



# **DELAWARE UNIFORM CITATION**

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Adopted 2008

Litigation Section, Delaware State Bar Association

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## Introduction

### (a) General purpose of citation: Why it matters

Just about everyone in the legal community dislikes the emphasis placed on citation form. *The Bluebook* is seen as an obsession for neurotic law-review editors. Lawyers, judges, and professors all grumble about its vagaries: it's too long and too complicated and too pedantic. (Law-review editors know that *The Bluebook* is, in fact, not long enough—the wide variety and complexity of available sources far outstrip the 21 *Bluebook* rules.) Competing citation manuals have appeared, challenging *The Bluebook* by attempting simplicity. For the most part, though, citation form is politely ignored, left for paralegals, first-year associates, law clerks, or those suffering law-review editors.

But citation form matters.

Legal citation's most important function is “to allow the reader to efficiently locate the cited source.”<sup>1</sup> Proper citations give readers an immediate sense of the strength, relevance, and authoritativeness of a source. Citations help readers find a source, as well as the specific authority within the source that supports or contradicts the proposition made. Good citations deliver this information with economy, using abbreviations and structural formats to convey the necessary information with a minimum of space. Citation form, while providing a common

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<sup>1</sup> *The Bluebook: A Uniform System of Citation* 2 (Columbia Law Review Ass'n et al. eds., 18th ed. 2005).

language for the legal community, also subtly signals a lawyer's care and competence.

Good citations are efficient. For example, "506 A.2d 173, 184 n.16 (Del. 1986)" alone conveys at least the following: The source referred to is a case, decided by the Delaware Supreme Court in 1986. That case can be found in the second edition of the *Atlantic Reporter*. It starts on page 173 of volume 506 in that series. The specific authority can be found in footnote 16, which begins on page 184 of the Court's sole or majority opinion. All this in 28 characters!

Citations can reveal more subtle source characteristics as well. For example, aside from the obvious, a reader can immediately discern that "13 Am. Bankr. Inst. L. Rev. 1 (2007)" refers to a periodical that comes out in multiple issues per year and has consecutive pagination (that is, issue 1 ran from pages 1 to 416, and issue 2 started at page 417). On the other hand, "Am. Bankr. Inst. J., Mar. 2007, at 1" refers to a periodical with pages that start over at 1 in each issue. To find the second source, you need to find the issue for the right month and year, because there could be as many as twelve page 1's in 2007. The first source, however, only has a single page 1 in all of 2007. Such information is useful when rummaging around in a library.

Uniform citation standards provide a common language for the legal community. Lawyers, judges, and professors use citations every day to make and support their arguments. Citations allow adversaries to battle back and forth while agreeing on which authorities are disputed and where they can be found. Lawyers can call out the relative strength

of a supporting authority with “*See*” or “*Cf.*”—or by omitting the signal altogether; other lawyers can understand this immediately.

Proper citation form helps establish a writer’s credibility and competence. At least one commentator has mentioned the reputational importance of citation form. For example, “[n]othing exposes the second-rate lawyer more quickly than an obvious error in citation form.”<sup>2</sup> Others have similar opinions. Bryan Garner notes that “incorrect citations can impair a writer’s credibility and call an argument’s validity into question—they may even lead to sanctions.”<sup>3</sup> He also reveals the behind-the-scenes truth about why *Bluebook* form matters:

So who cares [about citation form]? Don’t forget that the initial reader of your brief is often a law clerk, not a judge. And who are law clerks? Usually, former law-review editors—and recent ones, at that. And what do former law-review editors, especially recent ones, have in common? A *Bluebook* fetish. You get the idea.<sup>4</sup>

Citation form is the infrastructure of legal writing, taken for granted when done well and reviled when it causes problems. But—like any infrastructure—it is vital to the larger enterprise. Fortunately for practitioners, it’s really not that hard: once you can cite cases, statutes, books, and law journals, you’re nearly all the way there. Lawyers don’t need to know everything; they just need to know how to find it. For

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<sup>2</sup> Irwin Alterman, *Plain and Accurate Style in Court Papers* § 7.09, at 116 (1987).

<sup>3</sup> Bryan A. Garner, *The Redbook: A Manual on Legal Style* § 8.1, at 105 (2002).

<sup>4</sup> Bryan A. Garner, *The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts* 359 (2d ed. 2004).

citation form, you don't have to know how to cite everything, just how to find out. That's why *The Bluebook* exists, and that's why *Delaware Uniform Citation* exists.

### **(b) How to use Delaware Uniform Citation**

*The Bluebook* amply handles most citation issues. The Bluepages, the light-blue pages at the front of the 18th edition of *The Bluebook*, are especially helpful for practicing lawyers, judges, and law students. But Delaware has developed its own forms, and *The Bluebook*—comprehensive and long as it is—lacks several Delaware-specific citation formats. For example, *The Bluebook* requires citations in the form of “Del. Code Ann. tit. 8, § 141(e) (2007)”, while most Delaware lawyers and judges would write “8 Del. C. § 141(e).”

Delaware is a small state, but it looms large in the law. Its judicial system consistently ranks at the top nationally for judicial fairness and competence. Delaware is home to many of the country's corporations, including most of the Fortune 1000. Lawyers from Delaware and other jurisdictions need a common language for their specific citation needs. *Delaware Uniform Citation (DUC)* attempts to provide that common language. (Delaware law reviews can use these citation formats as well, taking into account the differences between formats for law reviews and for legal documents.)

This citation manual generally follows the 18th edition of *The Bluebook*. (When referring to a specific rule in *The Bluebook*, *DUC* will use the following format: *Bluebook* R. 10.4(a).) It also provides



Delaware-specific citation formats and information that may conflict with or supplement *The Bluebook*. The information in *DUC* controls where it conflicts with *The Bluebook*. For ease of use, *DUC* follows the Rule layout of *The Bluebook*. Thus, just as Rule 10 in *The Bluebook* governs citation formats for cases, **rule 10** in *DUC* governs citation formats for cases—although the subrules (**rule 10.1**, etc.) do not correlate to the subrules in *The Bluebook*. This means, however, that some rules in *DUC* are blank. Delaware has no need for Delaware-specific citation formats for foreign or international materials, for example. *DUC* accordingly contains no information corresponding to those Rules.

The citation formats in *DUC* derive from the principles in *The Bluebook*, but they differ where Delaware’s sources are unique. Where Delaware-specific forms are necessary, such forms are created with consideration of history, logic, and consistency. These forms are inspired by the sources themselves or, in many cases, by citations used in the opinions of the Delaware courts. In at least one instance, the decision simply came down to usage patterns: the abbreviation for the Court of Chancery Rules is given in judicial opinions as both “Ct. Ch. R.” and “Ch. Ct. R.”, but the former is used twice as often, so it is adopted here.

# Rule 1 Structure and use of citations

## 1.1 Delaware citation rules

The Delaware courts have issued rules regarding proper citation form for documents filed in those courts. In some courts, those rules require *Bluebook* citation formats, for cases as well as for other authorities. In others, the old “Delaware style” of citation is required for case citations. For example, the Chancery Court Rules require that Delaware cases be cited in the old Delaware style (“*Melson v. Allman*, Del. Supr., 244 A.2d 85 (1968).”).<sup>5</sup> But few practitioners follow this old style of citation, while Chancery itself often does not.

*DUC* largely conforms to the citation requirements for the Delaware courts (with the exception of citations to the Delaware Code). The rules not followed are noted below.

- **Supreme Court:** Supr. Ct. R. 14(g): Use *Bluebook* formats for reported cases and other authority; use modified *Bluebook* or old Delaware-style format for unreported cases
  - *DUC* uses a different format for unreported cases
- **Superior Court:** Super. Ct. Civ. R. 107(c)(4): Use *Bluebook* formats for reported cases and other authority; use modified *Bluebook* or old Delaware-style format for unreported cases
  - *DUC* uses a different format for unreported cases

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<sup>5</sup> Ct. Ch. R. 171(g).

- **Court of Chancery:** Ct. Ch. R. 171(g): Use *Bluebook* format for most citations; use Delaware style for reported Delaware cases
  - *DUC* uses a different format for reported Delaware cases
- **Family Court:** Fam. Ct. Civ. R. 7(b)(6), 10(d), 107(c)(5): Use *Bluebook* format for most citations; use Delaware style for Delaware cases
  - *DUC* uses a different format for Delaware cases
- **Court of Common Pleas:** Ct. Com. Pl. Civ. R. 107(c)(4)–(5): Use *Bluebook* format for most citations; use Delaware style for Delaware cases
  - *DUC* uses a different format for Delaware cases

#### **(a) Old Delaware-style case citations**

Although *DUC* offers a modern alternative, some practitioners may wish to use the old Delaware style. In that case, the standard format for **published cases** includes the parties’ names, the court abbreviation, the reporter information, page(s), and the date. Note that the abbreviation for the Delaware Supreme Court is “Del. Supr.,” which differs from the abbreviation prescribed in *DUC* (see **rule 10.2(a)**).

⇒ *Barbieri v. News-Journal Co.*, Del. Supr., 189 A.2d 773, 773–74 (1963).

⇒ *Nutt v. A.C. & S., Inc.*, Del. Super., 466 A.2d 18, 20, 23 (1983).

⇒ *Kohls v. Kenetech Corp.*, Del. Ch., 791 A.2d 763, 767 (2000).

⇒ *Husband, J. v. Wife, J.*, Del. Fam., 413 A.2d 1268 (1979).

For **unpublished cases**, or orders, the old Delaware format includes the parties' names, the court abbreviation, the docket number, the judge's name, and the full date. Note that the abbreviation for the Court of Common Pleas is "Del. CCP", which differs from the abbreviation prescribed in *DUC* (see **rule 10.2(e)**).

⇒ *Gregory J.M. v. Carolyn A.M.*, Del. Supr., No. 77,181, Herrmann, C.J. (Mar. 12, 1982).

⇒ *Twer v. Hashorva*, Del. Super., C.A. No. 78A-OC-6, Bifferato, J. (Oct. 21, 1980).

⇒ *Schreiber v. Carney*, Del. Ch., C.A. No. 6202, Hartnett, V.C. (Dec. 3, 1982).

⇒ *Lazaridis v. Lazaridis*, Del. Fam., C.A. No. CN04-08707, Wasserstein, J. (Sept. 9, 2005).

⇒ *Williams v. Abbate*, Del. CCP, C.A. No. 1992-06-001, DiSabatino, J. (Jan 13, 1993).

⇒ *Urquhart v. State*, Del. Supr., No. 220, 1990, Walsh, J. (May 8, 1991) (ORDER).

## 1.2 Citation placement

Delaware courts increasingly place their citations in footnotes. Several authorities, most notably Bryan Garner, suggest that practitioners should do the same.<sup>6</sup>

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<sup>6</sup> See, e.g., Bryan A. Garner, *The Winning Brief: 100 Tips for Persuasive Briefing in Trial and Appellate Courts* 139–41 (2d ed. 2004).

