

BUILDING A BRIEF



TABLES OF CONTENTS & TABLES OF AUTHORITY IN MS WORD

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This document describes how to use Microsoft Word to create all the technical parts of a brief – including the cover page, table of contents, table of authorities, and more.

TIP: The best way to begin is to use the University of Virginia School of Law Extramural Moot Court Board **Model Brief Template**. This document has all of the “hidden” formatting that you will need.

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I. INTRODUCTION

Think of a brief as being one document with three separate Sections.

Section 1. THE COVER PAGE

Section 2. THE TABLE OF CONTENTS AND TABLE OF AUTHORITIES

Section 3. THE TEXT

We will learn to insert appropriate section breaks to manipulate the page numbering, to view and create a Table of Contents from an outline perspective and to mark cases and create a Table of Authorities.

II. THE RULES

Familiarize yourself with the Rules of Court before writing your brief. All rules are searchable but some helpful guidelines are included for easy reference.

THE BRIEF – VIRGINIA SUPREME COURT RULES FOR BRIEFS:

<http://www.courts.state.va.us/legallinks/va.html>

THE BRIEF – UNITED STATES COURTS OF APPEALS FOR THE FOURTH CIRCUIT

<http://www.ca4.uscourts.gov/pdf/rules.pdf>

THE BRIEF – UNITED STATES SUPREME COURT

<http://www.supremecourtus.gov/ctrules/ctrules.html>

III. FIRST SECTION: THE COVER PAGE

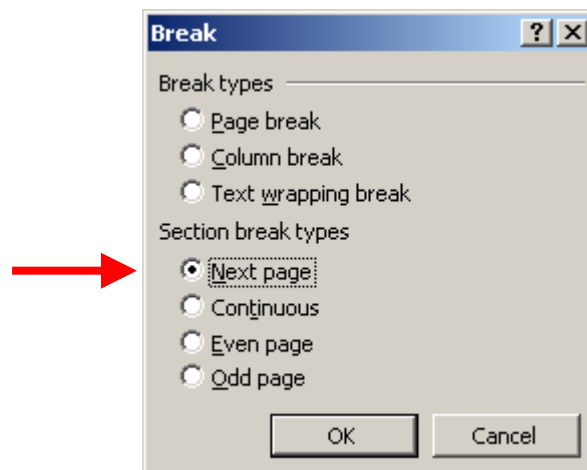
Creating a cover page for a Brief can be a difficult task, if you let it.

However, understanding section breaks and headers and footers will make your task easier. My goal is to help you understand section breaks.

1. Begin with a new document
2. Type the appropriate text. (Refer to Court Rules to determine what is necessary on the cover of the brief.)
3. Select “**Insert**”

Select “**Break**”

Under **Section Break Types**, select **Next Page**



(Notice that the very bottom of your screen reads Page ____ Section 2.)

Changing the Numbers in the Footer

The Brief Cover not does have a page number on it. Therefore, we will remove any page numbers from the first page and set the numbering style on the first page of the second section to roman numbers.

Select **View**

Select **Header and Footer**

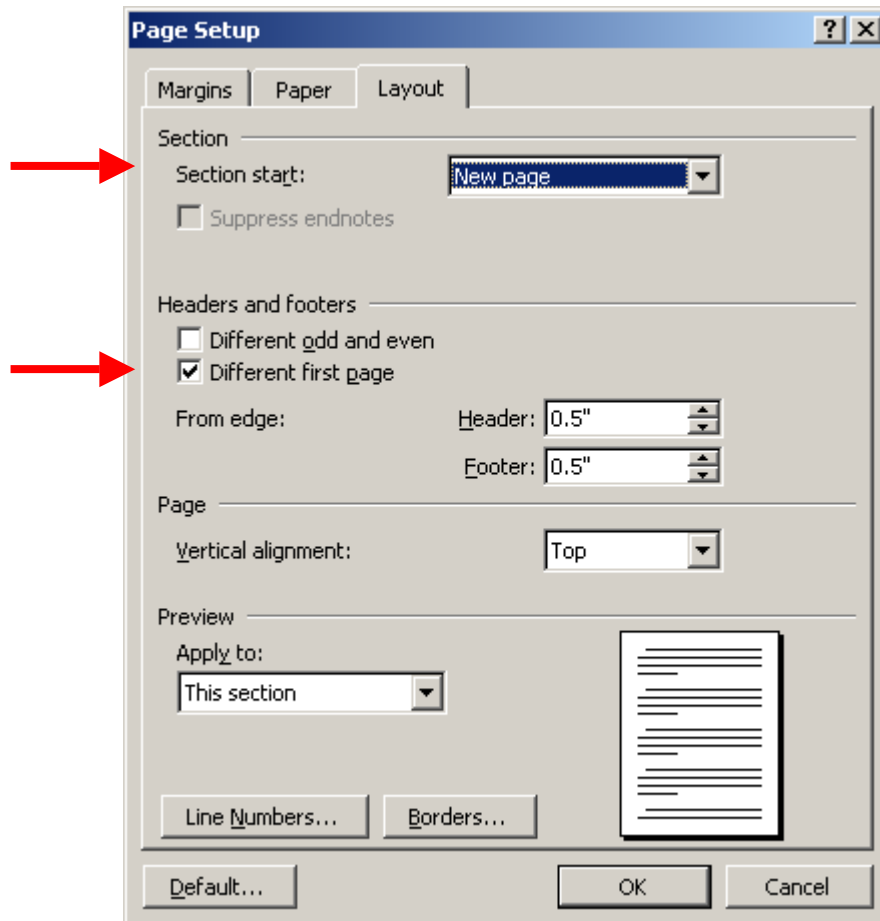
A toolbar will open. Select the Icon that looks like an open book (Page Setup)



