

# **A GUIDE TO THE BLUEBOOK\***

For **Journals** and **Law Reviews**

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\*Based on the most current Bluebook edition.

# How to use this guide

- ▶ Most of the slides will first reference in italics the Bluebook table or rule that the slide covers.
- ▶ Turn to that page in the Bluebook and identify where the information on the slide is printed in the Bluebook.
- ▶ Use the index for other rules not covered in the guide.

# Journals – the “White Pages”

- ▶ Citation forms used for law reviews & journals are in the “white pages.”
- ▶ The major differences between the **bluepages (for practitioners and law clerks)** and **white pages** are formatting & font changes.
- ▶ *See R2*
- ▶ Law Reviews have two types of text – **main text** and **footnote text**. Your decision on which typeface convention to use depends on the type of text.
  - For example, the typeface convention differs for case names depending on whether the case name is in the **main text** or the **footnote text**.
  - In footnote citations, law reviews use three types of typefaces: Ordinary roman (plain text), *Italics*, and LARGE AND SMALL CAPS (Rule 2.1).

# The “White Pages” cont’d: italicizing case names

- ▶ *R2.1(a) & R10.2*
- ▶ In law review **main text**, case names are italicized.
- ▶ In **footnote text**, use ordinary roman/plain text for case names in a full citation or for case names in a short citation when both parties are referenced. However, in the short cite format when only one party is referenced, *italicize* the case name.
- ▶ Also, in **footnote text**, *italicize* procedural phrases in the case name.
- ▶ **Example:**
  - **Textual Sentence:** In *Southern Pacific Co. v. Jensen*, Justice McReynolds stressed the value of uniform laws.<sup>1</sup>
  - **Citation:** <sup>1</sup> *See, e.g., S. Pac. Co. v. Jensen*, 244 U.S. 205, 225-26 (1917).

# “Blue Pages” v. “White Pages”

## ▶ Practitioners’ Brief:

- Directors manage the business and affairs of a corporation. *See Revlon, Inc. v. MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173, 179 (Del. 1986).

## ▶ Law Review Article:

- Directors manage the business and affairs of a corporation.<sup>1</sup>
  - <sup>1</sup> *See Revlon, Inc. v. MacAndrews & MacAndrews & Forbes Holdings, Inc.*, 506 A.2d 173, 179 (Del. 1986).

# Numerals

- ▶ *R6.2(a)*
- ▶ In general, spell out the numbers 0-99 except:
  - Spell out ANY number that begins a sentence,
  - Spell out hundred, thousand, or any round numbers may be spelled out,
  - When a series includes numbers both less than 100 & greater than or equal to 100, numerals should be used for the entire series,
  - Use numerals with decimal points, percentages, or dollar amounts, sections or other subdivision numbers.

# Elements of a citation to legal authorities

- ▶ *R1*
- ▶ *Citations to legal authorities are NOT placed in parentheses.*
- ▶ The three main parts of a citation are the signal, the source of authority, and a parenthetical explanation.
- ▶ Some citations do not have a signal or a parenthetical explanation, but they all have the source of authority.
- ▶ Example of a citation with all three parts:
  - <sup>23</sup> *See* 5 U.S.C. § 553(b) (requiring agencies to publish notice of proposed rulemaking).

# Citation sentences

- ▶ *R1.1*
- ▶ Citation sentences are used to cite authorities that relate to the entire preceding sentence.
- ▶ Citation sentences begin with a capital letter and end with a period.
- ▶ A “string citation” contains numerous citations, each separated by a semi-colon.
  - **Example:**
    - <sup>3</sup> United States v. Dodd, 538 F.2d 980, 984 (7th Cir. 1996); Parker v. Marpoe, 789 So. 2d 86, 91 (Al. 2000); Smith v. Fulton, 390 A.2d 72, 78 (Pa. 1999).

# Citation clauses

- ▶ *R1.1*
- ▶ Citation clauses are used to cite authorities that relate to only part of a sentence within a footnote.
- ▶ Citation clauses do not start with a capital letter, unless the clause begins with a source that would otherwise be capitalized.
- ▶ Use commas to separate citation clauses from text unless the citation clause ends the entire sentence (in that case, place a period at the end of the citation clause).
  - **Example:** <sup>31</sup> A party asserting the attorney-client privilege must provide an explanation of why the items are privileged, *United States v. Zolin*, 491 U.S. 554 (1989), and must prove the elements necessary to establish the privilege, *Hawkins v. Stables*, 148 F.3d 379, 383 (4th Cir. 1998).

