

## APPENDIX

### Style Guide for the Appellate Division of the District Court

#### I. CITATION

- A. **Introduction.** Unless otherwise noted, all citations should comply with *The Bluebook: A Uniform System of Citation* (16<sup>th</sup> ed. 1996) ["*Bluebook*"]. The following provides only a brief overview of commonly cited materials and notes the particularities of citations in the Appellate Division. For a complete guide to citation, see the *Bluebook*.

B. **Virgin Islands and United States Codes.**

The Virgin Islands Code should be cited as V.I. CODE ANN. tit. \_\_, § \_\_. See *Bluebook*, Table 1, at 228. Subsequent short citations shall refer to the Virgin Islands Code as \_\_ V.I.C. § \_\_. The long form is used the first time the Virgin Islands Code is cited in the text or the footnotes, or when it begins a sentence, e.g., V.I. CODE ANN. tit. 4, § 244; thereafter the short form of citation is used, e.g., 4 V.I.C. § 244.

The United States Code should be cited as [title number] U.S.C. § [section number], e.g., 48 U.S.C. § 1611. *Bluebook*, Rule 12.

Contrary to the note to *Bluebook* Rule 12.9, the word "section" should be spelled out in the text (but not in footnote text) when referring to either U.S. Code provisions or V.I. Code provisions, e.g., "section 1611 of Title 48" or "section 23A of the Revised Organic Act." The symbol "§" should be used in all citations.

C. **Organic Act(s).**

The standard form for citing to the Revised Organic Act is as follows: The complete Revised Organic Act of 1954 is found at 48 U.S.C. §§ 1541-1645 (1994), *reprinted in* V.I. CODE ANN., Historical Documents, Organic Acts, and U.S. Constitution at 73-177 (1995 & Supp. 1997) (preceding V.I. CODE ANN. tit. 1).

A citation to a specific section of the Revised Organic Act should be as follows: Revised Organic Act of 1954, § 23A, 48 U.S.C. § 1614, *reprinted in* V.I. CODE ANN., Historical Documents, Organic Acts, and U.S. Constitution at 159-60 (1995)(preceding V.I. CODE ANN. tit. 1).

**D. Statutes, Session Laws, and Legislative Materials.**

**1. Statutes** (*Bluebook* Rule 12)

If a statute is currently in force, cite only to the current official code and/or its supplement. For example, the National Environmental Policy Act of 1969 is currently in force. It should be cited as: National Environmental Policy Act of 1969, § \_\_\_\_ [if referencing specific section of the act], 42 U.S.C. § 4332 (1994). No reference to the Public Law Number or Statutes at Large is necessary in this instance.

If the statute as a whole or the specific section of the statute cited, has been amended since the date of the last publication of the volume of the U.S.C., the year cited must be altered. If the statute/section has been completely replaced, cite only to the year of the Supplement in which the amended version appears, *e.g.*, 42 U.S.C. § 4332 (Supp. 1996). If the statute/section has been changed but not completely replaced, cite to both the year of the original volume and the Supplement in which it also appears, *e.g.*, 42 U.S.C. § 4332 (1994 & Supp. IV 1996).

**2. Session Laws** (*Bluebook* Rule 12.4)

When citing to a session law, the cite must include the name of the session law (either the official/popular name such as "National Environmental Policy Act of 1969" or the full date of the act, "Act of July 1, 1998"); the number of the session law (or chapter if referring to an old session law); and a parallel citation to either the Statutes at Large or U.S.C.C.A.N. with the parenthetical reference to the Statutes at Large, in that order of preference.

*Examples:*

National Environmental Policy Act of 1969, § 2, Pub. L. No. 91-190, 83 Stat. 852, 853 (1970).

*Explanation:* This refers to section 2 of the 190<sup>th</sup> law enacted by the 91<sup>st</sup> Congress. The law can be found in volume 83 of the Statutes at Large, published in 1970. The Act begins on page 852 of the Statutes at Large; section 2 of the Act can be found at page 853 of the Statutes at Large.

Act of July 19, 1985, Pub. L. No. 99-68, 1985 U.S.C.C.A.N. (99 Stat. 102) 166.

*Explanation:* This refers to the 68<sup>th</sup> act passed by the 99<sup>th</sup> Congress. The law can be found in the 1985 volume of U.S.C.C.A.N. beginning on page 166. The law does not yet appear

in the Statutes at Large although it eventually will be published in volume 99, beginning on page 102 of the Statutes at Large. Note, when this Act is published in the Statutes at Large, the cite will be: Act of July 19, 1985, Pub. L. No. 99-68, 99 Stat. 102.