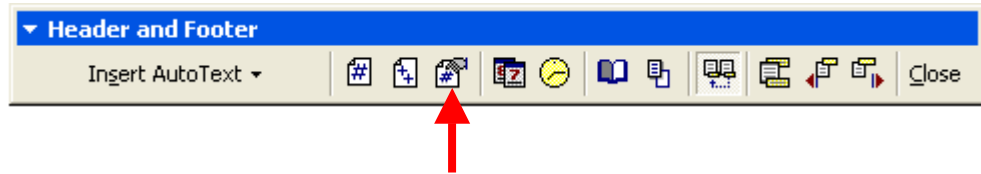
Select **New Page**

Select **Different first page**

Click **“OK”**



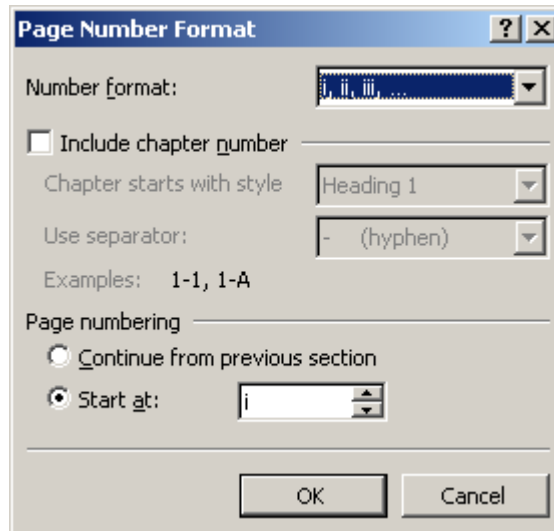
While still in the Headers Toolbar, Select “**Format Page Number**” (the third icon from the left and looks like a hand holding a piece of paper with a large blue number on it) ...



Select Page **Number Format**

Change Number Format to Roman Numbers or preferred format

Under “**Start at**”, select number one (or “i”).



IV. SECOND SECTION: TABLE OF CONTENTS

A. Step 1

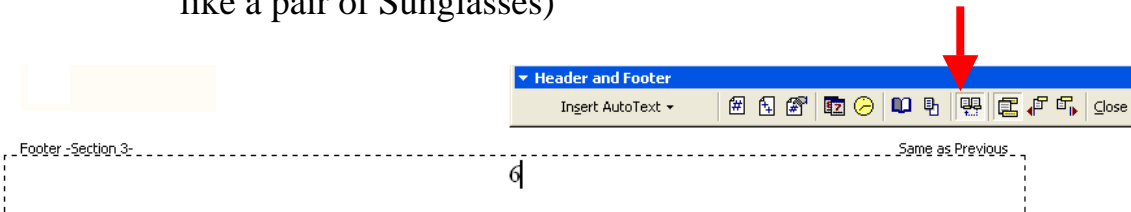
When you entered the Section Break for the next page, WORD automatically took you to a new page. Use this page as your Table of Contents Page.

Make sure the page numbering is correct:

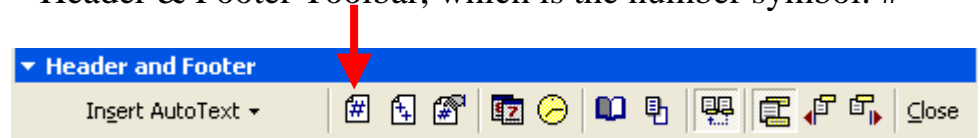
Select **View**

Select **Header and Footer**

Remove the “SAME AS PREVIOUS” (Click on the Icon that looks like a pair of Sunglasses)



Insert the Page Number by selecting the first Icon in the Header & Footer Toolbar, which is the number symbol: #



You should have roman numeral “i” in your footer. If not, follow the steps from the Cover Page section to change the format.

This is how the WORD Help Icon says to create page numbers for the Table of Contents:

You can leave the [header or footer](#) off the first page or create a unique first page header or footer for the first page in a document or the first page of each [section](#) within a document.

1. If your document is divided into sections, click in a section or select multiple sections you want to change. Click anywhere in the document if your document is not divided into sections.
2. On the **View** menu, click **Header and Footer**.
3. On the **Header and Footer toolbar**, click **Page Setup** .
4. Click the **Layout** tab.
5. Select the **Different first page** check box, and then click **OK**.
6. If necessary, click **Show Previous** or **Show Next** on the **Header and Footer toolbar** to move into the **First Page Header** area or **First Page Footer** area.
7. Create the header or footer for the first page of the document or section.

If you don't want a header or footer on the first page, leave the header & footer areas blank.

B. Step 2: TOC Using Automatic Headers

You can use Microsoft Word to create a Table of Contents that will automatically update the page numbers on which your section headers appear. There are two ways to do this: (1) using automatic headers or (2) using the document map. This section covers automatic headers; the document map is next.

1. The Simple Way

The model brief template on the moot court website has legal-style headings already programmed. To use these, simply save the model brief template to your computer and start typing. **To create a new header, hit CNTRL+ALT+1, then hit TAB to move the header to the level that you want.** Hit ENTER when you're done and it will move to your body paragraph

2. Making Your Own Headers

Headers can be customized in Word.

Select **Format**

Then select **Style**

Click on the type of Style you want to adjust. "Heading 1" is the top-level heading (Roman numerals: I / II / III / IV). "Heading 2" is the second level heading (A, B, C, D); and so forth.

Unclick any box that says "Automatically Update"

C. Alternate Step 2: TOC Using the Document Map

Type:

