

# House Style Guide

Arkansas Supreme Court  
Arkansas Court of Appeals



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# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	ii
<b>OPINION FORMAT AND STYLE</b> .....	1
1.1 General Opinion Formatting Conventions.....	1
1.2 Case Caption, Docket Number, Opinion Date.....	3
1.3 Authoring Justices and Judges.....	4
1.4 Introduction of Abbreviated Names and Acronyms.....	5
1.5 “Em” Dashes, “En” Dashes, and Hyphens.....	5
1.6 Quotations.....	6
<b>CITATION OF ARKANSAS-SPECIFIC SOURCES</b> .....	10
2.1 Cases.....	10
2.2 Special Citation Forms for Other Court Opinions.....	12
2.3 Arkansas Constitution.....	13
2.4 Arkansas Code.....	13
2.5 Session Laws.....	14
2.6 Court Rules.....	15
2.7 Administrative Orders.....	16
2.8 Arkansas Model Jury Instructions.....	16
2.9 Bills.....	17
2.10 Regulations.....	17
2.11 Attorney General Opinions.....	17
<b>OTHER HOUSE CITATION AND STYLE CONVENTIONS</b> .....	18
3.1 Parallel Citations.....	18
3.2 Use of “ <i>Id.</i> ” and “ <i>Supra</i> ”.....	18
3.3 Phrasal Adjectives.....	18
3.4 Other Compound Terms.....	19
3.5 Commas.....	20
3.6 Possessives.....	21
3.7 Doubling of Consonants in Verbs Ending in “-ing” and “-ed”.....	21
3.8 Miscellaneous House Conventions.....	22

## **INTRODUCTION**

The *House Style Guide*, originally the *Supreme Court and Court of Appeals Procedure and Style Handbook*, was introduced by Marlo Bush Krueger during her term as Reporter of Decisions. Ms. Krueger established a convenient source of rules compiled from a variety of authorities, beginning with a collection of citation forms, frequently used rules from the *Bluebook*, a couple of former Justice George Rose Smith's memos on citing and spelling, and a few, often overlooked, grammar rules.

William B. Jones, Jr., expanded Ms. Krueger's work to include a *Style and Usage Guide*, an alphabetically arranged appendix on usage intended to address specific questions that supreme court and appeals court staff members have raised with the Reporter's Office. The *Supreme Court and Court of Appeals Procedure and Style Handbook* and the *Style and Usage Guide* were merged in 1998 under the single title *House Style Guide* in an effort to create a more convenient and useful format. In 2009, the *House Style Guide* was reorganized and updated to provide more extensive guidance on opinion formatting and citation of Arkansas-specific sources, and to incorporate changes to case citation rules occasioned by the implementation of online-only reporting of court decisions.

The overarching goal of the current version of the *House Style Guide* is to provide guidance on format, citation, and usage conventions that are unique to the supreme court and court of appeals so that the courts' opinions are as uniform and as readable as possible. Generally speaking, the current editions of the *Bluebook* and the *Chicago Manual of Style* should be consulted as primary authorities on matters of citation, grammar, and usage, except to the extent that they are in conflict with this *House Style Guide*, in which case the *House Style Guide* will govern. Other useful sources for guidance in matters of citation, grammar, and usage include current editions of William Strunk, Jr., and E.B. White's *Elements of Style*; Bryan A. Garner's *A Dictionary of Modern Legal Usage* and *Black's Law Dictionary*; and C. Edward Good's *Citing and Typing the Law: A Guide to Legal Citations*.

This *House Style Guide* is intended for internal use by the judiciary and staff of the Arkansas Supreme Court and Court of Appeals in preparing opinions. Practitioners may also consult this *House Style Guide*, but must adhere to specific requirements of the Arkansas Rules of the Supreme Court and Court of Appeals regarding pleadings, briefs, and other documents submitted to the supreme court and court of appeals.

# OPINION FORMAT AND STYLE

## 1.1 General Opinion Formatting Conventions

### 1.1.1 *Margins, Justification*

All opinions should be created in Wordperfect using the opinion template appropriate to the issuing court. One-inch margins should be utilized, and all text other than centered headings should be fully justified. Opinion text should be typed in double-spaced, indented paragraphs with double spacing between each individual paragraph.

### 1.1.2 *Typeface*

(a) All court opinion headings, text, and footnotes, should be typed in 13-point Bembo typeface. If Bembo is unavailable, Garamond may be substituted.

(b) Use “curly” apostrophes and quotation marks.

It’s, NOT it's.

(c) Do not italicize commas following the party names in a citation.

(d) DO italicize the comma between *See* and *e.g.*, but not after *e.g.* *Bluebook* Rule B3.2

*See, e.g., Benson v. State*, 356 Ark. 43, 160 S.W.3d 341.

### 1.1.3 *Opinion Text Font*

(a) Court opinion text and citations should only utilize regular Roman font and italics, with italics to be used in accordance with *Bluebook* Rule 7. Bold font should never be used, and underlining is only acceptable to show the addition of new language in proposed or actual changes to court rules or administrative orders. If an opinion quotes source text that utilizes bold font or underlining, the quote should be reproduced using italics or regular font instead.

(b) Large and small capitals should only be used (1) in headnotes, (2) to identify the justice(s) or judge(s) as provided in Section 1.3 below, and (3) to identify parties speaking in dialogue quoted from a trial or hearing transcript, as in the example below.

Example of proper format for dialogue excerpt from transcript:

ATTORNEY: Were you working that night?  
WITNESS: Yep.  
ATTORNEY: Did you notice anything unusual?  
WITNESS: Nope.

Nonverbal cues from the transcript should be enclosed in parentheses and italicized:

ATTORNEY: You say you didn't notice anything unusual?  
WITNESS: Um, well, I . . . (*witness overcome by coughing fit*)

(c) Citations to authorities that would normally use large and small capitals according to *Bluebook* rules that apply to law review citations should utilize the applicable font convention provided for in the *Bluebook's* Bluepages, with the caveat that italics should be used in lieu of underlining:

Restatement (Third) of Trusts § 71 (2006).

*Black's Law Dictionary* 1339 (8th ed. 2004).

John J. Watkins & Richard J. Peltz, *The Arkansas Freedom of Information Act* (4th ed. 2004).