Note, if a statute is currently in force, cite only to the *United States Code*. A citation should be made to the Public Law Number only if the act does not yet appear in the official code or reference is made for a specific reason, e.g., the Act subsequently amended after passing and you wish to cite to the act as originally adopted.

### **3. Legislative Materials** (*Bluebook* Rule 13)

When citing to any United States legislative material, the citation must tell the reader the house which produced the legislation (Senate or House); which Congress, by number (the 106<sup>th</sup> Congress commences in January, 1999); the number given to the material by Congress (documents are usually given numbers in sequential order of publication); and the year published. As legislative materials are difficult to find in their original form, the citation should also include, if possible, a parallel cite to another source that is more readily available.

Enacted federal bills and resolutions, and federal reports, committee hearings, and legislative histories also can be found in *United States Code Congressional and Administrative News* (U.S.C.C.A.N.), *Statutes at Large* (Stat.), the *Congressional Record* (CONG. REC.), and through electronic materials, although not every bill/resolution will appear in all of these locations. Citations to these materials should include parallel cites to the Statutes at Large, U.S.C.C.A.N., the Congressional Record, or electronic materials, in that order of preference.

Unenacted federal bills and resolutions probably will not appear in any of the bound sources. Parallel citations to these documents should be made to electronic sources such as Westlaw, Lexis, or the Internet. Suggested Internet sites include: [www.house.gov](http://www.house.gov); [www.senate.gov](http://www.senate.gov); and [thomas.loc.gov](http://thomas.loc.gov) For proper citation of electronic materials, see section I.H below.

#### *Examples:*

**Federal report:** H.R. REP. NO. 92-98, at 4 (1971), *reprinted* in 1971 U.S.C.C.A.N. 1017, 1020.

*Explanation:* This is a House Report, produced by the 92d Congress and was numbered 98. It was published in 1971 and can also be found in U.S.C.C.A.N.. The report begins in

U.S.C.C.A.N. at page 1017, but the specific material can be found at page 1020.

**Unenacted federal bills and resolutions:** S. 1422, 101<sup>st</sup> Cong. § 5 (1988), [may add electronic cite if available].

*Explanation:* The bill is number 1422 in the Senate of the 101<sup>st</sup> Congress and was published by Congress in 1988. The cite is to section 5 of the bill.

## **E. Rules**

1. **General.** When referring to any rule of procedure or evidence in the text or in the text of a footnote, use the full name of the rule, e.g., "Virgin Islands Rule of Appellate Procedure 5(a) delineates how to file an appeal in a civil matter." and not "VIRAP 5(a) delineates . . . ."
2. **Virgin Islands Rules of Appellate Procedure.** The Virgin Islands Rules of Appellate Procedure should be cited as V.I. R. APP. P. \_\_\_\_ in the long form, and short cited as VIRAP \_\_\_\_, e.g., V.I. R. APP. P. 1(a), VIRAP 1(a).
3. **Local Rules of Procedure for the District Court.** The Local Rules of Civil Procedure for the District Court should be cited as LRCi \_\_\_\_, e.g., LRCi 1.1. The Local Rules of Criminal Procedure for the District Court should be cited as LRCr \_\_\_\_, e.g., LRCr 44.1.
4. **Federal Rules of Procedure and Evidence.** The Federal Rules of Procedure should be cited as set forth in *Bluebook* Rule 12.8.3, e.g., FED. R. CIV. P. 1, FED. R. CRIM. P. 1, FED. R. APP. P. 1, FED. R. EVID. 1.
5. **Rules of the Territorial Court.** The Rules of the Territorial Court should be cited as TERR. CT. R. \_\_\_\_, e.g., TERR. CT. R. 1.

## **F. Cases** (*Bluebook* Rule 10)

1. **General.** The full case citation includes the name of the case; the source in which it may be found; a parenthetical that indicates the court and jurisdiction and the year or date of decision; and the subsequent history of the case, if any.

## 2. Case Names.

- a. **Font.** The name of the case should be in italics in both text and footnote text.
- b. **Abbreviations** (*Bluebook Rules 10.2.1, 10.2.2*). When a case appears in a cite (either in text or footnote) rather than as part of a textual sentence, always abbreviate any word listed in Table 6 of the *Bluebook* that appears in the name of the case. Do not, however, abbreviate the first word of the name of a party.

It is strongly recommended that Rules 10.2.1 and 10.2.2 be reviewed to assist in proper citation of case names.

