



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
WASHINGTON, D. C. 20370

IN REPLY REFER TO
JAGINST 5850.2C
004
26 April 1978

JAG INSTRUCTION 5850.2C

From: Judge Advocate General
Subj: Uniform Method of Citation
Encl: (1) Form of Citation

1. Purpose. To provide a standardized form of citing statutes, regulatory directives, judicial decisions, and correspondence for the Department of the Navy.
2. Cancellation. JAG Instruction 5850.2B of 8 February 1973 is hereby canceled and superseded.
3. Information. The rules and illustrations set forth in enclosure (1) are intended to establish an exact, uniform, and practical system of citation. The general principles enunciated therein should be applied to source materials not specifically referenced.
4. Action. Enclosure (1) is recommended for uniform use within the Department of the Navy.

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NAVY JAG DIRECTIVES CONTROL

FORM OF CITATION

I. AUTHORITIES

A. A Uniform System of Citation (12th ed. 1976) [hereinafter cited as USOC]. The form of citation used in JAG legal writing should follow that set forth in USOC, except as hereinafter modified. When a rule for a particular citation is not found in USOC or herein, the publication itself should be consulted for the appropriate form of citation. For unlisted case reporters, use the form listed in Black's Law Dictionary (4th ed. Revised 1968). The principle of analogy from existing rules should be applied.

B. The United States Government Printing Office Style Manual (rev. ed. 1973). The United States Government Printing Office Style Manual (rev. ed. 1973) [hereinafter cited as GPO Style Manual] should be consulted on matters of style other than legal citation, except as hereinafter modified. See generally Chapters 3 (Capitalization), 5 (Spelling), 6 (Compound Words), 8 (Punctuation), and 17 (Courtwork). For correspondence preparation, generally see SECNAVINST 5216.5 (Series), Subj: Correspondence Manual.

C. Where there exists a conflict between rules 3.1 (Subdivision Abbreviations), 5 (Quotations), and 7 (Italization for Stylistic Purposes), of USOC, and rules delineated in the GPO Style Manual, those USOC rules shall take precedence. Where there is a conflict between rules 6.3 (Numerals and Symbols) and 8 (Capitalization) of USOC, and rules delineated in the GPO Style Manual, the GPO Style Manual shall take precedence, except for law review work.

II. GENERAL RULES

Most of the Navy's legal correspondence is not prepared for the printer. As a result, most legal citation is in text and not footnoted. Thus, though USOC forms remain applicable, italics are usually prescribed in typing where large and small capitals would be used to prepare copy for the printer.

A. Italics. To indicate italics in typewritten material, underscore the words to be italicized. Successive words may be italicized by continuous underscoring. E.g., United States v. Jordan.

B. Brackets. If your typewriter is not equipped with square brackets [], use the underlining bar and slant line when brackets are required. Do not substitute parentheses for brackets, or include one set of parentheses in another. Instead use brackets outside of parentheses when necessary [George ("Babe") Ruth].

C. Symbols for section(s) and paragraph(s). Use the symbol "\$" for "section" and "\$\$" for "sections." Typewriters not equipped with the "\$" symbol may use either the superimposition of one small letter "s" directly over and one-half line above another small letter "s"; or the abbreviations "sec." or "secs." "Par." or "pars.," as appropriate, may be used for paragraphs.

D. Abbreviations. Except as stated in USOC, Rule 6, citation abbreviation is preferred in footnotes and in in-text citation. A key to abbreviation of military and naval publications appears in 41 C.M.R. xlii (1969-1970). See also SECNAVINST 5216.5 (Series), Subj: Correspondence Manual.

E. Placement. Citations may either follow sentences or be placed in the middle of sentences. If a citation follows a sentence, neither brackets nor parentheses are required to isolate the cite. A signal which begins a new "sentence" of citation should be capitalized. See USOC, Rule 2:4. A citation which is inserted within a sentence should be set off by parentheses or, if there are parentheses within the citation, by brackets. See II.B. supra. If parentheses are used, and stand within a construction that would be followed by a comma, the comma should be placed after the parenthesis. For cites within brackets or parentheses within sentences, initial signals are not capitalized, and there is no ending punctuation unless the cite concludes the sentence, in which instance a period should follow the last parenthesis.

