

## **Information for Authors**

Journal of the American Academy of Matrimonial Lawyers

### Editorial Process

Each author must submit a copy of the article to the Executive Editor by the specified deadline. Articles must be submitted electronically using Microsoft Word to kisthardtm@umkc.edu. The editorial process will begin at the law school and articles will be returned to the authors with editorial comments. Authors are to return the revised version of the article to the Executive Editor by the deadline specified in the transmittal letter. Copies of all correspondence between the author and the Executive Editor should be copied to the Issue Editor. Authors should also submit a copy of the revised article electronically. If necessary, additional edits will be done following the same procedure. Authors must also submit a one paragraph biographical sketch.

Once the article is received from the printer in galley form, proofs will be sent to authors for approval. Authors should retain a copy of the original manuscript to check against the galley proofs for accuracy. Ordinarily, no author's revisions from the original manuscript will be made in the proofs except where a change in the law, subsequent to the submission of the article, makes such a revision necessary for the sake of accuracy.

We view the editing process as a means to better all articles that are published in the Journal. We urge you to take the constructive criticism and suggestions that will be given for your article in the spirit in which they are intended: not to diminish, but to improve on your article.

### Standards

#### 1. Critical Analysis

Each article should reflect an informed understanding of the doctrines and theories used to support its thesis. The author should critically appraise (whether through syllogistic reasoning, policy analysis, or other analytic techniques) the cases, doctrines, statutes or ideas developed. The piece should be devoid of reasoning fallacies, emotive language, and inferential leaps. Each step of the reasoning process should be clearly explained. The article should contextualize cases in a larger analytical framework rather than simply recapitulate holdings.

#### 2. Authority

Each article should thoroughly discuss and synthesize all responsible authority pertaining to its thesis. Where there is responsible authority contra to the thesis asserted, the author should identify and distinguish that authority.

Citations of law, wherever possible, should be to primary authority. Secondary authority, such as treatises or articles which cite to cases, is primary authority for purposes of independent

analysis or policy discussion contained in the secondary authority, but not for propositions of law. Authors are encouraged to cite to a selection of several representative cases (or other appropriate authority) to support each point, rather than simply a single case or article. Because the Journal is a national publication it is important that support not be limited to cases from a single state or region.

The Journal strongly encourages its authors to reach into interdisciplinary materials to find support for propositions. Since matrimonial law issues arise at the intersection of law and the social sciences, there is a wealth of data and literature directly relevant to the practicing matrimonial lawyer that can only be found by using the research tools of the social sciences (for instance, the Social Sciences Index, Infotrac, and numerous Westlaw and LEXIS-NEXIS databases). Assertions of propositions of fact or opinion in non-legal areas, such as psychological or sociological commentary, must meet the same authority standards as assertions of principles of law.

**AUTHORS ARE RESPONSIBLE FOR FULLY DOCUMENTING THE PROPOSITIONS STATED WITHIN THEIR ARTICLES.** The Journal has a very small staff and therefore is unable to accept responsibility for obtaining necessary support. Our students and the Associate Editor do not have time to “create footnotes.”

### 3. Originality

Thorough research is not a substitute for originality. Articles that are simply restatements of opinion and analysis that are printed elsewhere are not the sort of pieces the Journal will publish. Effective synthesis of authority identified through research or application of existing principles to new questions are appropriately original endeavors.

Conversely, creativity is not a substitute for thorough research. Articles must demonstrate a thorough research inquiry in order to establish that the insight is indeed creative and original. The article should add novel thought to the area, rather than merely rehash, reiterate, rearrange or recapitulate existing knowledge.

### 4. Deadlines

It is essential that authors adhere to the specified deadlines. The publication schedule is designed to take advantage of law school student assistance that is only available at certain times of the year. Requests for extensions in extraordinary situations must be made to the Executive Editor.

