

chicago style footnote example legal statute

Mastering Chicago Style Footnotes for Legal Statutes: A Comprehensive Guide

chicago style footnote example legal statute is a critical element for anyone navigating legal scholarship, academic writing, or professional legal documentation. Proper citation ensures academic integrity, provides readers with the precise source of information, and is fundamental to building a credible argument. This guide will delve deep into the intricacies of citing legal statutes using the Chicago Manual of Style (CMOS) footnotes, offering clear examples and detailed explanations. We will explore the fundamental components of a statutory footnote, address variations and common challenges, and provide practical advice for ensuring accuracy and compliance. Understanding these nuances is paramount for legal professionals, researchers, and students alike.

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Understanding the Basics of Chicago Style Legal Statute Footnotes

The Chicago Manual of Style, a widely respected style guide, provides a robust framework for academic and professional writing. When it comes to legal citations, CMOS offers specific guidelines that, while sometimes differing from legal-specific citation systems like the Bluebook, are essential for authors adhering to its broader principles. Footnotes, in particular, are a cornerstone of Chicago style, serving to provide source information without interrupting the flow of the main text. Citing legal statutes accurately within this system requires a thorough understanding of the statute's components and how they translate into a Chicago-style footnote.

The goal of any citation is to enable the reader to locate the exact source material. For legal statutes, this means identifying the specific code, section, and year of enactment or revision. Chicago style prioritizes clarity and accessibility, aiming to provide enough information in the footnote for a reader to find the statute without undue difficulty. This often involves

including the name of the statutory code, the relevant section number, and sometimes the year of the publication or enactment, depending on the nature of the statute and its availability.

Core Components of a Chicago Style Legal Statute Footnote

A well-formed Chicago style footnote for a legal statute generally includes several key pieces of information. These components work together to precisely identify the source. Deviations from these core elements can lead to ambiguity and make it difficult for your reader to verify your information, undermining the credibility of your work. It is therefore crucial to be meticulous in their construction.

Statutory Name and Code

The first essential element is the name of the statute and the code in which it is published. This typically includes the full title of the act if it is commonly known by that name, followed by the abbreviation of the official code. For example, the "Internal Revenue Code" is often cited as IRC. The specific title and edition of the code are important for accuracy, as statutory language can be amended or repealed over time, and different codifications may exist.

Section Number

Following the code, the specific section number is provided. This is the precise location within the code that contains the relevant legal provision. Section numbers are usually indicated by a symbol such as § or "sec." or simply a number. Ensuring the correct section number is critical, as different sections within the same act can have vastly different meanings and legal implications. Always double-check the numbering to avoid misrepresenting the law.

Year of Publication or Enactment

The year is a crucial component for identifying the version of the statute being cited. This could be the year the specific section was enacted, the year the code was published, or the year of the latest amendment. The Chicago Manual of Style often recommends including the year the code was published or the year the statutory provision became effective, depending on what best clarifies the source. For recently enacted statutes, the year of enactment is paramount. For older, continuously updated codes, the publication year of the specific volume containing the statute is often preferred.

Jurisdiction

While sometimes implied by the code itself (e.g., U.S. Code for federal statutes), explicitly stating the jurisdiction can be beneficial, especially for state statutes. This ensures there is no confusion between similar statutes in different states or between state and federal law. The jurisdiction, such as "Cal. Stat." for California or "Ill. Rev. Stat." for Illinois, clarifies the governing legal framework.

Citing Federal Statutes in Chicago Style

Citing federal statutes requires adherence to specific conventions within the Chicago Manual of Style. Federal statutes are organized into various codified bodies, the most prominent being the United States Code (U.S.C.). When referencing a federal law, it is essential to pinpoint its location within this framework.

United States Code (U.S.C.)

For statutes codified in the United States Code, the footnote should include the title number, the abbreviation "U.S.C.," the section number, and typically the year of the code edition. For example, if you are citing a section from Title 42, Section 1983, you would format it accordingly.

- **Example:** 42 U.S.C. § 1983 (2018).

