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# Guides for North Carolina Appeals: Part II

BLOG | JANUARY 22, 2020

## Universal Citations: Coming Soon to Briefs Near You

When North Carolina jumped on the Universal Bar Exam bandwagon in February 2019, it was slightly behind the majority trend. At that point, North Carolina was simply following suit behind the 33 other states that had already adopted the Universal Bar Exam.

This time around, North Carolina is ahead of the “universal” trend-setting curve. On December 4, 2019, North Carolina became the 17th state in the country to adopt a universal citation format. Beginning on January 1, 2021, practitioners will be expected to utilize this universal format when citing to opinions published by the Supreme Court of North Carolina and the North Carolina Court of Appeals (collectively, the “North Carolina Appellate Courts”). [Click here to review the Supreme Court of North Carolina’s Administrative Order Concerning the Formatting of Opinions and the Adoption of a Universal Citation Form \(the “Administrative Order”\).](#)

As noted in the North Carolina Judicial Branch’s December 19, 2019, press release, this universal citation method was adopted to “allow readers to more quickly and accurately identify source material in both electronic and hard copy formats.” From what we know so far, all signs seem to indicate that the universal citation will accomplish this intent.

Here’s the scoop of what we currently know:

- **You have roughly one year to prepare.** Don’t start the ceremonial burning of your copy of *The Bluebook* just yet. The universal citation format will not become effective until January 1, 2021. At that point, our appellate courts will begin using paragraph numbers to organize their opinions – much like North Carolina Business Court opinions. Here’s an example. The universal citation format will then require practitioners to include a pinpoint citation (or “pincite”) to applicable paragraph number(s) in lieu of the traditional pincite to the applicable page number(s). Additionally, North Carolina’s adoption of the universal citation format will only affect citations to opinions published by the North Carolina Appellate Courts. The latest edition of *The Bluebook* will continue to dictate the standards when citing any other source. For more information about why it is so important to cite accurately and according to the latest edition of *The Bluebook*, check out our recent blog post, “Five-Star Briefs, One Citation at a Time.”
- **Don’t be fooled by the term “universal.”** Despite its name, there are multiple “universal” citation formats. Here is a list of the eight components that will be required in the universal citation format that North Carolina has recently adopted:

1. [*Case Name*],
2. [N.C. Reporter Number]
3. ["N.C." or "N.C. App."]
4. [First Page of Opinion in N.C. Reporter],
5. [Publication Year] + ["NCSC" or "NCCOA"]
6. [Opinion Number],
7. ["¶" when citing to one paragraph or "¶¶" when citing to two or more paragraphs]
8. [Pincite of Paragraph Number(s)].

For example:

State v. Smith, 375 N.C. 152, 2021-NCSC-45, ¶ 16.

State v. Smith, 255 N.C. App. 15, 2021-NCCOA-121, ¶¶ 10-11.

- **The perks of paragraph pincites.** The “traditional” citation method that we all know and forcibly love requires parallel pincites to the cited page(s) of the South Eastern Reporter and the North Carolina Reports or North Carolina Court of Appeals Reports. Comparatively, North Carolina’s new universal citation format will only require a single pincite to the opinion’s applicable paragraph number(s). (Based on the examples provided in the Administrative Order, it appears that an additional pincite to the page of the North Carolina Reports or North Carolina Court of Appeals Reports will no longer be necessary.) The new paragraph pincite requirement will result in more accurate citations, which has the added benefit of discouraging broad, page-range citations. As noted in this detailed report, which the North Carolina Supreme Court’s Technology Committee published in June 2019 to recommend this adoption, North Carolina chose to adopt the universal citation format’s paragraph-based numbering system “to provide access to judicial opinions and publications without a third-party publisher; to facilitate searching content on electronic publications; and to make opinions publicly available with a permanent citation without waiting for the official paginated report to be published.”
- **Stay tuned.** This adoption has raised a number of unanswered questions<sup>[1]</sup> that have left citation freaks (like me) on the edges of their seats. But try not to fret. As noted in the Administrative Order, the Supreme Court has instructed “the Appellate Reporter, the Director of Appellate Division Computing, and the Supreme Court’s Administrative Counsel . . . to implement this formatting and citation form and to promote its use by the stakeholders in our legal and judicial communities, subject to further orders of the Court.” Translation: stayed tuned for further instruction from the powers that be.

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[1] Most notably, it is currently unclear whether the universal citation format will only affect how practitioners cite to opinions that are published by the North Carolina Appellate Courts on or after January 1, 2021. Right now, it is not possible to utilize the universal format to cite to any prior opinions published by the North Carolina Appellate Courts as these opinions do not currently reflect paragraph numbers. However, there have been some rumors that paragraph numbers may be retroactively added to opinions published prior to January 1, 2021 as well. Those rumors have yet to be confirmed, however, and all signs currently seem to indicate that this change will only affect citations to opinions published on or after January 1, 2021.

For example, the Administrative Order states that “[o]pinions of the Supreme Court of North Carolina and the North Carolina Court of Appeals that are filed on or after 1 January 2021 should be cited using this [universal citation] format.” This narrow language seems to indicate that the universal citation format will *only* apply when citing to post-2021 opinions. Additionally, the above-referenced report published by the North Carolina Supreme Court’s Technology Committee in June 2019 specifically recommended for the Supreme Court of North Carolina “to retain the current citation format for all cases decided before January 1, 2020.” Until we receive further clarification, however, take this speculation with a grain of salt. Or two.

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