#### 1.1.4 *Footnotes*

When footnotes are utilized in opinions, the footnote numbers should be inserted immediately after any closing punctuation (except for dashes). Footnotes should be sequentially numbered using Arabic numbers. The first line of each footnote should be indented and footnote text should be single-spaced and justified, with double spacing between individual paragraphs contained in a single footnote.

#### 1.1.5 *Page Numbers*

Page numbers should be used on all pages of all court opinions, and should be Arabic numbers in 13-point Bembo or Garamond typeface. No hash marks, periods, or other markings should be used.

#### 1.1.6 *Section Headings*

Court opinions utilizing section headings should follow these font and justification conventions to ensure uniformity. Numbers and letters indicating a heading's sequence should not be italicized and should be separated from the heading text by two spaces. When a word that is normally italicized is used in an italicized heading, that word should appear in regular Roman font.

I. *Level One Headings Should Begin with a Roman Numeral and Be Italicized, Centered, and Capitalized According to Bluebook Rule 8(a)*

A. *Level Two Headings Should Begin with a Capital Letter and Be Centered and Capitalized According to Bluebook Rule 8(a)*

1. *Level three headings should begin with an Arabic number and be italicized and centered*

a. *Level four headings should begin with a lowercase letter and be centered*

## **1.2 Case Caption, Docket Number, Opinion Date**

### *1.2.1 Party Names*

(a) Parties should be listed in the case caption as they are identified in the caption on the appellant's/petitioner's notice of appeal, without any abbreviations. The case caption should be centered and single-spaced. Only the first party on either side, and only that part of the first party's name that would appear in a case citation in accordance with *Bluebook* Rules 10.2.1 and 10.2.2, should appear in all capital letters. If two cases are consolidated, only the first of the listed cases will have any of their parties listed in all caps:

FIRST NATIONAL BANK of Blytheville, Arkansas, and Peoples  
Federal Bank of Brinkley *v.* Jonathan SWIFT, Alexander Pope,  
and Benton State Bank of Benton, Arkansas  
and  
John Dryden *v.* Worthen National Bank

(Cite as *First Nat'l Bank v. Swift*)

(b) In professional conduct matters where there is only one listed party, "*In re*" should appear in all caps, along with the last name of the respondent. Do not insert a colon after "*In re*."

IN RE Molly Darlene MCKAY  
Arkansas Bar No. 93040

### *1.2.2 Opinions Without Party Names*

When an opinion does not have party names, as with per curiam opinions issued for rule changes, committee appointments, ceremonial observances, and the like, it should be captioned using "*In re*" in all caps, without a colon. All other words in the caption should be

in all caps, except for articles, conjunctions, and prepositions that are four or fewer letters, which should be lowercase:

IN RE SUPREME COURT COMMITTEE on CIVIL PRACTICE

IN RE RETIREMENT of JOHN J. WATKINS from the COMMITTEE on CIVIL PRACTICE

### 1.3 Authoring Justices and Judges

#### 1.3.1 *Beginning of Opinion*

The name of the justice or judge authoring the opinion, along with his or her title, should appear at the beginning of the opinion. The Chief Justice of the supreme court should be identified as “Chief Justice,” and the Associate Justices should be labeled individually as “Associate Justice,” without abbreviation. The Chief Judge of the court of appeals should be identified as “Chief Judge,” and other judges should be labeled individually as “Judge.”

#### 1.3.2 *End of Opinion*

The opinion should close with the disposition of the case, listing any judges or justices who concur, dissent, or do not participate, along with the justices’ or judges’ abbreviated titles. Concurring and dissenting opinions should also identify any judges or justices joining in that opinion. Below are examples of how these should appear; examples are listed in the order in which they should appear in cases with multiple opinions or opinions where one or more justices do not participate.

Affirmed.

Special Justice JOHN C. DOE joins in this opinion.

HANNAH, C.J., concurs.

HANNAH, C.J., and BROWN and IMBER, JJ., concur.

VAUGHT, C.J., and GLADWIN, J., dissent.

BROWN, J., and Special Justice JOHN C. DOE dissent.

GLADWIN, J., joins in this dissent.

IMBER, J., not participating.

GUNTER and WILLS, JJ., not participating.

## **1.4 Introduction of Abbreviated Names and Acronyms**

### *1.4.1 Form of Abbreviation*

A party or other subject that is referenced multiple times in an opinion may be abbreviated for convenience by setting off the abbreviated form in quotation marks and enclosing it in parentheses after the full name of the party or subject:

On May 13, 1998, the Arkansas Department of Human Services (“DHS”) revoked Sandra Huddleston’s child-care license, and Huddleston appealed that decision to the circuit court, which stayed the DHS decision.

Appellants Vimy Ridge Municipal Water Improvement District 139 and The Bank of New York Trust Company (collectively, “Vimy Ridge”) appeal an order of the Pulaski County Circuit Court that granted summary judgment in favor of appellees J.A. Ryles; Rylwell LLC; John Ryles; Guy Maris; Whitwell Inc.; and Mark Wilcox, Land Commissioner (collectively, “Ryles”).

### *1.4.2 Obvious Acronyms, Avoiding Surplusage*

If the abbreviated form is obvious, a parenthetical definition is not necessary, as with commonly known acronyms such as AARP, FBI, FCC, NAACP, NASA, and NLRB. Avoid using such surplusage as “hereinafter” or “hereinafter referred to as.”

## **1.5 “Em” Dashes, “En” Dashes, and Hyphens**

### *1.5.1 “Em” Dashes*

“Em” dashes (—), which are created in Wordperfect with three consecutive dashes followed by a space (delete the space), are used in headnote headings, and may be used in opinion text to set off words or phrases in sentences, as in the example below. Spaces should *not* be used to separate em dashes from surrounding text:

Because DHHS is the entity charged with administering the Arkansas Medicaid Program, it—rather than the circuit court—is the sole entity that may determine whether a Medicaid applicant is eligible for Medicaid.



### 1.5.2 “En” Dashes

“En” dashes (–), which are shorter than em dashes but longer than hyphens, are created in Wordperct with the two consecutive dashes followed by a space (delete the space). En dashes are used to designate a span of page numbers, years, or similar values, as in the example below. En dashes should also be used to separate “Civ.” or “Crim.” from “Ark. R. App. P.”

*See Mayfield v. Ark. Dep’t of Human Servs.*, 88 Ark. App. at 336–41, 198 S.W.3d at 543–46.