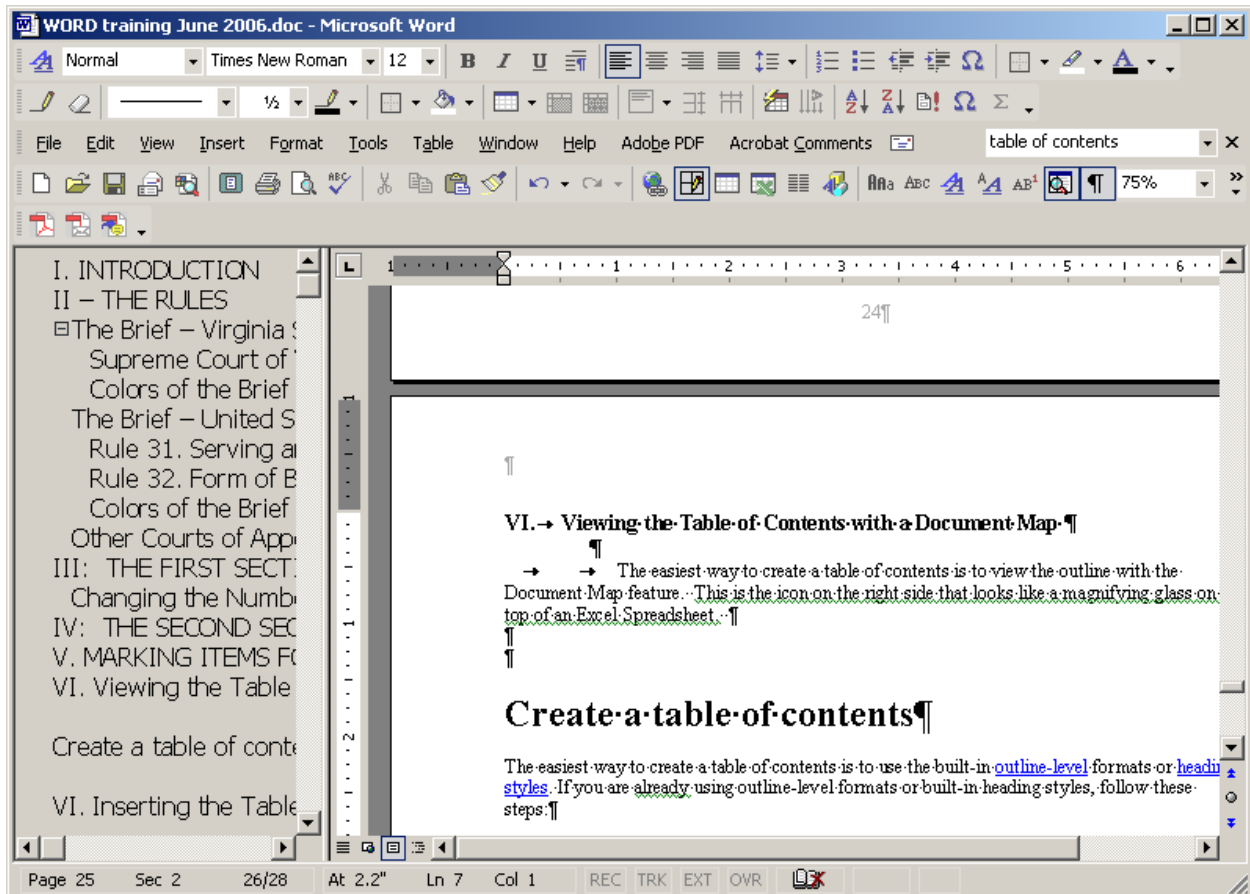
Table of Contents
[centered text – “ctrl e”]

Page
[Right flush- “ctrl r”]

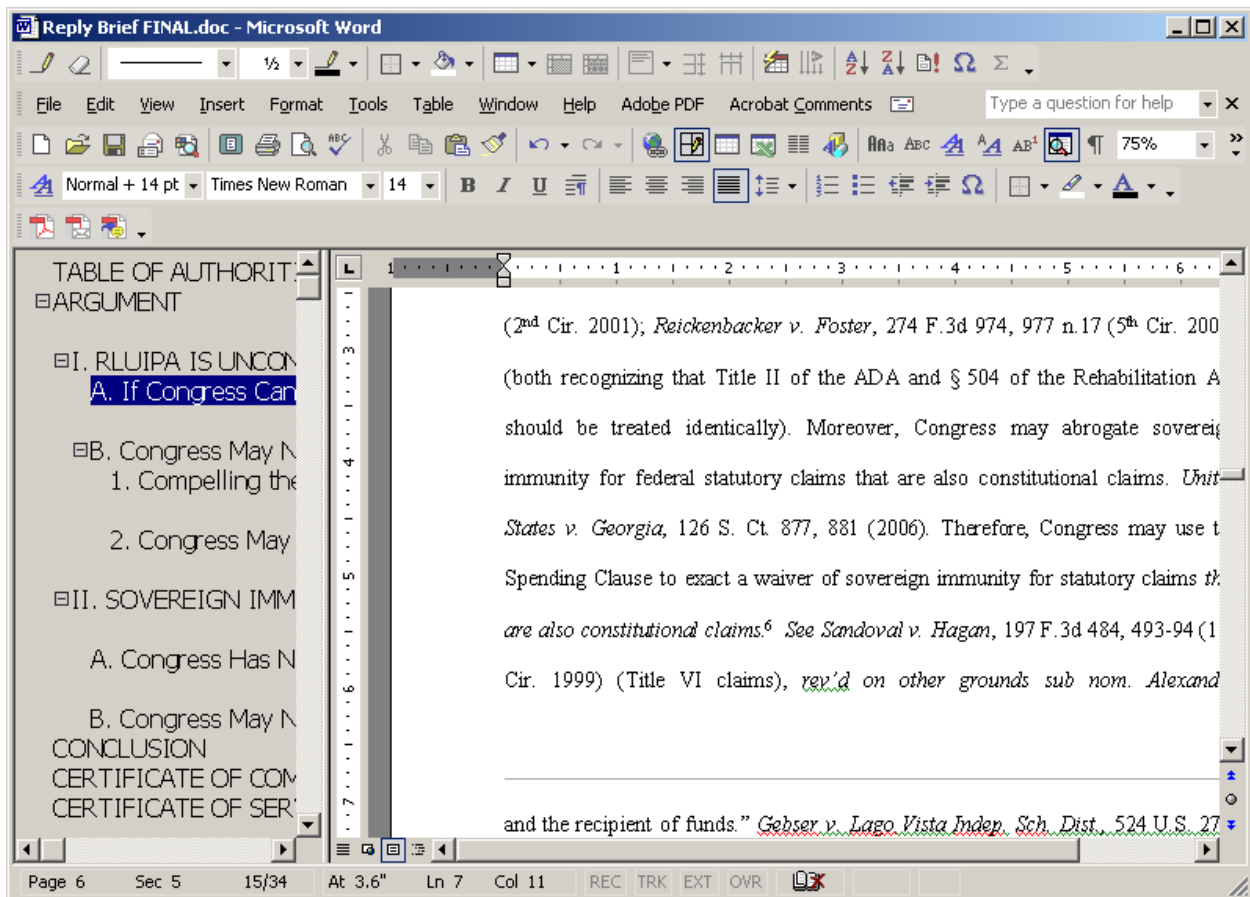
1. VIEWING THE TABLE OF CONTENTS WITH A DOCUMENT MAP

The easiest way to create a table of contents is to view the outline with the Document Map feature. This is the icon on the right side that looks like a magnifying glass on top of an Excel Spreadsheet.