F. Dates. In correspondence addressed to military personnel or departments, except as otherwise listed in the GPO Style Manual, use the military form. E.g., 1 January 1977. In citations, when citing military cases and directives, letters, and other references not specifically covered in the GPO Style Manual, use the military form but abbreviate the month. E.g., 1 Jan. 1977. But see par. X.D. infra. Dates in correspondence to non-military addressees should follow standard usage. E.g., January 1, 1977.

G. Preparation of Correspondence for the Signature of the President of the United States, a Member of the White House Staff, the Secretary of Defense, the Secretary of the Navy, a Civilian Executive Assistant, or the Chief of Naval Operations. Certain special rules for terminology, form, and style apply to the preparation of such correspondence. See, inter alia, SECNAVINST 5216.1H of 22 Aug. 1970.

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III. THE FEDERAL CONSTITUTION, FEDERAL STATUTES, AND TREATIES

A. United States Constitution. Cite as U.S. Const. art. I, § 8, cl. 13.

B. Federal Statutes

1. Federal statutes are ordinarily cited to United States Code (U.S.C.). As of 20 Jan. 1974, the following titles have been enacted into law: 1, 3, 4, 5, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, 39, and 44. If the provision referred to is part of a title enacted into law, cite, e.g., 10 U.S.C. § 501 (1970); 10 U.S.C. § 7664(a)(4) (1970); 14 U.S.C. § 3 (1970); 38 U.S.C. §§ 2101-05 (1970).

2. For all other titles, the language of Statutes at Large is authoritative. Both United States Code and United States Code Annotated cross-reference code sections to Statutes at Large which need not be cited unless the language discussed differs materially from that in the Code.

3. If the Statutes at Large volume is not available, give the public law number. E.g., Pub. L. No. 89-320, § 1 (Feb. 11, 1965).

4. Federal statutes not in force are cited to Statutes at Large (Stat.). Act of July 4, 1948, ch. 54, § 4, 57 Stat. 104; after the 85th Congress, the public law number is substituted for the chapter number.

C. Amended Statutes

1. When a section is amended so that the subsequent version supersedes and repeals completely the earlier version, cite the earlier version: Clayton Act § 7, ch. 25, § 7, 38 Stat. 631 (1914), as amended,

15 U.S.C. § 18 (1970). If discussing the present version, cite: Clayton Act § 7, 15 U.S.C. § 18 (1970), formerly ch. 25 § 7, 38 Stat. 631 (1914).

2. When a statutory section is amended so that the subsequent version only makes additions to and does not repeal the former, cite both versions to the Code, if therein. If discussing the earlier version, cite: 28 U.S.C. § 2201 (1970), as amended, 28 U.S.C. 2201(b) (Supp. I, 1971). If discussing the present version, cite: 28 U.S.C. § 2201(b) (Supp. I, 1971), amending 28 U.S.C. § 2201 (1970).

D. Articles of War. AW 65.

E. Uniform Code of Military Justice. The Uniform Code of Military Justice is cited in regular roman in text and capitalized in citation form in footnotes. E.g., UCMJ, art. 23(a)(1), 10 U.S.C. § 823(a)(1) (1970); or UCMJ, art. 23(a)(1).

F. Manual for Courts-Martial. Textual reference to the Manual for Courts-Martial, 1969 (Rev.) should be in italics. Cite in footnotes as MCM, 1969 (Rev.), par. 146. Legal and Legislative Basis, Manual for Courts-Martial, U.S. 1951 is abbreviated Legal and Leg. Basis, MCM, 1951, 215 (1969).

G. Treaties and Other International Agreements to which the United States is a party. Treaties and executive agreements through 64 Stat. are cited to Statutes at Large, if therein. An index to agreements printed in Stat. may be found at 64 Stat. B 1107. For treaties, executive agreements, etc., after 31 December 1949, the official source is U.S. Treaties and Other International Agreements (U.S.T.); in citations to the latter, the

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volume number consists of two parts, (1) the year, in brackets, and (2) the "part" number within that year. Give a parallel citation to the appropriate State Department publication. Shorten the title of the cited agreement by substituting "with" for "Between the United States of America and."