## **Authors' Guide to Manuscript Preparation and Citation Forms**

By Nancy Levit \*

### **I. Manuscript Preparation**

#### **A. Formatting Guidelines**

1. All manuscripts must be typed. Please use Times New Roman 12 point font for text, Times New Roman 11 point font for footnotes.
2. Pages should have one inch margins along both left and right sides.
3. Copy in the text should be double-spaced. Footnotes should be single-spaced and placed at the bottom of each page.
4. Pages should be numbered at bottom center. Be sure to paginate.
5. Insert two spaces after punctuation marks in the text.
6. The title of the article should appear at the top of the first page and should be in all caps. The author's name should appear two lines below the title in ordinary Roman type, followed by an asterisk.

e.g., JOINDER OF TORT CLAIMS IN DIVORCE ACTIONS

By Barbara Glesner Fines \*

7. Relevant information concerning the author is set forth at the beginning of the footnotes, and marked with an asterisk. Authors should use only their official title and the city and state in which they practice. Additional biographical information will be included in the Introduction to the volume.

e.g., \* Associate Dean of Faculty Development and Ruby M. Hulen Professor of Law,  
University of Missouri-Kansas City School of Law

8. Citation of authorities should conform to *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 21st ed. 2020).

#### **B. Writing Guidelines**

1. Make sure that the end of the Introduction section has a roadmap that includes the central thesis of the article, and a demarcation or breakdown of the different sections of the article. Tell

the question your article will answer. Describe what analysis will be in each section of your article, and tell what conclusions you will reach.

Consider the following example from Gaetano Ferro, *Electronically Stored Information: What Matrimonial Lawyers and Computer Forensics Need to Know*, 23 J. AM. ACAD. MATRIM. LAW. 1, 1-2 (2010):

The use of electronically stored information in matrimonial cases often involves challenging issues. The lawyer involved in such a case needs to become sophisticated as to how computers maintain information. He or she needs to acquire an understanding of both the rudimentary and analytical. At the same time, the lawyer involved in a case with significant ESI needs to be mindful of criminal and ethical rules. In addition, ESI may prove to be worthless unless the lawyer considers evidentiary problems in advance.

This article will address and give guidance in a number of areas. Part I provides an introduction to electronically stored information. In particular, it addresses why it might be beneficial to pursue electronically stored information in matrimonial cases, how electronically stored information may be found, and the potential pitfalls and ethical violations a matrimonial lawyer should avoid when dealing with informally obtained electronically stored information. Part II delves into the evidentiary issues every lawyer must consider when gathering electronically stored information and using it in his or her case. In Part III, the roles that a computer forensic can play in aiding a matrimonial lawyer to gather and digest electronically stored information are explored. Types of electronically stored information, extending from the more commonly known examples, such as emails and text messages, to the less obvious examples, such as metadata, are outlined in Part IV. Computers are not the only places where these various types of electronically stored information may be found, as is pointed out in Part V. Parts VI and VII of the article examine the role of the computer forensic as an investigator whose findings can become critical evidence in some cases. Last, the article closes in Part VIII with a focus on issues arising out of electronic evidence in cases in which there are child pornography or drug abuse allegations.

2. Write in active, rather than passive, voice. In active voice, the subject performs the action of the verb (e.g., “The court held that the administrative agency exceeded its jurisdiction.”) In passive voice, the subject receives the action of the verb (e.g., “It was held that the administrative agency exceeded its jurisdiction.”). Eliminate passive voice (e.g., “The resolution was approved by the committee.”). Use active voice instead (e.g., “The committee approved the resolution.”).

### 3. Quotations

a. Avoid extensive reliance on large blocks of quoted material and avoid back-to-back quotes. Use your own words. Use quotations sparingly. Do not use large blocks of quoted material, back-to-back quotations, several quotes on a single page of text, or quotes to describe basic facts. Proofread all quotations to exacting detail, properly showing omissions and alterations.

b. Emphasis in quotations should be indicated parenthetically in the footnote, not the text.

(1) “(emphasis in original)” should be used when the emphasis appears in the original quote.