# Multiple pages, footnotes, and endnotes

- ▶ *R3.2*
- ▶ When citing material that spans more than one page, provide the inclusive page numbers, separated by a hyphen. Always retain the last two digits, but drop other repetitious digits.
  - ▶ **Example:** <sup>42</sup> *Gibbons*, 455 F.2d at 356-57.
- ▶ Cite nonconsecutive pages by giving the individual page numbers separated by commas.
- ▶ Cite a footnote by using “n.” and cite multiple footnotes by using “nn.”
  - ▶ **Example:** <sup>8</sup> *Id.* at 359 n.8 (Note there is no space between the n. and the note number).

# Case Citations

- ▶ How do we take information from an opinion:

William H. Smith, Plaintiff-Appellee,

vs.

Emma K. Jones & Peter Griffith, Defendants-Appellants.

Page 385 of Volume 983 of the South Western Reporter, Second Series

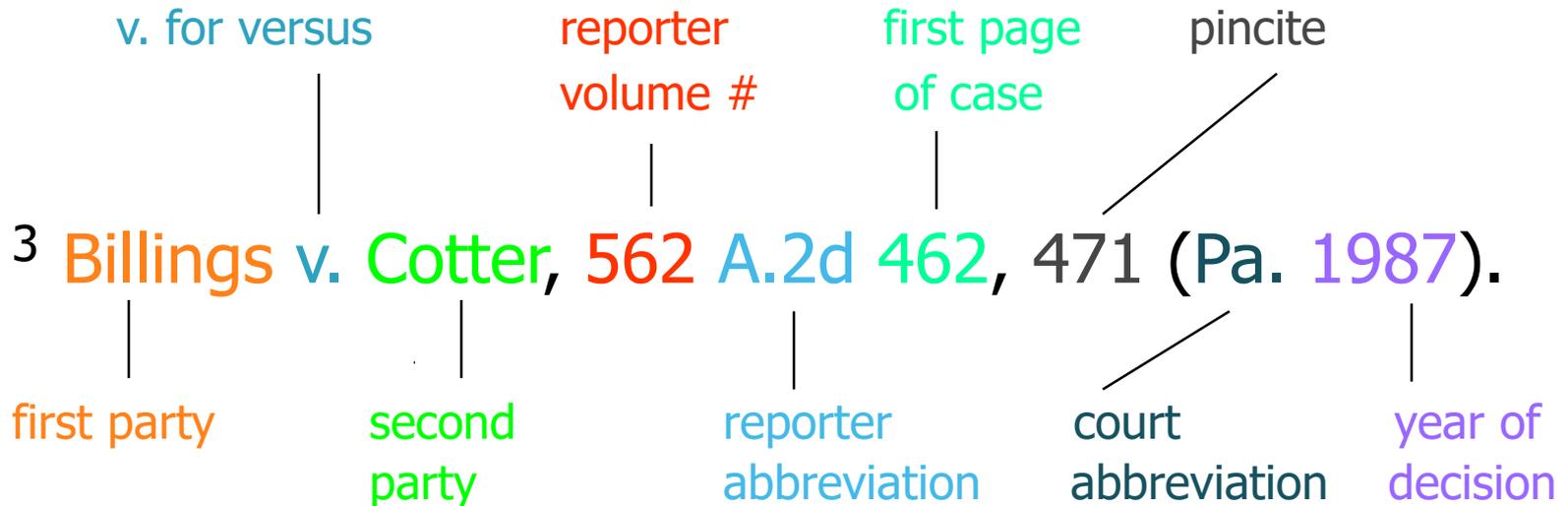
Decided by the Texas Supreme Court on January 20, 1998

And transform it into a proper Bluebook citation?

<sup>10</sup> Smith v. Jones, 983 S.W.2d 385 (Tex. 1998).

# Components of a case citation

## ▶ R10



# Rules for each component of a case citation

- ▶ To put information about a case in proper Bluebook form, you must follow the Bluebook rules for each part of the case citation.
- ▶ Because they appear first in the citation, we'll start with the rules addressing case names.