Immediately following the name of the agreement, give the exact date of signing by the United States. E.g., Postal Agreement with the Gold Coast Colony, June 3, 1951 [1952] 2 U.S.T. 1859, T.I.A.S. No. 2322.

IV. LEGISLATION, EXECUTIVE ORDERS

A. Bills. Cite unenacted bills as S. 383, 83d Cong., 2d Sess. § 84 (1954); H.R. 136, 79th Cong., 1st Sess. (1945). Abbreviate resolutions: H.R. Res., S. Res.

B. Resolutions. Prior to their publication in Statutes at Large, joint resolutions are cited as unpublished statutes, but concurrent resolutions are cited to Congressional Record. Simple resolutions are always cited to Congressional Record. E.g., S. Res. 218, 83d Cong., 2d Sess., 100 Cong. Rec. 2972 (1954). Congressional reports should be cited as follows: H.R. Rep. No. 353, 82d Cong., 1st Sess. 5 (1951); H.R. Doc. No. 355, 84th Cong., 2d Sess. 7 (1956).

C. Executive Orders. Cite by page number in title 3, Code of Federal Regulations, with a parallel cite to a section of U.S.C. if printed therein. E.g., Exec. Order No. 11,230, 3 C.F.R. 146 (Supp. 1965) reprinted in 3 U.S.C. § 301 (Supp. I, 1965).

V. STATE CONSTITUTIONS AND STATUTES

- A. State Constitutions. Cite: N.Y. Const. art. II, § 6 (1894).
- B. State Statutes. State statutory language not in the latest official code is cited to the preferred unofficial code. E.g., Mass. Gen. Laws ch. 41, § 95 (1932); Mass. Ann. Laws ch. 12, § 22 (1966).

VI. FEDERAL CASES

- A. Supreme Court. Cite: Ex parte Milligan, 71 U.S. (4 Wall.) 2 (1866); after volume 90, cite: Morissette v. United States, 342 U.S. 246 (1952). If the official report of the Supreme Court has not yet appeared, cite to Supreme Court Reporter or, if not therein, to United States Law Week. E.g., Clagett v. Daly, 87 S.Ct. 311 (1966).
- B. Courts of Appeal. Cite: Jones v. United States, 230 F.2d 700 (5th Cir. 1970); Smith v. Rogers, 117 F. 501 (D.C. Cir. 1912).
- C. District Courts. Cite: Jones v. United States, 220 F. Supp. 102 (S.D. Cal. 1955).
- D. Court of Claims, Customs Court, and Court of Customs and Patent Appeals. Cite to F.2d or F. Supp., but if not reported there, to the respective official reports.
- E. United States Court of Military Appeals. For cases appearing in volumes 1-49, Court-Martial Reports, cite by title of the case, U.S.C.M.A. and C.M.R. volume, and page number followed by the year in parentheses. Published cases: United States v. Derks, 6 C.M.A. 287, 20 C.M.R. 3 (1955).

Not yet published: United States v. Derks, No. 784 (U.S.C.M.A., 4 Sep. 1972).
For cases decided subsequent to volume 49, Court-Martial Reports, cite by title of the case, Military Justice Reporter volume and page number, followed by the court and year in parentheses, e.g., United States v. Derks, 1 M.J. 45 (C.M.A. 1978);

F. Intermediate Military Appellate Courts

1. Cases appearing in volumes 1-50, Court-Martial Reports:

a. Navy: United States v. Jones, 39 C.M.R. 908 (NBR 1968); or United States v. Jones, 40 C.M.R. 999 (NCMR 1969).

b. Army: United States v. Private, 39 C.M.R. 999 (ABR 1968); or United States v. Private, 40 C.M.R. 999 (ACMR 1969).

c. Air Force: United States v. Smith, 40 C.M.R. 900 (AFBR 1968); or United States v. Smith, 40 C.M.R. 888 (AFCMR 1968).

d. Coast Guard: United States v. Jenkins, 39 C.M.R. 999 (CGBR 1958); or United States v. Jenkins, 40 C.M.R. 999 (CGCMR 1969).