The image below is this document with the Document Map Outline displayed.



The image below is a completed brief with the Document Map Outline displayed.

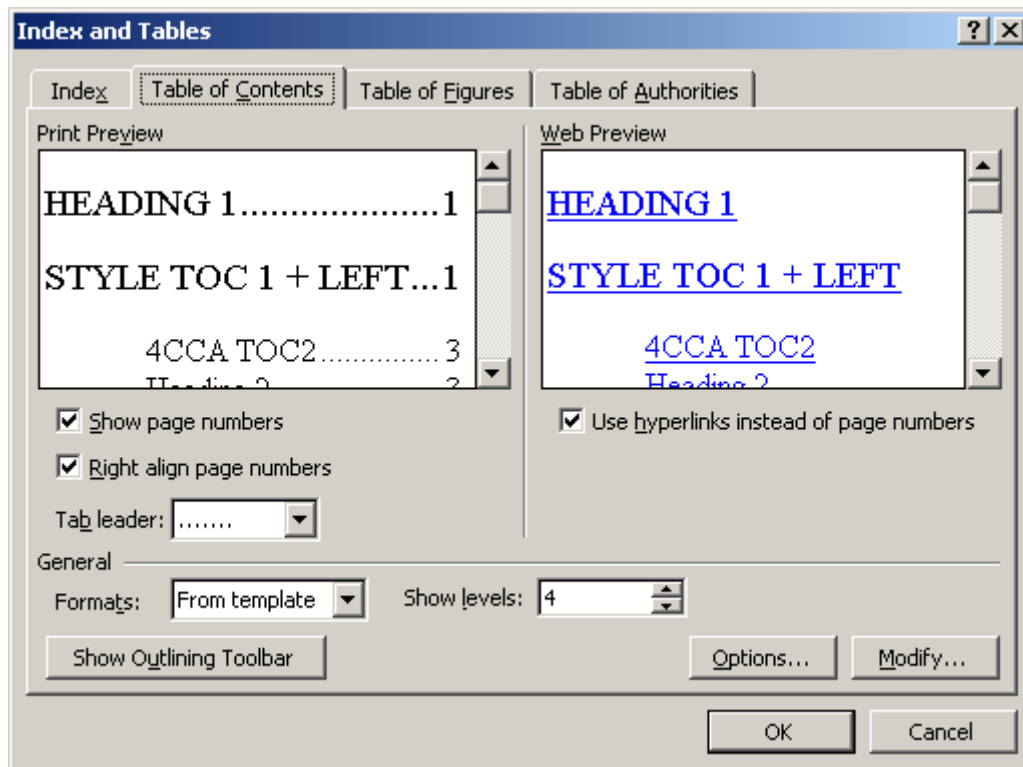


2. INSERTING THE TABLE OF CONTENTS

You have already created a page for the Table of Contents. Go into that page and insert!

The easiest way to create a table of contents is to use the built-in outline-level formats or heading styles. If you are already using outline-level formats or built-in heading styles, follow these steps:

1. Click where you want to insert the table of contents.
2. On the **Insert** menu, point to **Reference**, and click **Index and Tables**.



3. Click the **Table of Contents** tab.
4. To use one of the available designs, click a design in the **Formats** box.
5. Select any other table of contents options you want.

If you aren't currently using outline levels or built-in styles, do one of the following:

Create a table of contents from outline levels

1. On the **View** menu, point to **Toolbars**, and click **Outlining**.
2. Select the first heading that you want to appear in the table of contents.
3. On the **Outlining** toolbar, select the outline level that you want to associate with the selected paragraph.
4. Repeat steps 2 and 3 for each heading that you want to include in the table of contents.

5. Click where you want to insert the table of contents.
6. On the **Insert** menu, point to **Reference**, and click **Index and Tables**.
7. Click the **Table of Contents** tab.
8. To use one of the available designs, click a design in the **Formats** box.
9. Select any other table of contents options you want.

Create a table of contents from custom styles

If you've already applied custom styles to your headings, you can tell Microsoft Word which styles to use when it's building the table of contents.

1. Click where you want to insert the table of contents.
2. On the **Insert** menu, point to **References**, and click **Index and Tables**.
3. Click the **Table of Contents** tab.
4. Click **Options**.
5. Under **Available styles**, find a style you've applied to headings in your document.
6. Under **TOC level**, to the right of the style name, enter a number from 1 to 9 to indicate the level you want that heading style to represent.

Note If you want to use only custom styles, remove the TOC level numbers for the built-in styles, such as Heading 1.

7. Repeat steps 5 and 6 for each heading style you want to include in the table of contents.
8. Click **OK**.
9. To use one of the available designs, click a design in the **Formats** box.

Select any other table of contents options you want.

V. SECOND SECTION (continued): TABLE OF AUTHORITIES

Insert a Hard Page Break [CNTRL + ENTER] and create the Table of Authorities, just like you did the Table of Contents. Your page numbering automatically continues.

There are two ways to create and update a Table of Authorities – (1) manually and (2) automatically in MS Word.

- **Manually** has **the benefit** of being easier for people not very comfortable using MS Word's functions. Essentially, you finalize your brief then go page-by-page and manually enter in your TOA the page numbers of where your authorities appear. **The drawback** to this is that if you add or delete parts of your brief, your TOA pagination will likely be wrong.
- **Automatically** has **the benefit** of letting you edit your brief as much as you want and the TOA will automatically create itself and update itself. **The drawback** is it requires more work when you type in a citation and a deeper understanding of MS Word.

A. TOA the Manual Way

The manual way is preferred by MS Word novices; but even experienced MS Word users may find the manual way the easier road to take.

