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**REVIEW ARTICLE:** Has the **Bluebook Met Its Match? The ALWD Citation Manual** \*

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**HIGHLIGHT:** *The authors examine the criticism lodged against the Bluebook over the years that has led to the creation of several alternative legal citation systems. The ALWD Citation Manual is the latest and, according to the authors, may be the most likely to replace the Bluebook as the leading citation manual.*

**TEXT:**

[\*337] **P1** Legal research and legal writing are generally known for their conservatism. Until recently, it seemed anomalous to speak of "new developments" in legal research or legal writing, other than the changes made in the latest edition of the *Bluebook*.<sup>n1</sup> The end of one century and the beginning of a new century, however, may mark a watershed in legal citation. Last year the American Association of Law Libraries (AALL) published the *Uniform Citation Guide*,<sup>n2</sup> and this year Darby Dickerson and the Association of Legal Writing Directors (ALWD) published the *ALWD Citation Manual: A Professional System of Citation*.<sup>n3</sup>

**P2** This article looks at the history and criticism of the *Bluebook* and then reviews the alternatives that have been developed to take its place, with particular emphasis on the *ALWD Citation Manual*.

### **Legal Citation and Citation Manuals**

**P3** The doctrine of stare decisis remains one of the core concepts of a legal education.<sup>n4</sup> Students are taught the importance to the law of locating and reviewing cases with similar issues or facts and reasoning by analogy to predict how a case will be decided. Citations direct the path of the law; they stabilize and provide [\*338] guidance. Lengthy citations are bibliographical, collecting relevant authority useful to the researcher in understanding an area of the law and in conducting further research.

**P4** What are the purposes of a citation? A citation allows a researcher to find authority in the law library. A citation documents the source of a quotation or the authority for a statement. A citation provides information concerning the weight of the authority. For example, a case citation tells the researcher which court issued the opinion and the date of the opinion.

**P5** What is the purpose of a legal citation manual? Actually, a citation manual serves several purposes. It provides a standard for legal citations; it also is a repository of accepted citation practices. The writer consults this repository to determine if legal citations in a document conform to the standard. The writer's compliance with the standard ensures that the knowledgeable reader will understand citations incomprehensible to the layperson. The reader compares and notes any citation that differs in any great respect from the standard, much as one would note a misspelling or a grammar mistake. Failure to conform may signal lack of knowledge or attention to detail on the part of the writer. Use of abbreviations contained in the manual conserve space in a document. And, the citation components required by the manual give the reader information.

**P6** Attention to the detail of citations is a part of the legal culture. Thus, the citation manual is a necessary tool in the research and writing process. Knowledge of correct legal citation form is a sign of excellence. Correct grammar usage distinguishes someone with a certain degree of education from those without. Similarly, knowledge of correct legal citation distinguishes those who have legal education from those who do not. Precision in legal citation form is good training for someone in the legal profession, where attention to detail is important. Sloppiness in citation form may mean the loss of credibility.

**P7** A complex citation manual gives the writer a great deal of guidance, perhaps shortening writing time. If questioned concerning a particular citation, the writer who followed the citation manual can rely on the manual for support. It is instrumental in effective legal writing. However, although a citation manual can give needed guidance to the legal writer, one that is overly complex will be cumbersome and may require an inordinate investment of time on the part of the writer to learn its rules and to review each citation for compliance. <sup>n5</sup> Writers are not helped when compliance with an overly elaborate rule is a goal in and of itself, as where the rule perpetuates a distinction without a purpose.

#### **[\*339] History of the *Bluebook***

**P8** *The Bluebook: A Uniform System of Citation* has been the best known and most widely used citation manual for nearly seventy-five years. The first edition of the *Bluebook* was published in 1926, when Erwin Griswold, then a second-year Harvard Law School student and later its dean, took eight mimeograph pages to a print shop in Cleveland during his summer break and had it produce an expanded version of the document. <sup>n6</sup> The 1926 first edition was twenty-six pages long and dealt with footnote form. <sup>n7</sup> Thereafter, a new edition of the *Bluebook* was published at random intervals. Over the years, the *Bluebook* grew in length from 26 to 365 pages; its dimensions grew from booklet (3 1/4 inches by 5 3/4 inches) to small book size (5 1/4 inches by 8 inches). <sup>n8</sup> With each edition came changes in citation rules.

**P9** There were other changes to the *Bluebook*. The fourth edition, published in 1934, was the first edition prepared jointly by Columbia, Harvard, Pennsylvania, and Yale. <sup>n9</sup> The 1939 edition was the first to have a blue cover. <sup>n10</sup> In 1947, the Harvard Law Review printed the first advertisement for the *Bluebook*. <sup>n11</sup> The nation's law review editors unanimously chose the *Bluebook* for "a proposed national system of citation" at their first national conference in 1949. <sup>n12</sup> With the fifteenth edition in 1991, the title changed from "A Uniform System of Citation" to "The Bluebook: A Uniform System of Citation." The fifteenth edition also added blue pages containing "Practitioners' Notes" and printed all tables in one section, on blue pages. The edition was 343 pages long, including 140 pages of tables.

