

Should Latin Phrases be Italicized?

e.g. "res judicata" etc.?

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That's what I do. Not everyone does it, but I prefer it and I think it reads better.

Max Taylor, Vermont

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That's what I learned.

Amy A. Breyer, California

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From Lawprose.org:

LawProse Lesson #215: How do you decide which Latin phrases to italicize?

How do you decide which Latin phrases to italicize and which ones to keep in roman type?

The answer depends on how thoroughly naturalized the word, abbreviation, or phrase has become in English. If the term has become so commonplace in English that it is said to be "anglicized," it stays in roman type; if it's persistently considered a foreignism, it should be in italics.

If that sounds like a fuzzy "rule," you're right. Consider that in the best style, the abbreviations "e.g." (*exempli gratia*) and "i.e." (*id est*) are set in roman even though the full terms are italicized. Here are a few more examples:

Italicized

*a vinculo matrimonii*

*caveat emptor*

de minimis  
duces tecum  
ejusdem generis  
in loco parentis  
in pari materia  
inter alia  
non compos mentis  
sensu stricto

Not italicized

certiorari  
de facto  
en banc  
habeas corpus  
mens rea  
nunc pro tunc  
prima facie  
res judicata  
stare decisis  
sua sponte

Russ Goldman, New Jersey

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My tendency is to do so with (almost) all Latin words/phrases, but some dictionaries and style guides say that italicization is not needed if the phrase (or abbreviation) has

become “familiar.” Examples of terms that are often described as “familiar” are things such as “etc.,” “R.I.P.,” “e.g.,” and “i.e.” If you’re devoted to a particular style guide (such as the AP Style Guide, or the Chicago Manual of Style), I’d advise you to consult it. Otherwise, I think you are allowed to create your own personal style, and do whatever the heck you think is best.

Brian H. Cole, California

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Isn't there guidance on this issue from the "Blue Book"?

(Mine is in the shed!)

Clayton T. Robertson, California

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Thanks to all who responded! I am going to italicize it. Indeed, the Blue book is important, but I am so cheap! It's \$39. Sheesh! But as pointed out, the blue book does state some Latin phrases shouldn't be italicized. I think though that they are referring to e.g. and i.e. That makes sense that those aren't italicized because they are common English usage. But "res judicata" is not a common English language usage - it's a specific legal doctrine. So I am going to italicize it. Don't think the judge will care that much, but I also think it looks nicer.

Sterling L. DeRamus, Alabama

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I look up previous decisions by the assigned judge and see how they do it.

Matthew J. Norris, California

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OF COURSE Latin phrases should be italicized.

They're FROM Italy, after all.

Russ Carmichael, Pennsylvania

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According to the Oregon Appellate Style Manual, the following kinds of foreign words and phrases are commonly used in legal writing and are not

italicized:

ad hoc

etc.

pro tempore

ad hominem

habeas corpus

quid pro quo

ad valorem

mandamus

remittitur

de facto

per curiam

subpoena

en banc

pro rata

vice versa

The stylebook maintains that less common foreign words should be italicized, including the following:

*a priori*

quantum meruit

ab initio

id.

ad litem

in camera

amicus curiae

in limine

res ipsa loquitur

in re

res judicata

certiorari

respondeat superior

scienter

de novo

dictum

stare decisis

ex parte

ex post facto (but *Ex Post Facto* Clause is not italicized)

It states that “e.g.,” and “i.e.,” are to be italicized.

The Style Manual is not controlling outside the Oregon Appellate Courts and the courts don't freak out if you depart from it in practice.

Nonetheless, it is a great read if you have the proper degree of neuroticism. It can be downloaded here

<<https://www.courts.oregon.gov/publications/Pages/default.aspx>> for free.

Bert Krages, Oregon

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Yes.

Michael J. Sweeney, Connecticut

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## § 5-000. UNDERLINING AND ITALICS

When briefs and memoranda were prepared on typewriters, emphasized text was underlined. While older citation reference works may still call for underlining, that format has largely been replaced by the use of italics, made possible by word-processing software and modern printers.

