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Bluebook, Citations, and All That Jazz

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Bluebook, Citations, and All That Jazz

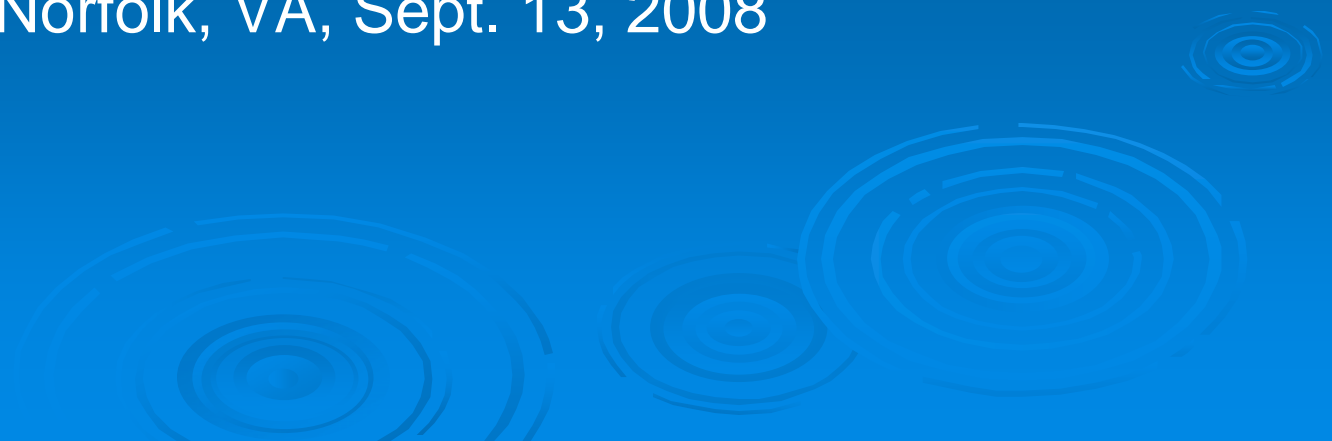
Fred Dingley

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Cursing a Blue(book) Streak

- “Generations of law students have hated and feared the *Bluebook*.”
 - Pamela Rogers Melton, Adventures in Citationland, 22 Legal Reference Services Q. 47, 47 (2003).

Cursing a Blue(book) Streak

- “The time that law students and lawyers spend mastering and applying the manifold rules of the Bluebook is time taken away from other lawyerly activities, mainly from thinking about what they are writing.”
 - Richard A. Posner, Goodbye to the Bluebook, 53 U. Chi. L. Rev. 1343, 1348 (1986).

Where we'll go today

- Why Bluebook?
 - When to Bluebook?
 - How to Bluebook?
 - General stuff
 - Cases
 - Statutes
 - Administrative
 - Court documents
 - Books and journals
- 

Why do we need citations?

- To let reader know where you got an idea
- To help the reader find the sources you used



When do you need a citation?

- "Provide a citation for ANYTHING you take from ANY type of authority[.]"
 - Linda J. Barris, Understanding and Mastering The Bluebook 9 (2007).

When do you need a citation?

- The “Says who?” test
 - Are you asserting something?
 - Will someone challenge you?

Does this need a citation?

- The sky is blue.
 - Probably not.



Does this need a citation?

- Federal law generally pre-empts conflicting state or local law.
 - Probably. (1 Lawrence H. Tribe, American Constitutional Law § 6-28 (3d ed. 2000).)

Does this need a citation?

- A bankruptcy court does not violate a state's sovereign immunity when it exercises its jurisdiction to discharge a student loan debt.
 - Definitely. (Tennessee Student Assistance Corp. v. Hood, 541 U.S. 440, 450 (2004).)

Why the Bluebook?

- Others have tried...
 - The Maroonbook (U. of Chicago)
 - ALWD Citation Manual
- Network effect
 - S.J. Liebowitz and Stephen E. Margolis, Network Effects and Externalities, in 2 The New Palgrave Dictionary of Economics and the Law 671 (Peter Newman ed. 1998).