#### **Criticism of the *Bluebook***

**P10** The *Bluebook* is not user-friendly and was not designed as a teaching tool. One *Bluebook* reviewer commented that

"learning citation form from the *Bluebook* is like learning a language from a bilingual dictionary." <sup>n13</sup> The citation systems of other disciplines are far less complex. Consequently, most practitioners [\*340] follow a rough approximation of *Bluebook* rules, refusing to follow all its intricacies. <sup>n14</sup>

**P11** To learn the major *Bluebook* rules requires a considerable amount of time. Many *Bluebook* rules are complex and difficult to apply correctly. The writer who has a question concerning correct citation form may have some difficulty in locating the answer. The *Bluebook's* internal inconsistencies make its use even more difficult.

**P12** The favorite sport of those who come in contact with the *Bluebook* is to criticize it. The *Bluebook* has spawned a new genre--that of the satirical *Bluebook* critique. Humorous reviews of the *Bluebook* have been "written in doggerel, as a critique of a torrid romance novel or religious tract, and in imitation of the books and cantos of Dante's Divine Comedy." <sup>n15</sup>

**P13** A sampling of *Bluebook* criticisms yields the following: "Over the years, the *Bluebook* has become a maze, a thicket, a mutant mass of legalisms run rampant. Function now follows form; the servant has become the master." <sup>n16</sup> "The *Bluebook* hammers law students with the notion that the law is simply an intricate set of rules that, although tedious to learn, contains determinate answers decipherable by anyone willing to spend sufficient time staring at all of the possibly relevant rules." <sup>n17</sup>

**P14** The *Bluebook* has been called the "hypertrophy of law." <sup>n18</sup> According to one reviewer, the two principles of the *Bluebook* are "(1) nature abhorreth a vacuum; and (2) anything worth doing is worth overdoing." <sup>n19</sup> It has been compared to a "morality play too dull to endure but too conspicuous to ignore." <sup>n20</sup> The same reviewer remarked that the "intricate *Bluebook* diverts scarce intellectual energy from thinking, writing, and rewriting in legal scholarship." <sup>n21</sup> Writing an article introducing the Maroon Book, Judge Posner commented that

The *Bluebook* is elaborate but not purposive. Form is prescribed for the sake of form, not of function; a large structure is built up, all unconsciously, by accretion; the superficial dominates the substantive. The vacuity and tendentiousness of so much legal reasoning are concealed by the awesome scrupulousness with which a set of intricate rules governing the form of citations is observed. <sup>n22</sup>

[\*341] **P15** Some of the most frequent criticisms of the *Bluebook* are its requirement of a separate typeface convention for law review footnotes, as opposed to law review text and other legal documents; <sup>n23</sup> its elaborate rule governing signals; <sup>n24</sup> its complex rule for abbreviating case names; <sup>n25</sup> its lack of uniformity; <sup>n26</sup> its failure to reference other citation rules mandated by state and federal courts; <sup>n27</sup> and the complexity of *Bluebook* rules.

**P16** Presumably, the different typeface requirements developed because law reviews were professionally typeset, allowing for the use of the large and small capitals typeface, and other documents were produced on the typewriter. Rules 2.1 and 2.2 of the *Bluebook* require three typefaces--roman, italics, and large and small capitals--for law review footnotes and two typefaces--roman and italics--for law review text. Practitioners' note P.1 requires two typefaces, "ordinary type, such as courier, and italics," for "court documents and other legal memoranda." <sup>n28</sup>

**P17** The signals listed in rule 1.2 of the sixteenth edition are "[no signal]," "Accord," "See," "See also," "Cf.," "Compare . . . with . . .," "But see," "But cf.," "See generally," "E.g.," and "e.g." with other signals. The *Bluebook* seems to provide precision with this wide choice of signals, but in many instances there is not a clear distinction between their use. It is unclear when a signal is accurately matched with an authority. One reviewer wrote of the rule concerning introductory signals that "[a] more arcane and incomprehensible collection of rules would be hard to imagine" and the "authors of the *Bluebook*, moreover, seem to change the meaning of the various signals willy-nilly, from edition to edition." <sup>n29</sup> Accurate use of signals does make a difference, especially where the signals appear in cases. One author notes that "to the extent that the signals are defined incorrectly or used imprecisely, they affect the analogical reasoning process that is at the foundation of common law jurisprudence." <sup>n30</sup>

**P18** There has also been a lack of consistency in the *Bluebook-required* use of signals over time, with the meaning

of signals changing from one edition of the *Bluebook* to the next. Each of the seventh through the sixteen editions contained changes in the introductory signals. <sup>n31</sup> The outcry was so great over the change in [\*342] signal meanings introduced in the sixteenth edition of the *Bluebook* that the American Association of Law Schools passed a plenary resolution to disregard the changes concerning signals made in the sixteenth edition. <sup>n32</sup> Unfortunately, the resolution complicates matters because it may not be clear whether a writer is following the fifteenth or sixteenth edition of the *Bluebook* concerning signals. For older documents, the reader is forced to determine the meaning of signals by associating the date of the document with the particular edition of the *Bluebook* in effect at that time.

**P19** The rules concerning case names are overly complex. The five pages of Rule 10.2.1 require case names to be abbreviated in certain ways. For example, a rule concerning case names containing prepositional phrases of geographical location has "three exceptions and an exception to one of the exceptions." The rule contains "two categories of cases in which an initial 'The' in the case name must be included, one category in which it must be omitted, and a fourth category in which it must sometimes be included and sometimes omitted, depending on context." <sup>n33</sup> Case names are to be further abbreviated if included in footnotes.

