

# **Guide for Editors and Authors**

*Franchise Law Journal*

# I. Short Form Guide to the Bluebook

## CASES

### First citation

Use roman typeface:

- *Romero v. Int'l Terminal Operating Co.*, 358 U.S. 354 (1959)

### Subsequent citation

Use a short form if the first citation appears within the previous five footnotes; otherwise use a full citation:

- *Romero*, 358 U.S. at 358

### Multiple parties

Omit all parties other than the first listed on both sides (i.e., do not use et al.). But do not omit the first party relator or any portion of a partnership name or use alternative names:

- *Fry v. Mayor of Sierra Vista*, *not* *Fry v. Mayor & City Counsel of Sierra Vista* *but*
- *Maxwell ex rel. v. Pauly*
- *Cheng v. Seinfeld*, *not* *Cheng v. Seinfeld d/b/a The Man*

### Procedural phrases

Abbreviate “on the relation of,” “for the use of,” and similar expressions to *ex. rel.* Abbreviate “in the matter of,” “petition of,” and similar expressions to *In re*:

- *Gorman v. Bruh*, *not In re Gorman*, *but*
- *Massachusetts ex rel. Kennedy v. Ambruster*

### Descriptive terms

Include any introductory or descriptive phrases such as “Accounting of,” “Estate of,” and “Will of”:

- *In re Will of Holt*
- *Estate of Hass v. Comm’r*

*But* omit terms such as “administrator,” “appellee,” and the like that describe an already named party:

- *Burns v. Millen*, *not Burns v. Millen, Administrator*

### Property

Where real property is party, use a common street address, if available:

- *United States v. 6109 Grubb Road*, *not United States Parcel of Real Property Known as 6109 Grubb Road, Millbank Township, Erie County, Pennsylvania*

### Abbreviations

- Case names in citations: Abbreviate the names of both parties according to Table 6 (attached).
- In textual sentences, whether in the text or a footnote, abbreviate only &, Ass’n, Bros., Co., Inc., Ltd., and No.

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CASES (con’t)

Order of cases within a signal:

Supreme Court, Courts of Appeals, Bankruptcy Appellate Panels, District Courts, District Bankruptcy Courts, administrative agencies (in alphabetical order), state courts (in alphabetical order), and state administrative rulings (alphabetical order). Cases should be listed in reverse chronological order within each signal with the federal appellate courts treated as one entity.

**Decisions available only in an electronic database**

Philbrick v. Haber, No. 90-345, 1900 U.S. Dist. LEXIS 20837, at \*3-4, \*10 (Dec. 4, 1990)

**N.B.** If the author provides a case number, do not remove it; if the author does not include it, it is not necessary to look it up.

**Pinpoints:** If the author has not provided pinpoint citations, return the article with the request that this be done within a reasonable period (5-7 business days).

**Reporters:**

- Use Business Franchise Guide.
- Federal and state-court citations should be to regional reporters (A., N.E., N.W., P., So., S.E., S.W.) where available.
- California Court of Appeal citations should be to Cal. Rptr. (**not** Cal. App.).

**Miscellaneous:**

- Do not use *supra* and *infra* with cases.
- Use attached chart for the proper names & abbreviations of federal appellate courts.

**FEDERAL/STATE CODES, CONSTITUTIONS, AND RULES OF EVIDENCE**

- 26 U.S.C. § 61 (2006)
- HAW. REV. STAT. §§ 482-E1
- MONTGOMERY, ALA., CODE § 3A-11 (1971)
- U.S. CONST., art. 1, § 9, cl. 2

**N.B.** Do not use *id.*, *supra*, or *infra* with federal/state codes & constitutions.

**SECONDARY SOURCES**

*Books:* DEBORAH L. RHODE, JUSTICE AND GENDER 56 (1989)

*Works in a collection:* Ingrid Gould Ellen, *Continuing Isolation: Segregation in America Today*, in SEGREGATION: THE RISING COSTS FOR AMERICA 261, 265-66, 273 (James H. Carr ed., 2008)

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**SECONDARY SOURCES (con't)**

*Articles:* Adam P. Karp & Julie I. Fershtman, *Recent Developments in Animal Law*, 49:1 TORT TRIAL & INS. PRAC. L.J. 43 (2014)

*Newspapers:* Andrew Rosenthal, *White House Tutors Kremlin in How a Presidency Works*, N.Y. TIMES, June 15, 1990, at A1.