Arkansas Rule of Appellate Procedure–Criminal 5(a) *or*  
Ark. R. App. P.–Crim. 5(a)

### 1.5.3 Hyphens

Hyphens (-) are used in docket numbers, statutes, phrasal adjectives and other hyphenated words:

Ark. Code Ann. § 25-15-201 (Supp. 2007).

breach-of-contract claim

See HSG 3.3 for more information on phrasal adjectives.

## 1.6 Quotations

### 1.6.1 Block Quotations

*Bluebook* Rule 5.1 directs the format and structure that should be used for block quotations; however, the following additional conventions should be observed: block quotations should *only* be indented on the left, and footnote numbers that are inserted within or at the end of the quoted material should be bracketed so that it is clear to the reader that the footnote number is not part of the original quoted text. Note that omission of one or more entire paragraphs should be indicated by inserting and indenting four ellipses on a new line; these ellipses should *not* be centered. Stars or asterisks (\*\*\*) should never be used to indicate omission of material.

### 1.6.2 Introduction of Quoted Material

When using a colon to introduce quoted material, the colon should be used after the words “as follows,” “the following,” or other similar expression, or after the conclusion of a complete sentence:

The statute at issue reads as follows:

No statute of limitation shall apply to an action brought for the collection of a child support obligation or arrearage against any party who leaves or remains outside the State of Arkansas with the purpose to avoid the payment of child support.

This court has previously recognized three requirements for the enforcement of an exculpatory provision:

An exculpatory clause may be enforced (1) when the party is knowledgeable of the potential liability that is released; (2) when the party is benefiting from the activity which may lead to the potential liability that is released; and (3) when the contract that contains the clause was fairly entered into.

NOT:

The court concluded that:

In the case at bar, appellees and their predecessors used the disputed property as an entrance to their property. There was no other business fronting on the property. Although the public traveled across the property and civic organizations used it from time to time, this usage was permissive, not possessory, and did not destroy the exclusiveness of appellees' use.

BUT:

The court concluded that

[i]n the case at bar, appellees and their predecessors used the disputed property as an entrance to their property. There was no other business fronting on the property. Although the public traveled across the property and civic organizations used it from time to time, this usage was permissive, not possessory, and did not destroy the exclusiveness of appellees' use.

### 1.6.3 *Alterations*

#### (a) Text

*Bluebook* Rules 5.2 and 5.3 direct the proper approach for indicating alterations in quoted material. Generally, alterations to the text itself (e.g., omission, insertion, or substitution of letters; insertion of words; omission of words, phrases, or

sentences) are indicated using brackets or ellipses, as appropriate. Note that ellipses should not be used to indicate omission of material before or after quoted material that is used as a phrase or clause. When the alteration consists of added emphasis or omission of footnotes or citations, this should be indicated in a parenthetical at the end of the citation for the quoted material, as in the example below. If the citation for the quoted material appears in the language introducing the quote (making a citation at the end of the quoted material unnecessary), alteration is indicated in a stand-alone parenthetical at the end of the quoted material, as in the examples below. If the altered material is contained in a block quotation, the parenthetical should appear on a new line and should be flush with the left margin of the page.

Citation for quoted material appears at the end of quote:

The court there stated that Mr. Thomason “did not refuse employment; he accepted the employment and was later terminated *not by his choice* but at the option of his employer.” 72 Ark. App. at 11, 32 S.W.3d at 54 (emphasis added).

Citation for quoted material appears in language introducing quote:

At the outset, we note that “caregiver,” as defined in section 5-28-101(3), is one who “has the responsibility for the protection, care, *or* custody” of an endangered adult. (Emphasis added.)

Citation for quoted material appears in language introducing block quote:

In *McCree v. Walker*, 81 Ark. App. 281, 284–85, 101 S.W.3d 276, 278 (2003), this court explained:

Baptist churches are congregational churches in form and structure. In congregational churches, the affairs of a particular church are determined by the vote of the majority of the members of that church and not by some other hierarchical form of church government.

(Citations omitted.)

(b) Punctuation

Generally, omission, substitution, or addition of punctuation within quoted material is indicated by the use of brackets. However, the insertion of a period or comma at the end of quoted material that is used as a phrase or clause should *not* be indicated with brackets:

Source text:

In determining whether there has been a misleading promise of reward we look at the totality of the circumstances. The totality is subdivided into two main components, first, the statement of the officer and second, the vulnerability of the defendant.

Quotation:

To determine “whether there has been a misleading promise of reward,” the court employs a totality-of-the-circumstances test.

NOT:

To determine “whether there has been a misleading promise of reward[,]” the court employs a totality-of-the-circumstances test.

Quotation:

The court has previously stated that “[t]he totality is subdivided into two main components.”

NOT:

The court has previously stated that “[t]he totality is subdivided into two main components[.]”

#### 1.6.4 *Silent Corrections and Use of “[sic]”*

The use of “[sic]” is often necessary when the quoted matter contains a significant error, such as “Freeburg” for “Fribourgh.” Silent corrections are strongly encouraged when the quoted material contains an obvious grammatical error or citation error—particularly if the quoted material is taken from the record or is contained in an opinion of the Arkansas Supreme Court or Arkansas Court of Appeals.

## CITATION OF ARKANSAS-SPECIFIC SOURCES

### 2.1 Cases

#### 2.1.1 *Cases Published in Arkansas Reports and Arkansas Appellate Reports*

Decisions published in the *Arkansas Reports* and *Arkansas Appellate Reports* shall be cited by referring to the volume and page where the decision can be found and the year of the decision. Parallel citations to the regional reporter, if available, are required.

*Mary Kay, Inc. v. Isbell*, 338 Ark. 556, 999 S.W.2d 669 (1999).

*Lee v. Martin*, 74 Ark. App. 193, 45 S.W.3d 860 (2001).

*McLain v. Taylor*, 4 Ark. 147 (1842).

#### 2.1.2 *Arkansas Court of Appeals Cases Published Prior to Arkansas Appellate Reports (August 8, 1979 to February 18, 1981)*

*Hunter Mem'l United Methodist Church v. Millirons*, 268 Ark. 975, 597 S.W.2d 845 (Ark. Ct. App. 1980).

#### 2.1.3 *Cases Published Online*

All decisions of the supreme court and court of appeals issued between February 14 and July 1, 2009, that are designated by the issuing court as published opinions, and all decisions issued after July 1, 2009, shall be cited by referring to the case name, year of the decision, abbreviated court name, and appellate decision number. Parallel citations to the regional reporter, if available, shall be provided; if the regional reporter citation is not available at the time the slip opinion is handed down, a parallel *South Western Reporter* citation with a blank for the volume number and a blank for the starting page number may be provided. Parallel citations to the *South Western Reporter* that are not available at the time that editorial changes are made to a slip opinion for publication in final form should be deleted. Note that parallel citations to the *South Western Reporter* do not include date parentheticals.