# Cite only the first listed party on each side

- ▶ *R10.2.1(a)*
- ▶ Omit all parties other than the first party listed on each side (one plaintiff/one defendant).
- ▶ For example, John P. **Jones** & Fred C. Smith, Plaintiffs v. William R. **Adams** & Sam LaFleur, Defendants -- **Jones** v. **Adams**
- ▶ Do not include "et al." to show multiple parties.

# Cite individuals by last name only

- ▶ *R10.2.1(e) & R10.2.1(g)*
- ▶ Do not include legal status of a party, such as Administrator, Executor, Plaintiff, Defendant, Appellant, Appellee, Guardian, etc.
- ▶ For individuals, omit their given names and initials.

## Incorrect

John E. Smith v. Jane P. Jones  
Smith, Plaintiff v. Jones, Defendant

## Correct

Smith v. Jones  
Smith v. Jones

# Business names

- ▶ *R10.2.1(h)*
- ▶ If a business uses more than one firm designation in its name, drop all but the first.

Incorrect:

City Investment Co., Inc. v. J.D. Jones

Correct:

City Investment Co. v. Jones

# States as parties

- ▶ *R10.2.1(f)*
- ▶ When a state is a party, use either the word “State,” “Commonwealth,” or “People,” depending on which appears on the title page when citing to a case decided by a court in that state.
- ▶ Use the name of the state (i.e. Massachusetts) if citing to a case not decided by a court in that state.
  - Compare: **Commonwealth** v. Jones, 462 N.E.2d 54, 59 (Mass. 1987).
  - With: **Massachusetts** v. Gosnold, 425 U.S. 681, 686 (1976).

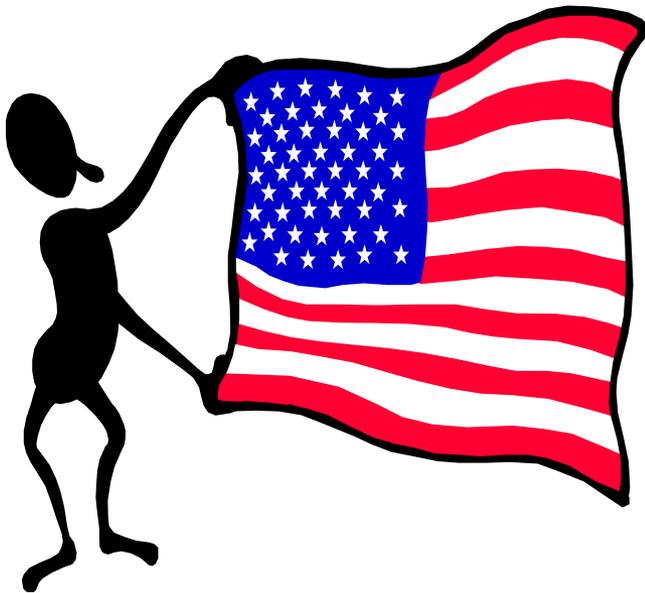
# Cities as parties

- ▶ *R10.2.1(f)*
- ▶ Omit “City of” and other similar expressions UNLESS the expression begins a party name:
  - **Incorrect:** City of Memphis, Tennessee v. Fred C. Jones
  - **Correct:** City of Memphis v. Jones
  - **Incorrect:** Mayor of the City of Houston v. Howard K. Johnson
  - **Correct:** Mayor of Houston v. Johnson

# Prepositional phrases of location

- ▶ *R10.2.1(f)*
- ▶ Omit prepositional phrases of location (not following “City,” or like expressions) unless the resulting citation leaves only one word in the name of a party or the location is part of a business
  - **Incorrect:** Brown v. Board of Education of Albemarle County
  - **Correct:** Brown v. Board of Education

# The United States as a party



- ▶ *R10.2.1(f)*
- ▶ The United States of America is always cited as “United States”
  - not U.S.A.
  - not U.S.
  - not United States of America

# In rem actions

- ▶ *R10.2.1(a)*
- ▶ Actions involving objects such as land or goods are known as “in rem” actions.
  - Examples: condemnation proceedings or proceedings against contraband property.
- ▶ Omit all but first-listed item or group of items.
  - **Incorrect:** In re Fifty Bales of Hash, Twelve Cartons of Coke, and One Twinkie
  - **Correct:** In re Fifty Bales of Hash

# When real property is a party

- ▶ *R10.2.1(a)*
- ▶ When real property is a party, use its street address and omit all other words.
  - **Incorrect:** United States of America v. Real Property Situated at 10 Maple Road, County of Albemarle, Commonwealth of Virginia
  - **Correct:** United States v. 10 Maple Rd.

