for law review articles.

Endnote reference numbers should appear immediately prior to the line of reference, flush to the left margin, in the regular position (not superscripted), followed by a period and a tab.

1. Hirschauer v. Chicago Sun-Times, 548 N.E.2d 630 (Ill. App. 1989), *app. dismissed*, 553 N.E.2d 396 (Ill. Supr. 1990) (TABLE).
2. Administrative Procedure Act § 6, 5 U.S.C. § 555 (1994).

Case names should not be underlined or italicized when the full citation is given.

3. Christiana Hosp. v. Fattori, 714 A.2d 754, 756 (Del. 1998).

Case names should be italicized when a short cite is used (i.e., when a case has been cited previously).

4. *Christiana Hosp.*, 714 A.2d at 757.

NOTE: Italicize the case name if it appears in the text of an endnote sentence.

5. The Court of Chancery decision was *Gotham Partners, L.P. v. Hallwood Realty Partners, L.P.*, 795 A.2d 1 (Del. Ch. 2001).

A semicolon should separate cases in a string citation.

6. ACE Ltd. v. Capital Re Corp., C.A. No. 17488, mem. op. at 29-30 (Del. Ch. Oct. 25, 1999); James River-Pennington, Inc. v. CRSS Capital, Inc., C.A. No. 13870, slip op. at 22-23 (Del. Ch. Mar. 6, 1995); Dionisi v. DeCampli, 1995 WL 398536 (Del. Ch.).

“*Id.*” is used to refer to the authority in an immediately preceding endnote, where there is only one authority used in the preceding endnote.

7. U.C.C. § 3-302(2) (1997).
8. *Id.* § 3-303(a).

Excessive use of “*id.*” citations should be avoided, especially if it is clear from the text that it is referring to the same source.

- “*Supra*” is used to refer to an authority that has been fully cited in an earlier endnote.

9. Note, *Developments in the Law: Statutes of Limitations*, 63 HARV. L. REV. 1177 (1950) [hereinafter *Developments in the Law*].
10. H.R. 56, 106th Cong. § 3 (1999).
11. *Developments in the Law*, *supra* note 8, at 1778.

- “*Infra*” is used to refer to endnotes that appear later in the piece or to other sections of the manuscript.

12. *See infra* p. 50 and note 100.
13. *See* discussion *infra* Parts II.B.2., III.C.1.

- “*At*” should precede any page number in a shortened citation. Use a comma to set off “at” from preceding numerals. Do not use “at” before a section or paragraph symbol.

14. *Getz*, 538 A.2d at 734.
15. 2 MCCORMICK ON EVIDENCE § 271, at 203 n.28 (5th ed. 1999)
16. *Id.* § 22.
17. MOORE ET AL., *supra* note 5, ¶ 56.07.

- Signals, prepositional phrases, procedural phrases, explanatory phrases and the like must be italicized, and typed with initial caps as appropriate.

<i>A/accord</i>	<i>cert. dismissed,</i>	<i>In re</i>	<i>S/see</i>
<i>aff'd on other grounds,</i>	<i>cert. granted,</i>	<i>infra</i>	<i>S/see also</i>
<i>aff'd sub nom.</i>	<i>Cf.</i>	<i>overruled by</i>	<i>S/see also id.</i>
<i>aff'd,</i>	<i>Compare . . . with</i>	<i>quoted in</i>	<i>S/see generally</i>
<i>aff'g</i>	<i>Contra</i>	<i>remanded to</i>	<i>S/see id.</i>
<i>available at</i>	<i>E/e.g.,</i>	<i>reprinted in</i>	<i>S/see infra</i>
<i>B/but cf.</i>	<i>enforced,</i>	<i>rev'd en banc,</i>	<i>S/see supra</i>
<i>B/but see</i>	<i>Ex parte</i>	<i>rev'd sub nom.</i>	<i>S/see, e.g.,</i>
<i>B/but see, e.g.,</i>	<i>ex rel.</i>	<i>rev'd,</i>	<i>supra</i>
<i>cert. denied,</i>	<i>I/id.</i>	<i>rev'g</i>	<i>vacated by</i>

Exception: Do not italicize “hereinafter,” “construing,” “quoting,” and “citing.”

