

Over the years, the *IDC Quarterly* has grown from a small publication containing 10 to 15 interesting defense-based articles and columns, to one of the premier civil defense lawyer publications in the country, with 30 or so articles and regular columns. It has more than doubled in length since the beginning. The editors of this publication volunteer an enormous amount of their time, just as the authors do. As a result, it has become necessary to revamp the “Stylistic Guidelines,” add some new rules and reminders, and point out some common errors. All of this is aimed towards keeping the *Quarterly* at the top of all similar publications, while also not burdening the editors to the point where the quality would diminish. This document may seem daunting and in some cases elementary, but we assure you that everything is based on prior experiences and is necessary to put in writing.

FORMATTING RULES

1. Submit your article or column in Microsoft Word format.
2. Right-Left (full) justify.
3. Indent each paragraph using a single .5” tab. If you are using an indented quotation, indent it .5” inch on both the left and the right sides.
4. No page numbers, headers or footers of any type.
5. The main title should be in **bold Title Case** (not all caps) and **centered**. All articles should have a title of some sort, beyond just “Employment Law” or “Municipal Law,” or the like.
6. If you use any subheadings, the subheadings also should be in **bold Title Case** (not all caps), and also **centered**. Subheadings should be only a few words, just enough to describe the upcoming section, as opposed to a long sentence. Do not capitalize words like “the,” “of” and “in” within the subheadings (unless, of course, it is the first word in the heading). In general, the regular columns are short enough that letters and numbers are not necessary to separate sections of the article, like “A, B, C” or “I, II, or III.” Also, do not use the automatic outline feature in your word processing program. Insert all letters or numbers manually. (In Microsoft Word, it is under Format → Bullets and Numbering → Outline Numbered and can be turned off by highlighting the text and clicking “none”.) Otherwise, it is difficult to edit and converts poorly to the program used by our graphic artist.
7. For **line spacing, single-space everything, except** use double line spacing after any title or subheading, as well as to separate out indented block quotes.
8. 1” margins all around.
9. Use **one space after periods**. If you are used to using

two spaces between sentences, which is common and natural, it is very easy to use the “Find and Replace” feature in the Microsoft Word program to find all instances of the two spaces and eliminate them. Please do so.

10. The Monograph should use endnotes for citations. Only the Monographs should use endnotes. Otherwise, citations of cases and other reference sources should be in the body of the column or article. As a general rule, avoid the use of footnotes in articles and columns. Most readers prefer not to have to deal with footnotes, because they break up the flow and force the reader to find the spot where they left off when looking for the footnote. Unless there is no practical way to say something without putting it in a footnote, you will find that the editor will send the article or column back to you for you to work the footnote into the main body of the article or column.

11. Use “smart quotes,” not straight quotes. For those of you not familiar with the term, “smart quotes” are the curly quotes and apostrophes, just like the quotation marks and apostrophes appearing in this document, not the one or two straight lines. If you cut and paste a quotation from a court opinion, statute, etc., please be sure to check all apostrophes and quotation marks to be sure they are smart, not straight quotes after pasting the quoted matter into the article, etc.

CITATION ISSUES AND RULES

Unless specifically stated otherwise herein below, please follow the current edition of *The Bluebook: A Uniform System of Citation* for all citations. (Presently this is the Eighteenth Edition.) **Additionally, please be aware that you must thoroughly check the accuracy of your citations and quotations.** It is not the editorial staff’s responsibility to check the accuracy of your citations or quotations.

Some of the most common problems we see with citations will be listed below.

IDC Quarterly Guidelines for Authors and Editors

1. Case citations should be typed in italics (not underlined) with the comma and/or period after the case cite not in italics. If you use “*Id.*” the period should be italicized, as the period is part of the substitute for the case name. All cites need punctuation after them. Whether they are periods, commas or semicolons depends on where they fall in a sentence. Italicize cross-references and short forms (*supra*, *infra*, *See also*, *Id.*, etc.).

Examples:

Minton v. Helena Marine Service, Inc., 147 Ill. App. 3d 491, 495 N.E.2d 136 (5th Dist. 1986).