1. Finish drafting your brief.
2. Go through your brief citation-by-citation. Copy the citation and paste it into the appropriate section of your TOA. Each authority should be listed only once in the TOA.
3. **Remove any pincites that appear in your TOA!**
4. Sort your authorities alphabetically within each section. For cases, Supreme Court cases should come first, then Court of Appeals, then District Court, then State courts.
5. Print out a copy of your brief.
6. Find a big table. Place your TOA on one side and have your brief on the other side. Go page-by-page of your brief and when you find a citation, write that page number down on your TOA. To go faster, you can have your teammate call out authorities and you write them down.
 - a. Essentially, you should do this page-by-page spot check even using the “automatic” way as explained in the next section, just to be sure you flagged all of the citations.
7. Enter all the page numbers you wrote down into your MS Word document.
8. Spot check to ensure the page numbers correspond.

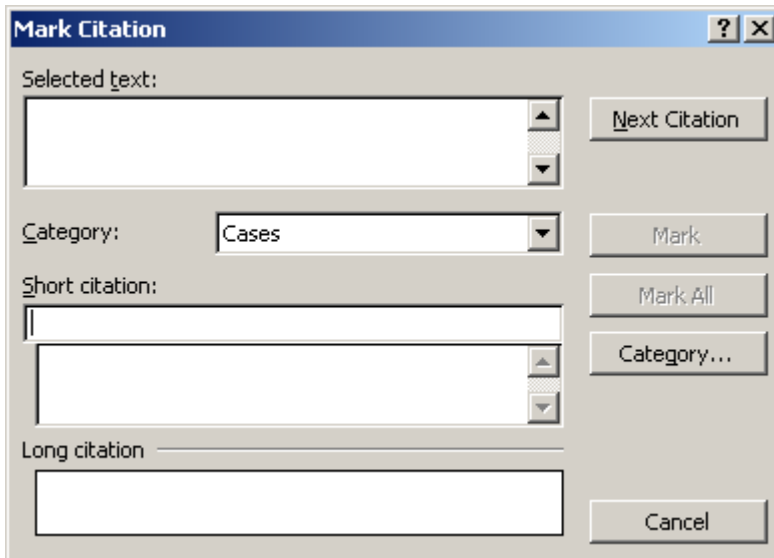
B. TOA the Automatic Way

If you're feeling confident, you can use Microsoft Word to automatically track the page numbers on which your authorities appear. This way, if you make last minute changes, it will not throw your TOA off.

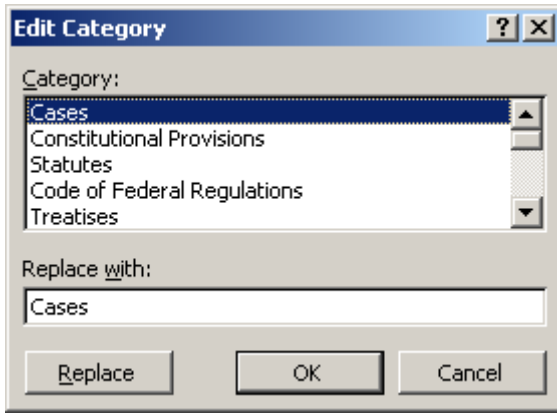
1. MARKING ITEMS FOR TABLE OF AUTHORITIES

A Table of Authorities is a list of the references in a legal document, such as references to cases, statutes, and rules, along with the numbers of the pages the references appear on.)

Familiarize yourself with the categories: Press the Alt, the Shift and the letter "T" keys.



Select the Category Icon:



2. Viewing the Field Codes

Field codes: TA (Table of Authorities Entry) field

{ TA [*Switches*] }

Defines the text and page number for a table of authorities entry.

Note The TA field is formatted as hidden text and displays no result in the document. Hidden text is character formatting that allows you to show or hide specified text. Microsoft Word indicates hidden text by underlining it with a dotted line.

To view this field, click **Show/Hide ¶** on the **Standard** toolbar.

\b

Applies bold formatting to the page number for the entry. The field { TA "Loren v. Mendel" \b } displays the entry as "Loren v. Mendel.....**23**" in the table of authorities. If the Table Of Authorities [style](#) for the entry already has bold formatting, the \b switch removes it.

\c "Category"

Specifies the entry category, which is a number that corresponds to the order of categories in the **Category** box in the **Mark Citation** dialog box. The number determines how citations are grouped in tables of authorities. The field { TA \l "Hotels v. Leisure Time" \c 2 } is included only in the table of authorities inserted by the field { TOA \c 2 }, where "2" corresponds to "Statutes". If you omit the \c switch, category 1 ("Cases") is the default.

\i

Makes the entry's page number italic. The field { TA "Loren v. Mendel" \i } displays the entry as "Loren v. Mendel.....*23* " in the table of authorities. The switch removes the italic formatting if the Table Of Authorities style for the entry is italic.

\l "Long"

Defines the long citation for the entry in the table of authorities. This citation is from the **Long Citation** box in the **Mark Citation** dialog box (**Insert** menu, **Reference** submenu, **Index and Tables** command).

\r Bookmark

Inserts as the entry's page number the range of pages marked by the specified [bookmark](#). The field { TA \l "Hotels Corporation v. Herder Assoc. 483 F.2d 247 (3d Cir. 1990)" \r hotelsvherder } displays the entry's page number in the format "20–25" in the table of authorities.

\s "Short"

Defines the abbreviated form of the entry; this citation is from the **Short Citation** box in the **Mark Citation** dialog box (**Insert** menu, **Reference** submenu, **Index and Tables** command).

EXAMPLE:

The field { TA \l "Baldwin v. Alberti, 58 Wn. 2d 243 (1961)" \s "Baldwin v. Alberti" \c 1 \b } creates the following entry in the "Cases" category of a table of authorities:

Baldwin v. Alberti,
58 Wn. 2d 243 (1961) **5,6**

This is how the WORD Help Icon instructs you to Create a Table of Authorities

The feature described in this Help topic is only available if support for English (U.S.), Canadian, French or Dutch is enabled through Microsoft Office Language Settings.