- 3. **Sources.** Cases decided by the United States Court of Appeals for the Third Circuit, the District Court of the Virgin Islands, the Appellate Division of the District Court of the Virgin Islands, and the Territorial Court, should be cited to the following sources in the listed order of precedence:

- a. V.I. Reports, if therein, and/or F., F.2d, F.3d, F. Supp. F.R.D.

Otherwise to:

- b. Westlaw or Lexis; or
- c. Michie's Virgin Islands Law on Disc (CD-ROM); or
- d. Virgin Islands Bulletin Board

- a. **Published Opinions.** If published, an opinion of the United States Court of Appeals for the Third Circuit, the District Court, and the Appellate Division of the District Court will appear in a Federal Reporter such as the F., F.2d or F.3d series, the F. Supp., or the F.R.D. Published opinions also may appear in the official reporter of the Virgin Islands is V.I. Reports, cited as V.I.

If an opinion appears in both V.I. Reports and a Federal Reporter, the citation should include a parallel cite to both sources. For example:

*Murray v. Fairbanks Morse*, 16 V.I. 647, 610 F.2d 149 (3d Cir. 1979).

A subsequent short cite to the opinion should include a parallel short cite to both reporters:

*Murray*, 16 V.I. at 653, 610 F.2d at 151.

Territorial Court opinions, if published, will appear only in the V.I. Reports.

*Mark v. Francis*, 17 V.I. 278 (Terr. Ct. 1981).

- b. Unpublished Opinions.** Unpublished opinions should be cited to either Westlaw or Lexis, if available, to Michie's Virgin Islands Law on Disc (CD-ROM), or the Virgin Islands Bulletin Board, in that order of preference. If, however, you do not have access to either Westlaw or Lexis, you may cite to the Michie CD-ROM materials.

- 1.) Westlaw/Lexis.** (Bluebook Rule 10.8.1) Citations to Westlaw and Lexis should appear as follows:

*United States v. Bruney*, Civ No. 1993-035, 1994 WL 87888, at \*5 (D.V.I. Oct. 12, 1994).

*United States v. West Indian Boy*, Civ No. 93-195, 1994 U.S. Dist. LEXIS 8607, at \*2 (D.V.I. May 26, 1994).

- 2.) Michie CD-ROM.** Citations to opinions published on CD-ROM should include the case name, docket number, division, version of the CD-ROM being used, the court name, and the full date the opinion was issued.

*Jones v. Department of Soc. Welfare*, Civ. No. 81-210, 1983 St. Croix Supp. \_\_\_\_\_, CD-ROM June 1993 ed. (D.V.I. Mar. 3, 1983).

- 3.) Virgin Islands Bulletin Board.** Citations to opinions published on the VI Bulletin Board Service (BBS) should include the case name, docket number, BBS entry number, court name, and the full date the opinion was issued.

*United States v. Hyde*, Crim No. 93-65, V.I. BBS 93CR65.DT1, at 3 (D.V.I. Oct. 21, 1993)

4. **Court of Decision.** Citations must indicate the court and the year but not the division. This is true for both federal and local courts. The Territorial Court should be cited as (Terr. Ct. 19xx). The District Court of the Virgin Islands sitting as a trial court is abbreviated (D.V.I. 19xx). Decisions of the Appellate Division of the District Court should be cited as (D.V.I. App. Div. 19xx). The Court of Appeals for the Third Circuit is designated as (3d Cir. 19xx), **not** (3rd Cir. 19xx) or (3CA 19xx).
5. **Prior and Subsequent History.** (*Bluebook* Rule 10.7) Cite prior history only if significant to the point for which the case is cited.

Always cite subsequent history, if available, *except* omit denials of certiorari unless the denial is less than two years old or the denial is particularly relevant. Also omit the history on remand or any denial of a rehearing, unless relevant to the point for which the case is cited. Use explanatory phrases as suggested by the *Bluebook* in Table 9.

- G. **Treatises.** Citations to treatises such as Moore's Federal Practice and the Restatements should be in big and small caps, *e.g.*, RESTATEMENT (SECOND) OF TORTS § 421 (1977). Conform to *Bluebook* styles for these and other references unless indicated otherwise herein.
- H. **Internet Citations.** (*Bluebook* Rule 17.3.3) As with all other citations, references to sources found on the Internet must provide enough information to allow the reader to locate the material. An Internet citation should include the author (if any), the title of the material in italics, the date of publication of the material or the date the Internet site was visited or last modified, and the address where the Internet source can be found. If it is a cite to a journal or other publication that appears only on the Internet, include the volume number, title of the journal, and the sequential article number.