# Use of “the” in party names

- ▶ *R10.2.1(d)*
- ▶ Omit “The” as the first word of a party’s name unless the party’s name is “The King,” “The Queen,” or the name of an object in an in rem action.
  - **Incorrect:** The Boston Globe v. Jane Smith
  - **Correct:** Boston Globe v. Smith

# Case name abbreviations

- ▶ *R10.2*
- ▶ The Bluebook distinguishes between case names used as part of a *textual* sentence and case names appearing as part of a citation sentence. Case names in citation sentences are more heavily abbreviated than case names in textual sentences.

# Abbreviating case names in citations

- ▶ *R10.2.2 & Tables T6 & T10*
- ▶ All words in case names in **citation sentences**, including the first word of either party's name, are abbreviated if listed in Table T6 of the Bluebook.
- ▶ Geographical units are abbreviated as indicated in Table T10 unless the geographical unit is a named party (but remember -- do not abbreviate United States).
  - **Massachusetts** v. Selfridge (state is named party)
  - Selfridge v. Univ. of **Mass.** (state is not named party)
- ▶ Abbreviate other words of 8 letters or more if *substantial* space is saved & the result is unambiguous.

# Abbreviation of procedural phrases

- ▶ *R10.2.1(b)*
- ▶ Abbreviate “on the relation of,” “for the use of,” “on behalf of,” and similar expressions to “*ex rel.*”
- ▶ This type of proceeding occurs when one party is suing on behalf of another.
  - **Example:** James P. Smith, Attorney General for the State of Mississippi, for the use of Jane P. Jones v. Fred Flintstone is cited as *Smith ex rel. Jones v. Flintstone*

# Abbreviation of procedural phases (cont'd)

- ▶ *R10.2.1(b)*
- ▶ Abbreviate “in the matter of,” “petition of,” “application of,” and the like to “*in re*”.
- ▶ Cases that might use these phrases could involve the probate of a will or a bankruptcy proceeding.
  - Example: In the Matter of the Will of Fred P. Smith is cited as *In re Will of Smith*

# The next component of a case citation: the reporter

- ▶ Now that we've covered the rules governing citation of case names, we'll turn to the rules about reporters.
- ▶ You will need to consult Table T1 to determine which reporter to cite for the decisions of the federal and state courts.



# U.S. Supreme Court Cases

- ▶ *Table 1 (T1.1)*– The official reporter for U.S. Supreme Court cases is the United States Reports (U.S.).
- ▶ The Bluebook requires citation to U.S. if the case is published there; otherwise, cite to an unofficial reporter in the following order of preference:
  - Supreme Court Reporter (S. Ct.)
  - Lawyer's Edition (L. Ed.) or Lawyer's Edition, Second Series (L. Ed. 2d)
  - United States Law Week (U.S.L.W.)

# Federal cases

- ▶ Federal courts of appeals decisions are published in the Federal Reporter, Federal Reporter 2d and Federal Reporter 3d (F., F.2d, F.3d). (Note that there is no period after the “d” in 2d and 3d).
- ▶ Federal district courts (trial courts) generally are published in the Federal Supplement (F. Supp., F. Supp. 2d, F. Supp. 3d).

# State cases

- ▶ *Table T1 addresses state citations*
- ▶ State cases are published in seven regional reporters:
  - Atlantic (A., A.2d)
  - North Eastern (N.E., N.E.2d)
  - North Western (N.W., N.W.2d)
  - Pacific (P., P.2d, P.3d)
  - South Eastern (S.E., S.E.2d)
  - South Western (S.W., S.W.2d, S.W.3d)
  - Southern (So., So. 2d)

# Public domain format

- ▶ *R10.3.3 and Table T1*
- ▶ Many jurisdictions have made cases available on websites.
- ▶ Table T1 sets forth the required public domain format for states that have adopted one different from the general format described in Rule 10.3.3.
  - For example, Table T1 shows the public domain format adopted by Pennsylvania for Superior Court cases decided after 12/31/98.

# Citing page numbers



- ▶ Now that we have covered case names and reporters, we will move on to the easier task of citing page numbers.