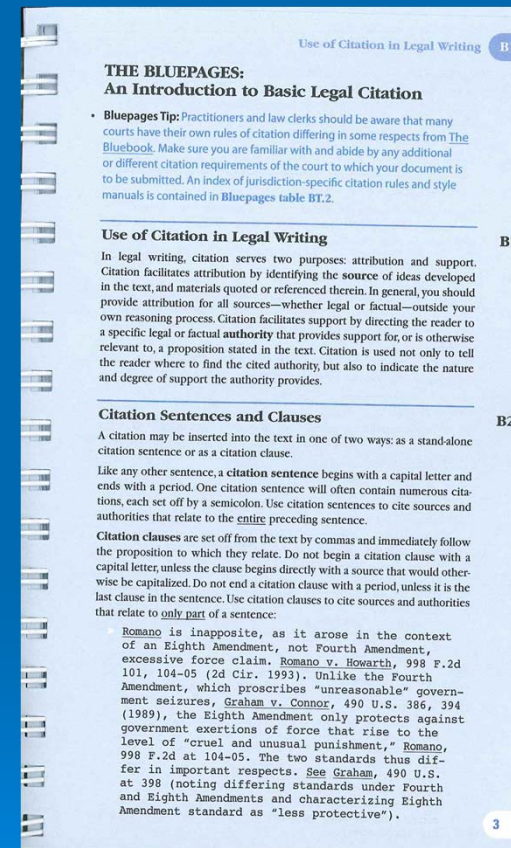
Where to get started

- Inside back cover of Bluebook >>>>
- Linda J. Barris, Understanding and Mastering the Bluebook (2007).
- Larry L. Teply, Legal Writing Citation in a Nutshell (2008).
- Follow others' lead

Quick Reference: Court Documents and Legal Memoranda	
This table gives examples of commonly used citation forms printed in the typefaces used in briefs and legal memoranda (as explained in the Bluepages) The inside front cover and first page present these same examples in the typefaces used in law review footnotes (as explained in rule 2).	
CASES rule 10	<i>Jackson v. Metro. Edison Co.</i> , 348 F. Supp. 954, 956-58 (M.D. Pa. 1972), <i>aff'd</i> , 483 F.2d 754 (3d Cir. 1973), <i>aff'd</i> , 419 U.S. 345 (1974).
reporter rule 10.3	<i>Herrick v. Lindley</i> , 391 N.E.2d 729, 731 (Ohio 1979).
service rule 19	<i>In re Looney</i> , [1987-1989 Transfer Binder] Bankr. L. Rep. (CCH) ¶ 72,447, at 93,590 (Bankr. W.D. Va. Sept. 9, 1988).
pending and unreported cases rule 10.8.1	<i>Albrecht v. Stanczek</i> , No. 87-C9535, 1991 U.S. Dist. LEXIS 5088, at *1 n.1 (N.D. Ill. Apr. 18, 1991). <i>Jackson v. Virginia</i> , No. 77-1205, slip op. at 3 (4th Cir. Aug. 3, 1978) (per curiam), <i>aff'd</i> , 443 U.S. 307 (1979). <i>Charlesworth v. Mack</i> , No. 90-345 (D. Mass. filed Sept. 18, 1990). <i>Charlesworth v. Mack</i> , 925 F.2d 314 (1st Cir. 1991), petition for cert. filed, 60 U.S.L.W. 3422 (U.S. Jan. 14, 1992) (No. 92-212).
CONSTITUTIONS rule 11	N.M. Const. art. IV, § 7.
STATUTES rule 12	
code rule 12.3	Administrative Procedure Act § 6, 5 U.S.C. § 555 (2000). 22 U.S.C. § 2567 (Supp. I 1983).
session laws rule 12.4	Department of Transportation Act, Pub. L. No. 89-670, § 9, 80 Stat. 931, 944-47 (1966).
LEGISLATIVE MATERIALS rule 13	
unenacted bill rule 13.2	S. 516, 105th Cong. § 2 (1997).
hearing rule 13.3	<i>Transforming the Federal Government To Protect America from Terrorism: Hearing Before the H. Select Comm. on Homeland Sec.</i> , 107th Cong. 23-25 (2002) (statement of John Ashcroft, Att'y Gen. of the United States).
report rule 13.4	S. Rep. No. 95-797, at 4 (1978), <i>as reprinted in</i> 1978 U.S.C.C.A.N. 9260, 9263.
LETTERS rule 17.1.3	Letter from Pierre Arsenault, Executive Editor, Harvard Law Review, to Bryan M. Killian, Supreme Court Chair, Harvard Law Review (Apr. 2, 2004) (on file with the Harvard Law School Library).
INTERVIEWS rule 17.1.4	Telephone Interview with Michael Leiter, President, Harvard Law Review (Oct. 22, 1999).
TREATIES rule 21.4	Treaty of Friendship, Commerce and Navigation, U.S.-Japan, art. X, Apr. 2, 1953, 4 U.S.T. 2063.