In re Marriage of Weiss, 87 Ill. App. 3d 643, 650, 409 N.E.2d 329, 336 (1st Dist. 1980).

Bruske v. Arnold, 44 Ill. 2d 132, 136, 254 N.E.2d 453, 457 (1969), cert. denied 398 U.S. 905 (1969).

United States v. Kaiswer Aetna, 584 F.2d 378 (9th Cir. 1979), rev’d 444 U.S. 164 (1979).

See, e.g., Mieher v. Brown, 54 Ill. 2d 539, 301 N.E.2d 307 (1973).

Bonanno v. Potthoff, 527 F. Supp. 561 (N.D. Ill. 1981).

Celotex Corp. v. Catrett, 106 S. Ct. 2548, 2553 (1986).

See Marsh, 138 Ill. 2d at 468.

People v. City of East St. Louis, 206 Ill. App. 3d 626, 564 N.E.2d 1372 (5th Dist. 1990) (stating that, in cases of civil contempt, the order of the court must provide the defendant with the “keys to his cell” enabling him to purge himself of the contempt by complying with court’s order.)

Also note the spaces in Ill. App. 3d and Ill. 2d, but not N.E.2d. Again, check *The Bluebook* for each reporter to which you are citing.

2. Case citations. A case citation, which has made it into the reporters, should include only the official reporter citation and the regional (unofficial) reporter citation. Using Illinois cases as the example, cite first to Ill. App. 3d or Ill. 2d, and then to N.E.2d. Do not cite to Illinois Decisions. If it is an appellate case, and if the state has separate branches or districts for the appellate court, the citation must have the district in the parentheses. For some reason, when the appellate or supreme courts cite to appellate court cases, they do not always include the district. So, if you are citing to one case by taking it from another case, you will need to look up the district if it is not included.

If an official cite is available, you need only include the year of the decision. If you are citing to Westlaw or

Lexis, then you need to put the full date (more on Westlaw and Lexis below). Do the equivalent with other states.

When quoting from or referring to a specific part of a court opinion, be sure to include the page(s) where the quotation or referenced matter appears in the opinion.

The following are examples of proper and improper case cites:

Improper:

Smith v. Jones, 123 Ill. App. 3d 45, 789 N.E.2d 22 (2007).

Smith v. Jones, 789 N.E.2d 22, 123 Ill.App.3d 45 (1st Dist. 2007).

Smith v. Jones, 123 Ill. App. 3d 45 (1st Dist. 2007).

Smith v. Jones, 123 Ill. App. 3d 45, 789 N.E.2d 22 (1st Dist. July 1, 2007).

Proper:

Smith v. Jones, 123 Ill. App. 3d 45, 789 N.E.2d 22 (1st Dist. 2007).

Smith v. Jones, 123 Ill. App. 3d 45, 50, 789 N.E.2d 22 (1st Dist. 2007). (quotation or referenced material appears on p. 50)

Smith, 123 Ill. App. 3d at 50. (example of short form, when full citation has been given previously—see below)

3. Short Form Citations for the *Quarterly*: When using the short cite form, you should only refer to either the official or the regional reporter, not both the regional and official reporters. But you must be consistent throughout the article or column—either always use official reporter short citations or always use unofficial short form citations. The first time you refer to a case within your article, obviously use the full cite. The second time, use the shortened name (a readily identifiable shorter version of one party’s name), the reporter volume and reporter, and then the page number from that reporter, using “at.” The third time, assuming it immediately follows the short cite, just use “*Id.*” and if different, the page number.

Do not give the full cite, and then immediately follow it with an “*Id.*” Although this could technically be proper – such as when there is no possibility of ambiguity or when only one source is referenced like in a federal appellate court citation -- for the sake of no one having to determine if a cite is ambiguous, and for the sake of consistency throughout the entire publication, we have

opted to adopt only one proper way of short citing a case. If you cite to any other case or law or anything else after using the short cite, you must go back, to using the short cite again. The following are examples:

Improper:

Smith v. Jones, 123 Ill. App. 3d 456, 123 N.E.2d 456 (1st Dist. 2007).
Id. at 459.