(2) “(emphasis added)” should be used when the writer adds emphasis to a quote where there was none in the cited source.

c. Periods and commas are always placed inside quotation marks. Semicolons and colons are always placed outside quotation marks.

d. The Journal uses the Oxford comma.<sup>1</sup>

### 4. Footnote support or substantiation.

Support factual assertions with substantive citations. Provide adequate substantiation of any empirical proposition or case references. This typically amounts to approximately three to five footnotes per page of text. Err on the side of over- rather than under-citing.

5. Be sure that the article has not been previously published and is not being contemporaneously published elsewhere, in whole or in part, in any form, modified or otherwise.

6. Be sure that the article contains no plagiarism. Do not use the language (more than four words in a row), phrases, ideas, argument structure, or analysis of another writer without citation. The Journal will run every submission through plagiarism-checking software and reserves the right to withdraw an offer of publication if it finds plagiarism in an article or Comment.

### 7. Grammar and writing tips.

a. Avoid bullets, single sentence paragraphs, and repeated enumeration (laundry lists of (1), (2), (3)) in lieu of textual paragraphs. Also avoid lengthy paragraphs, which usually contain two or more main ideas.

b. Eliminate all first person pronouns (e.g., “I,” “we,” “our society”), unless they are absolutely necessary to a first person story.

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<sup>1</sup> *Oxford Comma Explained: How to Use the Oxford Comma*, MASTERCLASS (July 15, 2021), <https://www.masterclass.com/articles/what-is-an-oxford-comma>.

- c. Check the article for subject-verb and subject-subject correspondence (to avoid the use, for example, of plural verbs and singular subjects). A common example of this error is “The court ruled against the debtor spouse. They held . . . .”
- d. Avoid the use of existential clauses such as “there is,” “there are,” “there were,” “there would have been,” as much as possible.
- e. Eliminate most, if not all, rhetorical questions, clichés, and colloquial expressions.
- f. Avoid a case-by-case analysis when a synthesis is required. Focus on tests or elements rather than bouncing from case to case.
- g. Do not use “as” in place of “since” or “because.”
- h. Be sure that “it” has a clearly defined referent.

## **II. Citation Forms—Text**

### **A. Headings**

Create adequate headings and subheadings to signpost different parts of the article and subparts of a section. Demarcate these in Roman numeral outline form.

1. Introduce major section titles with Roman numerals, and type the title in large and small caps.

e.g., I. The Psychology of Domestic Violence

2. Indent subsection headings, and type them in upper and lower case italics.

e.g., A. *The Cycle of Violence*

3. Sub-subsection titles should be double-indented and typed in upper and lower case ordinary Roman.

e.g., 1. Understanding the Battered Spouse Syndrome

### **B. Case Names**

1. Case names in text should be in italics.

2. For case citations in text, do not abbreviate the first word of a party's name, and do not abbreviate words in the case name except: &, Ass'n, Bros., Co., Corp., Inc., Ltd., and No. Bluebook Rule 10.2.1(c). For case names in footnotes, institutional author names, and periodical titles, abbreviate according to Table T6, "even if the word is the first word in a party's name." Bluebook Rule 10.2.2.

### C. Quotations

1. Quotations must correspond exactly with the original in wording, spelling, capitalization, and punctuation. If not, brackets [ ] must be used to indicate changes. Bluebook Rule 5.2(a).
2. Quotations of fifty or more words require use of block quotes (i.e., indented left and right by .5 inch, single spaced, and without quotation marks). Bluebook Rule 5.1. Quotes within such a quotation look like they do in the original. An example is below:

In their article discussing competence issues for the family law attorney, Professor Barbara Glesner Fines and Cathy Madsen suggest that in the family law arena the impact of litigation on non-clients and the impact of these non-clients on the process is significant. They point specifically to the consideration of children in divorce actions and conclude "no matter how much the attorney tries to individualize representation, he/she must consider the practical impact on these others." Asking a divorce client "What have you told the children about the separation?" opens the door to a discussion of the impact of the proceeding on them and also a consideration of how their feelings and reactions may influence the client's decisions.

