

UNIVERSAL CITATION *for* NORTH CAROLINA



JUNE 2019
TECHNOLOGY
COMMITTEE



SUPREME COURT
of NORTH CAROLINA

SUMMARY

Universal citation utilizes a paragraph-based numbering system for pinpoint citations in order to provide access to judicial opinions and publications without a third-party publisher; to facilitate searching content on electronic publications; and to make opinions publicly available with a permanent citation without waiting for the official paginated report to be published. The citation still includes the traditional case name and court information, but each case is given a sequential number that replaces the numbered court reporter and paragraph numbers that are used for pinpoint citations.

There was an initial surge of universal citation implementation in the late 1990's as states sought to alleviate the reliance on expensive official court reports. The profession also recognized that book and page citations are ill-suited to electronic publications and that increasingly practitioners and the public rely on electronic sources of opinions and case reports. The American Association of Law Librarians began the push, citing increased access, higher efficiency, and reduced costs. Adoption of the method slowed after this initial surge, but there are still tangible benefits to transitioning to a universal citation system for appellate court opinions. The North Carolina Business Court already uses this system for reporting its opinions.

DISCUSSION

Traditionally, decisions of U.S. courts have been published by private companies or editors, and this has limited who can read, cite, and utilize them. Advances in technology in the 1990s made possible a vendor neutral uniform citation system, [hereinafter “uniform citation”], now also known as “public domain citation format,” allowing states to bypass private third-party publishers of hard-bound reports if they wish, and to make their opinions available to the public online as soon as they were released.

FORMAT

Currently, there are two primary standards for uniform citation formats. The American Association of Law Libraries published the *Universal Citation Guide* in 1999, with updated editions in 2004 and 2014.¹ *The Bluebook* also provides directions for public domain uniform citations, and these citations are addressed in Rule 10.3.3.² The overall format for citing a judicial opinion is similar for the *Universal Citation Guide* and *The Bluebook*, except for the use of parallel citations. Rule 10.3.3 of *The Bluebook* states “If available, a

parallel citation to the appropriate regional reporter must be provided.”³ Rule 107 *Universal Citation Guide* states that “[t]he Universal Citation for judicial decisions requires no parallel citation as a supplemental device to identify or locate materials,” but if one is required to consult and follow the appropriate rules from the *The Bluebook*.⁴ For example, a citation to the opinion published by the Supreme Court of Oklahoma in 2018 for the case of *Ridings v. Maze* with a pinpoint citation to the 9th paragraph would be cited as follows:

Ridings v. Maze, 2018 OK 18, ¶ 9, 414 P.3d 835, 838.⁵

Rather than citing to the printed page number in a bound volume published by a third party, the citation is directly to the opinion published by the court. The citation includes the case name, the year of the decision, the court identifier, a sequential number of the decision, and the paragraph number for pinpoint citations.⁶

Cases are numbered sequentially, with the first case each year identified with the number “1.”⁷ Subsequent cases are simply given numbers as they are published by the respective court. Traditional page number pinpoint citations are replaced with paragraph numbers.⁸ If an opinion is not published, a “U” is added after the sequential number of the decision.⁹ If available, a parallel citation to the appropriate reporter is to be included as well.¹⁰ Although there are two primary standards for universal citations, states have created their own unique formatting rules for pinpoint and parallel citations. For example, Montana, Ohio, and Oklahoma are three states that have implemented this new citation system, and they have minor formatting differences.

HISTORY

Louisiana became the first state to implement the new form of citation in 1993,¹¹ and the push for reform began in earnest in 1994 when the President of the American Association of Law Libraries created a Task Force on Citation Formats.¹² By 1998 the Association identified eleven states that had begun citation reform and eleven more that were considering it.¹³ However, the momentum peaked at the turn of the century and there have only been a few jurisdictions that have undertaken citation reform more recently.¹⁴

There are a variety of reasons why the use of universal citations has not continued to expand at the same rate. One reason is that as technology has advanced, access to official court reports has become more affordable, even with the cumbersome book and page references. Lawyers and firms can now sign up for cheaper, online access to official court reports through Lexis Nexis and WestLaw.¹⁵ There has also been a rise in alternative online providers, such

as Casemaker and Fastcase that provide access to court opinions at a much lower cost than traditional methods.¹⁶ These providers have contracted with multiple state bar organizations to offer services to their members.¹⁷ This decrease in cost and increase in accessibility for traditional court reports has lessened the demand for universal uniform citations as a means to facilitate access to judicial opinions. But, to preserve the traditional mode of citation, every opinion must still be converted to a traditional publication-ready book format in order for page numbers to be assigned. The transition to universal citations could eliminate the need for this additional costly and labor-intensive process.

Although the implementation of universal citation reform has slowed, those states which did implement reform have seen positive results. Oklahoma, for instance, began the process of implementing uniform citations in 1997. In 2014 Oklahoma terminated the designation of West Publishing Company as the official publisher of decisions and designated the Oklahoma Supreme Court in its place.¹⁸ Oklahoma has now added all decisions dating back to 1908 to their online database. The digital file for each opinion includes metadata regarding the author, party names, and date of publication.¹⁹ This metadata allows for better search results and also provides useful information about the case. Internal hyperlinks allows users to read cited authorities and associated files such as statutes, briefs, and lower court rulings.²⁰ Although Oklahoma began these innovations in 1997 and many technological advancements have been made since then, Oklahoma reported minimal costs in implementing sequential numbering of opinions.²¹

UNIVERSAL CITATION FORMAT FOR NORTH CAROLINA IN 2020

1. Which universal citation format to use?

The recommendation is to use the AALL format for the universal citation for all cases decided after January 1, 2020: case name, year of decision, court abbreviation, opinion number, optional paragraph number (for pinpoint citation). 2021 NC 103 ¶ 25 and 2021 NC App 152 ¶ 15. This is consistent with the format currently used by the North Carolina Business Court.