18. *In re* Multidistrict Private Civil Treble Damage Antitrust Litig. Involving Motor Vehicle Air Pollution Control Equip., 52 F.R.D. 398 (C.D. Cal. 1970) [hereinafter *Air Pollution Control Antitrust Case*].
19. *Milnot Co. v. Richardson*, 350 F. Supp. 221 (S.D. Ill. 1972) (construing Filled Milk Act § 1, 21 U.S.C. § 61 (1994)).
20. *Id.* (quoting 2 PRINCIPLES OF CORPORATE GOVERNANCE: ANALYSIS AND RECOMMENDATIONS, § 7.01 cmt. d (1992)).
21. *Id.* at 330 (citing, *inter alia*, *Lipton and Moran*).

State Cases

- Citations to state cases should use the volume and page of the regional reporter, followed by the date in parentheses.
 22. *Hyjek v. Anthony Industries*, 944 P.2d 1036 (Wash. 1997).
 23. *Clark v. Homrighous*, No. CIV.A.90-1380-T, 1991 WL 55402, at *3 (D. Kan. Apr. 10, 1991).
 24. *Albrecht v. Stanczek*, No. 87-C9535, 1991 U.S. Dist. LEXIS 5088, at *1 n.1 (N.D. Ill. Apr. 18, 1991).
 25. *Garden v. Sutton*, 1996 Del. LEXIS 274 (Del. July 22, 1996).
- Delaware decisions that are not reported electronically should follow the form below:
 26. *Perversity v. Maliciousness*, C.A. No. 1389 (Del. Ch. June 19, 1988).
 27. *Tyman v. State*, Cr. A. No. 97-0773-0776 (Del. Super. Apr. 15, 1998) (ORDER).
 28. *Smith v. Jones*, No. 611, 1999 (Del. Nov. 20, 2000).

Federal Cases

- United States Supreme Court: Use official reporter only.
 29. *Meritor Sav. Bank v. Vinson*, 477 U.S. 57, 60 (1986).

If not available, then cite to Supreme Court Reporter (S. Ct.). Use United States Law Week only when Supreme Court Reporter has not yet reported the case.

30. Alphones v. Gaston, ___ U.S. ___, 44 U.S.L.W. 325 (July 28, 1976).

- Court of Appeals

31. Guilbeau v. W.W. Henry Co. 85 F.3d 1149 (5th Cir. 1996).

- District Court

32. United States v. Boffa, 513 F. Supp. 523-25 (D. Del. 1981).

33. Magee v. The Paul Revere Life Ins. Co., 172 F.R.D. 627 (E.D.N.Y. 1997) (citations and footnote omitted).

- Constitutions

- Use large and small capital letters.

34. U.S. CONST. art. I, § 2, cl. 17.

35. N.M. CONST. art. IV, § 7.

- Statutes

- Use large and small capital letters.

36. DEL. CODE ANN. tit. 9, §§ 817-819 (1989).

- Laws

- Use ordinary Roman type.

37. 72 Del. Laws 343 § 11 (2000).

- Regulations

- Use ordinary Roman type.

38. Treas. Reg. § 1.302-2(b) (1955).

- Restatements and Treatises

- Use large and small capital letters.

39. RESTATEMENT (SECOND) OF TORTS § 538A cmt. b (1977).

40. FLEMING JAMES, JR. & GEOFFREY C. HAZARD, JR., CIVIL PROCEDURE § 2.35 (3d ed. 1985).

Rules

- Use large and small capital letters.