3. Quotations of forty-nine or fewer words are incorporated within the text (do not block quote). Quotes within such a quotation require single quotation marks.
4. Indicate omission of words in quoted material by using an ellipsis, which is three periods separated by spaces and set off by a space before the first and after the last period ("#.#.#" or "..."). Bluebook Rule 5.3.
5. Do not use ellipses to begin a quotation.

### D. Capitalization

1. Capitalize the name of the court only when referring to the U.S. Supreme Court or when naming a court in full (i.e. the Eighth Circuit Court of Appeals);

2. Capitalize “constitution” only when referring to the U.S. Constitution or a state constitution when the state is named (i.e. the Missouri Constitution);
3. Capitalize “term” only when referring to a particular term of the U.S. Supreme Court;
4. Capitalize “act” only when referring to a specific act by name (i.e. after the Freedom of Information Act, “this Act”);
5. Capitalize when giving the name of a specific judge or justice or whenever referring to a Justice of the U.S. Supreme Court. For example, if you refer to an individual judge, you would say “Judge Messina.” If you are referring to the U.S. Supreme Court, you would say, for example, “This era of constitutional noninterference ended when the Justices proclaimed a profound national commitment to the principle that debate on public issues should be uninhibited.” A reference to state supreme court justices would read: “The justices of the state’s highest court will hear oral arguments on the issue of same-sex marriage at the end of the month.”

#### E. Numbers

1. Spell out numbers zero to ninety-nine and round numbers (such as “hundred” or “thousand”) in text and in footnote text; use numerals for larger numbers. Bluebook Rule 6.2. Exceptions (numerals may be used for):
  - a. Scientific, technical or statistical discussions;
  - b. Dates, times and addresses; and
  - c. Dollar amounts preceded with “\$.”
2. “Percent” should be spelled out in the text when numbers are spelled out, but use the symbol (%) for numerals. Bluebook Rule 6.2(d).
3. Section symbol (§) and paragraph symbol (¶) are used in footnote citations, but spell out the words “section” and “paragraph” in the text (even if it is a textual sentence in a footnote). The exceptions to this are for provisions of the U.S. Code or a federal regulation—use the symbol for these in text. Bluebook Rule 6.2(c).

#### F. Abbreviations



1. “United States” is abbreviated to “U.S.” when used as an adjective (do not omit the periods). Use “United States” as the noun. Bluebook Rule 6.1(b) offers these examples: “U.S. history, but history of the United States.”
2. Abbreviations in the text of an article are used only when such abbreviations are commonly used (e.g. Mr., Mrs., Ms., Sr., Jr., Dr., B.S., J.D., etc.).
3. “[E]ntities with widely recognized initials” are used without periods, but the name should be spelled out completely in the first reference (i.e., National Labor Relations Board becomes NLRB). Bluebook Rule 6.1(b)

### **III. Citation Forms—Footnotes**

#### **A. Case Names**

1. A full case citation includes: volume number, reporter, beginning page of the case, page cited to when necessary, court and year.
2. Use Roman type if full name is given (both parties), but italicize if only one party is given as in a short cite. Bluebook Rules 2.1 and 10.9(a)(i).

e.g., *United States v. Nixon*, 418 U.S. 683, 709 (1974).  
*Nixon*, 418 U.S. at 709.

#### **a. U.S. Supreme Court**

Do not give a parallel citation when citing U.S. Supreme Court cases.

e.g., *Milliken v. Bradley*, 433 U.S. 267 (1977).

#### **b. U.S. Court of Appeals**

e.g., *Bristow v. Drake Street, Inc.*, 41 F.3d 345 (7th Cir. 2023).

#### **c. U.S. District Court**

e.g., *Brown v. Theis*, 785 F. Supp. 1028 (S.D. Ill. 2021).