**P20** The *Bluebook* has been criticized for not being uniform. The bases of this criticism are several. The *Bluebook* rules change from edition to edition. The law reviews claiming authorship of the *Bluebook* fail to always follow the *Bluebook* rules. Although many jurisdictions have required jurisdiction-specific citation rules, the *Bluebook* does not reference those rules. <sup>n34</sup>

### ***Bluebook Alternatives***

**P21** Although the *Bluebook* has been the standard citation manual for a number of years, the University of Chicago's "Maroon Book" was one attempt to supplant the *Bluebook*. Another more recent citation manual is the *Universal Citation Guide* published by the American Association of Law Libraries.

### ***The Maroon Book***

**P22** The *University of Chicago Manual of Legal Citation*, commonly known as the "Maroon Book" (after the colors of the school), was produced as an alternative to the *Bluebook*. It was first published as a fifteen-page appendix to a 1986 law review article by U.S. Court of Appeals Judge Richard A. Posner, followed in 1989 by a separate sixty-three-page pamphlet published by the Lawyers Co-Operative Publishing Company, Bancroft-Whitney Company, and Mead Data Central. <sup>n35</sup>

[\*343] **P23** Many were hopeful that the Maroon Book would replace the *Bluebook*. <sup>n36</sup> One reviewer commented that the Maroon Book "brought to citation form an unstructured creativity that most would have thought impossible, or at least improbable." <sup>n37</sup> The introduction to the Maroon Book promoted the new citation manual as "a simple, workable system of citation for Legal writing." Posner, author of the law review article that introduced it to the legal community, commented that the Maroon Book was "a breath of fresh air; may it swiftly conquer the world of legal publishing." <sup>n38</sup>

**P24** The contrast between the Maroon Book and the 1986 version of the *Bluebook* was striking. The 1989 edition of the Maroon Book was 63 pages long and the *Bluebook* was 237 pages long. The Maroon Book contained a three-paragraph introduction, four rules, and two appendixes. Rule 1 covered typefaces; rule 2 covered citation sentences; rule 3, entitled "Initial References to Authorities," covered the citation form for citing authorities initially in a document; and rule 4 was entitled "Subsequent References to Authorities." Appendix 1 covered "General Rules of Style" and appendix 2 covered abbreviations. Rule 3, the longest rule, gave the citation form for cases, periodical articles, books and treatises, constitutions, statutes, legislative materials, executive and administrative materials, and rules of practice. Rule 3 listed more than 100 sample citations.

**P25** Because of its length, the Maroon Book omitted much of the information covered in great detail in the

*Bluebook*. Instead of a set of elaborate rules, the goals of the Maroon Book were to "provide a basic framework" and to "leave a fair amount of discretion to practitioners, authors, and editors." The writer was "encouraged, where no specific rule covers a situation, to cite authority in a clear, sensible manner." <sup>n39</sup> One reviewer characterized the Maroon Book as providing citation standards and the *Bluebook* as mandating citation form through rules. <sup>n40</sup>

**P26** Few law reviews, judges, and practitioners adopted the Maroon Book. <sup>n41</sup> One reason may have been because, in contrast with the *Bluebook*, the Maroon Book offered little guidance. The latitude given writers by the Maroon Book was criticized: it "vacillates between trying to enforce a disciplined impulsiveness or an impulsive discipline." <sup>n42</sup> One reviewer commented that the Maroon Book was "poorly done," its text "slipshod prose" with "abrupt shifts in voice and other indicia of carelessness" that gave the impression that there had been failure to "carefully [\*344] proofread." <sup>n43</sup> Many law schools were loath to switch to a citation manual unless it was widely adopted by other law schools. <sup>n44</sup> After all, the *Bluebook* is "ubiquitously authoritative." <sup>n45</sup> A recent ALWD survey shows that this is still a grave concern to law schools. <sup>n46</sup>

### ***The Universal Citation Guide***

**P27** The 1990s saw a growing recognition of the need for medium- and vendor-neutral legal citation form. <sup>n47</sup> Medium- and vendor-neutral legal citation form is often referred to as "public domain citation form" or "universal citation form." Both the American Bar Association and the American Association of Law Libraries recommended the adoption of universal citation form, <sup>n48</sup> and a number of states have done so. <sup>n49</sup> AALL acted upon its recommendation by publishing the *Universal Citation Guide* (UCG) in 1999. <sup>n50</sup>

**P28** Although only ninety-eight pages in length, the UCG contains a wealth of information. The main text of the UCG contains rules for citing cases, constitutions, statutes, and administrative regulations in universal citation form. The rules explain how the citation for each type of primary source should be formulated and give examples of universal citations. Appendixes A through C contain geographical, court, and "other" abbreviations. Appendix D contains recommended citations for federal primary sources. Appendix E contains recommended citations for all state primary sources, as well as the form of universal citation approved by those states that had adopted universal citation by the time the UCG was published.