When writers place their citations in the text, they must understand the difference between citation clauses and citation sentences. According to *Bluebook* R. 1.1(b), “citation sentences” are citations—beginning with capital letters and ending with periods—that support an entire textual sentence. “Citation clauses” are citations—set off with commas—that support only part of a textual sentence. The following examples aim to clarify this distinction.

⇒ Lock-up provisions are not *per se* illegal in Delaware. *Revlon, Inc. v. MacAndrews & Forbes Hldgs., Inc.*, 506 A.2d 173, 183 (Del. 1986).

- This is a citation sentence; it supports the entire sentence. It is set off from the textual sentence and ends in a period.

⇒ Delaware courts have allowed both lock-up provisions, *Revlon, Inc. v. MacAndrews & Forbes Hldgs., Inc.*, 506 A.2d 173, 183 (Del. 1986), and “poison pill” rights plans, *Moran v. Household Int’l, Inc.*, 500 A.2d 1346, 1357 (Del. 1985).

- These two citations are citation clauses; they each support only a portion of the sentence. They are set off from the portions of the sentence they support by commas.

Do not use a citation sentence when a citation clause is needed.

The first example below is correct.

⇒ Adoption of a “poison pill” rights plan is within the authority of a board of directors, *Moran v. Household Int’l, Inc.*, 500 A.2d 1346, 1355

(Del. 1985), but the directors must show that the plan was “reasonable in relation to the threat posed,” *id.* at 1356.

⇒ **NOT:** Adoption of a “poison pill” rights plan is within the authority of a board of directors, *Moran v. Household Int’l, Inc.*, 500 A.2d 1346, 1355 (Del. 1985), but the directors must show that the plan was “reasonable in relation to the threat posed.” *Id.* at 1356.

- The second example contains one citation clause and one citation sentence. It is incorrect because the citation sentence (“*Id.* at 1356.”) does not support the entire textual sentence; the citation only supports the second half of the sentence. The citation therefore should be a citation clause, as in the first example.

This distinction is subtler with footnotes. The example above would correctly appear as:

⇒ Adoption of a “poison pill” rights plan is within the authority of a board of directors,<sup>1</sup> but the directors must show that the plan was “reasonable in relation to the threat posed.”<sup>2</sup>

1. *Moran v. Household Int’l, Inc.*, 500 A.2d 1346, 1355 (Del. 1985).

2. *Id.* at 1356.

- A reader would infer by the use of two footnotes for one sentence that “*Id.* at 1356.” refers to just a portion of that sentence.

### 1.3 Citation order

Unless one authority is much more helpful or authoritative than the others, in which case it should precede the other authorities, citations to Delaware authorities are ordered as follows:

**(a) Constitutions**

- (1) U.S. Constitution
- (2) Delaware Constitution (current)
- (3) Delaware Constitution (past, in reverse chronological order)

**(b) Statutes**

- (1) U.S. statutes
- (2) Delaware Code (current)
- (3) Delaware Code (past, in reverse chronological order by date of codification)
- (4) *Laws of Delaware* (in reverse chronological order)
- (5) Delaware Rules of Evidence
- (6) Delaware rules of procedure (ordered by court in the order given in **rule 1.3(c)**)
- (7) County and city codes, charters, and ordinances (alphabetical, counties before cities)

**(c) Cases** (cited in reverse chronological order)

- (1) U.S. Supreme Court
- (2) U.S. Court of Appeals for the Third Circuit (and other federal appellate cases)

- (3) U.S. District Court for the District of Delaware (and other federal district cases)
- (4) U.S. Bankruptcy Court for the District of Delaware (and other federal bankruptcy cases)
- (5) Delaware Supreme Court
- (6) Delaware Court on the Judiciary
- (7) Delaware Superior Court
- (8) Delaware Court of Chancery
- (9) Delaware Family Court
- (10) Delaware Court of Common Pleas
- (11) Delaware Justice of the Peace Court
- (12) Historic Delaware courts (see **rule 10.2(h)**)
- (13) Administrative agencies (treated as one single court)

**(d) Delaware legislative materials** (cited in reverse chronological order)

- (1) Bills and resolutions
- (2) Legislative proceedings

**(e) Delaware administrative and executive materials**

- (1) Executive orders and proclamations
- (2) Delaware Administrative Code
- (3) *Delaware Register of Regulations*
- (4) Attorney General's opinions

**(f) Court documents** (ordered as in *Bluebook* R. 1.4(h) and, within each category, by the order of the court in which the documents are filed (see **rule 1.3(c)**)

**(g) Secondary materials** (ordered as in *Bluebook* R. 1.4(i))



## Rule 2           Typefaces

The standard typeface convention employed in *DUC* uses ordinary roman and *italics*.

It is also proper to replace *italics* with underlining (if underlining, make sure that the underline goes under the period in “Id.”). In appropriate instances, LARGE AND SMALL CAPS may be used, following the rules of *The Bluebook*.

Common examples of the standard typeface convention are given below. Unlike in *The Bluebook*, these typeface conventions are the same in text and in footnotes.

**(a) Cases:** Use *italics* for the case name, including the “*v.*” and any procedural phrases. Use ordinary roman for other elements of the case citation. The comma following the parties’ names is ordinary roman.

⇒ *State ex rel. Brady v. Pettinaro Enters.*, 870 A.2d 513 (Del. Ch. 2005).

⇒ *Aronson v. Lewis*, 473 A.2d 805 (Del. 1984), *overruled on other grounds* by *Brehm v. Eisner*, 746 A.2d 244 (Del. 2000).

**(b) Statutes:** Use *italics* for “*Del. C.*” and ordinary roman for other citation elements.

⇒ 8 *Del. C.* § 141.

**(c) Secondary materials:** Use *italics* for titles and ordinary roman for other citation elements. It is not necessary to use LARGE AND SMALL CAPS for book titles or periodical abbreviations.

⇒ 1 Victor B. Woolley, *Practice in Civil Actions and Proceedings in the Law Courts of the State of Delaware* 76 (photo. reprint 1985) (1906).

⇒ Sabin Willett, *The Shallows of Deepening Insolvency*, 60 Bus. Law. 549 (2005).

Reverse the typeface in the title (to ordinary roman) where the title includes a word or phrase that would otherwise be in *italics*.

⇒ Bruce L. Silverstein & David C. McBride, *Norberg v. Security Storage Co.: Stretching the Limits of the Doctrine of Acquiescence in Freeze-out Mergers*, 27 Del. J. Corp. L. 53 (2002).

**(d) Citation signals:** All signals are *italics*. The comma after “*e.g.*” is ordinary roman—but not the comma before it.

⇒ *See, e.g., Guth v. Loft*, 5 A.2d 503, 510 (Del. 1939).

## Rule 3                      Subdivisions

*DUC* makes no Delaware-specific changes to Rule 3 of *The Bluebook*, but it provides two suggestions for improving citation practices.

### (a) Pinciting in sections

Include specific page citations—pincites—whenever possible in citations to cases or secondary materials. Pincites are, of course, required when the citation is to a direct quotation. But even when a section of a treatise or book is cited, provide the specific page(s) referred to, unless the citation is really to the entire section.

⇒ “The doctrine of *forum non conveniens* does not come into play unless the court in which the action was brought has both subject matter and personal jurisdiction and is a proper venue.” 15 Charles Alan Wright et al., *Federal Practice and Procedure* § 3828, at 287 (2d ed. 1986).

⇒ **ALSO:** A court cannot rule on *forum non conveniens* unless it has both subject matter jurisdiction over the case and personal jurisdiction over the parties. 15 Charles Alan Wright et al., *Federal Practice and Procedure* § 3828, at 287 (2d ed. 1986).

### **(b) Citing specific pages with a range**

Often a textual sentence will include both a quotation and a reference to a more general point. This general point may stretch over several pages in the cited authority, while the quotation is usually on just one of those pages. In that situation, the citation must make clear where the reader is to find both the quotation and the general point. Provide the number of the page containing the quotation, followed by the page range containing the general point.

⇒ The Delaware Supreme Court, discussing lock-up provisions, noted that they are “not per se illegal under Delaware law.” *Revlon, Inc. v. MacAndrews & Forbes Hldgs., Inc.*, 506 A.2d 173, 183, 182–84 (Del. 1986).

- The “183, 182–84” format indicates that the quotation appears on page 183 and that the general discussion of lock-up provisions stretches from page 182 to page 184. A reader can thus easily find both the general discussion and the specific quotation.

## **Rule 4                      Short citation forms**

For short citation forms for specific types of authorities, see the general rules governing those types of authorities.

## Rule 5                      Quotations

*DUC* makes no Delaware-specific change to Rule 5 of *The Bluebook*, but it clarifies and amplifies that rule.

### 5.1 Citations and footnotes omitted

*Bluebook* R. 5.2(d)(ii) provides that the “omission of a citation or footnote call number that follows the last word quoted” is not indicated. That means that you do not indicate an omission unless the footnote call number or the citation would have appeared *inside* the quotation marks had it not been omitted. Several examples clarify this point, using three selections of (partially edited) text from *MacDonald v. State*, a 2003 Delaware Supreme Court opinion.

With respect to the testimony regarding the Victim’s fear of the defendant, defense counsel expressly waived any objection,<sup>4</sup> and thus we cannot apply plain error review as to that purported error. *Cf. Hickman v. State*, 2002 WL 1272154, at \*1 (Del. June 7, 2002) (holding that plain error review is unavailable where defendant unequivocally waived right to a *Getz* instruction).

#### **BECOMES:**

⇒ The Court noted that, “[w]ith respect to the testimony regarding the Victim’s fear of the defendant, defense counsel expressly waived any objection.” *MacDonald v. State*, 816 A.2d 750, 757 (Del. 2003).

- **NOT:** (footnote omitted)

⇒ “With respect to the testimony regarding the Victim’s fear of the defendant, defense counsel expressly waived any objection, and thus we cannot apply plain error review as to that purported error.” *MacDonald v. State*, 816 A.2d 750, 757 (Del. 2003) (footnote omitted).

- **NOT:** (citation and footnote omitted)

As to this testimony, the trial judge conducted the proper *Getz v. State*, 538 A.2d 726, 734 (Del. 1998), analysis and properly permitted the testimony under Delaware Rule of Evidence 404(b).

**BECOMES:**

⇒ “As to this testimony, the trial judge conducted the proper *Getz v. State* analysis and properly permitted the testimony under Delaware Rule of Evidence 404(b).” *MacDonald v. State*, 816 A.2d 750, 756 (Del. 2003) (citation omitted).

Therefore, the State may properly cross-examine a defendant on his pre-arrest conduct, *Jensen v. State*, 482 A.2d 105, 116 (Del. 1984), and on prior inconsistent statements made after he voluntarily waives his *Miranda* privileges. *Anderson v. Charles*, 477 U.S. at 408.

**BECOMES:**

⇒ “Therefore, the State may properly cross-examine a defendant on his pre-arrest conduct and on prior inconsistent statements made after he voluntarily waives his *Miranda* privileges.” *MacDonald v. State*, 816 A.2d 750, 756 (Del. 2003) (citation omitted).