*Internet:* The Bluebook's treatment of Web citations differentiates between publications that appear only on the Web and those that appear both in print and on the Web. The end result is rather confusing. Keep it simple and use the above formatting for secondary sources followed by the URL. Using the above example:

Andrew Rosenthal, *White House Tutors Kremlin in How a Presidency Works*, N.Y. TIMES, June 15, 1990, <http://www.nytimes.com/1990/06/15/world/white-house-tutors-kremlin-in-how-a-presidency-works.html>.

## II. Abbreviations

### Case Names in Citations—Bluebook Table 6

Academy	Acad.	Condominium	Condo.
Administration	Admin.	Congress(ional)	Cong.
Administrator	Adm'[r,x]	Consolidated	Consol.
Advertising	Adver.	Construction	Constr.
Agricultur(e)(a)l	Agric.	Continental	Cont'l
America(n)	Am.	Cooperative	Coop.
And	&	Corporation	Corp.
Associate	Assoc.	<b>D</b> efense	Def.
Association	Ass'n	Department	Dep't
Atlantic	Atl.	Detention	Det.
Authority	Auth.	Development	Dev.
Automo(bile)(tive)	Auto.	Director	Dir.
Avenue	Ave.	Discount	Disc.
<b>B</b> ankruptcy	Bankr.	Distribut(or)(ing)	Distrib.
Board	Bd.	District	Dist.
Broadcast(Ing)	Broad.	Division	Div.
Brotherhood	Bhd.	<b>E</b> ast(ern)	E.
Brothers	Bros.	Econom(ic)(y)	Econ.
Building	Bldg.	Education(al)	Educ.
Business	Bus.	Elec(tric)(tronic)	Elec.
<b>C</b> asualty	Cas.	Engineer	Eng'r
Center or Centre	Ctr.	Engineering	Eng'g
Central	Cent.	Enterprise	Enter.
Chemical	Chem.	Entertainment	Entm't
Coalition	Coal.	Environment	Env't
College	Coll.	Environmental	Envtl.
Commission	Comm'n	Equality	Equal.
Commissioner	Comm'r	Equipment	Equip.
Committee	Comm.	Examiner	Exam'r
Community	Cnty.	Exchange	Exch.
Communication	Commc'n	Execut(or)(rix)	Ex'[r,x]
Company	Co.	Export(er)	Exp.
Compensation	Comp.		

<b>F</b> ederal	Fed.	Marketing	Mktg.
Federation	Fed'n	Mechanic(al)	Mech.
Fidelity	Fid.	Medic(al)(ine)	Med.
Financ(e)(ial)(ing)	Fin.	Memorial	Mem'l
Foundation	Found.	Metropolitan	Metro.
<b>G</b> eneral	Gen.	Municipal	Mun.
Government(al)	Gov't	Mutual	Mut.
Guaranty	Guar.	<b>N</b> ational	Nat'l
Hospital	Hosp.	North(ern)	N.
<b>H</b> ousing	Hous.	Northeast(ern)	Ne.
<b>I</b> mport(ation)(er)	Imp.	Northwest(ern)	Nw.
Incorporated	Inc.	Number	No.
Indemnity	Indem.	<b>O</b> rganiz(ation)(ing)	Org.
Independent	Indep.	<b>P</b> roduct(ion)	Prod.
Industr(y)(ies)(ial)	Indus.	Professional	Prof'l
Information	Info.	Property	Prop.
Institut(e)(ion)	Inst.	Protection	Prot.
Insurance	Ins.	Public	Pub.
International	Int'l	Publication	Publ'n
Investment	Inv.	Publishing	Publ'g
<b>L</b> aboratory	Lab.	<b>R</b> ailroad	R.R.
Liability	Liab.	Railway	Ry.
Limited	Ltd.	Refining	Ref.
Litigation	Litig.	Regional	Reg'l
<b>M</b> achine or			
Machinery	Mach.	Rehabilitation	Rehab.
Maintenance	Maint.	Reproduct(ion)(ive)	Reprod.
Management	Mgmt.	Resource(s)	Res.
Manufacturer	Mfr.	Restaurant	Rest.
Manufacturing	Mfg.	Retirement	Ret.
Maritime	Mar.	Road	Rd.
Market	Mkt.	Road	Rd.
<b>S</b> avings	Sav.	System (s)	Sys.