**P29** The UCG is not as comprehensive as the *Bluebook*. The UCG does cover most principles basic to the creation of citations for primary sources; however, it does not include short form citations, nor does it explain how to indicate prior or subsequent case history. The UCG does not cover citation form for legal authority other than primary sources. <sup>n51</sup> In contrast to the *Bluebook*, the UCG does not discuss [\*345] use of citations or citation-related concerns, such as case name abbreviations, introductory signals, and explanatory parentheticals; nor does it discuss style, typeface conventions, or quotations. <sup>n52</sup>

### **ALWD and Legal Citation**

**P30** Faced with the task of teaching from the *Bluebook*, legal writing professors have always been concerned by its complexity and inconsistency. In July 1995 the attendees at the Legal Writing Directors' Conference decided to form an organization, and the ALWD was formed the following year. <sup>n53</sup> Barely two years after its formation, the ALWD completed a survey of its members in preparation for drafting the *ALWD Citation Manual*. The survey asked whether the directors would be willing to switch from the *Bluebook* to another citation manual and what they liked and disliked about the *Bluebook*. <sup>n54</sup>

**P31** Of the seventy-four responses, 39 percent reported that they would be willing to switch to a new citation manual, 50 percent responded "maybe," 5.5 percent responded "unsure," and 5.5 percent responded "no." Not surprisingly, the survey reflected the directors' dislike of *Bluebook* rule 1.2 concerning introductory signals. <sup>n55</sup> This was the rule that the American Association of Law Schools focused on at its January 1997 meeting. At that meeting, the Association voted to ignore the changes in rule 1.2 made by the sixteenth edition of the *Bluebook*. <sup>n56</sup>

**P32** The ALWD survey also supported the following changes in legal citation format: use of a single typeface convention for law reviews and other legal documents; elimination of the large and small capitals typeface; and inclusion of references to state and federal citation rules.

**P33** At the planning stage, the *ALWD Citation Manual* was designed to "be an internally consistent, sensible citation system that will not change every five years." In contrast to the *Bluebook*, the *ALWD Citation Manual* was planned to be "easy to understand and easy to use . . . eliminating many of the petty technicalities that permeate the *Bluebook*." The *ALWD Citation Manual* was designed to provide more information than the Maroon Book. <sup>n57</sup> Dickerson has stated that the manual "strikes a needed balance: It provides enough information to eliminate [\*346] a lot of guesswork the *Bluebook* requires, but it allows flexibility on matters that do not affect a reader's ability to locate the cited material." <sup>n58</sup>

**P34** The *ALWD Citation Manual* was not designed to be a radical break from the past, as was the Maroon Book. Rather it was intended to address specific *Bluebook* problems. Inconsistencies would be eliminated, distinctions that no longer served a justifiable purpose would be eliminated, and other citation practice would be retained. Another goal was to make the *Manual* more user-friendly than the *Bluebook*.

**P35** The *ALWD Citation Manual* does solve the major problems associated with the *Bluebook*, while incorporating many new features. Some of the new features appear in the body of the manual, others are in the appendixes. The following sections review the overall organization of the *ALWD Citation Manual*, the solutions it provides for *Bluebook* problems, and its new features.

### Organization

**P36** The *ALWD Citation Manual* is divided into six parts and six appendixes. Part 1 contains introductory material; it explains the purpose and use of citations, how to use the manual, the use of local citation rules, and how the word processor affects citations. Part 2, titled "Citation Basics," contains the following eleven rules:

- 1.0 Typeface for Citations
- 2.0 Abbreviations
- 3.0 Spelling and Capitalization
- 4.0 Ordinal Numbers
- 5.0 Page Numbers
- 6.0 Sections and Paragraphs
- 7.0 Footnotes and Endnotes
- 8.0 Supplements
- 9.0 Graphical Material, Appendixes, and Other Subdivisions
- 10.0 Internal Cross-References
- 11.0 Introduction to Full and Short Citation Formats

Part 3 discusses print citation formats; part 4, electronic citation formats and neutral citation form; part 5, how to incorporate citations in documents; and part 6, quotations. Appendixes 1 through 6 contain information on state and federal primary sources, local citation rules, abbreviations, and a sample document that shows the placement of legal

citations in a document.

### **[\*347] Solving *Bluebook* Problems**

#### ***Typeface***

**P37** The *Bluebook* requires the use of large and small caps as well as different fonts depending on the type of document and whether the source is in text or a footnote.<sup>n59</sup> The *ALWD Citation Manual* eliminates the use of large and small caps in citations and does not make any distinction based on the type of document or placement of a citation within the document.<sup>n60</sup> Rule 1.0 provides that ordinary type should be used in citations and then lists the situations where italics should be used with references to examples of each.

#### ***Signals***

**P38** As noted earlier, the convoluted *Bluebook* rule regarding the use of signals<sup>n61</sup> has been heavily attacked over the years. Some of this criticism has been caused by the variation in the meaning of some signals from edition to edition of the *Bluebook*, as if the *Bluebook* cannot decide the proper meaning of each signal. The *ALWD Citation Manual* addresses the use of signals in rule 45.0, which uses the signal conventions of the fifteenth edition of the *Bluebook*, instead of the heavily criticized changes made in the sixteenth edition. While the *Bluebook* recommends that an explanatory parenthetical be used with signals, rule 47.1 of the *ALWD Citation Manual* states that "parentheticals should be used whenever a signal is used in connection with a citation."<sup>n62</sup>

#### ***Case Names***

**P39** The *Bluebook* rules for abbreviating case names<sup>n63</sup> are filled with exceptions to the exceptions and internal conflicts. By eliminating the conflicts and setting forth a few simple rules, the *ALWD Citation Manual* gives the user a sure footing when citing case names. The *ALWD Citation Manual* eliminates the *Bluebook* rule "Do not abbreviate the first word of a party's name. . . ." <sup>n64</sup> For clarity, the *ALWD Citation Manual* provides that case names are always italicized and the same abbreviations are used regardless of where the case citation appears. Rule 12.2, regarding the citation of case names, is better organized than its *Bluebook* counterpart and provides more instructions to users regarding how to determine the case name. More detailed explanations of *In re*, *Ex parte*, and *ex rel* are provided as well as more explicit rules on short form citations.