# Citing page numbers

- ▶ The citation must include the page on which the document begins. The writer should also include a specific reference to the precise page where a quotation or legal proposition appears (*pincite or pinpoint cite*). The first page of the document and the pincite page are separated by a comma.
- ▶ When multiple, non-consecutive pages are cited, these pages should be separated by commas. **Example:**
  - <sup>3</sup> Jones v. Smith, 234 F.2d 12, 14, 17 (4th Cir. 1971).
  - Pincites are both pp. 14 & 17 in this example

# Citing page numbers (cont'd)



- ▶ As we learned previously, when multiple, consecutive pages are cited, the first and last numbers should be separated by a hyphen, and all but the last two digits from the last page number should be dropped.
  - <sup>15</sup> Jones v. Smith, 335 F.2d 756, 758-60 (2d Cir. 1973).
  - **NOT** <sup>15</sup> Jones v. Smith, 335 F.2d 756, 758-760 (2d Cir. 1973).

# Court, jurisdiction, and date

- ▶ *R10.4 & R10.5*
- ▶ Now that we've covered case names, reporters, and pages, we're ready to tackle the last part of a case citation – the parenthetical indicating the date and, when not clear from the reporter abbreviation, the court & jurisdiction.

# Court and jurisdiction

- ▶ Citations must identify the court that decided the case.
- ▶ Typically, in the parenthetical immediately following the page numbers, you provide the name of the court (abbreviated in accordance with Table T1 or T7) and its geographical location (abbreviated in accordance with Table T1 or T10).
- ▶ However, when the reader may determine which court decided the case from the reporter cited, you should NOT identify the court in the parenthetical.

# Examples of when the court is omitted from the parenthetical

<sup>45</sup> White v. Clemens, 562 U.S. 342, 360 (1990).

\*U.S. only contains U.S. Supreme Court decisions. Thus, you must omit any designation of the Supreme Court in the parenthetical.

<sup>5</sup> Heard v. Neighbor Newspapers, 190 Ga. App. 756, 758, 390 S.E.2d 279, 281 (1989).

\*\*With this parallel citation, it is clear from the state reporter citation that this case was decided by the Georgia Court of Appeals. Therefore, you must omit any designation of the court in the parenthetical.

# Common court abbreviations

- ▶ Federal Courts of Appeals
  - 1st Cir. – NO superscript here or below
  - 2d Cir. – NOT **2nd** Cir.
  - 3d Cir. – NOT **3rd** Cir.
  - 4th Cir.
  - 5th Cir.
  - 6th Cir.
  - 7th Cir.
  - 8th Cir.
  - 9th Cir.
  - 10th Cir.
  - 11th Cir.
  - D.C. Cir.
  - Fed. Cir.



# Common court abbreviations (cont'd)



## ▶ Federal district courts

- Abbreviation is D.
- If a state contains more than one federal district, you must include the abbreviation to identify that district:
  - Western District of Pennsylvania is W.D. Pa.
  - Rhode Island, which only has one district, is D.R.I.

# Spacing between capitals

- ▶ *R6.1(a)*
- ▶ The Bluebook includes a general rule on spacing that, among other things, applies to court abbreviations.
- ▶ You “close up” all adjacent single capitals (there is no space between them):
  - D.R.I. or E.D.N.Y.
  - Individual numbers are treated as single capitals
    - F.2d or N.E.2d
    - But spaces are used when the citation includes abbreviations longer than a single letter
      - So. 2d or F. Supp. or F. Supp. 2d

# Date of decision

- ▶ The date of the decision is the last piece of information contained in the parenthetical after the case page.
  - For decisions published in reporters, use the YEAR of the decision.
  - For unreported cases and cases cited to a slip opinion, provide the EXACT DATE of the decision.
  - When citing a case with different decisions issued **in the same year**, include the year only in the parenthetical for the last-cited decision.
    - For example, if the 5th Circuit decided a case in 2001 & the U.S. Supreme Court granted a writ of certiorari to review that case in 2001, include the year only in the citation to the Supreme Court's decision:
    - <sup>6</sup> Cox v. Abernathy, 241 F.3d 467, 479 (5th Cir.), *cert. granted*, 602 U.S. 894 (2001).

