Bluebook, Citations, and All That Jazz

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Cursing a Blue(book) Streak

“Generations of law students have hated and feared the Bluebook.”

“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.”

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[]."
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.
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
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
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:** Reno v. ACLU
  - **Publication:** 521 U.S.
  - **First Page #:** 844
  - **Year:** 1997
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.

Same here. Table T.1 has the abbreviations.
Caselaw - Short form

Can the reader easily tell what you’re referring to?

  - $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?

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

- CCH Short Form
## Caselaw – Unpublished cases

### Westlaw:

<table>
<thead>
<tr>
<th>Name of Case</th>
<th>Court</th>
<th>Docket #</th>
<th>Date of opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inventory Locator Serv., LLC v. Partsbase, Inc., No. 02-2695MA/V</td>
<td>W.D. Tenn.</td>
<td>2005 WL 2179185</td>
<td>Sept. 6, 2005</td>
</tr>
</tbody>
</table>
**Caselaw – Unpublished cases**

 destacates:


<table>
<thead>
<tr>
<th>Name of Case</th>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Lexis citation
Caselaw – Unpublished cases

Free Internet:

Non-WL/Lexis database:
Caselaw –
Parallel Citations

- Multiple sources
- Table BT.2
- Usually official, then regional reporter
<table>
<thead>
<tr>
<th>Title</th>
<th>Publication</th>
<th>Section #</th>
<th>Year of hardbound volume</th>
<th>Publisher</th>
</tr>
</thead>
<tbody>
<tr>
<td>42 U.S.C.A.</td>
<td>§ 1983</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Statutes – Codes
U.S. Code Annotated


Title
Publication
Section
Publisher
Year of pocket part

Got it from the pocket part? Include this
Statutes – Codes
U.S. Code Service

Statutes – Codes
State Codes (Flavor One)


Publication
Title
Section
Year
Statutes

- Session Laws (Rule 12.4)
Statutes – Short Form

- Rule B6.2, 12.9
  - § 5.1-1.
  - Id. § 5.1-1.
  - Id. § 1983.
Statutes – Short Form

  - § 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
- Why?
  - Who knows?
Administrative Decisions

- Rule 14.3
- First private party or subject matter
- 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)
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)
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)

- Newspapers (Rule 16.5, B9.1.4)
Secondary Sources – Short Form

- **Supra** (no period!)
- **Id.** also works as usual
Web pages

- Rule 18.2.3
- Try to find print analogue
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