Full citations with pinpoints:

*Gilcrease v. State*, 2009 Ark. 298, at 2, 301 S.W.3d 121, 122. [parallel citation is available]

*Kearney v. City of Little Rock*, 2009 Ark. App. 125, at 1. [parallel citation is unavailable]

Short form citations with pinpoints:

*Gilcrease*, 2009 Ark. 298, at 1, 301 S.W.3d at 121.

*Id.* at 4, 301 S.W.3d at 123.

*Kearney*, 2009 Ark. App. 125, at 3.

*Kearney*, *supra*.

#### 2.1.4 *Unpublished Cases Issued Before February 14, 2009*

Unpublished opinions issued prior to February 14, 2009, should be cited as in the examples below. Unpublished opinions shall only be cited in court opinions under the limited circumstances described in Ark. Sup. Ct. R. 5-2(c).

*Holsombach v. Reynolds*, CR 07-641 (Ark. Sept. 13, 2007) (unpublished per curiam).

*Economy Inn & Suites v. Jivan*, CA 06-158 (Ark. App. Dec. 6, 2006) (unpublished).

If citing to a specific page in the unpublished opinion:

*Yarbrough v. State*, CA CR 05-1296, slip op. at 1 (Ark. App. Dec. 13, 2006) (unpublished).

#### 2.1.5 *Unpublished Cases Issued Between February 14 and July 1, 2009*

Unpublished opinions issued between February 14 and July 1, 2009, should be cited using the case name, the year of the decision, the abbreviated court name, the appellate decision number, and should include a parenthetical designating the opinion as unpublished, as in the examples below. Unpublished opinions shall only be cited in court opinions under the limited circumstances described in Ark. Sup. Ct. R. 5-2(c).

*Johnson v. State*, 2009 Ark. 83 (unpublished per curiam).

*Long v. State*, 2009 Ark. App. 97 (unpublished).

## 2.2 Special Citation Forms for Other Court Opinions

### 2.2.1 *Supplemental Opinions*

- (a) Published in the *Arkansas Reports* and *Arkansas Appellate Reports*

When citing to a supplemental opinion that is published in the *Arkansas Reports* or *Arkansas Appellate Reports*, cite to the case as any other, but provide the starting page of the original majority opinion with a page cite to the starting page of the supplemental opinion or to a particular page within that supplemental opinion:

*Wilcox v. Safley*, 298 Ark. 159, 162-A, 766 S.W.2d 12, 741 (1989) (supplemental opinion on denial of rehearing).

- (b) Published Online

When citing to a supplemental opinion that is published online, cite to the case as any other electronically published opinion, but provide a page cite to the starting page of the supplemental opinion or to a particular page within that supplemental opinion:

*White v. Green*, 2010 Ark. 171, at 8 (supplemental opinion on denial of rehearing).

### 2.2.2 *Per Curiam Orders Regarding Court Rules, Administrative Orders, Professional Conduct Matters, and Ceremonial Observances*

- (a) Abbreviate caption and procedural phrases according to *Bluebook* Rule 10.2.1(b) and T.6; for especially long captions, omit all but the first-listed item.

*In Re: Rules of Supreme Court & Court of Appeals, Rule 4-3; Rules of Appellate Procedure—Criminal, Rule 4; & Rules of Criminal Procedure, Rule 24.3*

becomes

*In re Rules of Supreme Court & Court of Appeals, Rule 4-3*

- (b) A citation to a per curiam order that appears in the appendix of the *Arkansas Reports* or *Arkansas Appellate Reports* should include the volume number, the designation “App’x,” and the *South Western Reporter* parallel citation, if available.

*In re Ark. Bar Ass’n*, 361 Ark. App’x 451, 206 S.W.3d 889 (2005) (per curiam).

*In re Admin. Order No. 10*, 347 Ark. App’x 1064, 1069 (2002) (per curiam).

(c) A per curiam order regarding a court rule, administrative order, professional conduct matter, or ceremonial observance that is published online should be cited as any other electronically reported per curiam court opinion:

*In re Ark. Supreme Court & Court of Appeals Rule 5-2*, 2009 Ark. 330 (per curiam).

## 2.3 Arkansas Constitution

Rule 11 of the *Bluebook* should be consulted for guidance on citation of provisions of the Arkansas Constitution. When a provision of the Arkansas Constitution is discussed in a textual sentence, the subdivision is not capitalized:

ADG asserts that jurisdiction to issue the writ of certiorari lies in this court because amendment 80 repealed Arkansas Constitution article 7, section 14.

## 2.4 Arkansas Code

### 2.4.1 Statutes

Cite to the current version of the Arkansas Code unless an earlier version applies, in which case the applicable version should be cited. If the applicable law has not yet been codified, cite to the session laws. If the statute appears in the applicable supplement, cite only to that supplement. Cite to both the main volume and the supplement if both would have to be consulted to view the full, current version of the act or statutes cited.

Ark. Code Ann. §§ 11-9-101 to -1001 (Repl. 2002 & Supp. 2009).

### 2.4.2 Use in Textual Sentences

Generally, statutory citations that are used in textual sentences may be either spelled out or abbreviated, as long as the author consistently does one or the other throughout the opinion. Note, however, that when a code section begins a sentence, it should always be spelled out in full:

Arkansas Code Annotated section 16-13-205 (Repl. 1999) provides that circuit courts hold the power to issue writs of certiorari to an “inferior tribunal.”

### 2.4.3 Multiple Sections and Subsections

(a) When citing consecutive sections of the Arkansas Code within the same chapter, use two section symbols and show inclusion of a span of sections using the word “to” instead of an en dash:



Ark. Code Ann. §§ 11-9-101 to -1001

NOT: Ark. Code Ann. §§ 11-9-101 – 11-9-1001

(b) When citing multiple subsections within a single code section, enclose each subsection in parentheses and use a single section symbol:

Ark. Code Ann. § 16-90-111(a), (b) OR Ark. Code Ann. § 16-90-111(a)–(b)

NOT: Ark. Code Ann. §§ 16-90-111(a), (b)

NOT: Ark. Code Ann. § 16-90-111(a, b)

(c) The use of “et seq.” to cite multiple code sections is strongly discouraged. If used, the abbreviation should not be italicized, and two section symbols should be used:

Ark. Code Ann. §§ 11-9-101 et seq.