### **[\*348] Uniformity and Simplicity**

**P40** The *ALWD Citation Manual* was written, designed, and edited by professional legal writing instructors based on the knowledge gained from teaching this material to others. Eliminating rules and providing flexibility on some matters helped it avoid many of the internal inconsistencies found in the *Bluebook*. Flexible rules are used if it will not affect the user's ability to locate a source. The *ALWD Citation Manual* draws no distinction between law review articles and other types of writing, as the *Bluebook* does. Some problems are solved by simple rules. For example, where the rules allow for a choice to be made, such as the use of italics or underlining, the *ALWD Citation Manual* simply says that once you select one of these, "use that choice consistently."<sup>n65</sup> This simple, commonsense statement alone solves many of the problems created by the *Bluebook*.

#### ***Local Rules***

**P41** The *ALWD Citation Manual* has an appendix explaining when and how local court citation rules should be used and providing a state-by-state listing of local citation rules or preferences promulgated by the state.<sup>n66</sup>

### **New Features**

### ***Format***

**P42** In clear contrast to the *Bluebook*, the *ALWD Citation Manual* uses a larger typeface and is written in a "tabulated style" with large margins so as to be easier on the eye, and thus easier to read.

### ***A Teaching Tool***

**P43** Since legal writing instructors wrote the *ALWD Citation Manual*, it is no surprise to find that the introduction provides an excellent explanation of the importance and purposes of legal citations. Another introductory section outlines how use of a word processor might affect citations and how to alter the default settings on the word processor to change the outcome on the printed page.

**P44** The *ALWD Citation Manual* anticipates and answers questions frequently asked by students about certain details of citation. The discussions include citation of page numbers (rule 5.0), use of section and paragraph symbols in citations (rule 6.0), insertion of section and paragraph symbols using a word processor (sidebar 6.1), citation to material found in a supplement and in the main volume (rule 8.0), the meaning of *supra* and *infra* (rule 10.3), the use of a case name as distinguished from a party name (sidebar 12.1), an explanation of parallel citations (rule 12.4(c) and sidebar 12.5), information on denials of certiorari (Sidebar [\*349] 12.6), citation to unreported cases (sidebar 12.7), accessibility of electronic sources (sidebar 38.1), an explanation on placement of citations (rule 44.1), and advice on when to use quotations (rule 48.1).

**P45** An instructor's manual is planned. It will reflect the main differences between the *ALWD Citation Manual* and the *Bluebook* and provide some citation exercises.

### ***Spacing Icons***

**P46** Although the spacing rules are not substantially different, the *ALWD Citation Manual* uses an icon to show proper spacing. The *Bluebook* examples have always left room to doubt visual acuity when determining if a space is required. The *ALWD Citation Manual* also provides many more examples with explanations of when and why to include spaces.

### ***Pinpoint References***

**P47** The *Bluebook* lacks explanations of initial references and pinpoint references. The *ALWD Citation Manual* not only provides a thorough explanation of these references but also emphasizes their importance.

### ***Universal Citation/Neutral Citation***

**P48** While the *Bluebook* indicates that a public domain citation for cases should be used when available, <sup>n67</sup> the *ALWD Citation Manual* provides that it may be used with all sources and not limited to use with cases only. <sup>n68</sup> If a print source exists, the *ALWD Citation Manual* indicates that a parallel citation should also be used. The *ALWD Citation Manual* recognizes that many states have created their own citation format for cases and allows the use of the citation used on the source, or the form suggested by the AALL. <sup>n69</sup>

### ***Examples and Explanatory Material***

**P49** There are many sections of the *Bluebook* that give examples only, with little or no explanation. The *ALWD Citation Manual* provides expanded coverage of many areas such as electronic sources, practice rules, court documents (appellate records, pleadings, transcripts), and local ordinances, as well as offering detailed rules on legal dictionaries, legal encyclopedias, and A.L.R. annotations. Far more examples are provided throughout the *ALWD Citation Manual* than in the *Bluebook*.

**P50** "Sidebars" are used throughout the *ALWD Citation Manual* to provide additional background information, help users avoid common problems, and give additional advice about how to locate and cite various sources.

**[\*350] P51** Each section of the *ALWD Citation Manual* begins with a "Fast Formats" page which serves as a quick guide to check the most commonly cited sources, including cases, statutes, treatises, and legal periodicals. While the *Bluebook* does have citation guides on the inside front and back cover, they are more limited than those provided in the *Manual*.

**P52** The sections on many of the sources contain examples clearly diagraming the different components of the citation. While the *Bluebook* does have a few diagrams in the introductory pages, they are more limited than those provided in the *ALWD Citation Manual*.

**P53** Finally, ALWD plans to use its Web site <sup>n70</sup> to post updates and clarifications for the *ALWD Citation Manual*. It will also have an FAQ section about the *Manual*.