- **NOT:** (citations omitted)

## **5.2 Indicating alterations, omissions, and emphases (indicative parentheticals)**

### **(a) Ordering indicative parentheticals**

Indicative parentheticals are those that indicate whether typographical characters (like quotation marks or ellipses) were in the original or added or omitted in a quotation. Do not indicate emphasis when it appears in the original, but do indicate alterations and omissions when they appear in the original. Use separate parentheticals for “in original”, additions, and omissions, in that order.

⇒ (alteration in original) (emphasis added) (internal quotation marks omitted)

Within the three indicative parenthetical categories, order the items alphabetically: alteration, citation, emphasis, footnote, internal quotation marks, omission.

⇒ (emphases added) (citations and footnote omitted)

⇒ (alterations, emphasis, and internal quotation marks omitted)

⇒ (second alteration and omissions in original) (emphasis omitted)

### **(b) Internal quotation marks**

Use “(internal quotation marks omitted)” to indicate that the quoted authority itself contained quoted material.

The same quotation may thus appear in these three ways:

- ⇒ “Defense counsel then requested a mistrial on the basis that the prosecutor had improperly ‘commented on [his] client’s failure to testify at the last trial.’” *MacDonald v. State*, 816 A.2d 750, 753 (Del. 2003) (alteration in original).
- ⇒ “Defense counsel then requested a mistrial on the basis that the prosecutor had improperly commented on [his] client’s failure to testify at the last trial.” *MacDonald v. State*, 816 A.2d 750, 753 (Del. 2003) (alteration in original) (internal quotation marks omitted).
- ⇒ “Defense counsel then requested a mistrial on the basis that the prosecutor had improperly commented on his client’s failure to testify at the last trial.” *MacDonald v. State*, 816 A.2d 750, 753 (Del. 2003) (alteration and internal quotation marks omitted).

Use “(internal quotation marks omitted)” when quoting material that is block quoted in the original. Although no actual quotation marks are omitted—because block quotes by definition are not enclosed by quotation marks—this tells the reader that the original contained quoted material.



### 5.3 Placement of indicative parentheticals

Indicative parentheticals show who has made changes to a quotation—for example, whether an alteration was in the original or made by the quoting author. Generally, place the indicative parenthetical directly after the citation or quotation it modifies.

⇒ “Defense counsel then requested a mistrial on the basis that the prosecutor had improperly ‘commented on [his] client’s failure to testify at the last trial.’” *MacDonald v. State*, 816 A.2d 750, 753 (Del. 2003) (alteration in original).

When the citation contains a quotation in parentheses, place the indicative parenthetical after the quotation but inside the quotation parenthetical. That is, the parentheticals should be nested—one inside the other.

⇒ Improper comments may form a basis for a mistrial. *See MacDonald v. State*, 816 A.2d 750, 753 (Del. 2003) (“Defense counsel then requested a mistrial on the basis that the prosecutor had improperly ‘commented on [his] client’s failure to testify at the last trial.’” (alteration in original)).

## Rule 6            Abbreviations, numerals, and symbols

*DUC* provides several abbreviations that may be helpful to Delaware lawyers when abbreviating case names (see **rule 10.1**). The following table follows the conventions of *Bluebook* Tbl.6.

Acquisition	Acq.
Contract [ing, or]	Contr.
County	Cty.
Creditor	Cred.
Derivative	Deriv.
Employ[ee, ment, or]	Empl.
Group	Gp.
Holding	Hldg.
Liquida[ted, tion, tor]	Liquid.
Mater[ial, iel]	Mat'l
Partner	P'r
Publisher	Publ'r
Stockholder	S'holder
Unsecured	Unsec.
Wilmington	Wilm.

## **Rule 7            Italicization**

*DUC* makes no Delaware-specific changes to Rule 7 of *The Bluebook*.

## **Rule 8            Capitalization**

The only addition to *Bluebook* R. 8: Capitalize when referring to specific provisions of the Delaware Constitution.

⇒ The Double Jeopardy Clause of the Delaware Constitution is similar to its federal counterpart.

⇒ Admission of this recording violated the Delaware Constitution's Confrontation Clause.

## **Rule 9            Titles**

"Chancellor" and "Vice Chancellor" should be capitalized and abbreviated as "C." and "V.C.", respectively. "President Judge" and "Resident Judge" should be capitalized and abbreviated as "P.J." and "R.J.", respectively. "Master" should be capitalized and abbreviated as "M.", and "Commissioner" should be capitalized and abbreviated as "Comm'r".

## Rule 10 Cases

### 10.1 General rules

A case name is abbreviated as in *Bluebook* R. 10.2.2 when it is part of a citation, but it is not abbreviated when it is part of a sentence (except as noted in *Bluebook* R. 10.2.1(c)—“&”, “Ass’n”, “Bros.”, “Co.”, “Corp.”, “Inc.”, “Ltd.”, and “No.”).

⇒ Insurance reductions mandated by 18 *Del. C.* § 3902(b)(3) must be deducted from claimant’s total damages for bodily injury. *Nationwide Mut. Auto. Ins. Co. v. Peebles*, 688 A.2d 1374, 1378 (Del. 1997).

- **BUT:** The Delaware Supreme Court held in *Nationwide Mutual Automobile Insurance Co. v. Peebles*, 688 A.2d 1374, 1378 (Del. 1997), that insurance reductions mandated by 18 *Del. C.* § 3902(b)(3) must be deducted from the claimant’s total damages for bodily injury.

⇒ Dissolved corporations cannot be sued without statutory authority. *See Int’l Pulp*, 54 F. Supp. at 748.

- **BUT:** In *International Pulp*, the Court reiterated that dissolved corporations cannot be sued without statutory authority. *See* 54 F. Supp. at 748.

To abbreviate case names, use the list of abbreviations in *Bluebook* Tbl.6 and in *DUC* rule 6.

Geographical terms—like names of countries, states, and cities—are abbreviated in citations when they form part of a party’s name. They are not abbreviated when those geographical entities are the parties themselves.

⇒ *Douzinias v. Am. Bureau of Shipping, Inc.*

⇒ *Tolbert v. U.S. Steel Corp.*

- **BUT:** *United States v. Shedrick*

⇒ *Kostyshyn v. New Castle Cty. Dep’t of Land Use*

⇒ *Univ. of Del. v. New Castle Cty. Dep’t of Fin.*

- **BUT:** *Acadia Brandywine Town Ctr., LLC v. New Castle County*

⇒ *Wilm. Country Club v. Cowee*

- **BUT:** *City of Wilmington v. Minella*

⇒ *Del. Bay Surgical Servs., P.C. v. Swier*

⇒ *Bustos v. Castle Constr. of Del.*

- **BUT:** *Lewis v. State*
- **BUT:** *Franks v. Delaware*

## 10.2 Published cases

See **rule 1.1(a)** for old Delaware-style citation formats.

### (a) Supreme Court cases

Published cases of the Delaware Supreme Court (previously the Court of Errors and Appeals) are cited to the *Atlantic Reporter* (“A.” or “A.2d”), if therein. The court name is abbreviated as “Del.”

⇒ *Barbieri v. News-Journal Co.*, 189 A.2d 773, 773–74 (Del. 1963).

⇒ *Universal Prods. Co. v. Emerson*, 179 A. 387, 393 (Del. 1935).

If the case is not found in the *Atlantic Reporter*, cite to the *Delaware Reports*. The *Delaware Reports* had several reporters during its span; these reporters must be noted in the citation.

Delaware Reports Volumes	Reporter	Reporter Volumes	Years	Example
51–59	William J. Storey	1–9	1958–1966	<i>Slovin v. Gauger</i> , 57 Del. (7 Storey) 378 (Del. 1964).
40–50	Charles L. Terry, Jr.	1–11	1939–1958	<i>Mastellone v. Argo Oil Corp.</i> , 46 Del. (7 Terry) 102 (Del. 1951).
31–39	William Watson Harrington	1–9	1919–1939	<i>Island Express, Inc. v. Frederick</i> , 35 Del. (5 W.W. Harr.) 569 (Del. 1934).

24–30	William H. Boyce	1–7	1909–1920	<i>Cohen v. Tuff</i> , 27 Del. (4 Boyce) 188 (Del. 1913).
17–23	James Pennewill	1–7	1897–1909	<i>Higgins v. Mayor of Wilm.</i> , 19 Del. (3 Penne.) 356 (Del. 1902).
15–16	David T. Marvel	1–2	1893–1897	<i>Morrow v. State</i> , 16 Del. (2 Marv.) 4 (Del. 1895).
6–14	John W. Houston	1–9	1855–1893	<i>Taylor v. McClung</i> , 7 Del. (2 Houst.) 24 (Del. 1858).
1–5	Samuel M. Harrington	1–5	1832–1855	<i>Bayard v. McLane</i> , 3 Del. (3 Harr.) 139, 208 (Del. 1840).

Before the *Delaware Reports*, *Delaware Cases* reported cases from 1792 to 1830. There are three volumes of *Delaware Cases* (1–3).

⇒ *Alston’s Lessee v. Noxon*, 1 Del. Cas. 449 (Del. 1797).

Some cases reported in *Delaware Cases* have no dates. For those cases, use “n.d.” instead of the date.

⇒ *Bellach v. Gabb*, 2 Del. Cas. 231 (Del. n.d.).

### **(b) Superior Court cases**

Cases of the Delaware Superior Court are cited to the *Atlantic Reporter* (“A.” or “A.2d”), if therein. The court’s name is abbreviated as “Del. Super.”

⇒ *Nutt v. A.C. & S., Inc.*, 466 A.2d 18, 23 (Del. Super. 1983).

⇒ *Hannigan v. Italo Petrol. Corp. of Am.*, 181 A. 660 (Del. Super. 1935).

If the case is not found in the *Atlantic Reporter*, cite to the *Delaware Reports* using the formats shown in **rule 10.2(a)**. Because the reporter makes clear that the case is a Delaware case, “Del. Super.” can be shortened to “Super.”

- ⇒ *Wilm. Hous. Auth. v. Nos. 312–314 E. Eighth St.*, 55 Del. (5 Storey) 252 (Super. 1963).
- ⇒ *Wilson v. Hill*, 45 Del. (6 Terry) 251 (Super. 1950).
- ⇒ *McLaughlin v. Bahre*, 35 Del. (5 W.W. Harr.) 446 (Super. 1933).
- ⇒ *Beatty v. Parsons*, 25 Del. (2 Boyce) 134 (Super. 1910).
- ⇒ *McMahon v. Bangs*, 21 Del. (5 Penne.) 178 (Super. 1904).
- ⇒ *Lodge v. Lodge*, 7 Del. (2 Houst.) 418, 421 (Super. 1862).
- ⇒ *Goslin v. Cannon*, 1 Del. (1 Harr.) 1 (Super. 1832).

The Superior Court was created by the Delaware Constitution of 1831, so no Superior Court cases were reported in *Delaware Cases*.

### **(c) Court of Chancery cases**

Cases of the Delaware Court of Chancery are cited to the *Atlantic Reporter* (“A.” or “A.2d”), if therein. The court’s name is abbreviated as “Del. Ch.”

