

Memorandum

To: *Antitrust* Magazine Editors
From: Tina Miller (with thanks to Tammy Feldman)
Date: Aug. 31, 2021
Re: *Antitrust* “Top Ten” Formatting and Style Checklist

1. *Antitrust* Style: General Guidelines

- a. Prose “Table of Contents”: The *Antitrust* style discourages use of the typical prose “table of contents” or roadmap (e.g., first, we explain the basic economic theory; then we discuss the relevant cases; then we explore the policy implications; etc., and finally we sum up Parts I-III.) That is what subheads are for. The author should provide a more compelling description of the material to be covered in the introductory discussion without the crutch of the prose table of contents. A statement of the author’s main thesis is a good way to start – and also helps the author focus on what the article is actually about.
- b. Endnotes: While our cite checking process is held to the highest standards (see the accompanying Cite Checking Guide memo for *Antitrust* editors), we do encourage authors to avoid the overly detailed citations and explanatory notes that are more typical of law review articles. In general, we prefer that *Antitrust* articles have a maximum of 40 endnotes.
- c. Avoid unnecessary use of capitalization, quotation marks, and italics to highlight certain terms or phrases. In any case, never use underlining.
 - i. For a term of art, the phrase can be presented in quotes the first time to indicate that it will have specific meaning in the context of the article but quotes can be dropped after the first mention. We do not use both the adjective “so-called” and quotation marks for a term or phrase: choose one or the other.
 - ii. Capitalization should be used for the actual titles of entities or items (or, in the case of the Court, to refer to the U.S. Supreme Court); general referrals to the constitution, the courts, the states, etc. do not require capitalization.
- d. Authors should avoid overusing adjectives, particularly adjectives that characterize another’s research or opinions, e.g., brilliant article (that agrees with everything we say). The same is true for insulting or ridiculing others’ work. We’ll take it out.
- e. Authors are asked to provide a separate SAL Indexing form for the article.

- f. Style Authorities: The authorities relied upon by *Antitrust* editors are:
 - i. *The Bluebook: A Uniform System of Citation, 21th Edition.*
 - ii. *The Chicago Manual of Style, 15th edition.*
 - iii. Strunk & White, *The Elements of Style.*
 - iv. Common sense.

2. Title, Author, Acknowledgments

- a. Author name: author's full name (as she or he would like it to appear on the article) should be included in the document on the line after the title. (Note: in print, there will not be an asterisk – the bio note will appear in a gray box at the bottom of the first column.) We limit the number of authors on a byline to three.
- b. Bio/acknowledgments footnote:
 - i. The first sentence/phrase in the acknowledgments footnote should be author's title and organizational affiliation: for example, Lisa C. Wood is a partner in Foley Hoag LLP in Boston and an Associate Editor of *Antitrust*.
 - ii. Relevant representation history or occupation history is included, especially disclosure information if material discussed in the article is derived or related to author's (or author's firm's) representation of a client. Disclosure of funding or underwriting for the article or research is also relevant and should be disclosed. Thanks to helpers and commentators are also appropriate.
- c. IMPORTANT: The bio footnote should not have a number; endnote numbering should start with the first endnote after the acknowledgments.

3. Sections & Section Headings

- a. Part and Section:
 - i. In the text and endnotes of the article, spell out and capitalize "Section," as in Section 2 of the Sherman Act. An exception to this is for quotes (in either the text or the footnote): when the section sign is used in the original source, it should be used in the quoted material. Refer to the piece itself as this "article" (as opposed to "paper.")
- b. *Antitrust* magazine headings are numberless (i.e., no Roman numerals, no Arabic numerals), right justified, and in bold font.

4. Quotes and Quotation Marks

- a. Quotes of more than 50 words are indented, not enclosed in quotation marks. Quotes of fewer than 50 words are enclosed in quotation marks

- b. Periods and commas are *inside* quotation marks. Colons, semicolons, question marks and exclamation points are *outside* quotation marks (unless they are part of the quoted material).
5. Comma and Period Usage
 - a. Serial Comma: When providing a list, use the serial comma (e.g., “dogs, cats, and birds); the serial comma is the one before “and.”
 - b. But Commas: No comma is used before “but” in a sentence when the clause following “but” is not in opposition to the clause preceding “but.”
 - c. Periods and Parentheses (or Brackets): The period is enclosed within the parentheses if an entire *independent* sentence is within the parentheses; otherwise, when only a phrase is within the parentheses, the period follows the closing parenthesis (as in the example of this sentence).
6. Numbers

In the text of the article, as well as in the endnotes, numbers from one to ten used in a sentence are spelled out (e.g., “four” instead of “4”), unless they are in a series.