#### 2.4.4 *Notes*

Case notes found in the Arkansas Code generally should not be cited; instead the cases themselves should serve as source material. A.C.R.C. notes, publisher’s notes, and other notes should be cited as in the examples below:

Ark. Code Ann. § 9-27-102 A.C.R.C. notes (Repl. 2008).

Ark. Code Ann. § 9-27-103 publisher’s notes (Repl. 2008).

## 2.5 **Session Laws**

### 2.5.1 *Session Law with Popular Name*

Patient Medical Records Privacy Act, No. 1436, 2005 Ark. Acts. 4644.

If the year of a session law’s passage is unclear, include the year the act was passed in parentheses at the end of the citation:

Public School Funding Act of 2003, No. 59, 2005 Ark. Acts 1058 (2004).

### 2.5.2 *Session Law with No Popular Name*

Act of Apr. 18, 2001, No. 1736, 2001 Ark. Acts 7560.

### 2.5.3 *Session Law from Special Session*

Act of Apr. 11, 2000, No. 3, 2001 Ark. Acts 93.

### 2.5.4 *Specific Section of a Session Law*

Act of Apr. 11, 2005, No. 1962, § 106, 2005 Ark. Acts 6629, 6701.

## 2.6 **Court Rules**

Rules should be cited using regular Roman font and abbreviated as listed below. The year of the version of the rule cited should be placed in parentheses after the rule or section number the first time the rule is cited.

Admission to the Bar:	Ark. Bar Adm. R. XV(B)(1)
Appellate Procedure:	Ark. R. App. P.–Civ. 3 Ark. R. App. P.–Crim. 3
Civil Procedure:	Ark. R. Civ. P. 56
Client Security Fund Committee:	Ark. Client Sec. Comm. R. 3
Continuing Legal Education:	Ark. R. Minimum Continuing Legal Educ. 6(F)(2) Ark. Continuing Legal Educ. Bd. Reg. § 2.01 Ark. Continuing Legal Educ. Bd. R. 1.02
Court Reporters:	Ark. R. Certification Ct. Rep. § 7(a) Regs. Ark. Bd. Certified Ct. Rep. Examiners § 9
Criminal Procedure:	Ark. R. Crim. P. 37.2
District Court Rules:	Ark. Dist. Ct. R. 9
Evidence:	Ark. R. Evid. 803
Judicial Conduct:	Ark. Code Jud. Conduct R. 5(A)(1)
Judicial Ethics Committee:	Ark. Jud. Ethics Advisory Comm. R. 3
Judicial Discipline:	Ark. Jud. Discipline & Disability Comm’n R. 6(D)
Lawyer Assistance Program	Ark. Law. Assistance Program R. 5(A)

Professional Conduct:	Ark. Sup. Ct. P. Regulating Prof'l Conduct § 9(A)(1) Ark. R. Prof'l Conduct 1.5(a)
Supreme Court and Court of Appeals:	Ark. Sup. Ct. R. 3-4(a)(8)
Unauthorized Practice of Law:	Ark. Sup. Ct. R. Creating Comm. Unauthorized Prac. L. III(b)(1) Ark. Sup. Ct. Comm. Unauthorized Prac. L. R. 4

## 2.7 Administrative Orders

Administrative orders of the court vary in how their subdivisions are designated—some are organized by sections (Administrative Order No. 1), others by lettered subsections (Administrative Order No. 2), and others by numbered paragraphs (Administrative Order No. 3). In the interest of maintaining uniformity and consistency in citation, specific subdivisions of administrative orders should be enclosed in parentheses and should immediately follow the administrative order number, as in the examples below.

Citation:

Ark. Sup. Ct. Admin. Order No. 2(b)(2).  
Ark. Sup. Ct. Admin. Order No. 8(III)(a).

Textual sentence:

Administrative Order No. 10(V)(a) *or*  
section (V)(a) of the Arkansas Child Support Guidelines

## 2.8 Arkansas Model Jury Instructions

Arkansas Model Jury Instructions—Civil were, up until 2005, published in numbered editions. In 2005, the year of publication became the edition number. The Arkansas Model Jury Instructions—Criminal are currently published in only two editions. Citations to model instructions should appear as in the examples below. The abbreviation “AMCI” should NOT be used.

AMI Civ. 4th 712.

AMI Civ. 712 (2009).

AMI Crim. 2d 3802.

AMI Crim. 2d 3802 note.

## **2.9 Bills**

S.B. 378, 84th General Assem., Reg. Sess. (Ark. 2003).

H.B. 1134, 83d General Assem., Reg. Sess. (Ark. 2001).

H.R.J. Res. 1001, 85th General Assem., Reg. Sess. (Ark. 2005).

## **2.10 Regulations**

Weil's Code of Arkansas Rules should be cited for all Arkansas regulations appearing therein. In the first example below, "009" is the agency, "00" is the sub-agency, and "001" is the chapter. Individual regulations vary in how their subdivisions are designated—some are organized into individually-numbered rules, as in the first example below; others are divided into numbered sections, as in the second example below; and others into lettered paragraphs, as in the third example below. If a rule or regulation contains no subdivisions, the rule or regulation number itself should simply be cited without a section symbol. A section symbol should be used for any other type of subdivision. The year the regulation became effective may be found in the bottom margin of the cited rule or regulation, and is the year that should be used in the parenthetical following the rule or regulation number.

009-00-001 Ark. Code R. 099.05(I)(A) (Weil 2006).

004-00-002 Ark. Code R. § 1 (Weil 2007).

010-05-001 Ark. Code R. § f (Weil 1994).

## **2.11 Attorney General Opinions**

Op. Ark. Att'y Gen. No. 267 (2005).

Op. Ark. Att'y Gen. No. 104, at 1 (2003).

NOT: Op. Ark. Att'y Gen. No. 05-267.