It's important to note that the year provided should correspond to the edition of the U.S.C. consulted. If the statute is no longer in force or has been significantly amended, referencing the relevant year of enactment or the specific Public Law might be necessary for historical accuracy, though for current law, the codified version is standard.

Public Laws

Sometimes, especially for very recent legislation not yet fully incorporated into the U.S.C., citing the Public Law number might be more appropriate. This clearly identifies the act as it was originally passed by Congress.

- **Example:** Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 1563, 124 Stat. 263 (2010).

This format includes the common name of the act, the Public Law designation, the specific section, the volume and page number of the Statutes at Large where it is published, and the year of enactment.

Citing State Statutes in Chicago Style

State statutes are cited in a manner similar to federal statutes, but the specific abbreviations and organization vary by state. Each state has its own official or unofficial codification of its laws. Identifying the correct abbreviation for the state's code is a key step.

State Codes and Abbreviations

The primary challenge in citing state statutes is knowing the correct abbreviation for each state's legislative code. Many states have their own published codes, such as the California Codes, the Illinois Compiled Statutes, or the New York Consolidated Laws. Always consult a reliable reference guide or the state's legislative website for the official abbreviation.

- **Example (California):** Cal. Penal Code § 484 (West 2020).
- **Example (Illinois):** 720 Ill. Comp. Stat. 5/12-1 (2019).
- **Example (New York):** N.Y. Penal Law § 120.05 (McKinney 2021).

In these examples, "West" and "McKinney" refer to unofficial but commonly used annotated codes. If an official code is available and preferred, it should be cited. The year provided generally refers to the publication year of the code volume.

Session Laws

Similar to federal statutes, when citing a state law that has not yet been fully codified or when emphasizing its original enactment, citing the session laws can be appropriate. Session laws are the chronological compilation of statutes as they are passed by the legislature in a given legislative session.

- **Example:** 2019 Kan. Sess. Laws ch. 15, § 5.

This format indicates the year the law was passed, the state, the chapter number of the session laws, and the specific section within that chapter.

Variations and Special Considerations for Legal

Statutes

While the general principles of citing legal statutes in Chicago style are straightforward, several nuances and special circumstances require careful attention. These can include amendments, repealed statutes, and statutes with complex numbering schemes.

Amended Statutes

When citing a statute that has been amended, it is crucial to indicate the version being referenced. If the amendment is significant and alters the meaning of the statute, you may need to provide context. For Chicago style, if the current codified version reflects the amendment, citing the current code is usually sufficient. However, if you are discussing the statute as it existed before an amendment, you might need to specify the date or year of the prior version or cite the original Public Law or session law.

Repealed Statutes

Citing a statute that has been repealed requires a different approach. You should cite the statute as it existed immediately before its repeal, including the year of its enactment or the year it was last effective, and clearly state that it has been repealed. This preserves historical accuracy and informs the reader that the cited law is no longer in effect.

- **Example:** 18 U.S.C. § 1001 (1994) (repealed 2000).

This example shows the statute as it appeared in the 1994 edition of the U.S. Code and notes its subsequent repeal.

Constitutions and Ordinances

Citing constitutions and local ordinances also falls under the umbrella of legal statutes but has its own specific conventions. Constitutions are typically cited by their article and section, while ordinances are cited by their municipal code title, chapter, and section. Always follow the specific guidelines provided by the Chicago Manual of Style for these types of legal sources.

- **Example (Constitution):** U.S. Const. art. I, § 8.
- **Example (Ordinance):** Chi. Mun. Code § 2-15-020 (2018).

Practical Tips for Accurate Statutory Citations

Achieving accuracy in Chicago style legal statute footnotes is an ongoing process that benefits from diligent practice and attention to detail. Employing a systematic approach can significantly reduce errors and enhance the professional quality of your work. Consistency is key, not only within a single document but also in adherence to the established rules of the Chicago Manual of Style.