Where to get started

- Bluepages - Practitioner's Style
 - Typeface
 - Table BT.2: Court rules of citation



General Stuff – Abbreviations

- Bluebook Tables (Chapter T)
 - Table T.1: U.S.
- Bieber's Dictionary of Legal Abbreviations
 - Also on Lexis
- 2d and 3d, not 2nd or 3rd

General Stuff - Typography

- For court documents, include cite in body of text, not as footnote
- Use Arabic numerals in citations for:
 - Volume numbers (Rule 3.1)
 - Page numbers (Rule 3.2)
- Underline or italicize titles in citations
- § (Alt + 21 or Option + 6) instead of sec.
- ¶ (Alt + 20 or Option + 7) instead of para.

General Stuff – Punctuation

- Period at the end of a citation
- Don't underline/italicize commas
- Always underline the period in Id.

General stuff – but I got it off the Web...

- For court documents –
 - If there's a print version, just pretend you're using that
 - If there's no print version...we'll get to that
- More of an issue for law reviews

Caselaw (Rule 10, B5)

- Case name (Rule B5.1.1)
 - First party on each side
 - Abbreviations: Table T.6
 - Ex rel.
 - In re
 - Ex parte

Anatomy of a common case cite

➤ Reno v. ACLU, 521 U.S. 844 (1997).

↑
Name of the
document

↑
Vol. #

↑
Publication

↑
First
Page #

↑
Year

Where am I?

➤ Reno v. ACLU, 521 U.S. 844 (1997).

This tells us what court the case is in...

➤ Atkins v. Commonwealth, 266 Va. 73 (2003).

So does this...

Where am I?

➤ United States v. Mir,
525 F.3d 351 (4th Cir.
2008).

Otherwise, identify the court
here.

➤ Atkins v.
Commonwealth, 581
S.E.2d 514 (Va.
2003).

Same here. Table
T.1 has the
abbreviations.

Caselaw - Short form

- Can the reader easily tell what you're referring to?
 - United States v. \$8,850, 461 U.S. 555 (1983).
 - \$8,850, 461 U.S. at 556.
 - 461 U.S. at 556.

Caselaw - Short form

➤ Id. (Rule B5.2)

- “Ditto.”
- Refers to one source only
 - Same source, same page: Id.
 - Same source, new page: Id. at 7.
- Can the reader easily tell what id. is referring to?

Caselaw – Public domain citation

Case Name Year Postal Abb. Case # Para. # (for pinpoint)

➤ State v. Grant, 2008 ME 14, ¶3, 939 A.2d 93, 96.

And then, parallel cite to the print version

Caselaw – But I got it online...

- Published case? Pretend you're using the print



Caselaw – Looseleaf Services

➤ CCH

- SEC v. Bear, Stearns & Co., 2004 Fed. Sec. L. Rep. (CCH) ¶ 92,685 (S.D.N.Y. 2004).

➤ CCH Short Form

- Bear, Stearns & Co., 2004 Fed. Sec. L. Rep. (CCH) ¶ 92,685.

Caselaw – Unpublished cases

➤ Westlaw :

- Inventory Locator Serv., LLC v. Partsbase, Inc.,
No. 02-2695MA/V, 2005 WL 2179185 (W.D. Tenn.
Sept. 6, 2005).

Name of Case

Court

Docket #

Date of opinion

Westlaw citation

Caselaw – Unpublished cases

➤ Lexis:

- | | |
|----------------------------------|---------------------------|
| Helfrich v. Lehigh Valley Hosp., | No. 03-cv-05793, |
| 2005 U.S. Dist. LEXIS 14792 | (E.D. Pa. July 21, 2005). |

Name of Case

Court

Docket #

Date of opinion

Lexis citation

Caselaw – Unpublished cases

➤ Free Internet:

- Atkins v. Commonwealth, No. 1372-07-01 (Va. Ct. App. Jul. 1, 2008), <http://www.courts.state.va.us/opinions/opncavwp/1372071.pdf>.

➤ Non-WL/Lexis database:

- Atkins v. Commonwealth, No. 1372-07-01 (Va. Ct. App. Jul. 1, 2008) (Loislaw, Va. Case Law).