2. Which parallel cites to require for all cases decided after January 1, 2020?

The recommendation is to replace the N.C. reporter citation with the universal citation form. Following the practice in a majority of states, the official citation format would require only the universal citation and a parallel citation to

the West Reporter, with a pin cite, if needed, ONLY required to the paragraph number. For cases decided after January 1, 2020, the case citation would be:

Smith v. Jones, 2020 NC 112, 351 S.E.2d 405.

Smith v. Jones, 2020 NC App 105, 348 S.E.2d 56.

With a pin cite:

Smith v. Jones, 2020 NC 112, ¶16, 351 S.E.2d 405.

Smith v. Jones, 2020 NC App 105, ¶34, 348 S.E.2d 56.

3. After January 1, 2020 how are cases decided before that date cited?

The recommendation is to retain the current citation format for all cases decided before January 1, 2020. Those cases would continue to be cited using the NC Reports and a parallel citation to the West Reporter citation with pin cites to a page number.

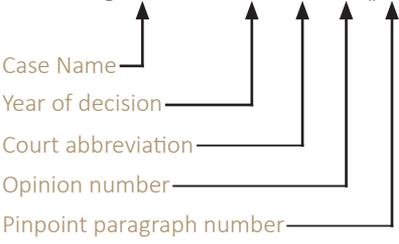
CONCLUSION

The transition to universal citation would produce substantial savings of staff time and taxpayer money. Adoption would allow decisions to be posted online immediately, with permanent case and pinpoint citations. References to paragraph numbers will allow readers to more quickly and accurately identify source material in both electronic and hard copy formats. Eventually it could eliminate the need for advance sheets and bound reporters, although that step is not being proposed at this time. Even without eliminating bound volumes, the cost and time savings would be meaningful and the implementation cost is expected to be low.

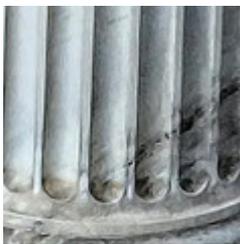
ENDNOTES

1. See Am. Ass'n of Law Libraries, *Universal Citation Guide*, (3d ed. 2014).
2. See Harvard Law Review Association et al, *The Bluebook: A Uniform System of Citation* Rule 10.3.3 (20th ed., 2015).
3. *Id.*
4. See Am. Ass'n of Law Libraries, *Universal Citation Guide* ¶ 40 (2d ed. 2004).
5. Harvard Law Review Association et al, *supra* note 2.
6. *Id.*
7. *Id.*
8. *Id.*
9. *Id.*
10. *Id.*
11. Timothy L. Coggins, *Universal Citation and the American Association of Law Libraries: a White Paper*, 103 L. Libr. J. 331, 340 (2011).
12. American Ass'n of Law Libraries, AALL Task Force on Citation Formats Report March 1, 1995, 87 L. Libr. J. 582, 582 (1995).
13. Coggins, *supra* note 11, at 336.
14. *Id.*
15. *Id.* at 358.
16. *Id.* at 360.
17. *Id.* at 359.
18. See, In re Official Publication of Decisions, 2013 OK 109, ¶ 1.
19. Peter W. Martin, *Neutral Citation, Court Web Sites, and Access to Authoritative Case Law*, 99 L. Libr. J. 329, 346 (2007).
20. *Id.* at 339.
21. *Id.* at 349.

UNIVERSAL CITATION

- What is it?
 - Uniform citation method for printed and electronically published cases.
 - What does it look like?
 - Two primary sources for uniform citations
 - Bluebook Rule 10.3.3
 - American Association of Law Library's *Universal Citation Guide*
 - Citation details: Rule 10.3.3
 - Includes the case name, the year of decision, the court abbreviation, the sequential number of the decision, and a paragraph number pin cite
 - Example citation
 - *Ridings v. Maze*, 2018 OK 18, ¶ 9

The diagram illustrates the components of the citation *Ridings v. Maze*, 2018 OK 18, ¶ 9. Arrows point from labels to the corresponding parts of the citation: Case Name points to *Ridings v. Maze*, Year of decision points to 2018, Court abbreviation points to OK, Opinion number points to 18, and Pinpoint paragraph number points to ¶ 9.
- Who uses it?
 - States using public domain citation format: Louisiana; Maine; Mississippi; Montana; New Mexico; North Dakota; Ohio; Oklahoma; South Dakota; Utah; Vermont; Wisconsin; Wyoming
 - Other jurisdictions using public domain citation format: United Kingdom; Canada; Australia; New Zealand; Guam
- Advantages?
 - Adapts citation format to the way that most practitioners and the public now use legal resources
 - Makes opinions accessible and able to be cited with a permanently accurate citation as soon as they are published online
 - Facilitates finding specific references to passages and quotations in an opinion, whether in electronic or hard copy material



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