## **OTHER HOUSE CITATION AND STYLE CONVENTIONS**

### **3.1 Parallel Citations**

Always use parallel citations to the regional reporter for Arkansas state cases, when available; if the regional reporter citation is not available at the time the slip opinion is handed down, a parallel *South Western Reporter* citation with a blank for the volume number and a blank for the starting page number may be provided. Parallel citations to the *South Western Reporter* that are not available at the time that editorial changes are made to a slip opinion for publication in final form should be deleted. Note that cases in volumes 1 through 46 of the *Arkansas Reports* do not have parallel citations in the *South Western Reporter*. Cases from state appellate courts in all other jurisdictions should be cited to the relevant regional reporter only. Consult T.1 of the *Bluebook* to determine which regional reporter to cite and how to abbreviate the issuing court's information.

### **3.2 Use of “*Id.*” and “*Supra*”**

#### **3.2.1 *Id.***

“*Id.*” is the short form used to refer to the immediately preceding authority. It may only be used when the preceding citation cites *to only one source*. “*Id.*” should not be used if the source is cited or referenced in the text preceding the citation.

#### **3.2.2 *Supra***

The use of “*supra*” for case citations is discouraged, and should only be used when referring generally to a previously cited case or its holding. When employing “*supra*” for a case citation, the citation should use only one party's name (or a readily identifiable shorter version of one party's name) if the reference is unambiguous. Note that the comma separating the case name and “*supra*” should not be italicized.

### **3.3 Phrasal Adjectives**

3.3.1 A phrasal adjective is a phrase that functions as a unit to modify a noun. Hyphenate phrasal adjectives (also called compound adjectives or compound modifiers), as in the following examples:

attorney-client privilege  
child-support payments  
class-action suit  
common-law rule  
contemporaneous-objection rule

first-degree murder  
good-faith exception  
gross-receipts tax  
implied-consent law  
ineffective-assistance claim  
lump-sum award  
rape-shield statute  
subject-matter jurisdiction  
summary-judgment motion  
third-party beneficiary  
three-year contract  
totality-of-the-circumstances test  
victim-impact testimony  
wage-loss factor  
waiver-of-rights form

3.3.2 A phrasal adjective should *not* be hyphenated when it follows the noun that it modifies or if it is a two-word phrasal adjective that begins with an adverb ending in “-ly”:

murder in the first degree  
law is well settled  
closely held corporation

3.3.3 Do not hyphenate capitalized phrasal adjectives such as “Due Process Clause” or foreign-language compound modifiers such as “voir dire examination.”

### **3.4. Other Compound Terms**

Listed below are examples of compound terms commonly used in court opinions. The *Chicago Manual of Style* should be consulted for guidance on when compound terms other than those listed below should be hyphenated, open, or closed.

codefendant  
co-worker  
cross-appeal  
cross-examination  
direct appeal  
email  
nonprofit  
nonresident  
nonsuit  
online  
postconviction  
posthearing

posttrial  
postelection  
preelection  
prehearing  
pretrial  
reexamine  
rulemaking

### 3.5 Commas

#### 3.5.1 *Serial Comma*

When a conjunction joins the last two elements in a series, a comma should be inserted before the conjunction:

She sat up in bed, put on her glasses, and reached for the telephone.

#### 3.5.2 *Commas with Corporate Designations, “Jr.,” etc.*

Commas are required both before and after such corporate designations as “LLC” and “Inc.” if used by the corporation, or around “Jr.” or “Sr.” if used by that person; otherwise, no comma is required:

Jack Mason, Jr., agreed to serve another term.  
Bill Craft Sr. was the shorter of the two.  
Smith & Harvey, PLC, offered Amber a paralegal position.  
Partridge Productions Inc. retained Dr. Cate as its expert witness.

#### 3.5.3 *Commas and Dates*

Use commas to set off dates within a sentence unless the date is used as an adjective:

On May 7, 2007, appellant filed a motion for reconsideration in the trial court, and on June 6, 2007, he filed a notice of appeal as to the denial of the motion for reconsideration.

Although the February 4, 2003 order dismissed the earlier case “with prejudice,” we hold that it did not operate as a bar to the present case.

## 3.6 Possessives

### 3.6.1 *Singular Possessives*

Form singular possessives by adding an apostrophe and an “s” to the singular form of the noun, even if the word ends with the letter “s”:

The appellant’s argument  
Arkansas’s best kept secret  
Jones’s brief

Singular names that are plural in form should also use an apostrophe and an “s”:

American Airlines’s profits  
The court of appeals’s opinion

### 3.6.2 *Plural Possessives*

Form plural possessives by adding an apostrophe to plural nouns ending in “s” and an apostrophe and “s” to plural nouns not ending in “s”:

Workers’ compensation  
Women’s rights  
The Joneses’ farm

## 3.7 Doubling of Consonants in Verbs Ending in “-ing” and “-ed”

Generally, when adding “-ing” or “-ed” to the end of a word, a single consonant letter at the end of the word should be doubled when the preceding vowel is spelled with a single letter and is stressed; if the preceding vowel is not stressed, the ending consonant should not be doubled:

bar	barring	barred
benefit	benefiting	benefited
focus	focusing	focused
occur	occurring	occurred
parallel	paralleling	paralleled
travel	traveling	traveled

BUT:

format	formatting	formatted
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## 3.8 Miscellaneous House Conventions

### 3.8.1 Miranda

When referring to the *Miranda v. Arizona* decision or *Miranda* rights, “*Miranda*” should be capitalized and italicized; when using “*Miranda*” as a verb, the word “Mirandize” should be capitalized but not italicized.

### 3.8.2 *Nolle Prosequi*

When using the Latin phrase “nolle prosequi” as a verb, the phrase should appear in regular Roman font and should be spelled “nolle pros,” “nolle prossing,” or, “nolle prossed,” as appropriate.

## WORD STYLES

The words or phrases listed here frequently cause a problem, either in spelling, capitalization, hyphenation, or typeface. Each item has been checked in one or more of the following reference books to determine the correct spelling, capitalization, hyphenation, or typeface.

For more information on capitalization and italics, see the *House Style* section above.