Caselaw – Parallel Citations

- Multiple sources
- Table BT.2
- Usually official, then regional reporter

Statutes (Rule 12, B6) – Codes U.S. Code Annotated

➤ 42 U.S.C.A. § 1983 (West 2008)

Title

Publication

Section #

Publisher

Year of
hardbound
volume

Statutes – Codes

U.S. Code Annotated

➤ 42 U.S.C.A. § 1983 (West Supp. 2008)

Title

Publication

Section

Publisher

Year of
pocket
part

Got it
from the
pocket
part?
Include
this

Statutes – Codes

U.S. Code Service

- 42 U.S.C.S. § 1983 (Lexis 2008).
- 42 U.S.C.S. § 1983 (Lexis Supp. 2008).

Statutes – Codes

State Codes (Flavor One)

➤ Code of Va. § 5.1-1 (2008).

↑
Publication

↑
Title

↑
Section

↑
Year

Statutes – Codes

State Codes (Flavor Two)

- N.Y. Gen. Bus. Law § 47-a (Consol. 2008).

↑
Year

↑
Subject Code

↑
Section

↑
Publisher

Statutes

- Session Laws (Rule 12.4)
 - Digital Millennium Copyright Act, Pub. L. No. 105-304, 112 Stat. 2860 (1998).
 - Act of Feb. 10, 2005, Ch. 3, § 1, 2005 Va. Acts 2, 2.

Statutes – Short Form

- Rule B6.2, 12.9
- Code of Va. § 5.1-1 (2008).
 - § 5.1-1.
 - Id. § 5.1-1.
- 42 U.S.C.A. § 1983 (West 2008).
 - 42 U.S.C.A. § 1983.
 - Id. § 1983.

Statutes – Short Form

- Digital Millennium Copyright Act, Pub. L. No. 105-304, § 103, 112 Stat. 2860 (1998).
 - § 103.
 - Id. § 103.

Constitutions

- Rule 11, B7
- U.S. Const. art. I, § 8, cl. 8.
- U.S. Const. amend. XXI, § 1.
- Va. Const. art. XII, § 1.
- NO short form for constitutions but id.

Regulations

- Rule 14.2, B6.1.4
- 17 C.F.R. § 204.3 (2008).
- BUT:
 - Treas. Reg. § 1.72-16(a).
 - Don't need to include year if current version
 - NOT: 26 C.F.R. § 1.72-16(a) (2008).
 - Why?
 - Who knows?

Administrative Decisions

- Rule 14.3
- First private party or subject matter
- Consolidated Biscuit Co., 346 N.L.R.B. 1175 (2006).
- Bally's Atlantic City, 352 N.L.R.B. No. 95 (2008).
- Corbett, C.F.T.C. Docket No. 05-R022 (June 6, 2008).

Court Documents

- Rule B10
- Abbreviations: Table BT.1 (Bluepages)
- Put citation in parentheses
- (Pl.'s Aff. 11.)

Secondary Sources

- Books (Rule 15, B8)
 - Lawrence Lessig, Code 77 (2007).
 - J. Myron Jacobstein et al., Fundamentals of Legal Research (7th ed. 1998).

Secondary Sources

- Consecutively paged journals (Rule 16, B9.1.1)
 - Begin the “year” with page one and keep going
 - Many academic journals (e.g., Harvard Law Review)
 - David I. Walker, The Manager’s Share, 47 Wm. & Mary L. Rev. 587 (2005).

Secondary Sources

- Non-consecutively paged journals (Rule 16.4, B9.1.2)
 - Each issue starts over with page one
 - Many popular magazines (e.g., Time)
 - Catherine Holahan, The Dark Side of Web Anonymity, Bus. Wk., May 12, 2008, at 64.
- Newspapers (Rule 16.5, B9.1.4)
 - Wesley Loy, Resolution of Exxon Interest May Be Soon, Anchorage Daily News, July 17, 2008, at A3.

Secondary Sources – Short Form

- Supra (no period!)
 - Loy, supra, at A3.
- Id. also works as usual

Web pages

- Rule 18.2.3
- Try to find print analogue
- David Moltz, Senate Strands Study Abroad Bill, Inside Higher Educ., July 29, 2008, <http://insidehighered.com/news/2008/07/29/omnibus>.

Useful websites

- Bluebook online: <http://www.legalbluebook.com/>
- Cornell LII Introduction to Basic Citation
<http://www.law.cornell.edu/citation/>
- Lexis Interactive Citation Workstation
<http://www.lexisnexis.com/icw/instructions.htm>
(Lexis ID required)
- New Eng. School of Law Bluebook Citation Guide
<http://www.nesl.edu/research/BlueBook/citation.cfm>