- ⇒ *Kohls v. Kenetech Corp.*, 791 A.2d 763, 767 (Del. Ch. 2000).
- ⇒ *Ross v. Freeman*, 180 A. 527 (Del. Ch. 1935).



If the case is not found in the *Atlantic Reporter*, cite to the *Delaware Chancery Reports*. The *Delaware Chancery Reports* includes Court of Chancery and Supreme Court cases from 1814 to 1968, spanning volumes 1–43. Because the reporter makes clear that the case is a Delaware case, “Del. Ch.” can be shortened to “Ch.”

⇒ *Am. Foundry Co. v. Premier Motor Corp.*, 13 Del. Ch. 286 (Ch. 1922).

For pre-1830 Chancery cases that do not appear in the *Delaware Chancery Reports*, cite to *Delaware Cases*, shortening “Del. Ch.” to “Ch.”

⇒ *Speakman v. Jaques*, 3 Del. Cas. 191 (Ch. 1827).

#### **(d) Family Court cases**

Cases of the Family Court are cited to the *Atlantic Reporter* (“A.2d”). The court’s name is abbreviated as “Del. Fam.”

⇒ *Husband, J. v. Wife, J.*, 413 A.2d 1268 (Del. Fam. 1979).

Because the Family Court was created by the Family Court Act of 1971, 10 *Del. C.* § 901 *et seq.*, no Family Court cases appear in the *Delaware Reports* or *Delaware Cases*.

#### **(e) Court of Common Pleas cases**

Cases from Delaware’s modern Court of Common Pleas are not reported; use the formats in **rule 10.3** to cite cases from the modern

Court of Common Pleas. The modern Court of Common Pleas is abbreviated as “Del. Com. Pl.” See **rule 10.2(h)** for how to cite to cases from the old Court of Common Pleas.

**(f) Justice of the Peace cases**

Cases from the Justice of the Peace are not reported. The court’s abbreviation is “Del. J.P.”

**(g) Court on the Judiciary cases**

Under Del. Const. art. IV, § 37, a Court on the Judiciary can censure or remove judicial officers appointed by the Governor. The Court on the Judiciary is composed of the Justices of the Supreme Court, the Chancellor, the President Judge of the Superior Court, and the Chief Judges of the Family Court and the Court of Common Pleas. Cite to the *Atlantic Reporter* (“A.2d.”), if therein. The court’s name is abbreviated as “Del. Jud.”

⇒ *In re Grubb*, 749 A.2d 1250 (Del. Jud. 2000).

**(h) Cases from historical Delaware courts**

Delaware has had several different court structures throughout its history. In the 1776 Constitution, Delaware provided for a Supreme Court (“Del.”), a Court of Common Pleas (“Ct. C.P.”), and an Orphans’ Court (“Orphans’ Ct.”).<sup>7</sup>

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<sup>7</sup> Del. Const. of 1776, art. 12.

Courts added in the 1792 Constitution included the Court of Chancery (“Ch.”), the Court of Oyer and Terminer (“Ct. O.&T.”), the Register’s Court (“Reg.’s Ct.”), and the Court of Quarter Sessions (“Ct. Q. Sess.”).<sup>8</sup>

In the 1831 Constitution, the courts were reconfigured to add the Court of Errors and Appeals (“Del.”), the Superior Court (“Super.”), and the Court of General Sessions (“Ct. Gen. Sess.”).<sup>9</sup> The Court of Common Pleas, Court of Quarter Sessions, and Supreme Court were abolished.

In the 1897 Constitution, the Supreme Court (“Del.”) replaced the Court of Errors and Appeals.<sup>10</sup> Today, Delaware’s courts include the Supreme Court, the Superior Court, the Court of Chancery, the Family Court, the Court of Common Pleas, a Register’s Court, and the Justices of the Peace.<sup>11</sup>

Cases from the historical courts may be cited to the *Atlantic Reporter*, if therein; to the *Delaware Reports* (as shown in **rule 10.2(a)** above); or to *Delaware Cases*. The court-name abbreviations for these courts are provided above, next to the first appearance of the court’s name in this subrule. Add “Del.” to the court’s abbreviation when citing to a case in the *Atlantic Reporter*.

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<sup>8</sup> Del. Const. of 1792, art. VI, § 1.

<sup>9</sup> Del. Const. of 1831, art. VI, § 1.

<sup>10</sup> Del. Const. art. IV, § 1 (amended 1951 & 2004). That provision was amended in 48 Del. Laws ch. 109 (1951) and more recently in 75 Del. Laws ch. 53 (2004).

<sup>11</sup> Del. Const. art. IV, § 1.

Order cases from these historical courts as follows: (1) Supreme Court or Court of Errors and Appeals, in reverse chronological order; (2) all other courts, in reverse chronological order. Thus, the following examples are properly ordered (note that *Delaware Cases* is not necessarily chronologically ordered):

- ⇒ Court of Errors and Appeals: *Reynolds v. Howell*, 31 A. 875 (Del. 1895).
- ⇒ Supreme Court: *Kimmey v. Millaway*, 1 Del. Cas. 621 (Del. 1825).
- ⇒ *State v. Cole*, 78 A. 1025 (Del. Ct. Gen. Sess. 1910).
- ⇒ *State v. Samuels*, 67 A. 164 (Del. Ct. O.&T. 1904).
- ⇒ *State v. Nutter*, 2 Del. Cas. 270 (Ct. Q. Sess. 1831).
- ⇒ *Kean v. Paulson*, 3 Del. Cas. 118 (Orphans' Ct. 1825).
- ⇒ *Laws v. Davis*, 1 Del. Cas. 256 (Ct. C.P. 1800).

### 10.3 Unpublished cases

In order of preference, cite unpublished cases to (1) online databases, (2) memorandum copies, or (3) journals. See **rule 1.1(a)** for old Delaware-style citation formats.

If it is desirable to include the judge's name (as is required in the old Delaware-style format), this may be done according to *Bluebook* R. 10.6.1(a).

- ⇒ *Haft v. Dart Gp. Corp.*, 1997 WL 154049 (Del. Ch. Mar. 14, 1997) (Allen, C.).

### **(a) Online databases**

Cite unpublished cases to Westlaw or LEXIS. Include the parties' names, the unique database identifier, any star page(s), the court abbreviation, and the full date of decision. It is not necessary to include the docket number when citing to online databases. It is also not necessary to cite to both online databases, though both can be cited in parallel, as in the third **Supreme Court** example.

#### **Supreme Court**

- ⇒ *Buckley v. Del. Valley Rehab. Servs., Inc.*, 1998 WL 230044, at \*1 (Del. May 1, 1998).
- ⇒ **OR:** *Buckley v. Del. Valley Rehab. Servs., Inc.*, 1998 Del. LEXIS 176, at \*1 (Del. May 1, 1998).
- ⇒ **OR:** *Buckley v. Del. Valley Rehab. Servs., Inc.*, 1998 WL 230044, at \*1, 1998 Del. LEXIS 176, at \*1 (Del. May 1, 1998).

#### **Superior Court**

- ⇒ *Guy v. State*, 1996 WL 111116 (Del. Super. Mar. 6, 1996).
- ⇒ **OR:** *Guy v. State*, 1996 Del. Super. LEXIS 50 (Del. Super. Mar. 6, 1996).

#### **Court of Chancery**

- ⇒ *Moore Bus. Forms, Inc. v. Cordant Hldgs. Corp.*, 1998 WL 71836, at \*7 n.28 (Del. Ch. Feb. 6, 1998, revised Mar. 5, 1998).
- ⇒ **OR:** *Moore Bus. Forms, Inc. v. Cordant Hldgs. Corp.*, 1998 Del. Ch. LEXIS 25, at \*26 n.28 (Del. Ch. Feb. 6, 1998, revised Mar. 5, 1998).

### **Family Court**

- ⇒ *K.D. v. M.H.*, 2004 WL 3391772, at \*4 (Del. Fam. Jan. 5, 2004).
- ⇒ **OR:** *K.D. v. M.H.*, 2004 Del. Fam. Ct. LEXIS 215, at \*12 (Del. Fam. Jan. 5, 2004).

### **Court of Common Pleas**

- ⇒ *Kellam v. Seward*, 2006 WL 1476870, at \*1 (Del. Com. Pl. May 22, 2006).
- ⇒ **OR:** *Kellam v. Seward*, 2006 Del. C.P. LEXIS 26, at \*1 (Del. Com. Pl. May 22, 2006).

When a case will be reported, but has not yet been assigned volume or page numbers in the *Atlantic Reporter*, indicate that the case is to be reported. The citation thus includes the *Atlantic Reporter*, with blanks to show that the volume and page are missing, and a parallel online citation.

- ⇒ *Manlove v. State*, — A.2d —, 2006 WL 1584720 (Del. June 9, 2006).

When the citation includes a pincite, add another blank to the *Atlantic Reporter* citation to indicate the lack of a page number.

- ⇒ *In re Walt Disney Co. Deriv. Litig.*, — A.2d —, —, 2006 WL 1562466, at \*16 (Del. June 8, 2006).

In the short form of such cases, it is permissible but not necessary to include the blank *Atlantic Reporter* citation.

- ⇒ *Disney*, 2006 WL 1562466, at \*12.
- ⇒ **OR:** *Disney*, — A.2d at —, 2006 WL 1562466, at \*12.

### **(b) Memorandum and letter opinions**

Delaware courts often issue unpublished memorandum or letter opinions. When these opinions are available in online databases, cite to those online databases, as shown in **rule 10.3(a)**. But when those opinions are not available in online databases, cite to the memorandum or letter copies. Include the parties' names, the docket number, any page(s), the court abbreviation, and the full date of decision. Insert “, at” between the docket number and the page number.

- ⇒ Supreme Court: *Gregory J.M. v. Carolyn A.M.*, No. 77, 181 (Del. Mar. 12, 1982).
- ⇒ Superior Court: *Kofron v. Amoco*, C.A. No. 78C-OC-79, at 2 (Del. Super. July 1, 1980).
- ⇒ Court of Chancery: *Schreiber v. Carney*, C.A. No. 6202, at 1–3 (Del. Ch. Dec. 3, 1982).
- ⇒ Family Court: *G. v. G.*, No. C-589 (Del. Fam. May 27, 1980).
- ⇒ Court of Common Pleas: *Williams v. Abbate*, C.A. No. 1992-06-001 (Del. Com. Pl. Jan 13, 1993).
- ⇒ Industrial Accident Board: *White v. Volt Servs.*, No. 1275235 (Del. I.A.B. Apr. 20, 2006).
- Note that Delaware's Industrial Accident Board is abbreviated “Del. I.A.B.” To cite other administrative adjudications, see **rule 14.2**.

### **(c) Journals**

Some unreported corporate cases are reported in the *Delaware Journal of Corporate Law*. But cases should be cited to an online database (see **rule 10.3(a)**), if therein.

⇒ *Perconti v. Thornton Oil Corp.*, 28 Del. J. Corp. L. 389 (Del. Ch. 2002).

### **(d) Table opinions**

The Delaware Supreme Court (like other courts) issues table opinions, which are simply summary decisions without published opinions. Thus, they appear in the *Atlantic Reporter* but only indicate the disposition of the case. To cite only this disposition, cite to the table opinion—including the designation “(TABLE)”. Table opinions are also commonly cited as part of a case’s subsequent history.