### **Appendixes**

**P54** The *ALWD Citation Manual* offers six appendixes that include material not available in the *Bluebook* and greatly improve old standards. An appendix titled "Selected Official Federal Administrative Publications" is downloadable from the ALWD Web site, as are the other six appendixes and the table of contents.

**P55** Appendix 1, "Primary Sources by Jurisdiction," provides a detailed classification of official and unofficial reporters and statutory compilations with indications as to when different series of reporters begin and end. The old nominative reports have been eliminated. For each state there is an indication of whether local citation rules or neutral citation rules are used and when the user should consult appendix 2. The Web site version of appendix 1 contains additional information, such as primary sources for United States territories. Appendix 1A, available on the ALWD Web site, contains information on the coverage of West regional reporters.

**P56** Appendix 2, "Local Court Citation Rules," provides local and neutral state court citation rules, where they exist. This will allow "one-stop" citing for all states except California, Michigan, New Jersey, New York, and Texas, which have local rules that are too lengthy to reprint or are published in commercial sources. The preface to appendix 2 warns the user that the information is "current as of August 1999. Check this book's Web site at [www.alwd.org](http://www.alwd.org) for regular updates. And always consult your court's rules before submitting a court document." <sup>n71</sup> The Web site version of appendix 2 includes local rules for federal courts.

**P57** Appendix 3, "General Abbreviations," not only avoids the *Bluebook* practice of having different abbreviations for cases and other sources, it also provides more words that can be abbreviated.

**P58** Appendix 4, "Court Abbreviations," lists federal courts with their proper **[\*351]** abbreviations. The Web site version of appendix 4 contains abbreviations for state and territorial courts.

**P59** In appendix 5, "Abbreviations for Legal Periodicals," the *ALWD Citation Manual* provides more consistent abbreviations and covers more periodicals than the *Bluebook*. Spacing is shown by icons.

**P60** Finally, in appendix 6, "Legal Memorandum Example," the *Manual* offers a student-authored office memorandum that shows how citations would appear in a complete document.

### **Analysis**

**P61** The *ALWD Citation Manual* has already been praised for its "predictability, rationality, and simplicity." <sup>n72</sup> Although at 470 pages the *ALWD Citation Manual* is longer than the *Bluebook*, these authors found it reader-friendly. The *ALWD Citation Manual* has wider margins and appealing uses of blank areas, uses a larger font, inserts an icon to

represent a space in citation examples, and incorporates tabulation, making the individual features of a rule easier to understand.

**P62** The *Manual* is logically organized into six major divisions and six appendixes, and displays very good internal organization within those major divisions. With the exception of international materials, it is nearly as comprehensive as the *Bluebook*. Rule 3.0 gives very basic spelling and capitalization rules, referring the reader with further questions to the *United States Government Printing Office Style Manual* and the *Chicago Manual of Style*. Rule 43.0 briefly introduces neutral citation form and refers the reader to AALL's *Universal Citation Guide*.

**P63** The irritating features of the *ALWD Citation Manual* are few. The plastic "comb" binding is the same type of binding used on the *Bluebook*; the *Bluebook* binding has been criticized for breaking with use. An abbreviated table of contents could have been included in addition to the detailed table of contents. The sixteen-page detailed table of contents is cumbersome for quickly locating the rule number for a particular source. Rule 5.3 allows the use of a hyphen, an en dash, or the word "to" between page numbers to indicate consecutive pages. While a hyphen or an en dash are usually interpreted to reference inclusive page numbers, "to" can easily be interpreted to mean "up to but not including" the second referenced page number. A better alternative might have been using the word "through." There are at least two errors in the index. Under "ALWD Citation Manual," the index directs the reader to page 4 instead of page 8 both to find the citation for the *Manual* and to find the *Manual's* Web site.

**P64** Rules 12.21 (b) and 12.21(c) (covering short form case citation formats other than *id.*) were confusing. These rules mandate the inclusion of a party name in the short form citation where the case name is not included in the textual sentence [\*352] and the omission of the party name from the short form citation where a party name is included in the textual sentence. These rules would seem to mandate the inclusion of the party name in the short form citation even if the case had already been discussed at length a short time earlier in the document. These rules seemed to substitute an arbitrary rule for the commonsense approach followed in the balance of the *ALWD Citation Manual*. The *Bluebook* suggests the inclusion of a party name in a short form citation whenever the reader might need it for clarity.

**P65** The *ALWD Citation Manual* contains a few, perhaps unexpected, changes from the *Bluebook*. Rule 12.2 tells the reader to use "U.S." in a case name instead of spelling out the party as "United States." Rule 12.4 abbreviates Southern Reporter as "S." instead of "So." The short form citation for statutes contained in rule 14.5 is not as short as the *Bluebook-mandated* short citation form. Rule 17.1 requires citations to court rules to include dates. Rule 22.2 covers short form citations for treatises, books, and other nonperiodic materials; and rule 23.2 covers short form citations for legal and other periodicals. Rules 22.2 and 23.2 give one short form citation for documents containing footnotes and another form for documents not containing footnotes.

### Conclusion

**P66** Of the attempts to break the *Bluebook's* stranglehold on the legal community, the *ALWD Citation Manual* has the best chance of succeeding. It avoids the pitfalls of the Maroon Book, while offering a readable and usable alternative to the *Bluebook*. It offers the detail desired by many law review aficionados while not departing radically from the *Bluebook* tradition.