School(s)	Sch.	<b>T</b> echnology	Tech.
Science	Sci.	Telecommunication	Telecomm.
Secretary	Sec'y	Tele(phone)(graph)	Tel.
Securit(y)(ties)	Sec.	Temporary	Temp.
Service	Serv.	Township	Twp.
Shareholder	S'holder	Transcontinental	Transcon.
Social	Soc.	Transport(ation)	Transp.
Society	Soc'y	Trustee	Tr.
Southeast(ern)	Se.	Turnpike	Tpk.
Southwest(ern)	Sw.	<b>U</b> niform	Unif.
South(ern)	S.	University	Univ.
Steamship(s)	S.S.	Utility	Util.
Street	St.	Village	Vill.
Subcommittee	Subcomm.	<b>W</b> est(ern)	W.
Surety	Sur.		

### III. Intermediate Court Designations

Alabama	Court of Civil Appeals	Ala. Civ. App.
	Court of Crim. Appeals	Ala. Crim. App.
	Court of Appeals (pre-1969)	Ala. Ct. App.
Alaska	Court of Appeals	Alaska Ct. App.
Arizona	Court of Appeals	Ariz. Ct. App.
Arkansas	Court of Appeals	Ark. Ct. App.
California	Court of Appeals	Cal. Ct. App.
Colorado	Court of Appeals	Colo. Ct. App.
Connecticut	Appellate Court	Conn. App. Ct.
Delaware	Superior Court	Del. Super. Ct.
Florida	District Court of Appeal	Fla. Dist. Ct. App.
Georgia	Court of Appeals	Ga. Ct. App.
Hawaii	Intermediate Court of Appeals	Haw. Ct. App.
Idaho	Court of Appeals	Idaho Ct. App.
Illinois	Appellate Court	Ill. App. Ct.
Indiana	Court of Appeals	Ind. Ct. App.
Iowa	Court of Appeals	Iowa Ct. Appl
Kansas	Court of Appeals	Kan. Ct. App.
Kentucky	Court of Appeals	Ky. Ct. App.



Louisiana	Court of Appeals	La. Ct. App.
Maine	none	
Maryland	Court of Appeals	Md.
	Court of Special Appeals	Md. Ct. Spec. App.
Massachusetts	Appeal Court	Mass. App. Ct.
	District Court	Mass. Dist. Ct.
Michigan	Court of Appeals	Mich. Ct. App.
Minnesota	Court of Appeals	Minn. Ct. App.
Mississippi	none	
Missouri	Court of Appeals	Mo. Ct. App.
Montana	none	
Nebraska	Court of Appeals	Neb. Ct. App.
Nevada	none	
New Hampshire	none	
New Jersey	Superior Court	N.J. Super. Ct. App. Div.
		N.J. Super. Ct. Ch. Div.
		N.J. Super. Ct. Law Div.
New Mexico	Court of Appeals	N.M. Ct. App.
New York	Supreme Court, App. Div.	N.Y. App. Div.
North Carolina	Court of Appeals	N.C. Ct. App.

North Dakota	Court of Appeals	N.D. Ct. App.
Ohio	Court of Appeals	Ohio Ct. App.
Oklahoma	Court of Appeals	Okla. Ct. App.
Oregon	Court of Appeals	Or. Ct. App.
Pennsylvania	Superior Court	Pa. Super. Ct.
South Carolina	Court of Appeals	S.C. Ct. App.
South Dakota	none	
Tennessee	Court of Appeals	Tenn. Ct. App.
Texas	Court of Appeals	Tex. App.
	Court of Criminal Appeals	Tex. Crim. App.
	Commission of Appeals	Tex. Cmm'n. App.
Utah	Court of Appeals	Utah Ct. App.
Vermont	none	
Virginia	Court of Appeals	Va. Ct. App.
Washington	Court of Appeals	Wash. Ct. App.
West Virginia	none	
Wisconsin	Court of Appeals	Wis. Ct. App.
Wyoming	none	

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#### IV. ABA Editorial Notes