⇒ *Miller v. State*, 750 A.2d 540 (Del. 2000) (TABLE).

⇒ *Chamison v. HealthTrust, Inc. — The Hospital Co.*, 735 A.2d 912 (Del. Ch. 1999), *aff’d*, 748 A.2d 407 (Del. 2000) (TABLE).

To cite to the unpublished opinion that often accompanies a table decision, include both the table citation and the citation to the online database. Or simply cite to the online database and include the “(TABLE)” designation.

⇒ *Guy v. State*, 676 A.2d 903, 1996 WL 283591, at \*1 (Del. May 20, 1996) (TABLE).

⇒ **OR:** *Guy v. State*, 1996 WL 283591, at \*1 (Del. May 20, 1996) (TABLE).



### **(e) Transcripts and bench rulings**

Transcripts of hearings, arguments, and bench rulings are often cited when no formal opinion has been issued. Cite these as memorandum opinions (see **rule 10.3(b)**), but include the designation “(TRANSCRIPT)”. When needed, specific line numbers may be cited using the convention page:line.

- ⇒ *Parfi Holding, AB v. Mirror Image Internet, Inc.*, C.A. No. 18457, at 6 (Del. Ch. Mar. 23, 2001) (TRANSCRIPT).
- ⇒ *Cardinal Capital Mgmt., LLC v. Amerman*, C.A. No. 19876, at 4:5–7:10 (Del. Ch. Sept. 27, 2002) (Strine, V.C.) (TRANSCRIPT).

## **10.4 Orders**

Orders issuing from the Supreme Court may be cited as precedent.<sup>12</sup> Cite these as unpublished opinions—but include the designation “(ORDER)”.

- ⇒ *Urquhart v. State*, 1991 WL 112877, at \*1 (Del. May 8, 1991) (ORDER).

A table decision—to which an order is often attached—may also be included in the citation. The designation “(TABLE)” is unnecessary.

- ⇒ *Garris v. State*, 550 A.2d 34, 1988 WL 117513 (Del. Oct. 26, 1988) (ORDER).

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<sup>12</sup> *New Castle County v. Goodman*, 461 A.2d 1012, 1013 (Del. 1983).

Orders not appearing in online databases may be cited as memorandum opinions (see **rule 10.3(b)**).

⇒ *Loudon v. Archer-Daniels-Midland Co.*, No. 88, 1996 (Del. July 19, 1996)  
(ORDER).

## 10.5 Administrative directives

The Chief Justice of the Supreme Court, the President Judge of the Superior Court, the Chancellor of the Court of Chancery, and the Chief Judge of the Family Court occasionally enter administrative directives in their administrative capacities. Cite these administrative directives using the abbreviation (“Admin. Directive”), the directive’s number, the section(s) (if any), the court abbreviation, and the full date the directive was issued. Administrative directives of the Delaware Supreme Court dating back to 1993 may be found online at <http://courts.delaware.gov/Courts/Supreme%20Court/Administrative%20Directives/?index.htm>.

⇒ Admin. Directive No. 76 (Del. Sept. 17, 1987).

⇒ Admin. Directive No. 131, § (C)(3) (Del. July 11, 2001) (Veasey, C.J.).

⇒ Admin. Directive No. 92-2 (Del. Super. Feb. 18, 1992).

⇒ Admin. Directive No. 2002-1 (Del. Super. Sept. 12, 2002).

⇒ Admin. Directive Am. No. 2003-1 (Del. Ch. Mar. 15, 2003).

⇒ Admin. Directive No. 96.07 (Del. Fam. Dec. 19, 1996).

## 10.6 Short forms

Short forms follow the short form rules in *The Bluebook*. Typically, a short form includes the name of the first (or most recognizable) party, and a truncated citation, including a pincite. If clear, the short form need not include a party's name. When the case cited is also the sole immediately preceding citation, use the "*Id.*" form.

⇒ *Grobow v. Perot*, 539 A.2d 180 (Del. 1988).

**BECOMES:**

- *Grobow*, 539 A.2d at 188.
- **OR:** 539 A.2d at 188.
- **OR:** *Id.* at 188.

The general rule applies to other citation formats. Put a comma before the "at" if the page number follows another number.

⇒ *Guy v. State*, 1996 WL 111116 (Del. Super. Mar. 6, 1996).

- **BECOMES:** *Guy*, 1996 WL 111116, at \*2–3.

⇒ *Higgins v. Mayor of Wilm.*, 19 Del. (3 Penne.) 356 (Del. 1902).

- **BECOMES:** *Higgins*, 19 Del. (3 Penne.) at 356.

⇒ *Speakman v. Jaques*, 3 Del. Cas. 191 (Del. Ch. 1827).

- **BECOMES:** *Speakman*, 3 Del. Cas. at 192.

⇒ *Williams v. Abbate*, C.A. No. 1992-06-001 (Del. Com. Pl. Jan. 13, 1993).

- **BECOMES:** *Williams*, C.A. No. 1992-06-001, at 2.

⇒ *Guy v. State*, 676 A.2d 903, 1996 WL 283591 (Del. 1996) (TABLE).

- **BECOMES:** *Guy*, 1996 WL 283591, at \*1.

## Rule 11 Constitutions

### (a) Current Constitution

The current Delaware Constitution is cited according to *Bluebook* R. 11, using the abbreviation “Del. Const.”

⇒ Del. Const. art. I, § 2.

⇒ Del. Const. pmb.

When citing a provision in the current Constitution that has changed, indicate that fact, either by citing the amending provision in full (preceded by an *italic* explanatory phrase) or by providing a parenthetical with the year of the amendment.

⇒ Del. Const. art. IV, § 1, *amended by* 48 Del. Laws ch. 109 (1951).

⇒ **OR:** Del. Const. art. IV, § 1 (amended 1951).

### (b) Previous Constitutions

Previous Delaware Constitutions are cited in the following manner:

⇒ Del. Const. of 1831, art. V, § 1.

⇒ Del. Const. of 1792, art. VI, § 2.

⇒ Del. Const. of 1776, art. 12.

The Constitution of 1897 is the current Constitution. Cite as in **rule 11(a)**.

### **(c) Constitutional debates**

The constitutional debates giving rise to Delaware’s current Constitution—the Constitution of 1897—have been published in a five-volume set. Cite them by volume number, title, page(s), and publication date. Include a parenthetical indicating the speaker or speakers cited to.

⇒ *2 Debates and Proceedings of the Constitutional Convention of the State of Delaware* 934–35 (1958) (statement of William Saulsbury).

### **(d) Short forms**

Short forms of the Constitution are the same as the full-citation form, with the exception of the “*Id.*” form. Do not use “at” with “*Id.*” when citing the Constitution.

⇒ Del. Const. art. I, § 2.

- **BECOMES:** Del. Const. art. I, § 2.
- **OR:** *Id.* art. I, § 1.

Because title of the constitutional debates is so long, the short form may be given as:

⇒ *3 Constitutional Debates* 1680 (statement of John Biggs).

## Rule 12 Statutes

Citing statutes and laws is typically straightforward, but there can be a question of when to cite the code (Delaware Code) and when to cite the enacted laws (*Laws of Delaware*).

Delaware statutes are typically cited to the current Delaware Code, if possible (see **rule 12.1(a)**). When a statute has been repealed or is no longer in force, cite to a specific year of the Delaware Code (**rule 12.1(a)**) or to a past codification (**rule 12.1(b)**), if therein.

If a statute appears in several, scattered sections of the Delaware Code, and citation to the several sections of the Delaware Code would be unwieldy, cite to the enacted law in *Laws of Delaware* (see **rule 12.2(a)**). Likewise, cite to *Laws of Delaware* when referring to the historical fact of enactment, amendment, or repeal (see **rule 12.2(b)**).

### 12.1 Delaware Code

#### (a) Current codifications

Cite to the Delaware Code using the title, abbreviation for the Delaware Code (“*Del. C.*”), and section(s). For current law, it is not necessary to provide the date.

⇒ 1 *Del. C.* § 101(b).

⇒ 8 *Del. C.* § 102(b)(1), (7).

⇒ 16 *Del. C.* §§ 4767–4768.

Although the date of the Delaware Code is ordinarily not necessary, it may be needed to distinguish between different versions of the current codification. The date may therefore be included, for example, when (1) comparing current versions of the Code with earlier versions or (2) referring to a prior version of the current Code that has since changed.

⇒ *Compare* 11 Del. C. § 4205(b)(2) (2001), *with* 11 Del. C. § 4205(b)(2) (2005).

⇒ 10 Del. C. § 1001(a) (1998).

To indicate enactment, amendment, or repeal of a law, cite to the *Laws of Delaware* as in **rule 12.2(b)**.

#### **(b) Past codifications**

The Delaware Code's current codification runs from 1974, but the Code existed in previous codifications. While the Acts of Assembly began in 1700, they were first codified in 1852 (although several editions of compiled laws were published, starting in 1797, and a full-scale compilation of all in-force laws appeared in 1829). After 1852, there were the Revised Codes of 1915, of 1935, of 1953, and of 1974.

Until 1953, the codifications did not use the title/section format in use today. The Codes of 1852 and 1915 employed concurrently a section-only format and a title/chapter/section format (for example, section 4798 in the 1915 Code is also section 5 of chapter 154 of title

24). The Code of 1935 did not use titles; it used concurrently a section-only format and a chapter/section format. To cite to the Codes of 1852, of 1915, and of 1935, use “*Del. C.*” and the date of the Code, followed by a comma and the section(s).

⇒ *Del. C. 1935*, § 5197.

⇒ *Del. C. 1915*, § 4798.

⇒ *Del. C. 1852*, §§ 2142–2143.

⇒ For the Code of 1953, use the normal [title] *Del. C.* § [section] format, but include the date (1953), followed by a comma.

⇒ 10 *Del. C. 1953*, § 9580(b).

The Code of 1974—the current Delaware Code—should be cited as in **rule 12.1(a)**.

⇒ 10 *Del. C.* § 9573(a).

## **12.2 Laws of Delaware**

### **(a) Citation formats**

Citations to *Laws of Delaware* must include the volume; the abbreviation for *Laws of Delaware* (“Del. Laws”); the chapter number (and a specific section, if desired); and the date of the law’s enactment, approval, or effectiveness (typically found at the end of the act).

⇒ 58 Del. Laws ch. 497, § 1 (1972).

⇒ 74 Del. Laws ch. 106 (2003).



Note that the date on the spine of a given volume of *Laws of Delaware* may not correspond to the date of a law's enactment. For example, the 141st General Assembly commenced its first session on January 9, 2001, and its second session on January 8, 2002, but the year on the spine of both parts of volume 73 of *Laws of Delaware* is 2001.

The popular name of a particular act may be given, if relevant.

⇒ Family Court Act of 1971, 58 Del. Laws ch. 114 (1971).

### **(b) Indicating enactment, amendment, or repeal**

*Laws of Delaware* is most often cited to show an effect on the Delaware Code. The fact of enactment is shown by a simple citation as in **rule 12.2(a)**.