#### **d. State Decisions**

For state decisions, cite only to the regional reporter (no parallel citation to the official reporter), giving the specific court in the parentheses with the date.

e.g., *Hayden v. Dobbs*, 782 A.2d 657 (Pa. Super. Ct. 2009).

3. Abbreviation rules differ depending upon whether the cite is in text or the footnote. Case names in footnotes require further abbreviation. The first name of the case is never abbreviated. For a list of case abbreviations in footnotes, see table T6. Bluebook Rule 10.2.2 says, “Always abbreviate any word listed in table T6, even if the word is the first word in a party’s name.”

4. Do not give parallel citations to state cases, but review the correct designation for the court (see table T1.3).

e.g., *State v. Olson*, 680 P.2d 822 (Kan. Ct. App. 2021).

5. Give any subsequent history of the case (except rehearing denied) and prior history if significant to the point for which the case is cited. Bluebook Rule 10.7 says to “omit denials of certiorari or denials of similar discretionary appeals, unless the decision is less than two years old or the denial is particularly relevant.”

6. Subsequent cites to a case:

a. Use *Id.* in footnotes only if you are citing to the same page of the same source you cited to in the immediately preceding cite, when the preceding cite contains only one authority. If you are citing to a different page of the same authority, use “*Id.* at \_\_\_.”

b. A short cite may be used to refer to a case prominently cited in one or more of the preceding four footnotes or named in the same general textual discussion (within the lowest subheading of the paper). Bluebook Rule 10.9 lists acceptable short cite formats. Use of shorter citation forms, especially use of the source alone, is proper only if the reader will have no doubt as to which case it refers. Italicize case names if the name is shortened to one party.

e.g., *Henriksen*, 622 A.2d at 1135.

c. “Supra” and “hereinafter” should not be used to refer to cases, statutes or constitutions, legislative materials (other than hearings), restatements, model codes, or regulations, except in extraordinary circumstances, such as when the name of the authority is extremely long.

## B. Articles

1. A full journal cite contains the author’s full name in ordinary Roman type, the title of the article italicized, the volume of the journal, the abbreviated name of the journal in large and

small capitals, the beginning page of the article, any specific pages of reference, and the date of the journal in parenthesis. Bluebook Rule 16.1.

a. For consecutively paginated journals:

e.g., Nancy Levit & Douglas O. Linder, *Happy Law Students, Happy Lawyers*, 58 SYRACUSE L. REV. 351 (2008).

b. For magazines, newspaper or nonconsecutively paginated journals:

e.g., Steven Greenhouse & Michael Barbaro, *Costco Bias Suit Is Given Class-Action Status*, N.Y. TIMES, Jan. 12, 2007, at C9.

2. Subsequent cites to a journal.

a. *Id.* may be used to refer to the immediately preceding cite if it contains only one authority. Bluebook Rule 4.1.

b. *Supra* may be used when *Id.* is not appropriate. Proper usage of *supra* includes the author's last name in ordinary Roman type, *supra* (in italics) followed by the footnote number in which the full citation may be found, and the specific page number of the material referenced.

e.g., Kisthardt, *supra* note 9, at 1042.

### C. Books

1. A full book citation includes the author's full name in large and small capitals, the complete title of the book in large and small capitals (do not abbreviate words in the title), the page(s), paragraph(s) or section(s) referenced, and the edition and date in parentheses. Bluebook Rule 15.

e.g., ROBERT L. HAYMAN, JR., THE SMART CULTURE: SOCIETY, INTELLIGENCE, AND LAW 99 (1997).

2. Always give the full name of an editor and/or translator according to Bluebook Rule 15.2, followed by "ed." or "trans." in the parenthetical containing information about the edition, publisher, and date (see rule 15.4).

e.g., 3 RESEARCH IN LAW AND SOCIOLOGY 23 (Rita J. Simon & Steven Spitzer eds., 1980).