# Pending and unreported cases

- ▶ *R10.8.1(a) & Quick Reference (front cover)*
- ▶ Sometimes you will need to cite to a case that can be found online on Lexis or Westlaw but has not been assigned to a reporter for publication.
- ▶ Citations to databases are slightly more complex and should include the following:
  - Case name, case docket number, database identifier and electronic report number, at \*star page number, (court and full date).
  - **Example:** <sup>1</sup> Albrecht v. Stanczek, No. 87-C9535, 1991 U.S. Dist. LEXIS 5088, at \*1 n.1 (N.D. Ill. Apr. 18, 1991).

# Pending and unreported cases (cont'd)

## ▶ More Examples:

- <sup>25</sup> United States v. Highsmith, No. 07-80093-CR, 2007 U.S. Dist. LEXIS 60848, at \*1, \*6 (S.D. Fla. Aug. 20, 2007).
  - <sup>30</sup> Kvass Constr. Co. v. United States, No. 90-266C, 1991 WL 47632, at \*2-3 (Cl. Ct. Apr. 8, 1991).
- ▶ NOTE: screen or page numbers should be preceded by an **asterisk**.

# Short form citations for cases in footnotes

- ▶ *R10.9*
- ▶ In footnotes, a short form may be used **only** if:
  - it clearly identifies a case that is already cited in the same footnote
  - **OR** the case is cited in one of the preceding five footnotes
- ▶ Acceptable short forms include:
  - <sup>2</sup> Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. at 585.
  - <sup>2</sup> *Youngstown Sheet & Tube Co.*, 343 U.S. at 585.
  - <sup>2</sup> *Youngstown*, 343 U.S. at 585.
- ▶ The case name can be omitted only when the reader will have no doubt about the case to which the citation refers:
  - <sup>2</sup> 343 U.S. at 585.
  - <sup>2</sup> *Id.* at 585.
  - **NOTE:** For the short form of case citations, use italics for *Id.* and for the case name when only one party is used

# Short form cites for unreported cases

- ▶ *R10.9(a)(ii)*
- ▶ For cases only on Westlaw or Lexis, use the unique database identifier in the short form.
- ▶ **Lexis Example:**
  - **Long Form:** <sup>16</sup> *Albrecht v. Stanczek*, No. 87-C9535, 1991 U.S. Dist. LEXIS 5088, at \*1 n.1 (N.D. Ill. Apr. 18, 1991).
  - **Short form:** <sup>21</sup> *Albrecht*, 1991 U.S. Dist. LEXIS 5088, at \*1.
- ▶ **Westlaw Example:**
  - **Long form:** <sup>22</sup> *Kvass Constr. Co. v. United States*, No. 90-266C, 1991 WL 47632, at \*2-3 (Cl. Ct. Apr. 8, 1991).
  - **Short form:** <sup>28</sup> *Kvass*, 1991 WL 47632, at \*3.

# Short forms (cont'd): *Id.*

## ▶ *R4.1*

- ▶ In law review footnotes, use “*id.*” when:
  - Citing the immediately preceding authority within the same footnote
  - OR within the immediately preceding footnote when the preceding footnote contains only one authority

### Example:

<sup>1</sup> *Chalfin v. Specter*, 233 A.2d 562, 564 (Pa. 1967).

<sup>2</sup> *Id.* at 563.

# Short forms (cont'd): *Id.*

- ▶ *Id.* may not be used to refer to only one authority in a preceding footnote if the preceding footnote contains multiple sources or to refer to an internal cross-reference.

# Short forms (cont'd): *Supra*

- ▶ *R4.2*
- ▶ When an authority has been fully cited previously, *supra* may be used in some circumstances.
- ▶ *Supra* should **NOT** be used to refer to cases, statutes, constitutions, legislative materials (other than hearings), restatements, model codes, or regulations (use *id.* instead).
- ▶ *Supra* can be used for internal cross references, but the citation must indicate where the full citation can be found if the full citation is in a different footnote:
  - **Example:** Reich, *supra* note 16, at 6.

# *Supra* (cont'd)

- ▶ The “*supra*” form includes the last name of the author, the word “*supra*” and any particular manner in which the subsequent citation differs from the former.
  - <sup>27</sup> *Cf. Schelling, supra* note 12, at 3.
  - <sup>28</sup> 2 Holdsworth, *supra* note 10, at 6.
  - <sup>30</sup> Keeton et al., *supra* note 29, § 2, at 4.