⇒ The General Assembly, in response to the *Ring* decision, enacted this law. 73 Del. Laws ch. 423 (2002).

A parenthetical can be used to indicate the fact and location of a law's codification.

⇒ 74 Del. Laws ch. 174, §§ 1–2 (2003) (codified at 11 *Del. C.* § 4209(d)).

Amendment or repeal is indicated by (1) an explanatory phrase (in *italics*) appended to the citation or (2) a parenthetical explaining the fact of amendment or repeal. In these citations, the date of the *Delaware Code* need not be given unless especially relevant.

- ⇒ 72 Del. Laws ch. 320, § 4 (2000), *as amended by* 74 Del. Laws ch. 72 (2003).
- ⇒ 70 Del. Laws ch. 364 (1996) (amending 11 *Del. C.* § 841(c)(1)).
- ⇒ 11 *Del. C.* § 636(a)(6), *repealed by* 74 Del. Laws ch. 246, § 3 (2004).
- ⇒ 71 Del. Laws ch. 84, § 1 (1997) (repealing 19 *Del. C.* § 2127).

## **12.3 Rules of evidence and procedure**

### **(a) Delaware Rules of Evidence**

The Delaware Rules of Evidence are cited with the abbreviation (“D.R.E.”) and the rule number. No date is needed, unless citing a previous version.

- ⇒ D.R.E. 702.
- ⇒ D.R.E. 611(a).
- ⇒ D.R.E. 704 cmt.

### **(b) Delaware rules of procedure**

Each Delaware court has its own set of rules, for which citation forms are given below. Generally, the citations each contain an abbreviation of the court’s name (plus the abbreviation “Ct.”), the abbreviation for Rules (“R.”), and the rule number. The Supreme Court is abbreviated “Supr. Ct.” in rule citations (though not in case citations, see **rule 10.2(a)**). If a court has both civil and criminal rules, indicate the

civil rules with “Civ.” and the criminal rules with “Crim.” No date is needed. If needed for clarity, add “Del.” before the court’s abbreviation.

**Supreme Court:**

⇒ Supr. Ct. R. 7(d).

**Superior Court:**

⇒ Super. Ct. Civ. R. 85.

⇒ Super. Ct. Crim. R. 60.

**Court of Chancery:**

⇒ Ct. Ch. R. 85.

**Family Court:**

⇒ Fam. Ct. Civ. R. 85.

⇒ Fam. Ct. Crim. R. 1(b).

**Court of Common Pleas:**

⇒ Ct. Com. Pl. Civ. R. 85.

⇒ Ct. Com. P. Crim. R. 60.

**Justice of the Peace Court:**

⇒ J.P. Ct. Civ. R. 85.

⇒ J.P. Ct. Crim. R. 60.

Provide a date if citing to a rule no longer in force.

⇒ Super. Ct. Civ. R. 56(b) (1948).

### **(c) Jury instructions**

The Superior Court has compiled pattern jury instructions for civil trials. Cite to a specific section as in the following example. Include the year of the most recent revision.

⇒ Del. Super. P.J.I. Civ. § 6.1 (2000).

## **12.4 Rules of professional responsibility (and ethics opinions)**

Delaware has several sets of rules relating to professional responsibility. These are cited by the titles of the rules (abbreviated according to *Bluebook* R. 15.1(d)) and the rule number(s). The date is not necessary, unless an earlier version of the rules is cited.

⇒ Del. Lawyers' R. Prof'l Conduct 8.4(a).

- Del. Lawyers' R. Prof'l Conduct 3.3 cmt. 2.
- Del. Lawyers' R. Prof'l Conduct pmb1.

⇒ Del. Lawyer's R. Disciplinary Proc. 6(a).

⇒ Del. R. Bd. Unauthorized Practice of Law 21(a)(2).

⇒ Del. R. Continuing Legal Educ. 4(A)(5).

⇒ Del. Judges' Code Judicial Conduct Canon 5.

⇒ Del. Principles Professionalism for Judges 7.

⇒ Del. Principles Professionalism for Lawyers B(2).

The Delaware State Bar Association's Committee on Professional Ethics issues formal opinions on legal ethical issues. These opinions, going back to 1978, can be found online at <http://www.dsba.org/AssocPubs/ethics.htm>.

Cite an ethics opinion with the abbreviation ("Del. Ethics Op."), the opinion number, and the page (if any). No date is needed because the opinion number includes the year.

⇒ Del. Ethics Op. 2006-1.

⇒ Del. Ethics Op. 1986-2, at 5 (Collins, dissenting).

## **12.5 Municipal codes, charters, and ordinances**

### **(a) County codes**

The county codes are cited by the county abbreviation and section number. The section number includes the chapter number (and article number, in New Castle County). No date is necessary unless a previous version is cited.

⇒ Kent Cty. C. § 41-5(A).

⇒ New Castle Cty. C. § 16.03.005.

⇒ Sussex Cty. C. § 80-3.

### **(b) City and town codes**

Many Delaware cities and towns have both a charter and a code. Cite to the code with the municipality's abbreviated name (the abbreviation "Del." may be needed for clarity) and the section number(s). Typically, the section number is appended to a chapter or article number with a hyphen, so it is not necessary to include separately the chapter or article number (for example, section 14-1 would be in chapter 14 of the code). No date is necessary, unless a previous version is cited.

⇒ Dover C. § 6-3(b).

⇒ Milford, Del., C. § 36-4.

⇒ Rehoboth Beach C. § 95-3(A)(3).

The City of Wilmington should be abbreviated "Wilm."

⇒ Wilm. C. § 3-13(a).

Wilmington has adopted a building code and consolidated its Wilmington-specific amendments to that generic building code within one section of the Wilmington City Code. To cite to Wilmington-specific provisions of the building code, cite to the section in which Wilmington amended the building code (§ 4-27) and provide the amended provision, separated by ", at".

⇒ Wilm. C. § 4-27, at 125.0(b)(3)(i).

### **(c) Municipal charters**

A city's or town's charter is typically appended to its code. To cite to a municipality's charter, cite as if to its code (see **rule 12.5(b)**), but include "Charter" in parentheses, and provide the section number(s).

- ⇒ Wilm. C. (Charter) § 1-101.
- ⇒ Arden, Del., C. (Charter) § 11.
- ⇒ Newark, Del., C. (Charter) § 407.1.
- ⇒ Seaford, Del., C. (Charter) § 5(3).
- ⇒ S. Bethany C. (Charter) § C-13(A).

### **(d) Ordinances**

Generally, cite ordinances to their codified versions (see **rules 12.5(a)–(b)**). To cite an uncoded ordinance, give the municipality's abbreviated name, "Del." (if needed for clarity), the ordinance number (or name), section(s) (if any), and the full date of the ordinance's adoption.

- ⇒ New Castle Cty. Ordinance 06-022 (Apr. 3, 2006).
- ⇒ Wilm. Ordinance 04-008, § 3 (Feb. 19, 2004).
- ⇒ Dover, Del., Ordinance Granting Permission to Construct and Maintain a Telephone System (Sept. 7, 1914).

Future codification information may be added in a parenthetical.

- ⇒ Newark, Del., Ordinance 99-14, § 6 (May 14, 1999) (to be codified at Newark C. § 32-11(a)(12)).

## 12.6 Short forms

These short forms are typically self-evident (and rarely shorter).

⇒ 8 *Del. C.* § 141(e).

- **BECOMES:** 8 *Del. C.* § 141(e).
- **OR:** § 141(e).
- **ALSO:** *Id.* § 141(a).

⇒ 58 *Del. Laws ch. 497*, § 1 (1972).

- **BECOMES:** 58 *Del. Laws ch. 497*.
- **OR:** § 1.

⇒ *D.R.E.* 702.

- **BECOMES:** *D.R.E.* 702.
- **ALSO:** *Id.* 704.

⇒ *Super. Ct. Civ. R.* 85.

- **BECOMES:** *Super. Ct. Civ. R.* 85.
- **ALSO:** *Id.* 56(b).

⇒ *Del. Lawyers' R. Prof'l Conduct* 8.4(a).

- **BECOMES:** *Del. Lawyers' R. Prof'l Conduct* 8.4(a).
- **ALSO:** *Id.* 3.2.

⇒ *Wilm. C.* § 3-13(a).

- **BECOMES:** *Wilm. C.* § 3-13(a).

⇒ *Sussex Cty. Ordinance* 1678 (Apr. 6, 2004).

- **BECOMES:** *Sussex Cty. Ordinance* 1678, § 3.



## Rule 13 Legislative materials

### 13.1 Bills and resolutions

When citing bills and resolutions (which can be found online, if recent, or in *Delaware Bills and Resolutions*), include the abbreviation for the legislative body (“Del. S.” or “Del. H.”), the number of the bill or resolution, the number of the legislative session, and the section(s) (if any). Include in parentheses the year of enactment (if enacted) or of publication (if unenacted). The Senate and the House each have bills (abbreviated “B.”), and they each have three types of resolutions: simple resolutions are abbreviated “Res.”, concurrent resolutions “Con. Res.”, and joint resolutions “J. Res.”

⇒ Del. H.B. 512, 143d Gen. Assem. § 2 (2006).

⇒ Del. S. Res. 5, 143d Gen. Assem. (2005).

⇒ Del. S. Con. Res. 76, 132d Gen. Assem. (1983).

⇒ Del. H.J. Res. 4, 139th Gen. Assem. (1997).

To cite the synopsis of a bill, use the abbreviation “syn.”

⇒ Del. H.B. 258 syn., 143d Gen. Assem. (2006).

If useful, a citation may provide a parallel citation to *Laws of Delaware* (according to **rule 12.2(a)**).

⇒ Del. S.B. 177, 140th Gen. Assem., 72 Del. Laws ch. 128 (1999)

## 13.2 Debates and proceedings

Delaware’s sources for information on legislative activity are the *House Journal* and the *Senate Journal*, which contain bill information for each session of the General Assembly (and, for older volumes, minutes of the General Assembly). Cite with the journal abbreviation (“Del. H.J.” or “Del. S.J.”), the legislative session, the page number(s), and the year.

⇒ Del. H.J., 132d Gen. Assem. 237 (1984).

⇒ Del. S.J., 133d Gen. Assem. 93 (1985).

⇒ Del. S.J., 108th Gen. Assem. 414 (1941).

## 13.3 Joint Sunset Committee reports

The Joint Sunset Committee—a half-Senate, half-House committee—periodically reviews agencies and commissions to determine (1) whether there is a need for those agencies or commissions and (2) whether that need is being met. Cite the Committee’s reports with the Committee’s abbreviation (“Del. J. Sunset Comm.”), the abbreviation “Rep.”, the report’s title, page number(s) (if any), and the year of the report.

⇒ Del. J. Sunset Comm. Rep., *Council on Housing* 5 (2006).

## 13.4 Short forms

Short forms of bills and resolutions are simple. To cite in short form, provide the abbreviation of the legislative body and the number of the bill or resolution.

⇒ Del. H.B. 744, 135th Gen. Assem. (1990).