1. Mark [citations](#) to add to a [table of authorities](#).
 1. Select the first long citation in your document.

For example, select "Forrester v. Craddock, 51 Wn. 2d 315 (1957)."
 2. Press ALT+SHIFT+I.
 3. In the Selected text box, edit the long citation as you want it to appear in the table of authorities.
 4. If you want to format the text, right-click the text you want to format in the Selected text box, and click Font. Select the formatting options that you want to use.
 5. In the Category box, click the category that applies to the citation.
 6. In the Short citation box, edit the text so that it matches the short citation that you want Microsoft Word to search for in the document. For example, enter "Forrester v. Craddock."
 7. To mark a single citation, click Mark. To mark all long and short citations that match those displayed in the Mark Citation dialog box, click Mark All.
 8. To find the next citation in the document, click Next Citation.

Click where you want to insert the table of authorities.

2. To make sure that the document is paginated correctly, you need to hide [field codes](#) and hidden text. If the TA (Table of Authorities Entry) fields are visible, click Show/Hide on the Standard toolbar.

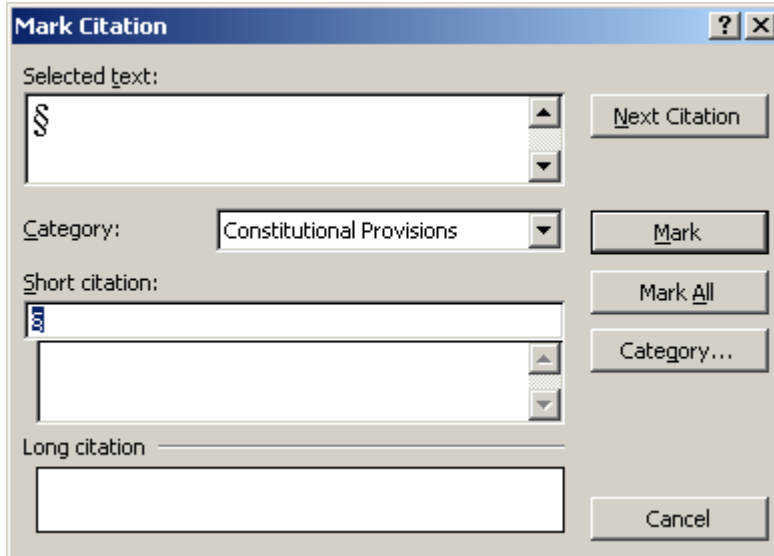
SAMPLE OF TEXT FROM A BRIEF

This bright line rule—if Congress cannot enact a measure *directly* using its other constitutional powers, then Congress may not enact the measure *indirectly* using the Spending Clause—does not mean that the Spending Clause is eviscerated or that Congress may not impose non-discrimination requirements on recipients of federal funds. For example, Congress, in the exercise of its powers under the Fourteenth Amendment Enforcement Clause, U.S. Const. amend. XIV, § 5, may compel the States to comply with the Constitution. *See City of Boerne v. Flores*, 521 U.S. 507, 536 (1997). Thus, Congress, in the exercise of its powers under the Spending Clause, may enact Title VI, 42 U.S.C. § 2000d, and Title IX, 20 U.S.C. § 1681, both of which are co-extensive with the Equal Protection Clause, U.S. Const. amend. XIV, § 1. *See Grutter v. Bollinger*, 539 U.S. 306, 342 (2003); *Gratz v. Bollinger*, 539 U.S. 244, 276 n.23 (2003) (Title VI is coextensive with the Equal Protection Clause).¹

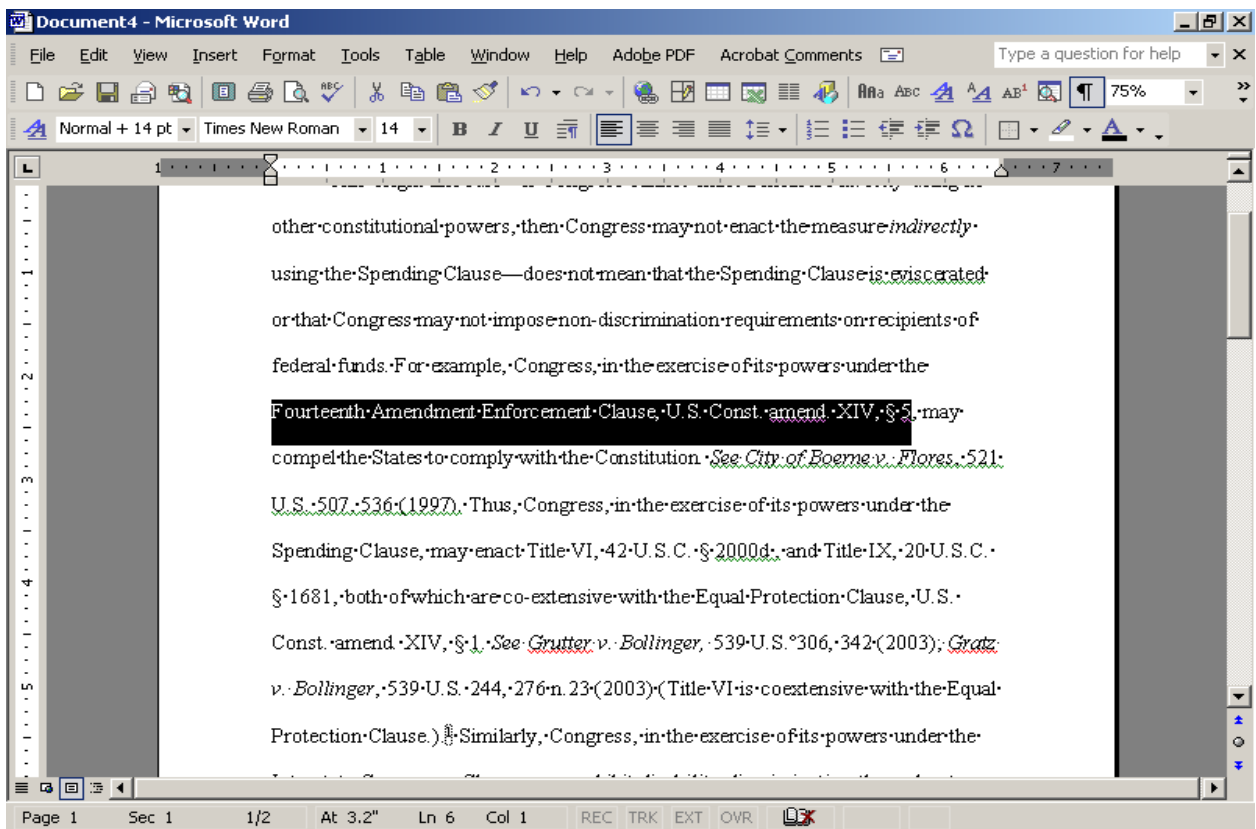
¹ Although *Grutter* and *Gratz* were addressing only Title VI, the reasoning is equally applicable to Title IX. Title VI and Title IX “operate in the same manner, conditioning an offer of federal funding on a promise by the recipient not to discriminate, in what amounts essentially to a contract between the Government and the recipient of funds.” *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 286 (1998).