41. FED. R. CIV. P. 12(b)(6).

42. DEL. SUPR. CT. R. 66(a).

Encyclopedias

- The author's name (if known) is in ordinary Roman, the name of the publication is typed in large and small capital letters, the title of the article (without quotation marks) is italicized and followed by a section symbol and the section number, and the date is enclosed in parentheses.

43. 17 AM. JUR. 2D *Contracts* § 74 (1964).

44. 74 C.J.S. *Railroads* § 282 (1951).

Dictionaries

- The author's name (if any) is in ordinary Roman; the title is in large and small capital letters.

45. BLACK'S LAW DICTIONARY 712 (7th ed. 1999).

46. David Mellinkoff, DICTIONARY OF AMERICAN LEGAL USAGE 56 (West 1992).

Books

- Use large and small capital letters for the author(s) and title.

47. 6 JAMES WM. MOORE ET AL., MOORE'S FEDERAL PRACTICE ¶ 56.10 (2d ed. 1999).

- When citing the first edition of a book, only the publication date is given.

48. MANCUR OLSON, THE LOGIC OF COLLECTIVE ACTION 53-65 (1965).

Newspapers

- The author's name is in ordinary Roman, the title of the article (without quotation marks) is italicized, and the name of the publication is typed in large and small capital letters, followed by the date and location.

49. Seth Mydans, *Los Angeles Police Chief Removed for 60 Days in Inquiry on Beating*, N.Y. TIMES, Apr. 5, 1991, at A1.

50. *Cop Shoots Tire, Halts Stolen Car*, S.F. CHRON., Oct. 10, 1975, at 43.

- If the article has no byline, then:

51. THE WALL STREET JOURNAL, Aug. 21, 1975, at 6 col. 4.

Magazines

- The author's name is in ordinary Roman, the title of the article (without quotation marks) is italicized, and the name of the publication is typed in large and small capital letters, followed by the date and location.

52. Robert J. Samuelson, *A Slow Fix for the Banks*, NEWSWEEK, Feb. 18, 1991, at 55.

- If the article has no byline, then:

53. *Damages for a Deadly Cloud: The Bhopal Tragedy Will Cost Union Carbide \$470 Million*, TIME, Feb. 27, 1989, at 53.

Law Journals and Law Reviews

- The author's name is in ordinary Roman, the title of the article (without quotation marks) is italicized, and the name of the publication is typed in large and small capital letters, followed by the year in parentheses.

54. David J. Leonard, *In Defense of the Character Evidence Prohibition: Foundations of the Rule Against Trial by Character*, 73 IND. L.J. 1161 (1998)

55. Rubenstein, *The Case for Abolishing the Delaware "Odd-Lot" Rule*, 1 DEL. L. REV. 123 (1998).

Internet

- If the material is found exclusively on the Internet, use the italicized explanatory phrase "at."

56. J.T. Westermeier, *Ethical Issues for Lawyers on the Internet and World Wide Web*, 6 RICH. J.L. & TECH. 5, ¶ 7 (1999), at <http://www.richmond.edu/jolt/v6i1/westermeier.htm>.

- If the material can be accessed traditionally as well as on the Internet, use the italicized explanatory phrase "available at."

57. Am. Mining Cong. v. U.S. Army Corps of Eng'rs, No. CIV.A.9301754-SSH (D.D.C. Jan. 23, 1997), *available at* <http://www.wetlands.com/fed/tulloch1.htm>.

- If only the Internet is accessed, provide the traditional and Internet citations using no explanatory phrase:

58. Minnesota v. McArthur, No. C4-99-502 (Minn. Ct. App. Sept. 28, 1999), <http://www.courts.state.mn.us/library/archive/ctapun/9909/502.htm>.

III. STYLE AND USAGE

- In editing works submitted for publication, members of the Editorial Board may be guided by such works as:
 - U.S. Gov't Printing Office Style Manual
 - THE NEW YORK TIMES MANUAL OF STYLE AND USAGE (Lewis Jordan ed., rev. 1976)
 - Strunk & White, *The Elements of Style*
 - MODERN AMERICAN USAGE: A GUIDE (Jacques Barzun and Wilson Follett eds., 1980)
 - THE CHICAGO MANUAL OF STYLE (13th ed., The University of Chicago Press, 1982)

- Editors may, at their discretion, convert any gender-specific language to general-neutral language, unless such language occurs in an historically appropriate context.