⇒ **BECOMES:** Del. H.B. 744.

The short form for legislative journals is also simple.

⇒ Del. H.J., 96th Gen. Assem. 259 (1917).

⇒ **BECOMES:** Del. H.J., 96th Gen. Assem. at 259–67.

## **Rule 14 Administrative and executive materials**

### **14.1 Regulations**

The Delaware Administrative Code is the official compilation of all Delaware regulations in effect. The *Delaware Register of Regulations* is the official publication of all regulatory changes, including proposed and final regulations, in a given month. The *Code of Delaware Regulations* is a privately published compilation of the regulations in the Delaware Administrative Code. When possible, cite final regulations to the Delaware Administrative Code (**rule 14.1(a)**).

#### **(a) Delaware Administrative Code**

The Delaware Administrative Code is organized in three tiers: title, regulation, and section/rule. For example, title 24 contains regulations governing professions. Within title 24, regulation 401 governs bingo games. And regulation 401 has within it sections 1.0 to 7.0.

Cite with the title, the abbreviation (“Del. Admin. C.”), and the regulation number and section/rule number(s) (separated by a hyphen). No date is necessary unless citing a previous version.

⇒ 18 Del. Admin. C. § 1501-3.2.

⇒ 14 Del. Admin. C. §§ 612-1.3 to -1.4.

⇒ 5 Del. Admin. C. § 101-1.1.3.

To cite to an entire regulation, simply leave off the section number.

⇒ 24 Del. Admin. C. § 401.

Note that many regulations have former names. For example, 7 Del. Admin. C. § 3209 used to be referred to as Regulation S-56 and as Regulation H-56. Some regulations are also referred to by their common names. For example, 3 Del. Admin. C. § 501 is also referred to as the DHRC [Delaware Harness Racing Commission] Rules and Regulations. These may be added in a parenthetical, if helpful.

⇒ 3 Del. Admin. C. § 501 (DHRC Rules and Regulations).

The Registrar of Regulations provides a cumulative table that lists the *Delaware Register of Regulations* location for final regulations in the Delaware Administrative Code. It can be found at <http://regulations.delaware.gov/documents/regcumtable.pdf>.

**Code of Delaware Regulations:** The *Code of Delaware Regulations* applies a more complex four-tiered style, in which each regulation has a eight-number code (which actually corresponds to the regulation's budget code). Cite regulations to the Delaware Administrative Code—the official compilation of all regulations that have been passed in accordance with Delaware's Administrative Procedure Act—but if not therein, cite to the *Code of Delaware Regulations*. Note that the regulation numbers in the *Code of Delaware*

*Regulations* may not correspond to those in the Delaware Administrative Code.

⇒ 40-700-034 Del. Code Regs. § 58.408.

### **(b) Delaware Register of Regulations**

Cite to the *Delaware Register of Regulations* by volume number, abbreviation (“Del. Reg.”), starting page (and any pincited pages), and date. For the date, the month and year will suffice because the *Delaware Register of Regulations* comes out on the first day of each month.

⇒ 1 Del. Reg. 564, 566 (Nov. 1997).

⇒ 9 Del. Reg. 1826 (June 2006).

⇒ 4 Del. Reg. 1652, 1655 (Apr. 2001).

The *Delaware Register of Regulations* first appeared in July 1997, so each volume begins in July of one year and ends in June of the next year. The *Register*’s issues (current and past) can be viewed online at [http://regulations.delaware.gov/services/current\\_issue.shtml](http://regulations.delaware.gov/services/current_issue.shtml).

The Registrar of Regulations also provides a cumulative table that lists the location in the Delaware Administrative Code for proposed and final regulations in the *Delaware Register of Regulations*. It can be found at <http://regulations.delaware.gov/documents/regcumtable.pdf>.

## 14.2 Administrative adjudications

The Superior Court typically is the intermediate appellate court for review of quasi-judicial decisions made by administrative agencies. Administrative decisions can be cited like unpublished memorandum cases (see **rule 10.3(b)**). Either provide the parties' names or the description of the decision, the case or file number, the agency (if not clear from the description), and the full date of decision. Abbreviate case descriptions and party names as in **rule 10.1**. Separate page numbers from case numbers with “, at”.

- ⇒ *Hughes v. Genesis Health Ventures*, Nos. 993320 & 1115112, at 1 (Del. I.A.B. Nov. 12, 1999).
- ⇒ *Decision & Order of the Env'tl. Appeals Bd.*, Appeal No. 2000-10, at 19 (May 15, 2002).
- ⇒ *Dep't of Land Use Notice of Rule to Show Cause Decision*, No. 200300215 (Jan. 30, 2003).

If no case or file number is available, cite with the description and the full date of decision.

- ⇒ *New Castle Cty. Bd. of License Inspection & Review Decision 3* (Apr. 9, 2003).

### 14.3 Executive orders and proclamations

Cite executive orders to the *Delaware Register of Regulations*, if therein, or to *Laws of Delaware*, if therein (in that order of preference). Cite with the abbreviation (“Exec. Order”), the order number, the citation to the *Register* (see **rule 14.1(b)**) or to the *Laws* (see **rule 12.2(a)**), and the full date of the order. Note that the date of the order may be different from the date the *Register of Regulations* was issued (but the *Register* is consecutively paginated throughout the volume, so the order should not be difficult to find). The Governor’s name may be included in a parenthetical.

⇒ Exec. Order No. 84, 9 Del. Reg. 1992 (Apr. 13, 2006) (Gov. Minner).

⇒ Exec. Order No. 46, 7 Del. Reg. 358 (July 22, 2003).

Note that the citation to the *Laws* uses page numbers, not chapter numbers (as in **rule 12.2(a)**).

⇒ Exec. Order No. 32, 65 Del. Laws 995, 996 (Sept. 25, 1986).

If an executive order is not found in either source, cite with the order number and the date, with no parallel citation. Include the Governor’s name in a parenthetical. (Recent executive orders are available online at <http://www.state.de.us/governor/orders/index.shtml>.)

⇒ Exec. Order No. 23 (Dec. 2, 1994) (Gov. Carper).

Cite executive proclamations to *Laws of Delaware*, if therein. Cite with the abbreviation (“Exec. Procl.”); citation to *Laws of Delaware*



(as in **rule 12.2(a)**, but without the chapter number); starting page (and pincite page(s), if any); and full date of proclamation.

⇒ Exec. Procl., 59 Del. Laws 2584, 2585 (Dec. 2, 1974).

⇒ Exec. Procl., 33 Del. Laws 727, 737 (Jan. 23, 1922).

#### **14.4 Attorney General opinions**

For some time, the Attorney General’s opinions were bound in yearly volumes. Cite these opinions with the abbreviation (“Del. Op. Att’y Gen.”); opinion number; starting page (and pincite page(s), if any); and the full date of the opinion. For clarity in these citations, separate the opinion number from the starting page with “, at”.

⇒ Del. Op. Att’y Gen. 72-044, at 120, 121 (May 18, 1972).

⇒ Del. Op. Att’y Gen. 65-060, at 159 (June 11, 1965).

Some of the Attorney General’s opinions are also published in full in the *Delaware Register of Regulations*. Cite these as above, but with the *Register* citation included (see **rule 14.1(b)**). Note that the date of the opinion may be different from the date the *Register of Regulations* was issued (but the *Register* is consecutively paginated throughout the volume, so the opinions should not be difficult to find).

⇒ Del. Op. Att’y Gen. 99-IB16, 4 Del. Reg. 1318 (Dec. 17, 1999).

⇒ Del. Op. Att’y Gen. 98-IB06, 2 Del. Reg. 700, 702 (July 10, 1998).

The Attorney General's opinions are often simply published by title in the *Delaware Register of Regulations*, while the full opinion can be found online. Opinions from 1995 to the present can be found at <http://attorneygeneral.delaware.gov/office/opinions/opinions.shtml>.

Because the PDF files of these opinions do not contain the opinion number, include the opinion's title at the beginning of the citation. Also, the issue dates on the Attorney General's website may not match the dates on the PDF files of the opinions, so cite according to the dates on the opinions themselves.

⇒ Charter School of Wilmington Preferences, Del. Op. Att'y Gen. 06-ib07, at 4 (Apr. 10, 2006).

## 14.5 Short forms

The short forms of these citations are straightforward.

⇒ 3 Del. Admin. C. § 501-6.1.

- **BECOMES:** 3 Del. Admin. C. § 501-6.1.
- **OR:** § 501-6.1.
- **ALSO:** *Id.* § 501-6.1.2.

⇒ 8 Del. Reg. 842, 848 (Dec. 2004).

- **BECOMES:** 8 Del. Reg. at 848.
- **ALSO:** *Id.* at 846.

⇒ *Dep't of Land Use Notice of Rule to Show Cause Decision*, No. 20060493 (Jan. 19, 2006).

- **BECOMES:** *Dep't of Land Use Decision*, No. 20060493, at 3.

⇒ Exec. Order No. 84, 9 Del. Reg. 1992 (Apr. 13, 2006).

- **BECOMES:** Exec. Order No. 84, 9 Del. Reg. at 1992.
- **OR:** Exec. Order No. 84.
- **ALSO:** *Id.* at 1992.

⇒ Freedom of Information Act Complaint Against City of Dover, Del.  
Op. Att’y Gen. 05-ib11, at 2 (Apr. 11, 2005).

- **BECOMES:** Del. Op. Att’y Gen. 05-ib11, at 2.
- **ALSO:** *Id.* at 3.

## Rule 15 Books and other nonperiodic materials

No Delaware-specific changes are made to *Bluebook* R. 15, but this rule provides citation examples for the most recent editions of several books commonly cited in Delaware. Note that the dates given for the treatises are those of the editions cited, although these treatises are typically updated every year with new material.

Short forms follow *Bluebook* R. B8.2.

- ⇒ 1 R. Franklin Balotti & Jesse A. Finkelstein, *The Delaware Law of Corporations and Business Organizations* § 4.13, at 4-27 (3d ed. 1998).
- ⇒ Robert K. Beste, Jr. & Robert Karl Beste, III, *Automobile Injury and Insurance Claims: Delaware Law and Practice* § 4.01, at 73 (2003).
- ⇒ 2 Dennis J. Block et al., *The Business Judgment Rule* 1765 (5th ed. 1998).
- ⇒ 3C Harold S. Bloomenthal & Samuel Wolff, *Securities and Federal Corporate Law* § 15:5, at 15-10 (2d ed. 2001).
- ⇒ 5 *Collier on Bankruptcy* § 541.08, at 541-44 (Lawrence P. King et al. eds., 15th ed. rev. 1979).
- ⇒ *Delaware Appellate Handbook* § 17.02(c), at 17-iii (2d ed. 1996).
- ⇒ *Delaware Uniform Citation* R. 10.1, at 24 (2007).
- ⇒ 2 David A. Drexler et al., *Delaware Corporation Law and Practice* § 42.03[2][a], at 42-20 (2004).