### § 5-100. In Citations

The following citation elements should be italicized:

- case names (including procedural phrases)
- book titles
- titles of journal articles
- introductory signals used in citation sentences or clauses
- prior or subsequent history explanatory phrases
- words or phrases attributing one cited authority to another source
- the cross reference words: “*id.*,” “*supra*,” and “*infra*”

If underlining is used instead of italics it should continue under successive words that are part of the same phrase but break between items.

When “e.g.” appears with another signal the two together are treated as a single item. Punctuation that is part of any of the above elements is italicized along with it, but punctuation that separates that element from other parts of the citation should not be.

#### § 5-200. In Text

The following words or phrases should be italicized when they appear in the text of a brief or legal memorandum:

- references to titles or case names in the text without full citation  
(even those which would, in full citation, not be italicized)
- foreign words that have not been assimilated into lawyer jargon
- quoted words that were italicized in the original
- emphasized words

#### § 5-300. Citation Items Not Italicized

The following citation types or elements should not be italicized:

- constitutions
- statutes
- restatements
- names of reporters and services
- names of journals
- rules
- regulations
- other administrative materials

Indeed, all items for which italics is not specified should appear without it.

Roger Rosen, California

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Green v. State of California, 42 Cal. 4th 254, 260, 165 P.3d 118, 121, 64 Cal. Rptr. 3d 390, 393 (2007).\*

(Green v. State of California (2007) 42 Cal.4th 254, 260.)\*\*

Green v. State of California, 165 P.3d 118, 121 (Cal. 2007).

Coal. of Concerned Cmty's., Inc. v. City of Los Angeles, 34 Cal. 4th 733, 101 P.3d 563, 21 Cal. Rptr. 3d 676 (2005).\*

Coal. of Concerned Cmty's., Inc. v. City of Los Angeles, 101 P.3d 563 (Cal. 2005).

Cal. Educ. Facilities Auth. v. Priest, 12 Cal. 3d 593, 526 P.2d 513, 116 Cal. Rptr. 361 (1974).\*

Cal. Educ. Facilities Auth. v. Priest, 526 P.2d 513 (Cal. 1974).

Sakotas v. Workers' Comp. Appeals Bd., 80 Cal. App. 4th 262, 95 Cal. Rptr. 2d 153 (2000).\*

Sakotas v. Workers' Comp. Appeals Bd., 95 Cal. Rptr. 2d 153 (Ct. App. 2000).



Salinas v. Atchison, Topeka & Santa Fe Ry. Co., 5 Cal. App. 4th 1, 6 Cal. Rptr. 2d 446 (1992).\*

Salinas v. Atchison, Topeka & Santa Fe Ry. Co., 6 Cal. Rptr. 2d 446 (Ct. App. 1992).

Roger Rosen

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Brown v. Helvering, 291 U.S. 193, 203 (1934).

John Doe Agency v. John Doe Corp., 493 U.S. 146, 159-60 (1934) (Stevens, J., dissenting).

N.C. Bd. of Dental Exam'rs v. FTC, 134 S. Ct. 1491, 188 L. Ed. 2d 375 (2014).

Cammisano v. U.S. Senate Permanent Subcomm. on Investigations, 454 U.S. 1084 (1981).

Office of Pers. Mgmt. v. Richmond, 496 U.S. 414 (1990).

Courts of Appeals

Little v. Shell Expl. & Prod. Co., 690 F.3d 282 (5th Cir. 2012).

Shames v. Cal. Travel & Tourism Op. Comm'n, 607 F.3d 611 (9th Cir. 2010).

Symantec Corp. v. Comput. Assocs. Int'l, Inc., 522 F.3d 1279 (Fed. Cir. 2008).

Antonov v. Cnty. of Los Angeles Dep't of Pub. Soc. Servs., 103 F.3d 137 (9th Cir. 1996).