3. Marking Entries for a Table of Authorities

The first item selected is the section symbol §.



Select the text you want to mark.



Fourteenth Amendment Enforcement Clause, U.S. Const. amend. XIV, § 5,

The screenshot shows a dialog box titled "Mark Citation" with the following fields and controls:

- Selected text:** A text box containing "U.S. Const. amend. XIV, § 5".
- Category:** A dropdown menu currently showing "Constitutional Provisions".
- Short citation:** A text box containing "Fourteenth Amendment Enforcement Clause".
- Long citation:** An empty text box.
- Buttons:** "Next Citation", "Mark", "Mark All", "Category...", and "Cancel".

Edit the Select Text. (This is what will appear in the Table of Authorities.) Make sure the Short Citation is correctly identified. This amendment is referred to as the Fourteenth Amendment Enforcement Clause instead of U.S. Const. amend. XIV. You have to tell WORD what to look for.

Select the Category Type. If your category does not exist, you can create one.

Select "MARK ALL."

City of Boerne v. Flores, 521 U.S. 507, 536 (1997)

Mark Citation

Selected text:
City of Boerne v. Flores,
521 U.S. 507 (1997)

Category: Cases

Short citation:
Flores
Fourteenth Amendment Enforcement Clause

Long citation

Next Citation

Mark

Mark All

Category...

Cancel

Title VI, 42 U.S.C. § 2000d

In this selection, the Solicitor General asked that I indicate that this is referred to as Title VI in the Table of Authorities. Notice that I rearranged the text in the Selected Text area.

Mark Citation

Selected text:
42 U.S.C. § 2000d (Title VI)

Category: Statutes

Short citation:
42 U.S.C. § 2000d
Flores
Fourteenth Amendment Enforcement Clause

Long citation

Next Citation

Mark

Mark All

Category...

Cancel

Continue marking cases and the various authorities.

Be mindful of the categories!

What is wrong with the following citations?

Mark Citation [?] [X]

Selected text:
Grutter v. Bollinger,
539 U.S. 306 (2003)

Category: Statutes

Short citation:
Grutter
Flores
Fourteenth Amendment Enforcement Clause

Long citation

Next Citation
Mark
Mark All
Category...
Cancel

Mark Citation [?] [X]

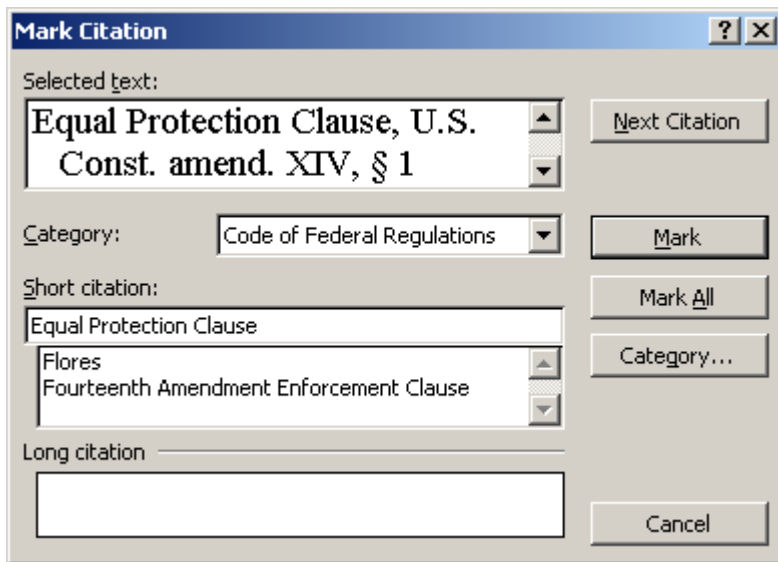
Selected text:
Gebser v. Lago Vista Indep.
Sch. Dist., 524 U.S. 274, 286

Category: Code of Federal Regulations

Short citation:
Gebser v. Lago Vista
Flores
Fourteenth Amendment Enforcement Clause

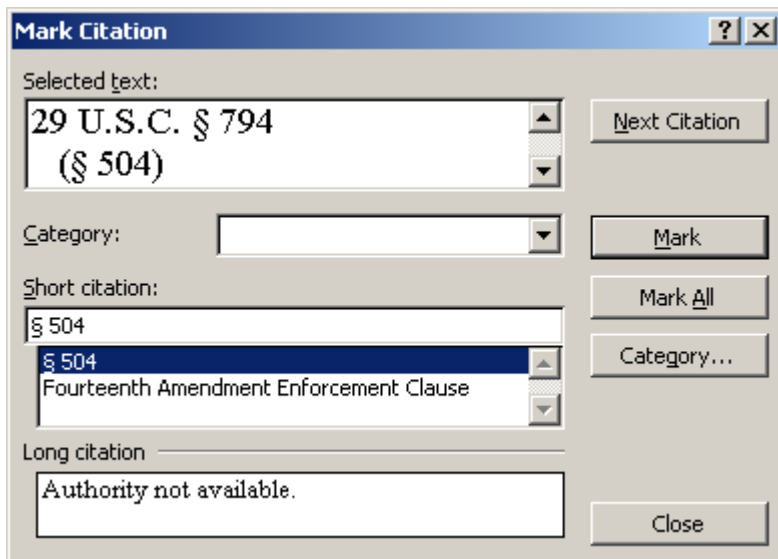
Long citation

Next Citation
Mark
Mark All
Category...
Cancel



A sample of a unique marking.