- - *Numbers*: If one number is spelled out in a sentence, spell out all numbers in that sentence, even if they would not otherwise be spelled out. (In endnotes, however, if there are a lot of numbers, it is advisable to use Arabic numerals for numbers ten and over.) Spell out the following:
 - ❖ Whole numbers below 100
 - ❖ Round or indefinite numbers
 - ❖ Even hundreds or thousands
 - ❖ Any number that begins a sentence

 - *Relative pronouns* “that” and “which”:
 - ❖ “That” is used only in a defining or restrictive phrase.
 - Example*: The second critical matter that plaintiff would have this Court ignore is the upcoming October 22, 2001 trial scheduled in the Colorado Action.

 - ❖ “Which” is used only in a nondefining or nonrestrictive phrase.
 - Example*: This subjective definition totally misconstrues Rule 501 under Regulation D, which expressly imposes objective standards upon such status.

- Spell out the word “section” in the text when it precedes a statutory section reference, but do not capitalize the word.

Example: In its answering brief, Plaintiff fails to cite even one authority that directly supports its proposition that this Turnover Action can be brought under section 542(b) of the Bankruptcy Code after plan confirmation.

- Use the *dash* to show an abrupt break in thought or to separate an afterthought from the main part of the sentence.

Example: The Court took the view that under those circumstances no contractual rights of the stockholders—such as the right to vote in a proxy contest—were implicated.

- Use *ellipsis marks* to indicate the omission of one or more words.

Example: If it is not challenged in court . . . , “the acknowledgement of paternity shall thereafter be final, binding, conclusive and determinative of the child’s paternity for all purposes”

- *Italics:* Italicize (1) foreign words or (2) for emphasis.

Example: Administrative decisions, while subject to the arbitrary and capricious standard, must also be able to withstand *ultra vires* scrutiny and due process attacks.

Example: Accordingly, a court applying enhanced judicial scrutiny should be deciding whether directors made a *reasonable* decision, not a *perfect* decision.

Example: Section 157 mandates that before “rights or options” in corporate stock may be considered enforceable, they are required to “be evidenced by or in such *instrument or instruments as shall be approved by the Board of directors.*” *Id.* (emphasis added).

- Use *brackets* to indicate when a letter must be changed from upper to lower case, or vice versa. Substituted words or letters or other inserted material should be bracketed. Significant mistakes in the should be followed by “[sic].”

Example: The President [h]olds veto power with reference to all campus recommendations, actions, and decisions.

Example: [The material facts] have been fully disclosed to the shareholders.

Example: ABC Incorporated is a Delaware corporation with its principle [sic] place of business in Wilmington, Delaware.

- *Spacing of abbreviations, initials and symbols.*

§ 5.9	Ass'n	e.e. cummings	Int'l	S. Ct.
¶ 2A	Bankr. D. Me.	e.g.,	J.F. Kennedy	S. ILL. U. L.J.
3d Cir.	Cal. App. 3d	Ex. A	Jan. 26, 1990	S.D.N.Y.
4th ed.	cmt. 3	F. Supp.	L. Ed. 2d	S.E.2d
82d Cong.	D. Mass.	F. Supp. 2d	n.5	So. 2d
A.L.R.4th	Dep't	F.3d	p. 67	Tex. Ct. App.
ALA. L. REV.	E.D. Pa.	i.e.,	R.F.K. Jones	YALE L.J.

TITLE OF MANUSCRIPT

Name of Author(s)

I. SECTION HEADING

A. Subsection Heading

1. Sub-subsection Heading

[Block indent]

[Continuation Paragraph]

a. Sub-sub-subsection Heading