2. Cases decided subsequent to volume 50, Court-Martial Reports:

a. Navy: United States v. Jones, 3 M.J. 401 (NCMR 1978).

b. Army: United States v. Private, 3 M.J. 401 (ACMR 1978).

c. Air Force: United States v. Smith, 3 M.J. 401 (AFCMR 1978).

d. Coast Guard: United States v. Jenkins, 3 M.J. 401 (CGCMR 1978).

G. Intermediate Military Appellate Courts (unreported). In citing unreported decisions, the docket number appears following the title of the case, and the complete date is given. In the Army, Coast Guard, and Air Force, an "S" before the docket number denotes a case on the special court-

martial docket, and a number without a letter prefix denotes a general court-martial. The Navy maintains a single docket for both general and special courts-martial. E.g., Navy: United States v. Jones, No. 99-999 (NCMR 31 Dec. 1969). Army: United States v. Private, No. 888888 (ACMR 31 Dec. 1969). Air Force: United States v. Airman, No. S99999 (AFBR 1 Jan. 1971). Coast Guard: United States v. Seaman, No. 8777 (CGBR 1 Jan. 1968).

H. Record of Trial. Record, p.1, CM 99999, Jones (7 Apr. 1960).

I. The style of all cases, federal or state, should be italicized when referenced in text.

VII. STATE CASES

Cite to both the official and West Reports. E.g., Jones v. Smith, 373 Pa. 652, 97 A.2d 59 (1953). Cases reported with independent pagination in two reports of the National Reporter System (N.Y. and Calif.) should be cited to the official and both West reports. E.g., Chester v. Davis, 2 N.Y.2d 727, 138 N.E.2d 729, 157 N.Y.S.2d 364 (1956). If there is no official report of the case, cite: Gitin v. Duncan, 70 So.2d 367 (Fla. 1954). Every citation must indicate what court decided the case. When the name of the court is the same as the name of the jurisdiction, it is assumed that the decision is that of the highest court in the jurisdiction. If the name of the report does not reveal the court and the jurisdiction, supply parenthetically the missing information. E.g., Johnson v. Gaines, 180 Misc. 498, 50 N.Y.S.2d 897 (Sup. Ct. 1944).

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VIII. REGULATIONS, RULES, AND DIRECTIVES

A. Code of Federal Regulations [hereinafter cited as C.F.R.] is the official codification, and the Federal Register is the official chronological reporter (USOC Rule 14:1). In correspondence to non-DoD activities and in law review work, citations to Armed Forces regulations codified in C.F.R. should cite also to C.F.R., e.g., U.S. Navy Regulations, 1973, 32 C.F.R. Part 700; similarly, regulations which have been published in the Federal Register and which will be codified in C.F.R. should be cited accordingly, e.g., U.S. Navy Regulations, 1973, as amended, change 1 (1978), 42 Fed. Reg. 9328 (1978) (to be codified in 32 C.F.R. Part 700).

B. U.S. Navy Regulations, 1973. Cite: Navy Regs. (1973), art. 0455.1(c); Navy Regs. (1978), art. 1003, as amended, change 3.

C. JAGINST 5800.7 (Series), Manual of the Judge Advocate General. Cite: JAGMAN, § 0101a(1).

D. Marine Corps Manual. Cite: MARCORMAN, par. 10110.3a(4).

E. Marine Corps Personnel Manual. Cite: MARCORPERSMAN, par. 5100.3a.

F. Marine Corps Supply Manual. Cite: MARCORSUPMAN, par. 502682.1b.

G. Bureau and Office Manuals. Cite: NAVCOMPTMAN, pars. 044855-044858; BUPERSMAN, art. 1430200; NAVSUPMAN, par. 26166-3b(2); MANMED, art. 23-303(6)(a) No. 98.

H. Other Regulatory Publications

Cite: UNAAF, par. 30605a(3);

JCS Pub. 2, par. 30605a(3);

ASPR 3-201.2(b) (111);
NPD 1-451.2(a)(1);
JTR, par. 8000-2, item 11;
NTI, par. 4001-3a(2);
DNC 5(B), art. 7066.1;
NCPI 304.1-3c(1);
Navy Unif. Regs., art. 0551.3a;
Disability Evaluation Man., par. 0102;
Corrections Man., art. 513.2e.

I. Rules. Rules of Procedure currently in force are cited as codifications. E.g., FED. R. CIV. P. 23(b).

J. Directives Systems. As a general rule, in correspondence to non-DoD activities and in law review work, citations to Department of Defense and Department of the Navy directives codified in C.F.R. should cite also to C.F.R., e.g., DoD Dir. 5500.2 of 4 Aug 1972, Policies Governing Participation of Department of Defense Components and Personnel in Activities of Private Associations, 32 C.F.R. Part 91 (1976). Similarly, directives which have been published in Federal Register and which will be codified in C.F.R. should be cited accordingly, e.g., SECNAVINST 5370.2G of 4 Aug 1977, Subj: Standards of conduct, 42 Fed. Reg. 43071 (1977) (to be codified in 32 C.F.R. Part 721). When DoD or Department of the Navy directives have not been codified in C.F.R. or published Fed. Reg., they should not ordinarily be cited in communications to addressees outside the Department of Defense and its military departments.

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Rather, the substance of such directive should be restated in the communication as may be appropriate under the circumstances.

1. Department of Defense Directives System. Citations should include the date of the directive in order to distinguish between old and new editions of a directive bearing the same number.

DoD Dir. 1332.14 of 14 Jan. 1959, Administrative Discharges, par. VI.A.3;

DoD Inst. 5030.7 of 19 Jun. 1956, DoD Requests for Action by Attorney General.

2. The Navy Directives System. Reference to the date of an Instruction is optional; reference to the date of a Notice is required as a means of identification. The "Subject" should be stated in either case unless it is indicated by the context.

SECNAVINST P5215.1A, Subj: The Navy Directives System;

SECNAVINST 5370.2C of 4 Aug 1977, Subj: Standards of Conduct;

OPNAVINST 3574.2A, Subj: Civilian rifle and pistol marksmanship training, policy concerning support of;

BUPERSINST 5321.2E of 14 Feb 1962, Subj: Military Personnel Manpower Authorizations, par. 4g(3);

JAGNOTE 5400 of 29 Aug 1958, Subj: Organization and functions of the Office of the Judge Advocate General, West Coast.

In communications to Navy and Marine Corps commands, "(NOTAL)" at the end of the citation of a directive indicates that the directive was not distributed to all addressees of the communication.

3. The Marine Corps Directives System. MCO P5215.1C, Subj:
The Marine Corps Directives System; MCO 1418.1.

IX. GENERAL MESSAGES

When referring to messages, the originating office symbol (if used), reference or cite number (if any), and a date time group followed by the abbreviated month and year will be shown in that order. E.g., USARPAC GPSIG msg 9876/131927Z Dec 62; USS Preble msg 131927Z Dec 72; Navy JAG Washington D.C. msg 131927Z Dec 77.

X. LETTERS AND MEMORANDUMS

A. Cite the official short title of the activity originating the letter or memo; the abbreviation "ltr" or "memo" as appropriate; all identification symbols; and the date, preceded by "of." If the letter or memorandum was not exchanged between the present correspondents, the official short title of the addressee of the letter preceded by "to" is added. If no identification symbols appear on the letter or memorandum, the subject is given instead. E.g., JAG ltr JAG:131.1:CWC:cak of 29 Sep 1972 to CMC. CMC ltr of 4 Nov 1972 to JAG Subj: Women in the Navy.

B. If the letter is classified, the classification assigned to the basic letter is shown after the abbreviated short title of the originating activity of the letter, if included. See also USOC 16:5:2.

C. Subject, reference, and enclosure lines should not contain underscored citations.

D. The period is omitted following abbreviated months in Navy instructions, letters, and messages.

XI. OPINIONS

The Digest of Opinions [hereinafter cited as Dig. Ops.] in 17 volumes was published until 30 June 1968. In addition to the opinions of the Judge Advocates General, selected decisions of courts, boards, and administrative agencies were included in the digest.

A. Comptroller General and Attorney General opinions.

1. Published opinions should be cited by volume, agency, page, and year.

41 Comp. Gen. 99 (1961).

40 Op. Att'y Gen. 3 (1940).

2. Unpublished opinions should be cited by agency, opinion number, and full date. Unpublished decisions of the Comptroller General are referred to as "manuscript decisions," and on occasion the citation to a Manuscript (unpublished) decision may be preceded by "Ms."