Articles Notes	
1.	Articles should start with (1) title of article; (2) names of authors; and (3) description of author affiliation.
2.	Use third person instead of first person (“they” instead of “we” when referring to authors of articles).
3.	Use active vs. passive tense.
4.	Do not use quote marks inside parentheses, e.g., the Federal Trade Commission (FTC), except for direct quotes
5.	Periods and semi-colons appear inside quote marks, e.g., “is impermissibly vague and will have substantive adverse consequences.” <sup>1</sup> Footnotes always follow the closing period (if present) and quote mark. No space before the footnote.
6.	Do not italicize latinisms if they are in current use among lawyers (which just about covers everything), e.g., i.e., e.g., and per se. But always italicize <i>In re</i> .
7.	Use serial commas, e.g., the Good, the Bad, and the Ugly.
8.	Section titles are all caps, bolded; subsection titles are title case, italicized.
9.	<b>No</b> hyphenated sentences.
10.	Bullet points begin at the left margin.
11.	Arrange lists in alphabetical order.
12.	Currents—cases should be in alphabetical order under each heading.
13.	Use footnotes, not endnotes.
14.	Case titles are always italicized <b>in text</b> . Use the full name of the case the first time it is referenced in the text, and a short form in all subsequent references.
15.	Use the full name of the case in roman type the first time it appears <b>in footnotes</b> . Use the short form cite (italicized) in the subsequent footnotes. Do not use <i>supra</i> for cases.
16.	References to federal appellate courts should be in the short form, e.g., Third Circuit or “court.”

17.	The U.S. District Court for the Eastern District of New York ( <b>not</b> a district court in the Eastern District of New York); subsequent references “district” or “court.”
18.	“Arkansas Supreme Court” not “Supreme Court of Arkansas.”
19.	Use of “court” alone in running text is always lower case except when referring to U.S. Supreme Court (Court).
20.	Spell out name of statute the first time before using abbreviation like RICO or UFOC. For example Racketeer Influence and Corrupt Organizations Act (RICO) instead of RICO. If you use “act,” “statute,” or “code,” as a later shorthand reference, it should be in lower case.
21.	Use “Section” first time (Section 436.9(h)) and then “§” (§436.9(h)) thereafter. Always use the section symbol for any reference to the U.S. Code. Do not use short forms for the U.S. Code or state codes in footnotes.
22.	“Federal Rule of Civil Procedure 12(b)(6)” instead of “Federal Rule 12(b)(6).” Subsequent references should be Rule 12(b)(6) as long as the meaning is clear.
23.	The EEOC, the IRS, the FTC <b>not</b> EEOC, IRS, FTC.
24.	Spell out numbers up to 99; twenty-four spelled out instead 24.
25.	Spell out percent instead of %, except for fractions, e.g., 2.4%
26.	Use double dash, i.e. — not space dash space, i.e. - .
27.	Use “for example” not “by way of example.”
28.	Use the definite article “the” before franchisor, franchisee, defendant, plaintiff, insured, insurer, etc.
29.	General rule of thumb—use lower-case for generic terms, e.g., distribution agreement, owner’s agreement, franchise dealer settlement agreement.
30.	Use the plaintiffs and the defendants (lower-case) instead of Plaintiffs and Defendants.
31.	Use the franchisors and the franchisees (lower-case) instead of Franchisor and Franchisee.
32.	United States <b>not</b> U.S. when used as a noun—e.g. in the United States or the franchisor entered the United States; U.S. instead of United States in text when used as an adjective—e.g. the U.S. market or; footnote, e.g., U.S. law; court name, e.g., U.S. Supreme Court.
33.	Use “as indicated earlier” rather than “as indicated above;” and “as discussed later” rather than “as discussed below.”
34.	Generally use “although” <b>not</b> “while;” “because” instead of “as” and “since.”

35.	Use the third person when referring to franchisors and franchisees. The franchisee filed “its” motion instead of the franchisee filed “his” motion (even if individual franchisee).
36.	“In favor of McDonald’s” instead of “in McDonald’s favor.”
37.	All articles are expected to be original with the author and will be checked for unauthorized use of previously published material. The assigned editor is the first defense. If you think something is wrong, it usually is. You can check out suspicious phrases on Google. If you find significant amounts of copying, contact the editor-in-chief and managing editor immediately. Do not contact the author. Unfortunately, we have considerable experience in handling such matters and will take care of it.

