Antitrust Source Cite-Checking Guide

1. Overview: Basics of Cite Checking

a. As part of the editing process, indicate where additional citations/endnotes are required (e.g., quotes, characterization of findings or assertions in another publication, speech, etc.). Authors should fill in needed cites and pincites.

b. Check the substance of any citation reference against the statement it supports in the text. Check the history of cases cited to see the disposition of appeals or later cases.

c. Check exact wording in quotes against the original source document.

d. Confirm that cites have correct spelling of author and/or editor name(s), article title, journal title, journal volume number, page number(s), date, court, etc. Check to be sure the most current edition of treatises and texts are used (e.g., Areeda & Hovenkamp, etc.), unless the author specifically intends to use an older version to show how language has changed.

e. Conform all cites to Bluebook format unless exceptions noted in this memo (which may require adding information such as author’s full name, journal volume number, etc.). (Definitive reference: The Bluebook: A Uniform System of Citation 20th.) Use abbreviations provided in the Bluebook whenever possible. Some frequently used examples are as follows:

<table>
<thead>
<tr>
<th>Full Term or Title</th>
<th>Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assistant Attorney General</td>
<td>AAG</td>
</tr>
<tr>
<td>Deputy Assistant Attorney General</td>
<td>DAAG</td>
</tr>
<tr>
<td>Attorney General</td>
<td>Att’y Gen.</td>
</tr>
<tr>
<td>System</td>
<td>Sys.</td>
</tr>
<tr>
<td>Associates</td>
<td>Assoc.s.</td>
</tr>
<tr>
<td>Commission</td>
<td>Comm’n</td>
</tr>
<tr>
<td>Department</td>
<td>Dep’t</td>
</tr>
<tr>
<td>Division</td>
<td>Div.</td>
</tr>
<tr>
<td>Institute</td>
<td>Inst.</td>
</tr>
<tr>
<td>American</td>
<td>Am.</td>
</tr>
<tr>
<td>International</td>
<td>Int’l.</td>
</tr>
<tr>
<td>Policy</td>
<td>Pol’y.</td>
</tr>
</tbody>
</table>

f. Confirm that URLs link to the intended document or Web site.

g. Check to see whether working papers cited are now published or forthcoming as published articles or book chapters.

h. Check supra and infra cites to confirm that they correspond to the correct notes and/or parts of the article. Cases CANNOT be referenced by a supra or an infra cite unless they would be very long and cumbersome to cite, as is the case for certain EU cites.

i. Once a full citation to an authority is provided, use the following “short form” in later citations of the same authority, so long as (1) it is clear to the reader which authority is referenced; (2) the
full citation falls in the same general discussion; and (3) the reader will have little trouble locating the full citation. Generally, one party’s name is used and, if only one party’s name is used, it is italicized. Short form citations also use ‘at’ for the pinpoint. For example, Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 585 (1952) in later references becomes: Youngstown, 343 U.S. at 585.

2. Citation Formatting Tips

a. Complete case name citations in footnotes are not italicized unless used as part of a sentence; shortened names for cases are italicized and are not abbreviated. The full case name should be used in the first citation of a case. Short forms should be used only after the full case name has been provided (though the Antitrust Source does not follow the “within 5 rule” requiring full case names in the endnotes if they are not cited within 5 notes).

b. When mentioned in the main text, case names (full case name or shortened) are italicized. (It is generally not necessary to repeat the case name in the footnote if it is cited in full in the text.)

c. Books, periodicals, etc.: When referring to a publication in the text of the article, use italics. In the footnote, follow Bluebook format on fonts (i.e., books and journals are in small caps.)

d. Full names (including any middle initial) are used for authors when citing to their works; the names should match those on the source document.

e. When source materials are available on-line, include the URL in the citation. [Do not use “available at” or “at” to introduce a URL.] URLs in citations are not enclosed in brackets. For Web blog citations, include date and time of post (see example at Bluebook 18.2.2.c); otherwise, Antitrust Source style excludes the parenthetical “(last visited Month, Day, Year)” in all Web citations, except for blogs. For example:

Webpage:


Article:

Blog:


Press release:


Testimony:


f. For European cites, see infra.

g. The Antitrust Source usually does NOT include URLs for cases available through Lexis-Nexis, Westlaw, or EUR-lex.europa.eu unless those are the best cites available and the material is otherwise difficult to locate. This is especially relevant when the material is quoted from and/or pin cites are used.