**P67** The targeted audience of the *ALWD Citation Manual* is law school students and professors, practicing attorneys, and judges. The publisher plans to aggressively promote its use to these groups. It can be profitably used as a pedagogical tool and as a writing reference.

**P68** A crucial and open question is whether law reviews and law schools will adopt the *ALWD Citation Manual*. The Web site contains a list of law schools and law reviews that have adopted the *ALWD Citation Manual*.<sup>n73</sup> More than twenty law schools and two law reviews adopted it in the first thirty days it was available. Ultimately, the success of the *Manual* will depend on the number of law reviews and law school professors willing to switch to its use. Many legal writing directors are members of the ALWD and favor using the *ALWD Citation Manual* instead of the *Bluebook*.

This support and the many positive attributes of the *ALWD Citation Manual* give it a better than average chance of replacing the *Bluebook*.

### Legal Topics:

For related research and practice materials, see the following legal topics:

Civil Procedure Jurisdiction Personal Jurisdiction & In Rem Actions In Personam Actions Minimum  
Contacts Constitutional Law Equal Protection Poverty Trademark Law Likelihood of Confusion Noncompeting  
Products Parodies & Satires

### FOOTNOTES:

n1 THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (16th ed. 1996) [hereinafter BLUEBOOK].

n2 COMMITTEE ON CITATION FORMATS, AM. ASS'N OF LAW LIBRARIES, UNIVERSAL CITATION GUIDE (1999) [hereinafter UNIVERSAL CITATION GUIDE]. See Carol M. Bast, *Citation Wars and the Erosion of Traditional Citation Forms*, 15 J. PARALEGAL EDUC. & PRAC. 19, 20 (1999).

n3 DARBY DICKERSON, ASS'N OF LEGAL WRITING DIRECTORS, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION (2000) [hereinafter ALWD CITATION MANUAL].

n4 See Stephen R. Heifetz, *Blue in the Face: The Bluebook, The Bar Exam, and The Paradox of Our Legal Culture*, 51 RUTGERS L. REV. 695, 695-96 (1999).

n5 One *Bluebook* reviewer comments that "the few things [law school students] really need to know are commingled with the nonsense. First-year students waste a lot of time just learning the basics, some of them never get that far, and nearly all of them are alienated by the process." Douglas Laycock, *The Maroonbook v. The Bluebook: A Comparative Review*, 1 SCRIBES J. LEGAL WRITING 181, 183 (1990) (book review).

n6 See James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1782 & n.14 (1992) (book review).

n7 See A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 STETSON L. REV. 53, 57-58 (1996).

n8 The *Bluebook* was published in 1926, 1928, 1931, 1934, 1936, 1939, 1947, 1949, 1955, 1958, 1967, 1976, 1981, 1986, 1991, and 1996. The *Bluebook* grew in length from 26 to 38 to 48 to 51 to 65 to 84 to 92 to 124 to 117 to 190 to 237 to 255 to 343 to 365 pages. *See id.* at 59-61.

n9 *See id.* at 60.

n10 *See Paulsen, supra* note 6, at 1782-83.

n11 *See id.* at 1783.

n12 *Id.* "In true law review fashion, the delegates appointed a committee to study the matter. . . . By the next national conference three years later, however, the committee report had disappeared and all committee members had graduated. Official adoption, therefore, went by the wayside." *Id.* at 1783 n.21 (citations omitted).

n13 Louis J. Sirico, Jr., *Fiddling with Footnotes*, 60 U. CIN. L. REV. 1273, 1275 (1992) (book review).

n14 *See id.* at 1275-76.

n15 Paulsen, *supra* note 6, at 1780 (footnotes omitted).

n16 James D. Gordon III, *Oh No! A New Bluebook!* 90 MICH. L. REV. 1698, 1704 (1992) (book review).

n17 Heifetz, *supra* note 4, at 703.

n18 Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343, 1343 (1986). "Anthropologists use the word 'hypertrophy' to describe the tendency of human beings to mindless elaboration of social practices. The pyramids in Egypt are the hypertrophy of burial." *Id.*

n19 Gordon, *supra* note 16, at 1703.

n20 Jim C. Chen, *Something Old, Something New, Something Borrowed, Something Blue*, 58 U. CHI. L. REV. 1527, 1528 (1991) (book review).

n21 *Id.* at 1540.

n22 Posner, *supra* note 18, at 1343-44.

n23 *See* Dickerson, *supra* note 7, at 95-96.

n24 *See* Posner, *supra* note 18, at 1345.

n25 *See* Heifetz, *supra* note 4, at 705.

n26 *See* Gordon, *supra* note 16, at 1698 ("The title, *A Uniform System of Citation*, has always been somewhat odd. The system is hardly uniform, and the book governs style as well as citations."). The title of one article about the *Bluebook* emphasizes its lack of uniformity and lists some of the inconsistencies. Dickerson, *supra* note 7, at 97-98.

n27 *See* Dickerson, *supra* note 7, at 90.

n28 BLUEBOOK, *supra* note 1, at 11 (P.1).

n29 Thomas R. Haggard, *Basic Citation Form, Part III*, S.C. LAW., Sept.-Oct. 1998, at 13, 13.

