

The New *Bluebook* Bigger, Better and Bluer

Seventy-nine years after its humble 26-page debut, *The Bluebook* has reentered the legal-writing scene in the form of a bright-new 18th edition. This 415-page uniform legal-citation system is a full 24 pages longer than its predecessor. Beyond its progressive content additions, the editors appear to have finally listened to the grumblings of the countless faithful *Bluebook* followers with

THE BLUEBOOK A Uniform System of Citation

Use of Citation in Legal Writing

B1

THE BLUEPAGES: An Introduction to Basic Legal Citation

Bluepages Tip: Practitioners and law clerks should be aware that many courts have their own rules of citation differing in some respects from *The Bluebook*. Make sure you are familiar with and abide by any additional or different citation requirements of the court to which your document is to be submitted. An index of jurisdiction-specific citation rules and style manuals is contained in Bluepages table BT.2.

Use of Citation in Legal Writing

B1

In legal writing, citation serves two purposes: attribution and support. Citation facilitates attribution by identifying the source of ideas developed in the text, and materials quoted or referenced therein. In general, you should provide attribution for all sources—whether legal or factual—outside your own reasoning process. Citation facilitates support by directing the reader to a specific legal or factual authority that provides support for, or is otherwise relevant to, a proposition stated in the text. Citation is used not only to tell the reader where to find the cited authority, but also to indicate the nature and degree of support the authority provides.

Citation Sentences and Clauses

B2

A citation may be inserted into the text in one of two ways: as a stand-alone citation sentence or as a citation clause.

Like any other sentence, a citation sentence begins with a capital letter and ends with a period. One citation sentence will often contain numerous citations, each set off by a semicolon. Use citation sentences to cite sources and authorities that relate to the entire preceding sentence.

Citation clauses are set off from the text by commas and immediately follow the proposition to which they relate. Do not begin a citation clause with a capital letter, unless the clause begins directly with a source that would otherwise be capitalized. Do not end a citation clause with a period, unless it is the last clause in the sentence. Use citation clauses to cite sources and authorities that relate to only part of a sentence.

- *Romano* is inapposite, as it arose in the context of an Eighth Amendment, not Fourth Amendment, excessive force claim. *Romano v. Rowarth*, 998 F.2d 101, 104-05 (2d Cir. 1993). Unlike the Fourth Amendment, which proscribes “unreasonable” government seizures, *Graham v. Connor*, 490 U.S. 386, 394 (1989), the Eighth Amendment only protects against government exertions of force that rise to the level of “cruel and unusual punishment.” *Romano*, 998 F.2d at 104-05. The two standards thus differ in important respects. See *Graham*, 490 U.S. at 398 (noting differing standards under Fourth and Eighth Amendments and characterizing Eighth Amendment standard as “less protective”).

3

Jurisdiction-Specific Citation Rules and Style Guides

BT.2

Jurisdiction-Specific Citation Rules and Style Guides BT.2

Many state and federal courts promulgate local citation rules, which take precedence over *Bluebook* rules in documents submitted to those courts. This table references some helpful local rules and a number of jurisdiction-specific manuals that provide guidance on local citation practices. When preparing court documents, always check the most recent version of the court's local citation rules.

Federal Courts

United States Court of Appeals for the First Circuit

- 1st Cir. R. 32.2 (citations to State or Commonwealth Courts and to unpublished law review articles)

Bankruptcy Appellate Panel for the First Circuit

- 1st Cir. Bankr. App. Panel app. I (“cite as”)

United States Court of Appeals for the Second Circuit

- 2d Cir. R. § 0.23 (citation of statements appended to summary orders)

United States Court of Appeals for the Third Circuit

- 3d Cir. R. 1.2 (“cite as”)
- 3d Cir. R. 28.3(a) (citation of various types of legal authority)
- 3d Cir. Internal Operating P. 5.7 (citation of non-precedential 3d Cir. opinions)

United States Court of Appeals for the Fourth Circuit

- 4th Cir. R. 36(c) (citation of unpublished 4th Cir. opinions)

United States Court of Appeals for the Fifth Circuit

- 5th Cir. R. 47.5.3 (citation of unpublished 5th Cir. opinions)

United States Court of Appeals for the Sixth Circuit

- 6th Cir. R. 28(g) (citation of unpublished decisions)