Proper:

Smith v. Jones, 123 Ill. App. 3d 456, 123 N.E.2d 456 (1st Dist. 2007).
Smith, 123 N.E.2d at 459.
Id. at 460.
Id.
ABC Corp v. XYZ, Inc., 321 Ill. 2d 654, 321 N.E.2d 654 (2006).
Smith, 123 Ill. App. 3d at 460.

If you are writing the Monograph, and therefore using endnotes, the same rules apply for short citing. In addition, for consistency, ease of editing, and ease of referencing later, even if you refer to the name of a case in the body of the Monograph and then use an endnote, put the name of the case in the endnote, not just the reporter information.

4. Westlaw and LEXIS citations: Use these electronic database cites when there are no permanent reporters to which to cite. The proper format is <case name>, <case docket number>, <database identifier>, <electronic report number>, at <star page number> <court and full date parenthetical>. The star page number is the pincite.

Examples:

Smith v. Jones, No. 07-12345, 2007 U.S. Dist. LEXIS 123456, at *2 (N.D. Ill. May 1, 2007).
Smith v. Jones, No. 07-12345, 2007 WL 123456, at *2 (Ill.App. 1st Dist. May 1, 2007).

The short cites would then appear as follows:

Smith, 2007 WL 123456, at *4.
Id. at *3.

DEADLINES

In the average issue of the *IDC Quarterly*, there are 30-40 articles, columns, etc. to edit. Every word printed is reviewed multiple times by many different people,

starting with the authors. Unfortunately, deadlines are not really optional or flexible. In each *Quarterly*, there is time-sensitive information that must be published in a timely manner, such as announcements required by the bylaws and information on seminars. In order to publish the *Quarterly* on time, the entire schedule must be followed. Without detailing the process, please understand that each quarterly cycle as scheduled is more than a two-month process. Thus, while the authors are only writing every three months or so, the editors are almost always working on something related to the publication. If an article is late, or if the author does not respond to proposed changes in a timely manner, the entire *Quarterly* will be delayed. We have the right to delay publishing a late article or column until the next edition, but we hope not to have to exercise that right.

The due dates for articles, including the Monograph, which is due earlier than regular articles, are available more than a year in advance. This advanced scheduling enables the authors to plan ahead, around their personal and work commitments.

DUPLICATION

We try to avoid duplicate coverage about a single case or topic. An exception exists when each column or article focuses on entirely different aspects of it the case or topic. In an attempt to avoid double coverage, the editorial board requires that as soon as you know the topic or case on which you will be writing (but not later than one week before the deadline for submitting the article or column), you e-mail that information to the Executive Editor. The Executive Editor will then coordinate with the other authors to make sure that no one is writing on the same case or topic and come up with a solution if/when potential duplication occurs. If a duplicative article is submitted by an author who did not first coordinate the topic with the Executive Editor, preference likely will be given to the author who did submit his or her topic in advance. For feature articles, the author should contact the Editor in Chief prior to writing the article to have the topic approved, not only for duplication issues, but also to make sure that it is appropriate for our publication. (We receive quite a few articles from non-lawyers, non-members, and former members, that would not be appropriate for the *IDC Quarterly* to publish. In fact, we do not publish articles or columns from non-members of the IDC.)

SAVING AND SUBMITTING ARTICLES AND COLUMNS

When you save your article or column, please save it with the column title, your last name, and the draft number. The author's submissions are always "Draft 1." For example: Employment Law – Smith - Draft 1.doc or Feature Article on Hudson – Smith – Draft 1.doc.

The first-line editor's draft is always "Draft 2," and the Editor in Chief's draft is "Draft 3." Your editor will edit and save the changes as Employment Law – Smith – Draft 2. If you or the editor want to keep track of subsequent drafts, the author's second draft can be saved as "Draft 1(a)" and the editor's as "Draft 2(a)," etc.