n30 Ira P. Robbins, *Semiotics, Analogical Legal Reasoning, and the CF. Citation: Getting Our Signals Uncrossed*, 48 DUKE L. J. 1043,

1044-45 (1999).

n31 See A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 SCRIBES J. LEGAL WRITING 75, 75 (1996-1997) (book review).

n32 See *id.* at 79 (detailing the AALS action on this matter).

n33 Laycock, *supra* note 5, at 182-83.

n34 See Dickerson, *supra* note 7, at 56-57.

n35 Posner, *supra* note 18, at 1352 app.; UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION (University of Chicago Law Review & University of Chicago Legal Forum eds., 1989).

n36 See, e.g., Joseph R. Tybor, *Students Take Law 1 Extra Step--Attempt to Put It in English*, CHI. TRIB., Sept. 1, 1987, at 3.

n37 Book Note, *Manual Labor, Chicago Style*, 101 HARV. L. REV. 1323, 1323 (1988).

n38 Tybor, *supra* note 36 (quoting Posner).

n39 Posner, *supra* note 18, at 1352.

n40 Mary Coombs, *Lowering One's Cites: A (Sort of) Review of the University of Chicago Manual of Legal Citation*, 76 VA. L. REV. 1099, 1104 (1990) (book review).

n41 See Dickerson, *supra* note 7, at 93, 94.

n42 Book Note, *supra* note 37, at 1326.

n43 Bryan A. Garner, *An Uninformed System of Citation: The Maroonbook Blues*, 1 SCRIBES J. LEGAL WRITING 191, 195-96 (1990) (book review).

n44 See Dickerson, *supra* note 7, at 94.

n45 Garner, *supra* note 43, at 192.

n46 See Darby Dickerson, *It's Time for a New Citation System*, SCRIVENER, Summer 1998, at 2, 6.

n47 A medium-neutral citation is one that can be used to access a legal authority in print as well as in digital medium; traditional citation form, which references the volume and page numbers, is print-specific. A vendor-neutral citation is one that can be used to access a legal authority without regard to the publisher; traditional citation form, which references a particular publisher's product, is vendor-specific.

n48 American Bar Ass'n, *ABA Official Citation Resolutions* (visited May 15, 2000) <<http://www.abanet.org/citation/resolution.html>> (contains text of resolution approved August 6, 1996, by the ABA House of Delegates for a universal citation system recommendation to the courts); MINUTES OF THE AALL EXECUTIVE BOARD, July 13, 14, 18 & 20, 1995, at 2103, 2108 (on file at American Association of Law Libraries headquarters, Chicago).

n49 See Bast, *supra* note 2, at 20, 26-34. UNIVERSAL CITATION GUIDE, *supra* note 2.

n50 UNIVERSAL CITATION GUIDE, *supra* note 2.

n51 However, the AALL Citation Formats Committee is continuing to develop additional citation forms that will be added to new editions of the *Universal Citation Guide*. See, e.g., AALL Citation Formats Committee, *The Universal Citation Guide: Tentative Drafts for Law Reviews and Court Rules*, 92 L. LIBR. J. 363, 2000 L. LIBR. J. 31.

n52 The UCG directs writers with those concerns to the *Bluebook*. UNIVERSAL CITATION GUIDE, *supra* note 2, P24.

n53 *See Legal Writing Directors' Conference*, SECOND DRAFT, May 1996, at 1.

n54 *See Dickerson*, *supra* note 46, at 2.

n55 *See id.*

n56 *See supra* P18 & n.32; Chris Klein, *At AALS Confab, Dean Faculty Ponder Race, Computers, Tenure*, NAT'L L.J., Jan. 20, 1997, at A10.

n57 *Dickerson*, *supra* note 46, at 6-7.

n58 Andrea Kaufman, *Uncomplicating the Citation Process*, 87 ILL. B.J. 675, 675 (1999) (book review) (quoting *Dickerson*).

n59 BLUEBOOK, *supra* note 1, at 11 (P.1), 30 (Rule 2).

n60 ALWD CITATION MANUAL, *supra* note 3, at 15 (Rule 1.0).

n61 BLUEBOOK, *supra* note 1, at 12 (P. 1(c)), 22-27 (Rules 1.2-1.4).

n62 ALWD CITATION MANUAL, *supra* note 3, at 311 (Rule 47.1).

n63 BLUEBOOK, *supra* note 1, at 56 (Rule 10.2).

n64 *Id.* at 58 (Rule 10.2.1(c)).

n65 ALWD CITATION MANUAL, *supra* note 3, at 15 (Rule 1.1).

n66 *Id.* at 379 app. 2 (Local Court Citation Rules).

n67 BLUEBOOK, *supra* note 1, at 62 (Rule 10.3.1).

n68 ALWD CITATION MANUAL, *supra* note 3, at 289-90 (Rule 43).

n69 *Id.* at 290 (Rule 43.2(b)(2)).

n70 Association of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation* (visited May 15, 2000) <[www.alwd.org/cm/index.htm](http://www.alwd.org/cm/index.htm)>.

n71 ALWD CITATION MANUAL, *supra* note 3, at 379 app. 2.

n72 Kaufman, *supra* note 58, at 675.

n73 Association of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation: Adoptions* (visited May 15, 2000) <<http://www.alwd.org/adoptions.htm>>.