United States Court of Appeals for the Seventh Circuit

- 7th Cir. R. 53(b)(2)(iv) (citation of orders)

United States Court of Appeals for the Eighth Circuit

- 8th Cir. R. 28a(i) (citation of unpublished opinions)

United States Court of Appeals for the Ninth Circuit

- 9th Cir. R. 36-3 (citation of unpublished opinions and orders)

United States Court of Appeals for the Tenth Circuit

- 10th Cir. R. 36.3 (citation of unpublished opinions)

United States Court of Appeals for the Eleventh Circuit

- 11th Cir. R. 28-1(k) (required use of *Bluebook*; citation of cases)
- 11th Cir. R. 36-2 (citation of unpublished opinions)

27

J. James Christian is an attorney with Tiffany & Bosco, PA, in Phoenix.

old tattered and torn covers. The new edition has shimmering bright-blue-plastic laminate covers offset by a sleek new font and layout. Its improved backside boasts a table-of-contents-like tool that is certain to reduce search times. Flip this puppy on its side and you'll see *The Bluebook's* three distinct sections—light-blue “Bluepages,” crisp-white rules and dark-blue tables.

11 CONSTITUTIONS

Citation of Section 2 of the Fourteenth Amendment to the U.S. Constitution:



Cite the United States federal and state constitutions by "U.S." or the abbreviated name of the state (as indicated in table T.10) and the word "CONST." Abbreviate the subdivisions of constitutions, such as article and clause, according to table T.16:

- ▶ U.S. CONST. art. I, § 9, cl. 2.
- ▶ U.S. CONST. amend. XIV, § 2.
- ▶ U.S. CONST. pmbl.
- ▶ N.M. CONST. art. IV, § 7.

Cite constitutional provisions currently in force without a date. If the cited provision has been repealed, either indicate parenthetically the fact and date of repeal or cite the repealing provision in full:

- ▶ U.S. CONST. amend. XVIII (repealed 1933).
- ▶ U.S. CONST. amend. XVIII, repealed by U.S. CONST. amend. XXI.

When citing a provision that has been subsequently amended, either indicate parenthetically the fact and date of amendment or cite the amending provision in full:

- ▶ U.S. CONST. art. I, § 3, cl. 1 (amended 1913).
- ▶ U.S. CONST. art. I, § 3, cl. 1, amended by U.S. CONST. amend. XVII, § 1.

Cite constitutions that have been totally superseded by year of adoption; if the specific provision cited was adopted in a different year, give that year parenthetically:

- ▶ Ark. CONST. of 1868, art. III, § 2 (1873).

Do not use a short citation form (other than "id.") for constitutions.

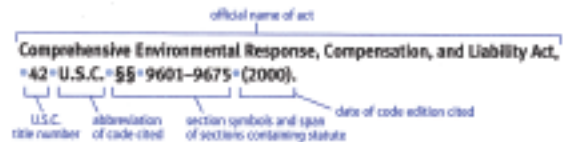
	Citation	Text
U.S. Constitution	U.S. CONST. art. IV, § 1	Article IV, Section 1 or the Full Faith and Credit Clause
State constitution	S.C. CONST. art. I, § 12	article I, section 12 or the double jeopardy clause

For foreign constitutions, see rule 20.4.

STATUTES

12

Citation of an entire statute, the Comprehensive Environmental Response, Compensation, and Liability Act, as codified in the *United States Code*:



Citation of an individual provision of the *United States Code*:



Basic Citation Forms

12.1

Statutes may be cited to a current official or unofficial code (rule 12.3), official or privately published session laws (rule 12.4), or secondary sources (rule 12.5). Official and unofficial codes arrange statutes currently in force by subject matter. Official and privately published session laws report statutes in chronological order of enactment. Cite secondary sources—such as looseleaf services, the CIS microform service, periodicals, newspapers, or electronic databases—only when the above listed sources are not available.

Rule 12.2 explains when to use each of these basic citation forms. The next three rules discuss the citation forms for official and unofficial codes (rule 12.3), session laws (rule 12.4), and secondary sources (rule 12.5). Rule 12.6 explains when the prior or subsequent history of a statute may or must be cited, and rule 12.7 discusses the use of explanatory parenthetical phrases with respect to statute citations. Rule 12.8 outlines special citation forms for the Internal Revenue Code, ordinances, rules of evidence and procedure, uniform acts, model codes, restatements of law, standards, sentencing guidelines, and the ABA Code of Professional Responsibility. Rule 12.9 provides short forms for statutes.