ACA = *Arkansas Code Annotated* (1987)  
BB = *The Bluebook*, 19th ed. (2010)  
BLD = *Ballentine's Law Dictionary*, 3d. ed. (1969)  
CMS = *The Chicago Manual of Style*, 15th ed. (2003)  
GPO = *Government Printing Office Style Manual* (1984)  
GRS = George Rose Smith, a memo on spelling  
MLU = *A Dictionary of Modern Legal Usage*, by Bryan A. Garner (2d ed. 1995)  
PH = *Prentice-Hall Handbook for Writers*, 8th ed. (1982)  
RH2 = *The Random House Dictionary of the English Language*, 2d ed. unabridged (1987)  
W3 = *Webster's Third New International Dictionary* (1993)

ab initio (W3)	any one – any single or particular thing or person (MLU)
able-bodied (RH2 & MLU)	anyone – any person indiscriminately (W3)
above-cited (WI2 & GPO 7.14)	arguendo (MLU)
abstruse – difficult to comprehend (W3)	argument (one <u>e</u> ) (W3)
but see obtuse	Arkansas Department of Correction – no <u>s</u> on last word (ACA)
accommodate (two <u>m</u> 's) (W3)	arm's length (n.) (W3) but
addendum (RH2)	arm's-length transaction (adj.) (MLU)
ad hoc (W3)	assumpsit (W3)
ad infinitum (W3)	attorney-at-law (W3)
ad litem (W3)	attorney's fees (MLU)
admissible (ible, not able) (W3)	baby-sitter or babysitter (RH2)
ad valorem (W3)	benefited (W3 & GRS) One <u>t</u> . Eventually
affect – (n.) feelings; affection; (v.) almost always used as a verb meaning to influence, to alter; also means to feign (MLU)	this word will be spelled with two <u>t</u> 's, just by analogy to “fitted.” Webster's Third already gives both spellings, but at present most careful spellers consider one <u>t</u> to be the only correct spelling. There is a rule that when a word of two or more syllables ends consonant- vowel-consonant, the final consonant is not doubled except when the accent is on the last
aforementioned (W3)	
a fortiori (W3)	
after-tax (W3)	
amici curiae (pl.) (W3)	
amicus curiae (sing.) (W3)	
annulled (W3)	
annulment (W3)	

syllable. Hence, benefited, offered, etc. The rule never has been applied to words ending in l, so labeled and labelled, penciled and pencilled, equaled and equalled, are all acceptable.

bimonthly (W3)  
 black-letter law (MLU)  
 bona fide(s) (W3)  
 bondholders (W3)  
 bookmaking (crime) (W3)  
 breathalyzer (MLU)  
 bylaw (W3)  
 by-product (W3)  
 ca. = circa (W3)  
 caretaker (W3)  
 case law (Black's)  
 causa mortis (MLU)  
 caveat emptor (W3)  
 certiorari (W3)  
 cestui que trust (MLU)  
 child-support payments, etc.  
 circa = ca. (W3, CMS)  
 codefendant (W3)  
 coexecutor (W3)  
 common law (n.) (W3)  
 common-law (comp. adj.) (W3)  
 common sense (n.) (W3)  
 commonsense (adj.) (W3)  
 conferred (follows the accent) (W3, GRS)  
 consummate (two m's) (W3)  
 co-owner (W3)  
 coram nobis (RH2)  
 corpus (W3)  
 corpus delicti (RH2)  
 cost-of-living adjustment (W3)  
 council – body of people (W3)  
 counsel – advice; an attorney (W3)  
 counterclaim (W3, MLU)  
 courthouse (W3)  
 court-martial (n. or v.) (W3)  
 courtroom (W3)  
 cover-up (n.) (W3)  
 co-worker (CMS 7.90)  
 cross-appeal (RH2, CMS)  
 cross-claim (RH2, CMS)  
 cross-examine (RH2, W3, CMS, MLU)

cross-examination (RH2, W3, CMS, MLU)  
 cutoff (n. or adj.) (W3)  
 cy pres (n. or adj.) (W3)  
 de facto (W3)  
 de jure (W3)  
 de minimus (MLU)  
 de novo (W3)  
 dictum; dicta/dictums (W3)  
 direct examination (W3)  
 directed-verdict motion  
 domicile (W3)  
 double-park (W3)  
 down payment (W3)  
 drugstore (W3)  
 eastbound (W3)  
 effect – (n.) almost always a noun meaning a result or a consequence; (v.) as a verb ~ means to produce, to accomplish or to cause to happen (MLU)  
 e.g. (RH2) except as a signal, then *e.g.* (BB 1.2)  
 en banc (MLU)  
 et al. (CMS)  
 etc. (RH2)  
 et seq. (RH2)  
 et ux. (RH2)  
 ex-husband (RH2)  
 ex officio (W3)  
 ex parte (W3)  
 ex post facto (W3)  
*ex rel.* – as in *NAACP v. Alabama ex rel. Patterson* (BB 10.2.1)  
 ex-wife (RH2)  
 eyewitness (W3)  
 fact-finder (MLU)  
 fact-finding (n. or adj.) (W3 & MLU)  
 farfetched (W3)  
 far-reaching (W3)  
 fellow-servant rule (RH2)  
 first-degree (adj.) – as in first-degree murder; BUT murder in the first degree  
 forum non conveniens (MLU)  
 full time (n.) (W3)  
 full-time (adj.) (W3)  
 gauge (W3)  
 germane (not germain) (W3, GRS)

good faith (n.) in ~ (MLU)  
 good-faith (adj.) ~ effort (MLU)  
 guarantee (n.) warranty (v.) – the act of giving a security; something given as security (MLU)  
 guaranty (n.) primarily used in finance or banking context as a promise to answer for the debt of another (MLU)  
 guardian ad litem (RH2)  
 habeas corpus (W3)  
 habendum (WI2)  
 harass (one r) (W3 & GRS)  
 head-on (adj. or adv.) (W3)  
 hit-and-run (adj.) (W3)  
 hold over (v.) (W3)  
 holdover (n.) (W3)  
 ibid. (CMS)  
*id.* (BB R4.1)  
 i.e. (RH2)  
 in absentia (W3)  
 in camera (W3)  
 in custody (n.) (BLD)  
 in-custodial (adj.) (GRS)  
 indicia (W3)  
 inferred (follows the accent) (W3)  
 in forma pauperis (W3)  
*in futuro* (W3)  
 \_\_\_\_\_-in-law (sing.) (W3)  
 \_\_\_\_\_s-in-law (pl.) (W3)  
 in limine (MLU)  
 in loco parentis (W3)  
 in pari delicto (RH2)  
 in personam (W3)  
 in re (W3)  
 in rem (W3)  
 inter alia (W3)  
 interfering (one r, because an g was dropped) (W3)  
 inter se (W3)  
 inter vivos (W3)  
 in toto (W3)  
 ipso facto (W3)  
 judgment (only one e) (W3)  
 judgment n.o.v. (MLU)  
 juvenile transfer  
 juvenile-transfer hearing, etc.