The editors prefer that you simply e-mail them and tell them whether the changes are approved or not. This is easier and less confusing than if you go in and accept the changes yourself and resubmit the article because the editor will not know for sure if all of his or her proposed changes were made without reading the whole article again. Let the editors accept and reject changes on their own computers. If you have additional changes or additions to make after submitting your first draft, you may notify your editor and if it is not too late, the changes or additions will be made.

When you submit your article or column, the top of the document must contain the column name (or a designation that it is a feature article, if it is not a regular column), the full name and firm name of all authors and whether there were any contributors who need to be acknowledged. Then, e-mail it to your editor and carbon copy Sandra Wulf at idc@iadtc.org. There is no need for an author to "cc" the Editor in Chief on e-mail correspondence with the editor pertaining to changes, unless you need some input or clarification from the Editor in Chief. Your editor will submit the final version to the Editor in Chief.

PRACTICAL ADVICE

The *IDC Quarterly* readers have requested that more practical advice and procedural "nuts and bolts" information be included in the columns. As such, we request that all authors try to incorporate practical advice into their articles and columns. Following are a couple of examples how this might be accomplished, but we leave it up to you to decide how best to approach this request.

One suggestion is to end your column with something like: "Practice tip: * * * ." and then add in a few sentences that would relate to what was discussed in your column. Many of you are already doing that in your conclusion paragraphs. For example, this was a portion of the conclusion paragraph of a recent Medical Malpractice column:

"In reality, defense counsel are probably not requesting remittitur for reducing excessive verdicts as often as possible. Non-economic damages by their nature have no good economic measure, and therefore are often the result of irrational decision making by juries. Therefore, defense counsel should argue that the court must use its rational discretion to determine whether the verdict is excessive and whether remittitur, a mechanism that the supreme court has so vigorously reserved for the judiciary, should be applied."

Another suggestion is to occasionally devote an entire column to something practical, *i.e.* something that all defense litigators can use in daily practice. Again, we understand that this would not work with all of the column topics. For those that lend themselves well to practice tips, perhaps one or two practical columns out of the four in a year would work.

ARTICLE LENGTH

Ideally, columns should be approximately 2-3 pages, single spaced (though no less than 1 1/4 pages so that it can take up at least one page in the *Quarterly*). We ask that columns be to no less than 1 page and no more than 4 pages, single spaced in Microsoft Word format. If you are writing a feature article, please try to keep it within the range of 3 to 6 pages, single spaced in Microsoft Word format. If you have an article or column that is particularly lengthy, perhaps you could split it into a 2-part series, with the second part to follow in the next edition. If that is not feasible, please contact the Editor in Chief prior to submitting the article or column to discuss the length issues, so that it can be determined whether that particular issue of the *Quarterly* can accommodate a longer than normal article.

SELF-EDITING

Please recognize that, like the authors, the editors also are volunteers. An editor spends about 30 to 40 hours each quarter editing articles (longer for the editor assigned to the Monograph). The Editor in Chief spends about 80-100 hours each quarter. Before submitting your article to an

editor, we suggest that you have someone else edit it. You should always use the “spell check” feature of your word processing program. We also recommend using the “grammar check” feature of the program, which screens your writing with many of the following rules in mind. You should submit your article or column with the attitude that no one is going to look at it and it will be published exactly as submitted. You should give your article no less attention to detail and the rules than you would use for a submitting an important legal brief to a court.

SENTENCE AND PARAGRAPH STRUCTURE

Most sentences should be no longer than 15 to 20 words. This rule works most of the time. Occasionally use a longer sentence for variety.

Use frequent paragraph breaks. Even if the discussion is centered on one general topic, there are usually points at which you can break a particularly long paragraph down into two sub-topics. In addition to multiple shorter paragraphs being easier to understand, shorter paragraphs are easier on the eyes. This is one of the reasons we often break up some of the pages with “pull quotes.” The ordinary reader might be more inclined to skip a page or an entire article that is all “gray” with long sentences and paragraphs.

“MACHETE” GUIDELINE

Chop all unnecessary words.

Example: At that point in time, it did not appear that the insurance policy was a contract that was in effect and controlling for the motor vehicle accident.