Table T.1 lists citation forms for the codes and session laws of the federal and state governments, and other United States jurisdictions.

What's New Stylistically?

Although much of the content has remained the same, new conventions make *The Bluebook's* 1L-loathed rules more accessible.

For starters, blue font is used throughout the book to emphasize internal references to rules and tables. It is also used in a particularly useful way in the index. Instead of italicizing quoted examples and page references to examples in the index, they are now printed in easy-to-spot blue.

Look back at your 17th edition. Did you notice that some of the page-number references were italicized and some were not? Even if you did, did you know why? Regardless, the new blue-index-font convention is useful and undeniably eye catching.

Next, take a peek at the new light-blue Bluepages that comprise the first major section of *The Bluebook*. Those pages replace and expand on the old Practitioners' Notes.

For those of you who have adopted your own citation formats over the years, jump back on the uniformity bandwagon by taking a minute to read through this mini-refresher course. A new table has been added at the end of the Bluepages that lists the locations of jurisdiction-specific citation rules.

Expansions and Changes

As expected, most of *The Bluebook's* rules underwent very minor changes. But others were significantly expanded and modified. Here are some of the more notable changes.

For my fellow securities lawyers, check out expanded Rule 14.6, used when citing to SEC and other securities-related materials. We can all sleep better knowing that, from this point forward, all SEC forms will be cited in a uniform manner. Note also that annual corporate reports, proxy statements and the like should be treated the same as books if they are in a form other than that filed with the SEC.

And don't worry, you trailblazing-cyberspace attorneys: Much attention was paid to your ever-changing universe. Rule 18's conventions for citing electronic media and "other non-print resources" were completely retooled. When Internet citations become too cumbersome—or, in the words of *The Bluebook*, "unwieldy"—they may be shortened and supplemented with parenthetical linking directions. A new distinction between parallel and direct Internet citations has been created. Direct citation is used when no print format exists. The past

requirement that traditional print sources be cited if available has been carried over to the 18th edition.

The globe-trotting international lawyers were also given some attention. Rules 20 and 21 were restructured and expanded to reflect global citation norms for foreign and international materials. Table 2 (“T2” in *Bluebook* lingo), used when citing to authorities from foreign jurisdictions, went through significant growth. International lawyers now have citation direction on everything from Argentinean periodicals to the Constitution of the Republic of Zambia. T2’s increased use of foreign languages is readily apparent.

Some other changes and additions include:

- Rule 5.3 provides added clarity on ellipsis use.
- New Rule 10.2.1(k) acknowledges that cases are sometimes known by a common name, as opposed to their previously proper full-citation name, and allows for citation to the

common name.

- New Rule 10.9(b)(ii) provides direction on the use of “*id.*” when parallel citations are involved (e.g., a proper pinpoint “*id.*” form citation for the full cite “*Ariz. Corp. Comm’n v. Media Prods., Inc.*, 158 Ariz. 463, 763 P.2d 527 (Ariz. Ct. App. 1988)” would be “*Id.* at 465, 763 P.2d at 529”).
- T13 (previously T14) now contains a more complete list of journal abbreviations.

An Improved *Bluebook*

In addition to *The Bluebook’s* stylistic modifications, it has grown substantively to reflect signs of our time. The refinement and expansion of the rules and tables relating to electronic media and international authorities are perfect examples of this. Whether motivated by the competition (a k a the *ALWD Citation Manual*), or simply a desire for change, the 18th edition of *The Bluebook* is a refreshing improvement over past editions. ¹⁷⁰