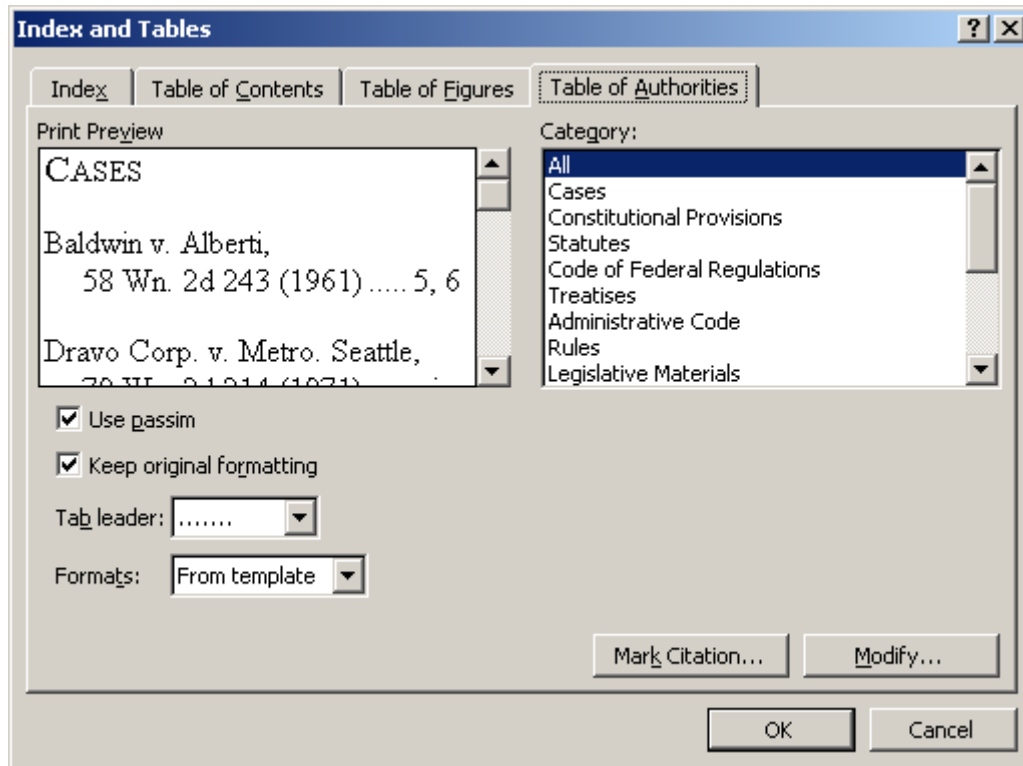
§ 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794



4. INSERTING THE TABLE OF AUTHORITIES

You have already created a page for the Table of Authorities. Go into that page and insert!

1. On the **Insert** menu, point to **Reference**, click **Index and Tables**, and then click the **Table of Authorities** tab.
2. In the **Category** box, click the category you want to include in your table of authorities.
3. To include all categories, click **All**.



4. Do one of the following:
 - o To use one of the available designs, click a design in the **Formats** box.
 - o To design a custom table of authorities layout, choose the options you want.

Tip

To use additional options for customizing a table of authorities, you can use fields. For example, you can build the table of authorities for only part of the document.

5. Select any other table of authorities options you want.

For Help on an option, click the question mark, and then click the option.

Notes

- If you add, delete, move, or edit a citation or other text in a document, you should manually update the table of authorities. For example, if you edit a citation and move it to a different page, you need to make sure that the table of authorities reflects the revised citation and page number. To update the table of authorities, click to the left of it and press F9.
- Don't modify the entries in the finished table of authorities; otherwise, the next time you rebuild the table of authorities, your changes will be lost.

VI. THIRD SECTION: THE ARGUMENT

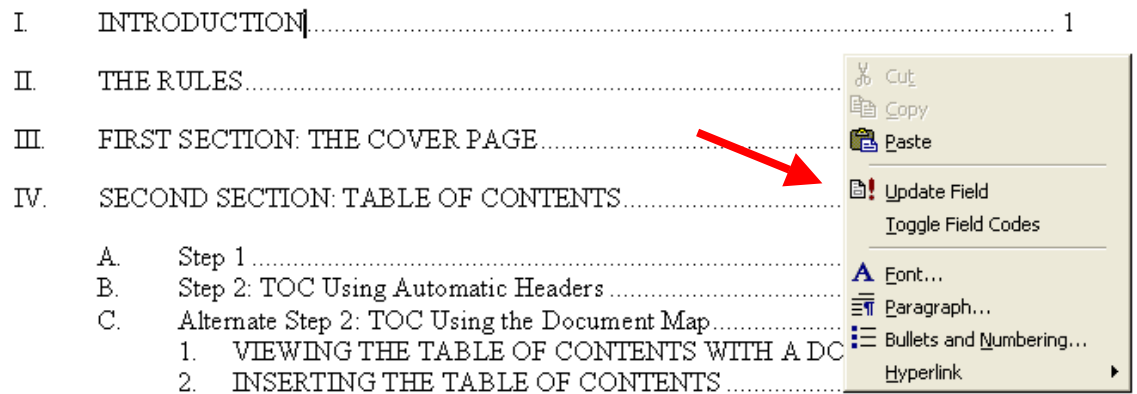
Near the bottom of that page after your table of authorities, insert a Section Break, and repeat the steps for a Section Break. You will be on a new page and you will want to change the numbers to be 1,2,3, etc.. Repeat the steps for changing the style of the number format in the Header and Footer. (Yes, you can do this.!)

Now research and write your brief.

ALWAYS UPDATE YOUR FIELDS BEFORE TAKING THE BRIEF TO FINAL PRINT!

You can do this very quickly, and ta-da, it'll be all updated! First, simply move the mouse over the Table of Contents area and right click.

Select **“Update Field”**



Click on the button for **“Update entire table”** and click **OK**.



Repeat the same for the Table of Authorities if you did that the automatic way.