## V. Franchise Law Journal—Article Guidelines

1. **Articles Should Be of Broad Audience Appeal.** Articles for the *Franchise Law Journal* should appeal to a broad audience and therefore should generally not focus on a limited geographic area or narrow legal issues.
2. **The Author Should Deliver What Is Advertised.** Authors solicited to write articles should submit the article promised and not one of a more limited or different scope (this could affect its publishability). For example, if the author signs up to do a nationwide comparative study of franchisor awards of lost profits in franchise termination cases, 90% of the article should not be devoted to awards in the Northern District of Georgia. This is usually not an issue with authors who have previously had articles published in the *Franchise Law Journal*. First time authors should **strongly** be encouraged to submit an outline of their article for your approval to ensure that the article is moving in the right direction.
3. **The Author Should Be Strongly Encouraged to Maintain Focus.** A corollary of “Deliver What is Advertised,” in some cases authors drift and lose focus in the organization of their articles. For example, if an author submits an article on “Proving a Trade Secret Claim” and devotes a section to “Reasonable Methods Undertaken to Maintain Secrecy,” the author should aspire to cover this subject well in that section, rather than addressing it in one section and then repeating the concept throughout the article. Likewise, the section by the previous title should not drift into a discussion how damages are awarded in trade secret cases.
4. **Author Should Follow the “Kiss” Principal.** The old adage of “keep it simple” should apply to *Franchise Law Journal* articles. Articles are of the most value if they are clear, concise and well written. Editors should aggressively pursue changes with the author designed to clarify points and “connect the dots.” If what you are reading does not make sense to you, it is not going to make sense to our readership.
5. **The End Product Should Look Like a Law Review Article.** In addition to recommending clear, concise and focused writing, authors should do the following:
  - Use gender-neutral language.
  - Avoid long quotations. However, an occasional short or moderate length quotation may sometimes serve better than anything to make a point.

Make sure that the author is using quotation marks when quoting any language coming directly from a case or other source.
  - Avoid excess verbiage.
  - Avoid using a long word when a short one will do.
  - Avoid using a foreign phrase, scientific word, or jargon if you can think of a more common English equivalent.

- Avoid overworked figures of speech.
- Avoid excessive capitalization.
- Avoid excessive use of commas.
- Humorous observations may occasionally underline a point memorably, but humor should never in a way to demean another person or this or her reasoning.

6. **Manuscript Preparation Guidelines.**

- All references should be cited.
- Footnotes rather than embedded references should be used.
- Pages should be numbered.
- Italics rather than underlining should be used for case cites. In the body, but when fully citing a case in the footnotes, do not use italics. When citing a case in the footnotes by short reference, as by reference only to the first word of the case name, use italics.
- Use Microsoft Word.

7. **Article Length.** Articles generally are between 5,000 and 7,500 words, or 25-to-30 double-spaced pages in length.

8. **Footnotes.** All references should be completely and accurately cited, using the citation style of *The Bluebook: A Uniform System of Citation, Twentieth Edition*. Note: in terms of the *Journal's* style, there is no significant difference between the nineteenth and twentieth editions. The *Journal* has adopted the following exceptions to *Bluebook* citation style:

- a. Bluebook Rule 12.3.2 – Authors need not include the year when citing to a statute or regulation unless the year is relevant to citation (i.e., a repealed version or a prior iteration of a statute that is specifically being cited). Example:
  1. 15 U.S.C. § 1.
  2. **NOT** 15 U.S.C. § 1 (2018).
- b. Bluebook Rule 10.8.1 – Authors need not include the case docket number for citations to electronic databases. Example:
  1. Tarkin v. Dodonna, 1977 WL 3263827, at \*4 (S.D.N.Y. May 4, 1977).
  2. **NOT** Tarkin v. Dodonna, CV-TK421, 1977 WL 3263827, at \*4 (S.D.N.Y. May 4, 1977).

9. **Clear Topic Description.** Newspaper writers are told to indicate the main point of the article within the first five lines; authors should identify the primary thesis in the first five paragraphs (followed by an enumeration of what each major section covers) so the reader is not left wondering what the point is.

10. **Prior Publication.** Simultaneous submission of manuscripts to other publications is discouraged and must be brought to the attention of the editor of *Franchise Law Journal*. Unless otherwise clearly noted, all manuscripts are expected to be original.