<p>R.21 International Materials</p> <p>21.2 Non-English-Language Documents See rule 20.2 regarding non-English-language documents.</p> <p>21.3 Jurisdiction Not Evident from Context When citing any non-U.S. source, whether in English or another language, indicate parenthetically the jurisdiction issuing the source, abbreviated according to tables T.3 and T.10, unless the jurisdiction is otherwise clear from the context or the other elements of the citation:</p> <ul style="list-style-type: none"> ▶ Council Directive 66/45 art. 15, 1965–1966 O.J. Spec. Ed. 265, 268 (Euratom). ▶ CODICE DI PROCEDURA PENALE [C.P.P.] art. 431 (2002) (Italy) <p>21.4 Treaties and Other International Agreements Citation of a treaty among three or fewer parties:</p> <p style="text-align: center;">name of agreement</p> <p style="text-align: center;">Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Estates, Inheritances, and Gifts, U.S.-Fr., Nov. 24, 1978, 32 U.S.T. 1935.</p> <p style="text-align: center;">abbreviated names of parties to agreement date of signing one U.S. treaty source</p> <p>Citation of a treaty among more than three parties:</p> <p style="text-align: center;">name of agreement subdivision cited date of signing one U.S. treaty source</p> <p style="text-align: center;">North Atlantic Treaty art. 5, Apr. 4, 1949, 63 Stat. 2241, 34 U.N.T.S. 243.</p> <p style="text-align: center;">one international treaty source</p> <p>Citation of a convention published by an international organization:</p> <ul style="list-style-type: none"> ▶ Organization of American States, American Convention on Human Rights, Nov. 22, 1969, O.A.S.T.S. No. 36, 1144 U.N.T.S. 123. ▶ United Nations Convention on the Law of the Sea, Dec. 10, 1982, 1833 U.N.T.S. 397. <p>Citation of a founding document or statute resulting in the creation of a new institution:</p> <ul style="list-style-type: none"> ▶ U.N. Charter art. 2, para. 4. ▶ Statute of the International Tribunal art. 2, May 25, 1993, 32 I.L.M. 1192 [hereinafter International Tribunal Statute]. <p>A citation to a treaty or other international agreement—other than the U.N. Charter and the League of Nations Covenant—should include the agreement’s name (rule 21.4.1); parties, if applicable (rule 21.4.2); the subdivision referred to, if applicable (rule 21.4.3); the date of signing (rule 21.4.4); and the source(s) in which the treaty can be found (rule 21.4.5).</p>	<p style="text-align: right;">R.21 International Materials</p> <p>21.4.1 Name of the Agreement</p> <p>Use the English-language version of a treaty name when possible. See rule 20.2.2 regarding the treatment of treaties whose names are not in English.</p> <p>(a) First citation. The first citation to a treaty should contain its full name, including both its form (rule 21.4.1(a)(i)) and its subject matter (rule 21.4.1(a)(ii)), in either order. For example:</p> <ul style="list-style-type: none"> ▶ Convention for the Suppression of Unlawful Seizure of Aircraft, Dec. 16, 1970, 22 U.S.T. 1641, 860 U.N.T.S. 105. ▶ North American Free Trade Agreement, U.S.-Can.-Mex., Dec. 17, 1992, 32 I.L.M. 289 (1993). <p>(i) Form of agreement. The title of the treaty should indicate the form of agreement (e.g., Agreement, Convention, Memorandum, Protocol, Treaty, Understanding). Use only the first form designation that appears on the title page. Omit all others. Thus:</p> <ul style="list-style-type: none"> ▶ Convention <p>Not: Convention & Supplementary Protocol</p> <p>Cite lesser-included documents as subdivisions (rule 21.4.3).</p> <p>(ii) Subject matter. Use the subject-matter description that appears as part of the title of the agreement.</p> <ul style="list-style-type: none"> ▶ Kyoto Protocol to the United Nations Framework Convention on Climate Change <p>(b) Subsequent citations. If a treaty’s name is very long, or if the treaty is commonly known by a popular name, the first citation to the treaty should end with a “hereinafter” short-form citation (rule 4.2(b)) to be used in all subsequent citations. The short-form citation must be in the same typeface as the original:</p> <ul style="list-style-type: none"> ▶ ¹ Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, June 17, 1925, 26 U.S.T. 571, 94 L.N.T.S. 65 [hereinafter Geneva Protocol]. ▶ ² Geneva Protocol, <i>supra</i> note 1, art. VII. <p>21.4.2 Parties to the Agreement</p> <p>When citing an agreement between two parties, indicate both parties, abbreviating their names according to table T.10.</p> <ul style="list-style-type: none"> ▶ U.S.-Japan ▶ Fr.-F.R.G. <p>If the United States is a named party, it should appear first. Other parties’ names should appear in alphabetical order unless otherwise indicated by the treaty itself.</p> <p>Names of parties should also be given if there are three parties. If there are four or more parties, names may, but need not, be provided.</p>
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