# Short forms (cont'd): “Hereinafter”

- ▶ *R4.2(b)*
- ▶ For authority that would be cumbersome to cite with *supra* or the regular shortened form may confuse the reader, the author may establish a specific shortened form.
- ▶ Like *supra*, “hereinafter” should **not** be used to cite cases, statutes, constitutions, legislative materials (other than hearings), restatements, model codes, or regulations.
- ▶ “Hereinafter” can be used in extraordinary circumstances for cases when the name is extremely long.

# “Hereinafter” (cont’d)

- ▶ To use, place the word “hereinafter” and the shortened form in brackets after the first citation of the authority but before any explanatory parenthetical:
  - <sup>34</sup> *Proposed Amendments to the Federal Rules of Criminal Procedure: Hearings Before the Subcomm. on Criminal Justice of the H. Comm. on the Judiciary, 95<sup>th</sup> Cong. 92-93 (1977) [hereinafter Hearings]* (statement of Prof. Wayne LaFave).
  - <sup>38</sup> *Hearings, supra* note 34, at 33 (statement of Hon. Edward Becker).

# Quotations

- ▶ *R5*
- ▶ Whenever you take language directly from another work, you **must** place the language in quotation marks or, where appropriate, in block quotation format and provide an appropriate citation.
- ▶ When you place material in quotation marks or in a block quotation, you must be sure that the language is **precisely** the language used in the quoted source; you may not change even one word without properly indicating that you have altered the original material.
- ▶ The Bluebook has rules regarding fitting quotes into your textual sentences and making alterations, using marks such as brackets and ellipses.

# Quotations (cont'd)

- ▶ Direct quotes should be reserved for particularly unique or important language.
- ▶ Using too many quotes may result in disjointed prose, so you should not simply string together a number of quotations.
- ▶ Please note that, while it is sometimes important to quote a court's holding or reasoning, it is rarely useful to quote a court's description of facts.

# Quotations under fifty words

- ▶ *R5.1(b)*
- ▶ Quotations of 49 words or fewer are placed inside double quotation marks.
- ▶ Quotation marks around material quoted inside another quote should appear as single marks.
- ▶ Always place commas and periods **inside** the quotation marks; place other punctuation marks inside the quotation marks **ONLY** if they are part of the matter quoted.

# Quotations under fifty words (cont'd)

## ▶ Examples:

- In *Dziokonski v. Babineau*, the court explained that “it is reasonably foreseeable that, if one negligently operates a motor vehicle so as to injure a person, there will be one or more persons sufficiently attached emotionally to the injured person that he or they will be affected.”<sup>2</sup>
  - <sup>2</sup> 380 N.E.2d 1295, 1302 (Mass. 1978) (emphasis added).
- Under Massachusetts law, to prove abuse of an employer’s conditional privilege, an employee must show “ ‘more than mere negligence or want of sound judgment’ ” and “ ‘more than hasty or mistaken action.’ ”<sup>3</sup>
  - <sup>3</sup> *Shore v. Retailers Commercial Agency, Inc.*, 174 N.E.2d 376, 380 (Mass. 1961) (quoting *Pecue v. West*, 135 N.E. 515, 517 (N.Y. 1922)).

# Quotations of fifty words and over

- ▶ *R5.1(a)*
- ▶ Use a **block quote** (indent left & right margins, single space and omit quotation marks) for quotations of **50 or more words**.
- ▶ Block quotations should be introduced with a proper lead in, usually followed by a colon.
- ▶ The citation to the quoted material should **not** appear with the block quote, but rather should appear on the next full line (after the block quote and justified with the left margin for text other than block quotes).

# Quotations of fifty words and over (cont'd)

- ▶ Do not use quotation marks around block quotes unless you have an imbedded quote within the block quote, in which case that quote should be set off with double quotation marks. Any further imbedded quotes should be indicated with alternating single and double quotation marks.
- ▶ *See* R5.1(a) for examples of block quotations followed by a citation.

# Alterations/Omissions

- ▶ *R5.2 & R5.3*
- ▶ When changing a letter in a quotation from upper to lower case, or vice versa, enclose it in **brackets**. Substituted words or letters also should be bracketed.
- ▶ Use an **ellipsis (3 periods separated by spaces and set off by a space before the first and after the last period)** to take the place of omitted word(s). These ellipses should never be used to begin a quotation.
  - “[P]ublic confidence . . . depend[s upon] full disclosure of all the facts, within the framework of the rules of evidence.”