Chatchka v. Soc'y for Concerned Citizens Interested in Equal., 69 F.3d 666 (5th Cir. 1996).

Comm. to Prevent Mun. Bankr. v. Renne, 77 F.3d 488 (9th Cir. 1996).

Cong. Fin. v. Commercial Tech., Inc., 74 F.3d 1253 (11th Cir. 1995).

Shoemaker v. Accreditation Council for Graduate Med. Educ., 87 F.3d 1322 (9th Cir. 1996).

Natural Res. Def. Council v. NRC, 216 F.3d 1180 (D.C. Cir. 2000).

Wilson v. Mar. Overseas Corp., 150 F.3d 1 (1st Cir. 1998).

Phillips Exeter Acad. v. Howard Phillips Fund, Inc., 196 F.3d 284 (1st Cir. 1999).

Grace Bible Fellowship, Inc. v. Me. Sch. Admin. Dist. No. 5, 941 F.2d 45 (1st Cir. 1991).

A.B.C. Bus Lines v. Urban Mass Transp. Admin., 831 F.2d 360 (1st Cir. 1987).

Orange County Agric. Soc'y, Inc. v. Comm'r, 893 F.2d 529 (2d Cir. 1990).

Shiau v. U.S. Dep't of Agric., 895 F.2d 1410 (2d Cir. 1989).

S'holders v. Sound Radio, 109 F.3d 873 (3d Cir. 1997).

Barry v. Bergen County Prob. Dep't, 128 F.3d 152 (3d Cir. 1997).

Tillman v. Lebanon County Corr. Facility, 221 F.3d 410 (3d Cir. 2000).

Johnstone v. N. Am. Van Lines, 958 F.2d 363 (3d Cir. 1992).

Opticians Ass'n of Am. v. Indep. Opticians of Am., 920 F.2d 187 (3d Cir. 1990).

Little Princess Assocs. v. Passgo, Inc., 922 F.2d 832 (3d Cir. 1990). Roger Rosen

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Engenium Sols., Inc. v. Symphonic Techs., Inc., 924 F. Supp. 2d 757 (S.D. Tex. 2013).

Walker Dig., LLC v. Facebook, Inc., 852 F. Supp. 2d 559 (D. Del. 2012).

Hollander v. Inst. for Research on Women & Gend. at Columbia Univ., No. 08 Civ. 7286 (LAK) (KNF), 2009 U.S. Dist. LEXIS 34942 (S.D.N.Y. Apr. 15, 2009).

Huangyan Imp. & Exp. Corp. v. Nature's Farm Prods., No. 99 Civ. 9404 (SHS),  
2000 U.S. Dist. LEXIS 12335 (S.D.N.Y. Aug. 25, 2000).

Inv'rs Capital Corp. v. Brown, 125 F. Supp. 2d 1346 (M.D. Fla. 2000).

Villar v. Crowley Mar. Corp., 780 F. Supp. 1467 (S.D. Tex. 1992).

Diaz v. Antilles Conversion & Exp., Inc. , 62 F. Supp. 2d 463 (D.P.R. 1999).

Glen Holly Entm't, Inc. v. Tektronix, Inc., 100 F. Supp. 2d 1073 (C.D. Cal.  
1999).

Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan, 979 F.  
Supp. 726 (N.D. Ill. 1997).

Natural Res. Def. Council v. Fox, 93 F. Supp. 2d 531 (S.D.N.Y. 2000).

Chatoff v. West Publ'g Co., 948 F. Supp. 176 (E.D.N.Y. 1996).

Haghighi v. Russian-American Broad. Co., 945 F. Supp. 1233 (D. Minn. 1996).

Roger Rosen

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I read this as a space between F. and Supp. and also between Supp. and 2d.

Roger Rosen

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Back in law school (University of Texas, 1981 - 1984), that was a nice thing about having a Selectric: I could switch out the ball and use actual italics when citing cases.

Michael A. Koenecke, Texas