Better: At the time of the accident, it appeared the insurance policy was not in effect.

The excess words are going to be chopped one way or the other, so we ask that you do it instead of making the editors do it.

AVOID PASSIVE VOICE

Use the active voice as much as possible. Use the passive voice only when the sentence sounds too contrived in the active voice. Active voice usually is stronger and easier to follow than passive voice. In addition, passive voice increases the potential for ambiguity.

Passive: The ruling was made by the trial judge.
The child was brought to the ER by paramedics.
The court’s interpretation was supported by the legislative history.

Active: The trial judge ruled. –or- The trial judge made the ruling.

Paramedics brought the child to the ER.

Legislative history supported the court’s interpretation.

AVOID “LEGALESE”

Use the same words in your article that you use when talking to your friends and families. Avoid “legalese,” even though most of the readers are lawyers.

Examples of legalese to avoid:

Herein, heretofore, hereinafter, etc.

Said (used as a replacement for “this,” or “that”)

Aforementioned (see “said” example)

The case at issue (the last 2 words usually add nothing)

Whereas

Vehicle or automobile (in place of the word “car”)

IDENTIFYING PARTIES

For identifying the parties, you should call them “the plaintiff” or “the defendant.” Do not refer to them just with the words “Plaintiff” and “Defendant.” You may choose to use their proper names, such as when there are multiple parties and it is easier to distinguish them by name instead of by description. For example: “The plaintiff, ironworker John Smith, sued the defendant, ABC Corporation, the general contractor on a construction project, because of an injury he sustained while working on a project. Smith claimed that ABC Corp. failed to adequately clean the construction site.” However, be consistent. Do not then go back to calling them “the plaintiff” and “the defendant.” Do not include Ms., Mr., Dr., Mrs., and the like, unless you are discussing two different individuals with the same last name. If that is the situation, you may distinguish them with the prefixes, if that suffices, or by also including their first names.

AMBIGUITIES

Please watch out for ambiguities in your writing. Double check what you write before you submit it to be sure the sentences do not include misplaced modifiers.

Examples:

Ambiguous: He said everything was fine when he arrived.

Clear: When he arrived, he said everything was fine.

In the first sentence, did the author mean that at the time the person arrived, everything was fine? Or, did the author mean that at the time the person arrived, the person stated that everything was fine?

Ambiguous: He heard a dog barking while walking past the house.

Clear: While walking past the house, he heard a dog barking.

The first sentence leaves the reader wondering whether the person or the dog was walking past the house when the bark was heard.

CAPITALIZATION

The following words should be capitalized or not capitalized as shown below:

plaintiff, defendant, counterplaintiff, counterdefendant, third party plaintiff, third party defendant, complainant, respondent, etc. (Use the word “the” in front of each of those parties. See the “Identifying Parties” section above for further details.)

trial court

circuit court

Court (Use a capital “C” only when listing the court’s full name or when referring to the United States Supreme Court. Otherwise, always use a lower case “c.”)

Illinois Supreme Court (Use capitals because you are referring to the court by its full name.)

Supreme Court (Use only when referring to the United States Supreme Court)

supreme court (Use lower case “c” when referring to a state supreme court and not referring to the court’s full name.)

Illinois Appellate Court Fourth District or Appellate Court of Illinois Fourth Judicial District (only refer to this

court as the “Fourth District” or the like if you must distinguish between two appellate court decisions from different districts and you have first cited the full and proper court name.)

appellate court

Court of Appeals for the Seventh Circuit or Court of Appeals, Seventh Circuit (Capitalize because you are referring to the court’s full name.)

Seventh Circuit (this is an appropriate abbreviation for the Court of Appeals for the Seventh Circuit, but must be capitalized)

District Court, Northern District of Illinois

district court

State of Illinois

MISCELLANEOUS

1. **Numbers:** Numbers under 10 should be spelled out. (Examples: one, two, three, four, five...). Numbers 10 and over should be typed out using numerals. (Examples: 10, 11, 12, 13, 14...)