*Example:*

*Constitution of the Russian Federation* (ratified Dec. 12, 1993)  
<<http://www.bucknell.edu/departments/russian/const/constit.html>>.

*Explanation:* The *Constitution of the Russian Federation*, the title of the document, can be found at the Internet address listed.

## II. FORMAT

### A. Miscellaneous.

1. **Capitalization.** "Appellant" and "Appellee" are not capitalized within the body of a document unless used to begin a sentence. "Court" should only be capitalized when referring to the United States Supreme Court or the Appellate Division of the District Court. The names of all parties listed in the caption of all documents should be in all capital letters.

2. **Font.** All documents should be in "Courier New" font.

3. **Abbreviations.** All documents should follow the abbreviations listed in Table 8 of the *Bluebook*. In the first reference to the abbreviation, put the abbreviation to be used in brackets and quotes, e.g., Joint Appendix ["J.A."] at 5. All subsequent references should use the abbreviation, e.g., J.A. at

4. **Party names.** In the body of any document, the parties should be referred to as "appellant" and "appellee" and not as "plaintiff" or "defendant" except when essential for clarity.

5. **Name of trial court judge.** The name of the trial judge should not be used in a document unless necessary to avoid confusion. Reference instead should be made to the "Territorial Court", "the court", "the trial judge", etc.

### B. Title Page

1. **Memorandum Opinion/Judgement Order.** As illustrated below, the title page of an Memorandum Opinion or Judgement Order issued by a Panel of the Appellate Division should include the following elements:

a. **Publication status.** Indicate whether the document is either "For Publication" or "Not for Publication" in bold with initial caps at the beginning of the document.

b. **Identification of the Court.** The name of the Court should appear at the top of every document in a textbox with the text centered in the textbox in 14-point font. The textbox shall be the same for every document except for the reference to either the St. Thomas and St. John Division or if the matter arises out of the St. Croix Division.



- c. **Caption.** The names of the parties should appear in bold and all capitals in the boxed off section on the left of the page.
- d. **Docket numbers.** Appellate Division docket numbers should be typed in 12-point font as follows:  
Criminal: D.C. Crim. App. No. 1998-001  
Civil: D.C. Civ. App. No. 1997-299

The underlying Territorial Court docket number should also be referenced as follows in 10-point font:

Criminal: Terr. Ct. Crim. No. 002/1997  
Civil: Terr. Ct. Civ. No. 001/1996  
Family Div.: Terr. Ct. Fam./Juv. No. 003/1997  
Small Claims: Terr. Ct. S.C. No. 005/1998

- e. **Argued, Considered, Filed.** Immediately below the caption, the document should state "On Appeal from the Territorial Court of the Virgin Islands." Two lines below this, the document should indicate when the Panel heard the appeal and when the opinion/order was filed. An appeal is "argued" if the Panel heard oral argument; an appeal is "considered" if the Panel resolved the appeal based on the parties' filings. All of these lines should be centered.
- f. **Panel Listing.** Next to the word "Before" in bold and small caps, the document should list the names of the judges sitting on the Panel. The name of each judge should be in bold.
- g. **Attorneys of record.** All documents should include a listing of the attorneys of record for all parties. Under the heading of "Appearances", in bold, the attorney's name, firm name if applicable, and office location (e.g., St. Thomas, USVI, St. Croix, USVI, Washington, DC, etc.) should appear in 12-point font. The attorney or attorneys for each party should be identified as such with the phrase "Attorney(s) for Appellant" or "Attorney(s) for Appellee" after the listing(s) of the attorney(s).
- h. **Title of document.** The title of the document shall appear in a textbox with the text centered and in 14-point font.

- i. **Name of authoring judge.** Unless the opinion/order is issued per curiam, list the name of the authoring judge immediately after the title of the document. The Chief Judge can be identified as "Chief Judge." All other judges should be identified as "LAST NAME, District Court/Territorial Court Judge." This follows the pattern of the Third Circuit.

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN  
APPELLATE DIVISION**

JOHN DOE,	)	
	)	
Appellant,	)	D.C. Crim. App. No. 1998-001
	)	
v.	)	Re: Terr. Ct. Crim. No. 001-1997
	)	
GOVERNMENT OF THE VIRGIN ISLANDS,	)	
	)	
Appellee.	)	
	)	

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On Appeal from the Territorial Court of the Virgin Islands

Argued: January 1, 1998  
Filed: July 1, 1998

**BEFORE:**     **John B. Marshall**, Chief Judge, District Court of the Virgin Islands; **James Monroe**, Judge of the District Court of the Virgin Islands; and **Alexander Hamilton**, Territorial Court Judge, Division of St. Croix, Sitting by Designation.