# String Cites

- ▶ *See generally R1 & R1.3*
- ▶ String cites are citations to more than one authority in a footnote.
- ▶ String cites are used when several sources are listed for one proposition.
- ▶ In a string cite, use semicolons to separate authorities.
- ▶ String cites may contain full cites and/or short cites, as appropriate.
- ▶ There is a limited use of *id.* in string cites. *See* R4.1. **Never** use *id.* to refer to a source in a preceding footnote that contains multiple sources.
- ▶ Order of authority: R1.4.

# Example of string cites

- ▶ <sup>1</sup> *See, e.g.*, Williams v. Rhodes, 393 U.S. 23, 28-29 (1968); Klump v. Johnson, 71 F.3d 1368, 1371 (7th Cir. 1995); Mitchell v. Davis, 598 So. 2d 801, 803 (Ala. 1992); Robinson v. Robinson, 914 S.W.2d 292, 295 (Ark. 1996); Terror Mining Co. v. Roter, 866 P.2d 929, 932-33 (Colo. 1994); Mohorn v. Ross, 422 S.E.2d 290, 291 (Ga. Ct. App. 1992); Pullen v. Novak, 99 N.W.2d 16, 19 (Neb. 1959).

# Tangential References to Cases - Parentheticals

- ▶ *R1.5*
- ▶ Parentheticals - An explanatory phrase allows a writer to provide additional information about cases in a terse manner.
- ▶ An explanatory parenthetical typically consists of a phrase that begins with a present participle (e.g., noting, stressing, highlighting), a quoted sentence, or a short statement that is appropriate in context.
- ▶ Extraneous words, such as “the,” may be omitted unless doing so would result in confusion.
- ▶ Place information about a case inside parentheses, immediately after the citation to that case, when the relevance of that case may not otherwise be apparent to your reader.

# Careful use of parentheticals

- ▶ Explanatory parentheticals should not contain information that is significant enough to your legal analysis that it should be in your text.
- ▶ Likewise, parentheticals should not restate information about a case that is already contained in the document's text.
- ▶ They are best reserved for use with citations to cases that serve as additional support for a proposition for which you have more important authority or to provide an example after a general proposition.

# What parentheticals can be used for

- ▶ Among other things, a parenthetical can briefly explain a case not otherwise discussed in the text of your document.
- ▶ The Bluebook encourages the use of parentheticals with some introductory signals (“*see also*” and “*see generally*”) and strongly encourages it with others (“*compare*”, “*cf.*”, and “*but cf.*”)

# Example of a parenthetical

- ▶ To state a claim for negligent infliction of emotional distress, a claimant must, among other things, either witness the injury-causing accident or witness its consequences shortly thereafter.<sup>18</sup>
  - <sup>18</sup> See *Dziokonski v. Babineau*, 375 Mass. 555, 568 (1978) (concluding that a mother who did not actually witness her daughter's accident, but who arrived at the scene and witnessed its immediate aftermath, including her daughter's injuries, was sufficiently close to the scene that her estate could state a claim).

# Formatting for a parenthetical

- ▶ Typically, the first word in an explanatory parenthetical is **not capitalized** and the period comes after the last parenthesis.
- ▶ If, however, you include in your parenthetical a **quotation** of one or more full sentences, it should generally begin with a capital letter and be enclosed in quotation marks, and there should be a period inside and outside the last parenthesis.

# Example of a parenthetical containing a quotation

- ▶ <sup>18</sup> *See* Dziokonski v. Babineau, 375 Mass. 555, 566 (1978) (“The fact that the causal connection between a parent’s emotional response to peril to his child and the parent’s resulting physical injuries is difficult to prove or disprove cannot justify denying all recovery.”).

# Additional parenthetical information about a case

- ▶ *R10.6*
- ▶ You must include an additional parenthetical explanation when you are citing a case for a proposition that is NOT the holding of the court, such as a dissenting opinion, a plurality opinion, or dictum. In other words, tell the reader the weight of the authority by using a parenthetical. **Examples:**
  - <sup>7</sup> Parker v. Randolph, 442 U.S. 62, 84 (1979) (*Stevens, J., dissenting*).
  - <sup>14</sup> Webb v. