

APPENDIX C

Citation Guide

The following abbreviated Citation Guide conforms to the Guide used by the Kansas Appellate Courts for citation to authority in appellate court opinions.

KANSAS CITATIONS

CASELAW

1. Notes

- When citing cases before 1934, indicate the Pacific Reporter by using P. not Pac.
- Use the official case name as identified in the running title for published cases and in the table of unpublished decisions for unpublished cases.

2. Kansas Supreme Court

a. Published

- *State v. Williams*, 299 Kan. 509, 525, 324 P.3d 1078 (2014).
- *Williams*, 299 Kan. at 525.

b. Unpublished

- *State v. Edwards*, No. 112,253, 2016 WL 3659639, at *2 (Kan. 2016) (unpublished opinion).
- *Edwards*, 2016 WL 3659639, at *2.
- **Note:** If the case has more than one docket number, only include the first one.

c. Order

- *State v. Buser*, No. 105,982 (order dated September 25, 2015) (unpublished).
- **Note:** Do not include page numbers for orders.

3. Kansas Court of Appeals

a. Published

- *State v. Cook*, 45 Kan. App. 2d 468, 475, 249 P.3d 454 (2011).
- *Cook*, 45 Kan. App. 2d at 475.

b. Unpublished

- *In re J.K.*, No. 108,804, 2013 WL 3793173, at *2-3 (Kan. App. 2013) (unpublished opinion).
- *J.K.*, 2013 WL 3793173, at *2-3.

- *Francis v. IBP, Inc.*, No. 75,904, unpublished opinion filed June 27, 1997, slip op. at 3. (Use this citation form if the decision is not available on Westlaw.)
 - **Note:** If the case has more than one docket number, only include the first one.

4. Subsequent history

a. General Rules

- Only include *rev./cert. denied* if the original decision is less than two years old.
- When including both a parenthetical and subsequent history, place the parenthetical before the subsequent history.
- If the subsequent history year is the same as the year the decision was filed, then only include the year once at the end of the citation.
 - *Northern Natural Gas Co. v. ONEOK Field Services Co.*, 296 Kan. 906, 296 P.3d 1106, *cert. denied* 134 S. Ct. 162 (2013).
 - *State v. Hernandez*, No. 107,032, 2013 WL 1943058 (Kan. App.) (unpublished opinion), *rev. denied* 298 Kan. 1205 (2013).
- ◆ **Exception:** If there is not a formal citation yet for the subsequent history, include the year both times.

b. Petition for review/certiorari filed but not yet decided

- *State v. Kelly*, No. 114,563, 2017 WL 1295354 (Kan. App. 2017) (unpublished opinion) (parenthetical), *petition for rev. filed* April 25, 2017.

c. Petition for review denied or granted

- *State v. Acevedo*, 49 Kan. App. 2d 655, 315 P.3d 261 (2013) (parenthetical), *rev. denied* 300 Kan. 1104 (2014).
- *State v. Ward*, 52 Kan. App. 2d 663, 372 P.3d 417 (2016) (parenthetical), *rev. granted* 305 Kan. 1257 (2017).
 - Note: If a formal citation is not yet available, then cite as: *rev. denied* ___ Kan. ___ (full date).

d. Cert. denied

- *State v. Ross*, 280 Kan. 878, 127 P.3d 249 (parenthetical), *cert. denied* 548 U.S. 912 (2006).
 - **Note:** If the U.S. cite is not yet available, use the S. Ct. cite.
 - *State v. Keel*, 302 Kan. 560, 357 P.3d 251 (2015) (parenthetical), *cert. denied* 136 S. Ct. 865 (2016).

e. Affirmed

- *State v. Simmons*, 45 Kan. App. 2d 491, 249 P.3d 15 (2011) (parenthetical), *aff'd* 295 Kan. 171, 283 P.2d 212 (2012).

f. Affirmed in part and reversed in part

- *State v. Suady*, No. 105,603, 2012 WL 6734503 (Kan. App. 2012) (unpublished opinion) (parenthetical), *aff'd in part, rev'd in part* 299 Kan. 1001, 327 P.3d 466 (2014).

g. Reversed

- *Garcia v. Ball*, 50 Kan. App. 2d 197, 323 P.3d 872 (2014) (parenthetical), *rev'd* 303 Kan. 560, 363 P.3d 399 (2015).

h. Overruled/Disapproved of

- *Doe v. Thompson*, 304 Kan. 291, 373 P.3d 570 (2016) (parenthetical), *overruled by State v. Petersen-Beard*, 304 Kan. 192, 377 P.3d 1127 (2016).
- *State v. Tosh*, 278 Kan. 83, 91 P.3d 1204 (2004) (parenthetical), *overruled on other grounds by State v. Sherman*, 305 Kan. 88, 378 P.3d 1060 (2016).
- *State v. Remmert*, 298 Kan. 621, 316 P.3d 154 (2014) (parenthetical), *disapproved of on other grounds by State v. Jolly*, 301 Kan. 313, 342 P.3d 935 (2015).

5. Syllabus paragraphs

- *State v. Williams*, 299 Kan. 509, Syl. ¶ 4, 324 P.3d 1078 (2014) (parenthetical).
- *Williams*, 299 Kan. 509, Syl. ¶ 4.
 - **Note:** Always include the first page of the case when citing a syllabus paragraph even if the syllabus paragraph appears on a subsequent page.

- When citing more than one syllabus paragraph, use two paragraph symbols and a comma if a series of nonconsecutive paragraphs are cited or a hyphen if consecutive paragraphs are cited. Never use more than two paragraph symbols, even if citing to more than two paragraphs.
 - *Williams*, 299 Kan. 509, Syl. ¶¶ 1, 3.
 - *Williams*, 299 Kan. 509, Syl. ¶¶ 4-7.

6. Dissenting/concurring decisions

- *State v. Robinson*, 303 Kan. 113, 350, 63 P.3d 875 (2015) (Johnson, J., dissenting) (parenthetical), *cert. denied* 137 S. Ct. 164 (2016).

7. Decisions not yet published in Kansas Reports

- **Note:** Do not use a slip op. pincite with a Westlaw or Pacific Reporter pincite.
 - a. No Kansas or Pacific cite
 - *State v. Baker*, ___ Kan. ___, ___ P.3d ___ (No. 111,915, filed June 9, 2017), slip op. at 12.
OR
 - *State v. Baker*, No. 111,915, 2017 WL 2493294, at *6 (Kan. 2017).
 - b. Pacific cite but no Kansas cite
 - *State v. Waggoner*, ___ Kan. App. 2d ___, 343 P.3d 530, 535 (2015).

- c. Citing a decision filed on the same date
- *State v. Petersen-Beard*, ___ Kan. ___, ___ P.3d ___ (No. 108,061, this day decided), slip op. at 25-26.
 - *Petersen-Beard*, ___ Kan. at ___, slip op. at 26.
- d. Specific courts
- District Court
 - *State v. Hamilton*, No. 15-842 (Kan. 3d Jud. Dist. Ct. May 18, 2015).
 - Workers Compensation Appeals Board
 - *Titterington v. Brooke Insurance*, No. 270,414, 2004 WL 1058385, at *2 (Kan. Work. Comp. App. Bd. April 30, 2004).

LEGISLATIVE MATERIALS

1. Constitution

- Kan. Const. art. 6, § 6(b).
- Kan. Const. Bill of Rights, § 9.

2. Statutes Annotated

- K.S.A. 60-1208(a).
- K.S.A. 2016 Supp. 21-6811.

3. Kansas Session Laws

- L. 2015, ch. 90, § 2.

4. General Statutes of Kansas

- G.S. 1935, 17-5558 (1943 Supp.).

5. Kansas Senate and House Journals

- Sen. J. 2015, p. 141.
- House J. 2015, p. 548.

6. Senate and House Bills and Resolutions

- S.B. 4 (2016).
- S. Res. 1808 (2016).
- H.B. 2506 (2016).
- H. Con. Res. 6006 (2016).

STATUTES

1. Statute's applicability

- The time the cause of action accrued or the crime was committed generally controls which version of a statute is applicable to control the outcome of a case. However, a decision may discuss more than one version, for example, to illustrate changing legislative intent.

2. Citation to a bound volume

- If a bound volume contains the applicable version, then cite to the bound volume.
- If the applicable version of the statute is in a superseded bound volume, then include the name of the revisor of statutes in parenthesis at the end of the citation. If the revisor of the superseded volume is the same as the revisor of a current bound volume, then include the year in parenthesis with the revisor's name.
 - K.S.A. 21-3721 (Weeks).
 - K.S.A. 60-1507 (Furse 1994).

3. Citation to a supplement

- In general, when citing to a supplement, cite to the current supplement if the statute is substantively the same with regard to the relevant statutory language in both the earlier, applicable supplement and the current supplement.

- ◆ **Exception:** Do not cite to the current supplement if doing so might confuse the reader. For example, when referencing the statute a defendant was charged under, it is preferable to use the supplement in effect at the time of the crime rather than the most current supplement. Additionally, do not change the version of the statute cited when quoting or discussing a previously decided case.
- Cite to the current supplement when citing an entire statutory act only if the entire act is contained within the supplement.
 - Revised Kansas Sentencing Guidelines Act (KSGA), K.S.A. 2016 Supp. 21-6801 et seq.
 - Kansas Judicial Review Act, K.S.A. 77-601 et seq.
- It is not necessary to keep the supplement years the same throughout the entire decision (see, e.g., the exception above).

4. Citation to amended statute

- When citing to a statute that has recently been amended but is not yet published in a supplement, cite as:
 - K.S.A. 22-3504(3), as amended by L. 2017, ch. 62, § 9.

MISCELLANEOUS

1. Pattern Instructions for Kansas

- PIK Crim. 4th 54.202 (2016 Supp.).

- PIK Civ. 4th 107.57 (2016 Supp.).
 - **Note:** PIKs are located in printed binders in the library and on the Kansas Judicial Council website: <https://www.ksjudicialcouncil.org/>. (You must have an account to log in, but it is free to sign up and access the website.) If there is a supplement shown at the bottom of the PIK section's page (either on the printed page or on the electronic pdf), then include reference to the supplement the first time the PIK section is cited.

2. Rules

a. Supreme Court Rules

- Supreme Court Rule 6.02(a)(5) (2017 Kan. S. Ct. R. 34).
- Rule 6.02(a)(5).

b. Kansas Child Support Guidelines

- Kansas Child Support Guidelines § II.E.1. (2017 Kan. S. Ct. R. 82).

c. Kansas Rules of Professional Conduct

- KRPC 1.5(a) (2017 Kan. S. Ct. R. 292).
- KRPC 1.5(a).

d. Citing versus quoting a rule

- If *citing* the rule in general, then cite the page number where the rule begins; if *quoting* from the rule, then cite the quoted page.

- “If the issue was not raised below, there must be an explanation why the issue is properly before the court.” Supreme Court Rule 6.02(a)(5) (2017 Kan. S. Ct. R. 35).
- When quoting a rule, always include the parenthetical with the correct page number even if it is not the first time referencing the rule.

3. Kansas Administrative Regulations

- K.A.R. 36-39-3.
- K.A.R. 44-9-504 (2016 Supp.).

4. Attorney General Opinions

- Att’y Gen. Op. No. 2015-4.

ORDER OF CITATIONS

When listing sources in a string citation, arrange sources after the same signal (or no signal) according to the following general principles.

- Cite the most authoritative sources before less authoritative or merely persuasive sources.
- Arrange cases decided by the same court in reverse chronological order.
 - **Note:** Treat the federal courts of appeals as one court for purposes of this rule.
 - ◆ **Exception:** All unpublished cases go after published cases, even if more recent.

- Arrange cases from the same jurisdiction in order of highest court to lowest court.
- Arrange out-of-state cases alphabetically by state.
- Cite federal statutes and cases before out-of-state statutes and cases.

The following example provides the order in which the most commonly cited sources would appear in a Kansas decision:

- United States Constitution; Kansas Constitution; Kansas statute; United States Supreme Court case; Kansas Supreme Court case; Kansas Court of Appeals case; Kansas Supreme Court Rule; Kansas administrative regulation; federal Court of Appeals case; out-of-state case; secondary source.
 - **Note:** Use semicolons between sources in a string citation.

Refer to Redbook Rule 8.7 and Bluebook Rule 1.4 for further guidance on how to order sources in a string citation.

CITATION OF OTHER SOURCES

NOTES

- Do not cite to syllabus paragraphs from federal or out-of-state courts.
- When citing United States Supreme Court cases, use the official title as indicated in the running title, except always

spell out United States even when U.S. appears in the title of any federal case. For federal circuit and district court cases and out-of-state cases, use the case name as set forth by Westlaw.

- When citing more than one section of a constitution, statute, treatise, etc., use two section symbols and a comma if a series of nonconsecutive sections are cited or a hyphen if consecutive sections are cited. Never use more than two section symbols, even if citing to more than two sections.
 - 42 U.S.C. §§ 1396b, 1396d (2012).
 - 42 U.S.C. §§ 1396a-1396d (2012).
- For sources not included here, refer to the Bluebook (but do not use small caps).

FEDERAL

1. Constitution, statutes, regulations, rules, and reports

a. Constitution

- U.S. Const. art. I, § 9, cl. 2. • U.S. Const. amend. XIV, § 2.

b. Statutes & Regulations

- 42 U.S.C. § 285 (2012).
- **Note:** Cite to the year the statute was published in the most recent official code or applicable supplement, not the year it went into effect. See Bluebook Rule 12.2 for further reference.

- 40 C.F.R. § 63.6640 (2016).
 - **Note:** The C.F.R. titles are revised each year; cite the most recent edition found in the library unless an earlier version applies. See Bluebook Rule 14.2 for further reference.
- Follow Bluebook Rule 12.4 when citing a federal session law.

c. Rules

- Fed. R. App. Proc. 3(a)(1).
- Fed. R. Civ. Proc. 12(b)(6).
- Fed. R. Crim. Proc. 32(h).
- Fed. R. Evid. 606.

d. Reports

- Follow Bluebook Rule 13.4 when citing a federal report, but do not use small caps.

2. Supreme Court

- *Smith v. Cane*, 565 U.S. 73, 76, 132 S. Ct. 627, 181 L. Ed. 2d 571 (2012).
- *Smith*, 565 U.S. at 76.
 - **Note:** If the U.S. cite is not yet available, then include blank spaces (formed by using three underscores together) for the volume and/or page numbers and use the S. Ct. cite for pinpoints and short citations.
 - *Moore v. Texas*, 581 U.S. ____, 137 S. Ct. 1039, 1047, 197 L. Ed. 2d 416 (2017).
 - *Moore*, 137 S. Ct. at 1047.

- **Note:** Do not include reh. denied unless the denial is relevant to the point of law for which the case is being cited.

3. Courts of Appeals

a. Published

- *Vasquez v. Lewis*, 834 F.3d 1132, 1138 (10th Cir. 2016).
- For further reference, see Bluebook Rule 10.4(a).

b. Unpublished

- *Carroll v. Simmons*, 89 Fed. Appx. 658, 661 (10th Cir. 2004) (unpublished opinion).
- *Aston v. Cunningham*, No. 99-4156, 2000 WL 796086, at *4 (10th Cir. 2000) (unpublished opinion).

4. District courts

a. Published

- *United States v. Reyes*, 202 F. Supp. 3d 1209, 1214 (D. Kan. 2016).
- For further reference, see Bluebook Rule 10.4(a).

b. Unpublished

- *Brown v. McKune*, No. 11-3147-SAC, 2013 WL 823317, at *3 (D. Kan. 2013) (unpublished opinion).

5. Bankruptcy cases

a. U.S. District Courts

- *In re Robben*, 562 B.R. 469, 476 (Bankr. D. Kan. 2017).

b. U.S. Appellate Panels

- *In re Auld*, 561 B.R. 512, 520 (B.A.P. 10th Cir. 2017).

6. United States Court of Appeals for the Armed Forces

- *United States v. Akbar*, 74 M.J. 364, 370 (C.A.A.F. 2015).

OUT-OF-STATE CASELAW AND STATUTES

1. Caselaw

- When citing published cases, follow Bluebook T1 to provide a citation to the state reporter(s) (if any) and the regional reporter.
 - **Note:** Do not include public domain cites because they add additional undesirable separation between the text (see Redbook Rule 8.19).
- For unpublished cases, follow the unpublished citation format in the Kansas Citations section above.
 - *State v. Ringor*, No. CAAP-16-0000526, 2017 WL 2266882, at *2 (Haw. App. 2017) (unpublished opinion).
- Refer to the Order of Citation section above to arrange cases in a string citation.

2. Statutes

- Refer to the Table at the end of this Guide for the citation format for out-of-state statutes.

BOOKS AND ONLINE SOURCES

1. Legal encyclopedias

- 3 Am. Jur. 2d, Agency § 64.
- 16C C.J.S., Constitutional Law § 1622.
- Annot. 42 A.L.R.6th 545, § 18.

2. Restatements

- Restatement (Third) of Torts § 46, comment a (2012).
- **Note:** Indicate the *publication* year, not the year *adopted*.

3. Books and digests

- 1 Elrod, Kansas Law and Practice: Kansas Family Law § 6:17 (2016-2017 ed.).
- 4 Gard, Casad, & Mulligan, Kansas Law and Practice: Kansas C. of Civ. Proc. Annot. § 60-455 (5th ed. 2012).
- 2A Wright & Henning, Federal Practice and Procedure: Criminal 4th § 405 (2009).
- Norwood, Constructive Possession in Criminal Law § 6 (2017).

4. Dictionaries

- Black's Law Dictionary 712 (10th ed. 2014).
- Webster's New World College Dictionary 485 (5th ed. 2014).
- When possible, cite to the definition in a print dictionary rather than an online dictionary. If using Black's Law Dictionary through Westlaw, use the citation format above, substituting three underscores for the page number; the Reporter's Office will fill in the page number.

5. Law reviews and journals

a. Article

- Beier, *Lurching Toward the Light: Alternative Means and Multiple Acts Law in Kansas*, 44 Washburn L.J. 275, 299 (2005).
- 44 Washburn L.J. at 299.
- Obermeier, *The Kansas Judicial Review Act: A Road Map*, 86 J.K.B.A. 24, 25 (May 2017).

b. Note and Comment

- Note, *The Kansas Nonparticipating Mineral Interest*, 53 Washburn L.J. 545, 547 (2014).
- 53 Washburn L.J. at 547.
- Comment, *A Meaningful Opportunity to Comply*, 63 Kan. L. Rev. 189, 191 (2014).

6. Medical treatise

- American Psychiatric Ass'n, *Diagnostic and Statistical Manual of Mental Disorders* § 309.21, p. 190 (5th ed. 2013).

7. Newspaper (Online)

- Shorman, *Kansas Supreme Court Rules School Funding Inadequate*, *The Topeka Capital-Journal* (Mar. 2, 2017), <http://cjonline.com/news/local/state-government/2017-03-02/kansas-supreme-court-rules-school-funding-inadequate>.

8. Websites

- Include the main title of the website, the web address, and the date last visited.
 - Substance Abuse Center of Kansas, <http://sackansas.hubris.net> (last visited Jan. 18, 2018).
 - **Note:** Remove the hyperlink from the web address so no underlining is visible.

TABLE OF OUT-OF-STATE STATUTES

Alabama Ala. Code § x.	Louisiana* La. Stat. Ann. § x.	Ohio Ohio Rev. Code Ann. § x.
Alaska Alaska Stat. § x.	Maine Me. Rev. Stat. tit. x, § x.	Oklahoma Okla. Stat. tit. x, § x.
Arizona Ariz. Rev. Stat. Ann. § x.	Maryland* Md. Code Ann., [Subject] § x.	Oregon Or. Rev. Stat. § x.
Arkansas Ark. Code Ann. § x.	Massachusetts Mass. Gen. Laws Ann. ch. x, § x.	Pennsylvania x Pa. Stat. § x.
California* Cal. [Subject] Code § x.	Michigan Mich. Comp. Laws § x.	Rhode Island R.I. Gen. Laws § x.
Colorado Colo. Rev. Stat. § x.	Minnesota Minn. Stat. § x.	South Carolina S.C. Code Ann. § x.
Connecticut Conn. Gen. Stat. § x.	Mississippi Miss. Code Ann. § x.	South Dakota S.D. Codified Laws § x.
Delaware Del. Code Ann. tit. x, § x.	Missouri Mo. Rev. Stat. § x.	Tennessee Tenn. Code Ann. § x.
D.C. D.C. Code § x.	Montana Mont. Code Ann. § x.	Texas* Tex. [Subject] Code Ann. § x.
Florida Fla. Stat. § x.	Nebraska Neb. Rev. Stat. § x.	Utah Utah Code Ann. § x.
Georgia Ga. Code Ann. § x.	Nevada Nev. Rev. Stat. § x.	Vermont Vt. Stat. Ann. tit. x, § x.
Hawaii Haw. Rev. Stat. § x.	New Hampshire N.H. Rev. Stat. Ann. § x.	Virginia Va. Code Ann. § x.
Idaho Idaho Code § x.	New Jersey N.J. Stat. Ann. § x.	Washington Wash. Rev. Code § x.
Illinois x Ill. Comp. Stat. § x.	New Mexico N.M. Stat. Ann. § x.	West Virginia W. Va. Code § x.

Indiana Ind. Code § x.	New York* N.Y. [Subject] Law § x.	Wisconsin Wis. Stat. § x.
Iowa Iowa Code § x.	North Carolina N.C. Gen. Stat. § x.	Wyoming Wyo. Stat. Ann. § x.
Kentucky Ky. Rev. Stat. Ann. § x.	North Dakota N.D. Cent. Code § x.	

*Refer to T1 in the Bluebook to find the abbreviation for the subject in the citation to a California, Maryland, New York, or Texas statute. Also refer to T1 to find the applicable citation form for the Louisiana code being cited.