 - a. In the text of the article, use Arabic numerals for numbers used in equations and/or those used before the word “percent.” In the text and endnotes of the article, “percent” is spelled out.
7. Abbreviations, acronyms, and shortened names
 - a. U.S. and EU: Use the U.S. and EU abbreviated forms when using those terms as an adjective (e.g., U.S. antitrust enforcement; EU competition authorities) and use United States and European Union when using those terms as a noun (e.g., “policy in the United States”; enforcement in the European Union.) When using the abbreviated forms, use the periods for U.S. and no periods for EU, EC, and UK. (i.e., “U.S.,” not “US”; and “EU,” not “E.U.”)
 - b. DOJ and FTC may be used for “Department of Justice” and “Federal Trade Commission,” respectively, following the first full spelling out of each. However, we do NOT use periods after the letters (i.e., NOT D.O.J.). We say “the FTC” and “the DOJ.” (Note: quotation marks are not needed in actual usage.) There is no need to put DOJ and FTC in a parenthetical after their first use.
 - c. The Guidelines: Following the first mention of the DOJ/FTC Horizontal Merger Guidelines, refer to the Guidelines in a consistent fashion (i.e., pick one of the following but do not mix-and-match: “Guidelines,” “Merger Guidelines,” “DOJ/FTC Merger Guidelines,” etc.) This style change should be carried through into the endnotes as well.

- d. When indicating an abbreviation, acronym, or initials (other than the assumed DOJ or FTC discussed above), put the abbreviation in parentheses following the term but do not use quotation marks around the abbreviation, e.g., General Motors Corporation (GM). For the plural form of an acronym (e.g., HMOs, PBMs), no apostrophe is needed to create the plural. There is no need to put acronyms in parentheses in obvious cases.
- e. Names: The first time an individual is referred to, use the full name and title (e.g., former FTC Chairman Timothy J. Muris); after the first reference, a more casual reference can be used (e.g., Muris, Tim Muris, etc.)

8. Hyphens, Slashes, and Dashes

- a. To hyphenate or not to hyphenate, Part I: For example, “decision making,” “standard setting,” and “price cutting.” Where “decision-making” is used as an adjective, it should be hyphenated, but when used as a noun, there is no hyphen. (Same goes for other compound adjectives.) However, we close up “policymaking” and “rulemaking.” Note: Ignore Spell Check on these matters.
- b. Hyphens vs. Slashes: Use hyphens to link word pairs to show a close relationship (e.g., attorney-client privilege); use slashes to indicate a difference or division (e.g., cost/benefit analysis) and merger partners: GE/Honeywell or GM/Toyota. We do not italicize mergers.
- c. Dashes: The en dash (–) is used in place of the word “to” between numbers, dates, and places to denote extent or duration (e.g., the New York-London flight); the em dash (—), essentially a double en dash (with no space between) can be used as an alternative parentheses or commas for setting off a phrase or clause. No spaces are used before and after the em dash.

9. Fonts

- a. When mentioned in the main text, case names (whether the full case name or a shortened version) are italicized. When referring to a publication (e.g., a book, serial, or periodical) in the article’s text, use italics.
- b. Common Latin phrases such as “et al.,” “per se,” “i.e.,” “e.g.,” “vice versa,” “certiorari,” “per curiam,” “en banc,” “ad hoc,” “ex post,” “ex ante,” and “etc.” are not italicized.

10. Miscellaneous Style and Grammar Tips

- a. Contractions are considered too informal and are not used. For example, use “do not” rather than “don’t” and “cannot” rather than “can’t.”
- b. “That” vs. “Which”: “That” and “which” are not perfect substitutes; “that” is used to introduce a limiting or defining clause while “which” introduces a parenthetical (i.e., non-defining) clause.

- c. “Who”: Who is used to refer to people, not companies or things.
- d. Possessives: Follow the basic *Chicago Manual of Style* on possessives. The most common mistake is not adding the “s” to a name ending in “s” or “x.” So, the *Antitrust* style is “Charles’s wedding” and “Justice Thomas’s decision.” We do not add an “s” to a plural name ending in s when it is the name of a case (e.g., *Dr. Miles’* rule regarding RPM.) We do not use the possessive to refer to a multiple year time period, as in “the 1960s.”
- e. Neologisms: *Antitrust* style discourages the use of jargon and made up words. For example, “disincent” is not a verb. Look out for overuse of “ultimately,” the current favorite overused word now that “at the end of the day” is no longer in fashion. “Famously” isn’t needed if the quotation is really famous; everyone will already know it. Other overused phrases: “that said;” “to be sure,” “indeed.”
- f. When referring to both parties in the case (and using the terms “plaintiff” and “defendant”), the proper terminology would be “the plaintiffs and the defendants.”
- g. Spelling: Use U.S. standard spelling (e.g., “favor,” not “favour”; “defense,” not “defence.”)
- h. Symbols vs. spelled out words: In the text, spell out percent and precede it with a numeral; in the endnotes use %.