**APPEARANCES:**

Jane Smith, Esq.  
Name of Firm if Applicable  
St. Thomas, USVI

Thomas Jones, Esq.  
Name of Firm if Applicable  
St. Croix, USVI  
*Attorneys for Appellant,*

James Thomas  
Assistant Attorney General  
VI Department of Justice, St. Thomas, VI  
*Attorney for Appellee.*

**MEMORANDUM OPINION/JUDGMENT ORDER OF THE COURT**

MONROE, District Court Judge.

2. **Orders of the Court.** The title page of an Order of the Court should appear exactly the same as the title page of a Memorandum Opinion/Judgment Order except that the following elements as listed above should be eliminated: II(A)(1)(e),(f) & (i) (argued, considered, filed; panel listing; name of authoring judge).
  3. **Filings Submitted to the Court.** The title page of all filings submitted to the Appellate Division should follow the Court's format for Orders of the Court except that filings do not need to utilize textboxes or include the listing of attorneys beneath the caption.
- C. **Header.** All documents issued by the Appellate Division should have a header on all pages except the title page. The header should include the case name (in italics), docket number, title of the document, and page number of the document. It should be in 10-point font, in the upper left of the page.
- Example:*
- Doe v. Government  
D.C. Crim. App. No. 1998-001  
Opinion of the Court  
Page #
- D. **Signing of Opinions and Orders.** An opinion should be dated at the end of the text as follows: **DATED this \_\_\_\_ day of Month, Year.** The authoring judge's signature (unless per curiam) should follow as shown after
- E. **Attestation of Opinions and Orders.** All opinions and orders of the Appellate Division should be attested by the Clerk of the Court or Deputy Clerk so designated. The attestation should immediately follow the authoring judge's signature as is shown below.

Example of signature and attestation on opinion or order of the Court:

**DATED this 1st day of July, 1998.**

**FOR THE COURT:**

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**JAMES MONROE  
DISTRICT JUDGE**

**A T T E S T:  
ORINN F. ARNOLD  
Clerk of the Court**

**By: \_\_\_\_\_  
Deputy Clerk**

- F. Per Curiam Opinions.** Per curiam opinions are not signed; the opinion is attested to by the Clerk. The opinion shall state that it is per curiam immediately underneath the textbox containing the document's title (where it would otherwise state the authoring judge's name).
- G. Copies.** "Copies to:" references should be made only on an Order of the Court. If it is an Order accompanying a memorandum, the copies reference shall state "Copies to: (with accompanying Opinion)".

Copies should be made to the Judges of the Panel, both Magistrate Judges, the secretary of each panel judge's chamber, the attorneys (listing their respective firms if applicable), the Deputy Clerk assigned to that division's appeals (St. Thomas: Ms. Francis; St. Croix: Ms. Hess); both appellate law clerks; Order Book; and, if for publication, to Westlaw, Lexis/Michie.

If an appeal is pro se, the actual party should be listed along with the party's mailing address. If the party is incarcerated, the following reference must be included with the party's address: "LEGAL MAIL - Please open in the presence of inmate only."

If the document is only an Order (not accompanying an opinion), copies usually need only be made to the appellate law clerk of that division.

### III. CHECKLISTS

The Checklist should advise the receiving Judge of what is to be considered, *e.g.*, opinion and order, order, judgment order. Ask that the receiving Judges Chambers confirm the appellate law clerk's receipt of any executed checklist. Instruct the recipient that any suggested revisions should be made in writing. If substantive changes are necessary, the recipient

should confer directly with the other panel members to help alleviate any confusion.

*Example:*

#### APPELLATE DIVISION APPROVAL CHECKLIST

Please submit response via facsimile to (340) 777-8532,  
Attention: Appellate Law Clerk.

1. The draft Opinion and Order in *Doe v. Government*, D.C. Crim.  
App. No. 1998-001:

\_\_\_\_\_ APPROVE

\_\_\_\_\_ DISAPPROVE

\_\_\_\_\_ Date

\_\_\_\_\_  
Alexander Hamilton  
Territorial Court Judge  
Sitting By Designation

\_\_\_\_\_  
June 1, 1998

Attached is a draft Opinion and Order affirming the Territorial Court's judgment. Please review it as soon as possible and return this checklist via fax no later than June 21, 1998. Please have your staff call me to let me know to anticipate its receipt.

Any suggested revisions should be made in writing. If you believe that substantive changes are necessary, you may wish to confer directly with [the judge author].

Regards,  
Appellate Law Clerk