Ms. Comp. Gen. B-999999 (27 Apr. 1965).

3. Parallel cites.

40 Comp. Gen. 999, 11 Dig. Ops.,

Conduct § 27.5 (1961).

Comp. Gen. B-999999, 11 Dig. Ops.

Contracts § 23.49 (1961).

B. Judge Advocate General Opinions

1. In General. Opinions of The Judge Advocates General are designated by a variety of symbols and numbering systems. Those opinions should be cited in the style used by the issuing office, but the dates should be given in the manner illustrated below. The following instructions apply when citing such opinions in their original form as well as in digest form in digests where other than opinions of The Judge Advocates General are digested.

2. Air Force opinions. The form in which opinions of The Judge Advocate General of the Air Force have been designated is illustrated below. The style used in the first example has, in general, been used only for opinions published in the Digest of Opinions -- The Judge Advocates General of the Armed Forces.

Op JAGAF 1951/118 (28 Sep. 1951).

Op JAGAF 63-47.3 (12 Apr. 1955).

Op JAGAF 2-2-1-0 (7 Aug. 1952).

AFCJA-14-2-4-0 (14 Oct. 1950).

3. Army opinions

(a) Opinions of The Judge Advocate General of the Army before 1912 are now in the National Archives. References to them appear in the Digest of Opinions of The Judge Advocate General of the Army 1912 and earlier compilations.

(b) Since 1912, opinions of The Judge Advocate General of the Army have been designated in three different ways. The following are examples of the three designations frequently used:

JAG 95-110 (14 Mar. 1913).

JAG 012.2 (17 May 1918).

JAGA 1960/4981 (3 Nov. 1960).

The exact letters and numbers to be used will be found on the first page of the opinion proper, but if no letter appears there, use "JAG." The first example above illustrates a subject-numbering system that was used until late 1917. The second is an example of the Army Decimal File System which was used for opinions until 1942 (and used for other Army correspondence until 1959). The third example shows the system used since 1942. There are a number of different symbols. At various times, the Office of the Judge Advocate General has been directed to use the following letters: SPJG (1942-46), JAG (1946-48), CSJAG (1948-50), JAG (1950 to date). To these, one or more final letters have been added, designating the division that prepared the opinion.

4. Coast Guard opinions. Opinions of the General Counsel of the Treasury Department and the Chief Counsel of the Coast Guard have been cited in the following manner:

Op GCT 1952/A17 (4 Nov. 1952).

Op CCCG 1952/A17 (1 Oct. 1952).

5. Navy opinions. Most opinions of The Judge Advocate General of the Navy can be cited in one of the three forms illustrated below. As a rule, an opinion has been designated as in the first example below only when it is intended for publication in the Digest of Opinions -- The Judge Advocates General of the Armed Forces.

Op JAGN 1955/279 (11 Jan. 1955).

JAG memo JAG:II:1:WBM:msc of 9 Apr 1956 for SECNAV.

JAG ltr JAG:131.5:JHS:cck of 28 Nov 1972.

6. Other opinions. Opinions of the General Counsel of the Department of Defense or any of the military departments may be cited in the manner described in paragraphs (2) to (5), supra, if so styled.

XII. MISCELLANEOUS REFERENCES

A. Treatises. Cite by volume (if more than one); author; title; serial number (if any); page, section, or paragraph; edition (if more than one have appeared); date. Formally printed works of general circulation are cited in large and small capitals; works not formally printed, such as typed and mimeographed materials, and printed material of limited circulation are cited in regular roman by exact date. E.g., 1 F. Pollock & F. Maitland, The History of English Law 518 (2d ed. 1898); Comics Magazine Ass'n of America, Press Release No. 51, Sept. 16, 1954.

B. Professional Journals and Periodicals. Those paginated consecutively throughout are cited by volume number; if the periodical has

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no volume number, use the year of publication. E.g., 69 Harv. L.R. 88 (1955); 1938 Wis. L. Rev. 281. Cite authors and titles in regular roman. E.g., Chafee, Equitable Servitudes on Chattels, 41 Harv. L. R. 945 (1928); Mines, Voluntariness of a Confession: Burden of Proof and Full Court Determination, 25 JAG J. 103 (1971).