3. Subsequent citations to a book.

a. *Id.* may be used if the immediately preceding cite contains only one authority. Bluebook Rule 4.1.

b. *Supra* may be used when *Id.* is not appropriate. Proper usage of *supra* includes the author's last name in large and small capital letters, *supra* (in italics) followed by the footnote number in which the full citation may be found, and the specific page number of the material referenced.

e.g., HAYMAN, *supra* note 22, at 175.

#### D. Statutes

1. Cite to the current version of the statute, unless the discussion is about an old provision of the statute. Use large and small capital letters. Include the volume, abbreviated name of the code, the section, paragraph or article number, and the year. Bluebook Rule 12.3.

e.g., DEL. CODE ANN. tit. 13, § 1301 (2022).

2. Do not use *et seq.* to refer to subsequent sections; instead, specify the relevant sections, using two section symbols to indicate multiple sections. Bluebook Rule 3.3(b).

e.g., DEL. CODE ANN. tit. 13, §§ 1301-1308 (2022).

3. Subsequent cites to a statute.

a. *Id.* may be used if the immediately preceding cite contains only one authority. Bluebook Rule 4.1.

b. A short cite that clearly identifies the statute may be used to refer to a statute cited in complete form “in either the *same footnote* or . . . in *one of the preceding five footnotes.*” Bluebook Rule 12.10(b) (emphases in original).

c. “*Supra*” and “hereinafter” should not be used to refer to statutes.

#### E. Introductory Signals

1. No signal is used when the cited authority identifies the source of a quotation or identifies an authority referred to in the text. Bluebook Rule 1.2 (a).

2. *See* is used when the cited authority offers clear support for the proposition. It is used instead of no signal “when the proposition is not directly stated by the cited authority but obviously follows from it.” Bluebook Rule 1.2(a).

3. *See, e.g.*, means See, for example, and is used when the “[c]ited authority states the proposition; other authorities also state the proposition, but citation to them would not be helpful” or necessary. Bluebook Rule 1.2(a).

#### F. Multiple Authorities in a Single Citation

1. When different types of authorities appear in a single footnote, they should be cited in “a logical manner. If one authority or several authorities together are considerably more helpful or authoritative than the other authorities cited within a signal, they should precede the others.” Bluebook Rule 1.4.

2. An earlier edition of the Bluebook suggested the following order:

- a. constitutions;
- b. statutes;
- c. treatises and other international agreements;
- d. cases;
- e. legislative materials;
- f. administrative and executive materials;
- g. resolutions, decisions and regulations of intergovernmental organizations;
- h. records, briefs, and petitions;
- i. secondary materials (journal articles);
- j. cross-references to the author’s own textual material.

3. An earlier edition of the Bluebook suggested that cases decided by the same court should be arranged in reverse chronological order.

4. An earlier edition of the Bluebook suggested that state decisions should be organized alphabetically by state and then by rank within each state.

#### G. Abbreviations

Footnote abbreviation listings:

1. Periodical journal abbreviations (see table T13);
2. Case name abbreviations (see table T6);
3. Geographical abbreviations (see table T10);
4. Months (see table T12);

5. Subsequent history explanatory phrases (see table T8).

## H. Internet Sources

Citations to internet sources are governed by Bluebook Rule 18.

1. The home page or domain name or main page title should be indicated in large and small caps.

For example, DAILY KOS, <http://www.dailykos.com> (last visited Apr. 25, 2023).

2. Include dates and times in a parenthetical.

For example, Dave Davies, *Short-Term Profits and Long-Term Consequences—Did Jack Welch Break Capitalism?*, NPR (June 1, 2022, 1:22 PM), <https://www.npr.org/2022/06/01/1101505691/short-term-profits-and-long-term-consequences-did-jack-welch-break-capitalism>.

3. The most recent edition of the Bluebook no longer uses “available at”; just cite to the URL.

The rules contained in these Authors’ Guidelines were influenced by the UMKC Law Review Staff Manual and the Connecticut Bar Journal’s Guidelines for Preparation of Manuscripts