- ⇒ David L. Finger & Louis J. Finger, *Delaware Trial Handbook* § 16:2, at 272–75 (1994).
- ⇒ 3A William Meade Fletcher et al., *Fletcher Cyclopedia of the Law of Private Corporations* § 1135, at 202 (perm. ed., rev. vol. 2002).
- ⇒ Randy J. Holland, *The Delaware State Constitution: A Reference Guide* 138 (2002).
- ⇒ John E. James, *Privileged Communications and the Delaware Corporation* § 1.06, at 14 (2000).
- ⇒ 2 William E. Knepper & Dan A. Bailey, *Liability of Corporate Officers and Directors* § 18.07, at 18-41 to -44 (7th ed. 2002).
- ⇒ Martin I. Lubaroff & Paul M. Altman, *Lubaroff & Altman on Delaware Limited Partnerships* § 3.11 (1995).
- ⇒ Robert L. Symonds, Jr. & Matthew J. O’Toole, *Symonds & O’Toole on Delaware Limited Liability Companies* § 9.01[B][3], at 9-14 (2007).
- ⇒ 2 Edward P. Welch et al., *Folk on the Delaware General Corporation Law* § 291.2, at GLC-XI-4 (5th ed. 2006).
- ⇒ Donald J. Wolfe, Jr. & Michael A. Pittenger, *Corporate and Commercial Practice in the Delaware Court of Chancery* § 8-11[a][2][i], at 8-166.2 to -178 (2000).

## Rule 16 Periodical materials

No Delaware-specific changes are made to *Bluebook* R. 16, but this rule provides citation examples for several Delaware periodicals, as well as other periodicals commonly cited in Delaware.

Short forms follow *Bluebook* R. B8.2 and B9.2.

### (a) Law journals

Citations to Delaware law journals follow *Bluebook* R. 16.3 and 16.6. Provide the author(s), article designation (if needed), title, volume, journal abbreviation, starting page (and pincite page), and year of publication.

- ⇒ Dennis Klein & Mira Vadya Edelman, *Litigating Against Directors and Officers of Bankrupt Dot-Com Entities: A Potential Asset for the Debtor's Estate*, 27 Del. J. Corp. L. 803, 833 (2002).
- ⇒ Tara J. Mondelli, Note, *Deck v. Missouri: Assessing the Shackling of Defendants During the Penalty Phase of Trials*, 15 Widener L.J. 785 (2006).

Abbreviations for Delaware law journals (and other journals commonly cited in Delaware) are given below.

- ⇒ Am. Bankr. Inst. L. Rev.
- ⇒ Am. Bankr. L.J.
- ⇒ Berkeley Bus. L.J.
- ⇒ Bus. Law.

- ⇒ Colum. Bus. L. Rev.
- ⇒ Com. L.J. (Commercial Law Journal)
- ⇒ Del. J. Corp. L.
- ⇒ Del. L. Rev.
- ⇒ DePaul Bus. & Com. L.J.
- ⇒ Duq. Bus. L.J.
- ⇒ Emory Bankr. Dev. J.
- ⇒ Fordham J. Corp. & Fin. L.
- ⇒ Harv. L. Rev.
- ⇒ Hastings Bus. L.J.
- ⇒ J. Corp. L.
- ⇒ J. Comp. Corp. L. & Sec. Reg.
- ⇒ J.L. & Com. (Journal of Law and Commerce)
- ⇒ Stan. J.L. Bus. & Fin.
- ⇒ Trademark Rep.
- ⇒ Widener L.J. (was Widener J. Pub. L.)
- ⇒ Widener L. Rev. (was Widener L. Symp. J.)
- ⇒ Yale L.J.

### **(b) Newspapers, magazines, and other periodicals**

Citations to newspapers, magazines, and other similar periodicals follow *Bluebook* R. 16.4 and 16.5. Provide the author (if there is one), title, periodical abbreviation, publication date, and starting page.

- ⇒ Steven Church, *Unnatural Gas Bill Says Man Owes Delmarva \$14,000*, News J., June 20, 2006, at A1.
- ⇒ Elizabeth Bennett, *Court OKs Use of Challenged Expert in Asbestos Trial*, Del. L. Wkly., May 31, 2006, at 1.
- ⇒ Leo E. Strine, Jr., *My Random Observations on Advocating Before the Government*, Del. Law., Fall 1999, at 21.

If needed for clarity in newspaper abbreviations, add “Del.” or the name of the city of publication in parentheses.

- ⇒ Del. Wave (Bethany Beach, Del.)
- ⇒ Newark (Del.) Post

Below are useful periodical abbreviations.

#### **Nonconsecutively paginated journals**

- ⇒ Am. Bankr. Inst. J.
- ⇒ Corp. Governance Advisor
- ⇒ Insights: Corp. & Sec. L. Advisor
- ⇒ M&A Law.



### **Newspapers**

- ⇒ Cape Gazette
- ⇒ Del. L. Wkly.
- ⇒ Del. St. News
- ⇒ Del. Wave
- ⇒ Dover Post
- ⇒ Newark Post
- ⇒ New Castle Bus. Ledger
- ⇒ News J.
- ⇒ N.Y. Times
- ⇒ Sussex Countian
- ⇒ Wall St. J.

### **Magazines**

- ⇒ Advocate: Del. Trial Law. Ass'n
- ⇒ Del. Law.
- ⇒ Del. Today
- ⇒ In re: J. Del. St. B. Ass'n

## **Rule 17 Unpublished and forthcoming sources**

*DUC* makes no Delaware-specific changes to Rule 17 of *The Bluebook*.

## **Rule 18 Electronic media and other nonprint resources**

*DUC* makes no Delaware-specific changes to Rule 18 of *The Bluebook*.

## **Rule 19 Services**

*DUC* makes no Delaware-specific changes to Rule 19 of *The Bluebook*.

## **Rule 20 Foreign materials**

*DUC* makes no Delaware-specific changes to Rule 20 of *The Bluebook*.

## **Rule 21 International materials**

*DUC* makes no Delaware-specific changes to Rule 21 of *The Bluebook*.

## Rule 22 Other materials

### (a) Contracts and similar documents

This rule does not exist in *The Bluebook*. But Delaware lawyers—most lawyers—routinely cite materials that are not found in *The Bluebook*. Lawyers often need to cite contracts and similar documents, but there is no one right way to cite these.

*DUC* does not set out requirements, but it simply offers format suggestions for citing contracts and similar documents.

When citing these materials, use intuitive short forms of the name to create the citation. For example, the “KXI Limited Partnership Agreement” could be shortened to “Partnership Agreement” or “Agreement”, if clear in context. Likewise, the “Amended Pension Plan of Hercules, Inc.” could be the “Amended Plan”, if another pension plan was at issue, or simply “Plan”, if not.

To cite to specific provisions, follow the structure of the document itself. If a contract is organized by paragraph symbols, use “¶”; if by articles, use “art.”; if by pages only, use page numbers. Generally, contracts are organized by sections, so use “§”. When no other format is explicitly used, default to section symbols (§). Do not use “at” with paragraph or section symbols.

For syntax within the section (or paragraph), generally the best form is to use paired parentheses to separate subsections, unless some

other format is clearly indicated. Thus, “Amended Plan § B(4)(i)(c)” is preferable to “Amended Plan § B.4.i.c”.

- ⇒ LLC Agreement § 5.
- ⇒ Plan § IV(A)(2)(iv).
- ⇒ Boulder Heights Term Sheet ¶¶ 14–16.

These citation forms can take an “*Id.*” form, but their short forms are typically the same as their long forms.

- ⇒ Agreement § I(2)(B).
  - **BECOMES:** Agreement § I(2)(B).
  - **ALSO:** *Id.* § II(7).

### **(b) Court documents**

Cite these documents according to *The Bluebook’s* Bluepages:

*Bluebook* R. B10.

- ⇒ Compl. ¶ 71.
- ⇒ Defs.’ Reply Br. 14.
- ⇒ Pl.’s Ex. N. at 19.
- ⇒ Smith Aff. ¶ 6.
- ⇒ Am. Compl. ¶¶ 55, 57.
- ⇒ Tr. 34:14–16.

## Table of abbreviations

Many abbreviations are given in *DUC*. This table provides the definition of abbreviations given and the page number(s) where those abbreviations are listed. Not listed here are the case-name abbreviations in **rule 6** (page 22) and **rule 10.1** (page 24) and the periodical abbreviations in **rule 16** (pages 66–69).

Abbreviation	Definition	Page(s)
A., A.2d	<i>Atlantic Reporter</i>	26–30
Admin. Directive	Administrative Directive	38
art.	article	71
B.	Bill	53
C.	Chancellor	23
	Code	42, 44, 49–50, 56
Ch.	Court of Chancery	29, 31
Civ.	Civil	47
Comm’r	Commissioner	23
Con. Res.	Concurrent Resolution	53
Crim.	Criminal	47
Ct.	Court	46
Ct. Com .Pl.	Court of Common Pleas (modern)	47
Ct. C.P.	Court of Common Pleas (old)	30
Ct. Gen. Sess.	Court of General Sessions	31
Ct. O.&T.	Court of Oyer and Terminer	31
Ct. Q. Sess.	Court of Quarter Sessions	31
Del.	Delaware Supreme Court	26, 30–31
	<i>Delaware Reports</i>	26–28, 32
	Delaware	31, 47, 50–51, 68
Del. Admin. C.	Delaware Administrative Code	56
Del. C.	Delaware Code	42, 44
Del. Cas.	<i>Delaware Cases</i>	27, 29, 32
Del. CCP	Court of Common Pleas (modern)	8
Del. Ch.	Court of Chancery	28
	Delaware Chancery Reports	29

Del. Com. Pl.	Court of Common Pleas (modern)	30
Del. Const.	Delaware Constitution	40
Del. Ethics Op.	Delaware State Bar ethics opinion	49
Del. Fam.	Family Court	29
Del. H.	Delaware House of Representatives	53
Del. H.J.	<i>House Journal</i>	54
Del. I.A.B.	Industrial Accident Board	35
Del. J.P.	Justice of the Peace Court	30
Del. J. Sunset Comm.	Joint Sunset Committee	54
Del. Jud.	Court on the Judiciary	30
Del. Laws	<i>Laws of Delaware</i>	44
Del. Op. Att'y Gen.	Opinion of the Attorney General	61
Del. Reg.	<i>Register of Regulations</i>	58
Del. S.	Delaware Senate	53
Del. S.J.	<i>Senate Journal</i>	54
Del. Super.	Superior Court	27
Del. Supr.	Supreme Court	7
D.R.E.	Delaware Rules of Evidence	46
Exec. Order	Executive Order	60
Exec. Procl.	Executive Proclamation	60
J.P.	Justice of the Peace Court	31
J. Res.	Joint Resolution	53
M.	Master	23
n.d.	no date	27
Orphans' Ct.	Orphans' Court	30
P.J.	President Judge	23
R.	Rule	46
Reg.'s Ct.	Register's Court	31
Rep.	Report	54
Res.	Resolution	53
R.J.	Resident Judge	23
Super.	Superior Court	28, 31
Supr. Ct.	Supreme Court	46
syn.	synopsis	53
V.C.	Vice Chancellor	23
Wilm.	Wilmington	22, 50