2. **Quotations of 50 words or more** should be indented left and right, **without quotation marks**. Quotation marks within a block quotation should appear as they do in the original. When a letter must be changed from upper to lower case, or vice versa, enclose it in brackets. Substituted words or letters and other inserted material should also be bracketed.

Example:

[T]his presumptive privilege must be considered in light of our historic commitment to the rule of law. This is nowhere more profoundly manifest than in our view that “the twofold aim [of criminal justice] is that guilt shall not escape or innocence suffer.” . . . The need to develop all relevant facts in the adversary system is both fundamental and comprehensive. The ends of criminal justice would be defeated if judgments were to be founded on a partial or speculative presentation of the facts.

United States v. Nixon, 418 U.S. 683, 708□09 (1974)

(citation omitted). The Court then balanced this interest against the evils of forced disclosure. *Nixon*, 418 U.S. at 710.

3. **Abbreviations:** When abbreviating the name of a party, or anything else, there is no need to put quotation marks around words in parentheses where you are signifying that you are going to refer to the short version of a person or entity, unless it is not obvious. Further, when abbreviating a person's name, and there are no other people in the case with the same last name, there is no need to put the person's last name in parentheses at all.

Examples:

Incorrect:

The Uniform Commercial Code (“UCC”) provides...

Plaintiff Frank Jones (“Jones”) alleged that Defendant Sony Corporation, Inc. (“Sony”) was negligent. Jones further claimed...

Correct:

The Uniform Commercial Code (UCC) provides....

Plaintiff Frank Jones alleged that Defendant Sony Corporation, Inc. (Sony) was negligent. Jones further claimed...

The plaintiffs alleged they were the holders of copyrights or licenses in five sound recordings (“Copyrighted Recordings”) and that the defendant, without permission, was using an online media distribution system to download the Copyrighted Recordings. (Note: Here, it would be correct to put the abbreviation in parentheses because it is not an obvious abbreviation.)

4. **Contractions:** Do not use contractions, unless they are a part of a quotation. Contractions are too informal for our publication.

5. **Punctuation and Quotation Marks:** Commas and periods always go inside quotation marks. Semicolons and colons go outside quotation marks. Question marks and exclamation points can go either place, depending on the sentence (*e.g.*, if the question mark or exclamation point is part of the quotation, they go inside the quotation mark; otherwise, they go outside the quotation mark).

6. **Singular and Plural Pronouns:** Be careful not to mix up your singular and plural pronouns in your writing.

Examples:

Incorrect:

ABC Corp. argued that it owed no duty to the plaintiff. Further, they argued that even if they owed a duty, they did not breach the duty.

Correct:

ABC Corp. argued that it owed no duty to the plaintiff. Further, it argued that even if it owed a duty, it did not breach the duty.

7. **Italicize** all Latin and other foreign language words, *e.g.*, “*res ipsa loquitur*” or “*forum non conveniens*.”

8. **Abbreviate** the word “paragraph” with “par.” or ¶. Abbreviate the word “Section” with “sec.” or §. Whichever you choose, however, be consistent throughout.

9. Use of “*i.e.*” and “*e.g.*”: These are among the most commonly misused abbreviations because they are very similar. The abbreviation *e.g.* means “for example.” The abbreviation *i.e.* means “that is” or “which is to say.” They are not interchangeable. Also, a comma should follow both. They should be italicized because they are abbreviations of foreign words.

Thank you for your hard work and dedication to the *IDC Quarterly*! Following these rules and guidelines will make everyone's job easier in the long run.

2008-2009 Editorial Staff

Editor-in-Chief:

Al Pranaitis, alpran@il-mo-lawfirm.com

Executive Editor:

Bill McVisk, mcviskw@jbltd.com

Associate Editor:

Adnan Arain, adnan_arain@ars.aon.com

Associate Editor:

Sarah Condon, sarah.condon@cna.com

Assistant Editor:

Donald O'Meara, domeara@pretzel-stouffer.com

Assistant Editor:

Geoffrey Waguespack, gwaguespack@cksslaw.com

Rev. July 2008