3. Common Citation Types

a. For citing to Antitrust magazine articles, as well as articles in newspapers or other magazines (note: no volume number used):

Michael L. Katz & Carl Shapiro, *Critical Loss: Let’s Tell the Whole Story*, ANTITRUST, Spring 2003, at 49.

b. For citing to Antitrust Law Journal articles (note: years can be different for same volume of the ALJ), as well as articles in other journals:


c. For Antitrust Source articles:

d. For books: the author’s name and book title are in large and small caps. For example:

RICHARD A. POSNER, ANTITRUST LAW 245 (2d ed. 2001).

e. For Speeches:


f. For Guidelines:


g. Citing the agencies’ (DOJ, FTC) and other non-governmental organizations’ (OECD, ICN) reports:


h. Citing other types of agency materials — Generally use normal typeface and include the matter number, date, and URL:


i. Citing non-U.S. cases and documents: Any exceptions to Bluebook formatting are included in the separate Guide to non-U.S. Citation Formatting.

4. **Common Case Citations**

a. When the Department of Justice is a party in the case, spell out “United States” and do not abbreviate it. For example:


b. When the FTC is a party in the case, do not spell out “Federal Trade Commission”—use “FTC.” For example:


5. General Cite Checking Comments:

a. Note that the Antitrust Source does not use the ECLI notation for cases unless no E.C.R. cite is available.

b. Any Source exceptions to Bluebook formatting for European cites are included in this memo. (The Bluebook: A Uniform System of Citation 20th ed.). The most useful Bluebook references for EU cites are § 21.5.2 (p. 209, EU Court cases); § 21.9 (pp. 221–24: O.J. cites, treaties, press releases & memos).

c. The Antitrust Source usually does NOT include URLs for cases available through EUR-lex.europa.eu (see examples of cites below for exceptions).

6. Specific Examples of Common Citations for European Cases and Documents:


b. Citing a General Court (GC), Court of First Instance (CFI), or European Court of Justice (ECJ) case (refer to BB Rule 21.5.2):


Alternatively, can cite as Case C-418/01, IMS Health GmbH v. NDC Health GmbH, 2004 E.C.R. I-5039, ¶ 35, 52.


For cases not yet published or not available in E.C.R.: Case T-286/09, Intel v. Comm’n, ECLI:EU:T:2014:547 (GC June 12, 2014). [can add a URL if there is a pincite]

c. **Citing an EU Commission Decision—four variations on Commission decision cites:**

i. **Full case decision is printed in the Official Journal,** e.g.: Case COMP/C-1/37.451, 37.578, 37.579—Deutsche Telekom AG, Comm’n Decision, 2003 O.J. (L 263) 9, ¶ 206.

ii. **Only a summary of the case is available in the O.J., and there is no pincite:** COMP/C-3/37.990—Intel, Comm’n Decision (Summary), 2009 O.J. (C 227) 13.

iii. **Only a summary of case is available in the O.J. but full case is available online (and pincite is to the full case), e.g.:**


iv. **No O.J. cite (summary or full) but case is available online, e.g.:**


v. **Short form (for special case of EU Commission Decisions that are repeatedly cited).**

**Full Cite:** Case COMP/39.530—Microsoft (Tying), Comm’n Decision (Mar. 6, 2013) (summary at 2010 O.J. (C 36) 7) 9 (Microsoft (Tying)), ec.europa.eu/competition/antitrust/cases/dec_docs/39530/39530_2671_3.pdf

**Short Form Cite:** Case COMP/39.530—Microsoft (Tying), supra note XX.

d. **Citing an EU Comm’n Regulation, Notice, or Directive** (refer to BB Rule 21.9 (a)(ii):

i. **Council Regulation No. 1/2003, 2003 O.J. (L 1) 1, 9** (explaining the implementation of the rules on competition in Articles 81 and 82 of the Treaty).

e. Citing to EU Press Releases (IPs and Memos and Speeches)—no URL needed if readily available on Europa.eu (Press Releases RAPID) (refer to BB Rule 21.9 (e)):


f. Citing to Comm’n Discussion or White Papers, and Reports (refer to Bluebook Rule 21.9(e)):