- **Always consult the latest edition of the Chicago Manual of Style.** Citation rules can evolve, and relying on outdated information can lead to inaccuracies. The CMOS is the definitive source for its own guidelines.
- **Verify abbreviations.** Ensure that you are using the correct and most current abbreviations for federal and state codes. State legislative websites or legal databases are excellent resources for this.
- **Double-check section numbers.** A misplaced digit can lead a reader to the wrong statute entirely. Proofread meticulously.
- **Note the year carefully.** Understand whether you need the year of enactment, the year of codification, or the year of publication for the code volume. This often depends on the nature of the statute and the context of your argument.
- **Use reliable legal research tools.** Databases like LexisNexis, Westlaw, or official government legislative websites provide access to accurate and up-to-date statutory information.
- **Create a style sheet.** For longer documents or projects involving multiple authors, a style sheet documenting all custom abbreviations and citation formats can ensure consistency.
- **When in doubt, provide more information rather than less.** It is generally better to include an extra piece of identifying information (like the publisher of an annotated code) than to omit something crucial.

By integrating these practical tips into your writing process, you can build confidence in your ability to cite legal statutes accurately and effectively within the Chicago style framework. This not only enhances the scholarly rigor of your work but also demonstrates a commitment to professional standards in legal and academic writing.

Frequently Asked Questions

Q: How do I cite a statute that has been amended multiple times in Chicago style?

A: When citing an amended statute in Chicago style, you generally cite the current version as it appears in the relevant code. The year typically refers to the publication year of the code edition that includes the latest amendments. If you need to refer to a specific prior version of the statute, you should clearly indicate the year of that version and potentially the session law or Public Law number if it clarifies the historical context.

Q: What is the difference between citing the United States Code (U.S.C.) and Statutes at Large?

A: The United States Code (U.S.C.) is an official compilation and codification of the general and permanent laws of the United States, organized by subject matter. Statutes at Large, on the other hand, is the official, chronological collection of all the laws and resolutions enacted by Congress. You typically cite the U.S.C. for current law, as it is easier to find specific provisions. Statutes at Large are often cited for older laws, amendments, or when emphasizing the original enactment of a statute.

Q: Should I include the publisher of an annotated code in my Chicago style footnote?

A: Yes, it is generally recommended to include the publisher of an annotated code, such as West or McKinney, in your Chicago style footnote, especially for state statutes. This is because annotated codes are widely used and provide specific editorial features. Including the publisher helps readers locate the exact version of the code you consulted.

Q: How do I cite a statute that is no longer in effect (repealed or expired)?

A: When citing a repealed or expired statute, you should cite the statute as it existed immediately before its repeal or expiration. Include the relevant code designation, section number, and the year of the code edition that contained the statute. Crucially, you must clearly indicate that the statute has been repealed or expired, often by adding "(repealed [year])" or "(expired [year])" at the end of the citation.

Q: What is the proper Chicago style for citing a

constitutional provision?

A: Constitutional provisions are typically cited by referring to the constitution itself, followed by the article and section numbers. For example, the First Amendment to the U.S. Constitution would be cited as U.S. Const. amend. I. If referring to a specific article and section within a constitution, it would be formatted as U.S. Const. art. I, § 8. The year is generally not included for the U.S. Constitution but may be for state constitutions if the edition is important.

Q: How do I cite a municipal ordinance in Chicago style?

A: Citing a municipal ordinance involves referencing the specific city's municipal code, followed by the relevant title, chapter, and section number. For example, a Chicago ordinance might be cited as Chi. Mun. Code § 2-15-020 (2018). Always try to find the official municipal code designation and the year of the most recent compilation or relevant amendment.

Q: Is there a difference in how I cite federal versus state statutes in Chicago style?

A: The fundamental structure is similar, but the key difference lies in the abbreviations used for the codes. Federal statutes are codified in the United States Code (U.S.C.), while each state has its own unique abbreviation for its compiled statutes. Always confirm the correct abbreviation for the specific state's code you are referencing, as this can vary significantly.

Q: What if the statute I need to cite is not in a numbered code but is only available as a Public Law or session law?

A: If a statute is not yet codified or you are emphasizing its original enactment, you can cite it by its Public Law number (for federal laws) or its session law designation (for state laws). This typically includes the law number, the volume and page where it is published in the official session laws (like the Statutes at Large for federal laws), and the year of enactment. For example, Pub. L. No. 111-148, 124 Stat. 263 (2010).

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