kidnapped (W3, R.L. Stevenson)  
 labeled or labelled (W3)  
 landowner (W3)  
 law-abiding (RH2)  
 lawbreaker (RH2)  
 life-style (W3) [lifestyle acceptable altern.]  
 lineup (n.) (W3)  
 line up (v.) (W3)  
 long-arm statute (MLU)  
 lump-sum settlement (GPO 6.15)  
 malfeasance (W3)  
 mandamus (W3)  
 marijuana (W3)  
 marshal (One l, both in the town ~ and in the verb, to ~ assets) (W3 & GRS)  
 methadone (W3)  
 in *Miranda* (GPO 11.8 & CMS 7.69)  
 misfeasance (W3)  
 misled – past tense of mislead (W3 & GRS)  
 NAMES, PROPER:  
 Jones's (sing. poss.) Like any other word, a name is made possessive by adding an apostrophe and an s unless the extra syllable makes the name hard to pronounce. (CMS 7.18)  
 Joneses' (pl. poss.) When a proper name ends in s the plural must be formed by adding es. Thus, Burnses, Williamses, Martinezes. If you refer to a house owned by husband and wife you can write either “the Williams house” or “the Martinezes' house,” but not “the Williams” house.” (W3 & GRS)  
 Kurt Vonnegut, Jr. or Kurt Vonnegut Jr. – if commas are used, they must appear both before and after the suffix (CMS 6.49)  
 Adlai E. Stevenson III (CMS 6.49)  
 E.M. Forster (close up single initials)  
 Robert A. Leflar but Robert B Leflar (no period after the B)  
 nationwide (W3)  
 no-fault (adj.) (W3)  
 nolle prosequi (n.) (W3)  
 nolo contendere (W3)  
 nol-pros; nol-prossed; nol-crossing (v.) (W3)  
 nonanswering  
 non compos mentis (W3)  
 nonfeasance (W3)

nonjury trial (MLU & CMS 7.90)  
 nonmoving  
 non obstante verdicto = n.o.v. (W3)  
 nonresident  
 non sequitur (W3)  
 NUMBERS:  
 January 3, 1991, (CMS 8.36)  
     Note that day-month-year,  
     without commas (16 September  
     1993), is gaining acceptance in  
     American usage  
 1950s (CMS 7.15)  
 4:00 p.m. (CMS 9.42, 15.44)  
 five-year-old boy, but a five year old (CMS  
 7.90)  
 Highway 61 or Interstate I-30 (CMS 8.60)  
 nunc pro tunc (MLU)  
 obiter dictum (W3)  
 obtuse – lacking sharpness of sensibility or  
     intellect (W3) but see abstruse  
 occasion (one s) (W3)  
 occurred (two r's, because of the accent)  
     (W3 & GRS)  
 occurrence (two r's, because of the accent)  
     (W3 & GRS)  
 offered (follows the accent) (W3 & GRS)  
 offset (n. or v.) (W3)  
 one-way (adj.) (W3)  
 ongoing (adj.) (W3)  
 overruled (W3)  
 parens patriae (MLU)  
 parol – oral (W3)  
 parole – conditional release (W3)  
 pendente lite (RH2)  
 per capita (W3)  
 per curiam (W3)  
 per diem (W3)  
 per se (W3)  
 per stirpes (RH2)  
 pleaded or pled (Plead is not the proper past  
     tense form.) (W3, GRS, MLU)  
 postconviction relief (GPO 6.29 & CMS  
     7.90)  
 postjudgment (GPO 6.29 & CMS 7.90)  
 postmortem (W3)  
 postnuptial (W3)  
 posttrial (W3)

preference (follows the accent) (W3 & GRS)  
 preferred (follows the accent)(W3 & GRS)  
 pretrial (W3)  
 prima facie (W3)  
 principal – always has the connotation of  
     m<sub>a</sub>in, as in ~ of a school, ~ and  
     interest, or the ~ character (n. or adj.)  
     (W3 & GRS)  
 principle – rule, as in a ~ of law or a man of  
     high ~ (n.) (W3 & GRS)  
 pro bono (RH2)  
 proffered (follows the accent) (W3 & GRS)  
 pro forma (W3)  
*pro hac vice* (W3)  
 pro rata (W3)  
 pro se (MLU)  
 pro tem (W3)  
 pro tempore (W3)  
 quantum meruit (MLU)  
 quasi contract (n.) (RH2)  
 quasi in rem (WI2)  
 quasi-judicial (adj.) (W3)  
 quo warranto (W3)  
 race-neutral (explanation, etc.)  
 racially neutral  
 reexamine (exception to double-vowel rule)  
 referred (follows the accent) (W3 & GRS)  
 rescind, rescission (note the sci) (W3 &  
     GRS)  
 res geste (W3)  
 res ipsa loquitur (RH2)  
 res judicata (W3)  
 safe-deposit box (W3)  
 safekeeping (W3)  
 scienter (MLU)  
 self-defense (W3)  
 semiautomatic  
 set off (v.) (W3)  
 set-off (adj.) (W3)  
 setoff (n.) (W3)  
 sic (BB R.5.2(c))  
 sine die (W3)  
 sine qua non (W3)  
 stare decisis (W3)  
 stationary – stable; fixed (W3)  
 stationery – paper (W3)  
 status quo (W3)

statute of frauds (MLU)  
statute of limitations (sing.)(MLU)  
stepdaughter (W3)  
stepfather (W3)  
stepparent (W3)  
sua sponte (MLU)  
subagent (W3)  
subcontractor (W3)  
subject matter (n.) as in jurisdiction of the ~  
(W3)  
subject-matter (adj.) as in ~ jurisdiction  
(MLU)  
subpoena (W3)  
subpoena duces tecum (W3)  
sub silentio (MLU)  
sui generis (W3)  
supersede, supersedeas (s, not c) (W3)  
*supra* (BB R3.5)  
third party (n.) (W3)  
third-party (adj.) (W3)  
tortfeasor (RH2)  
ultra vires (W3)  
via (W3)  
vice versa (W3)  
videotape (n. or v.) (W3)  
vis-a-vis (W3)  
viz. (RH2)  
voir dire (W3)  
well-being (W3)  
willful (W3 & GRS)  
witness's (sing. pos.) (PH 29a)  
witnesses' (pl. pos.) (PH 29a)  
X-rated (adj.) (RH2)  
x-ray (also x ray, X ray) (RH2)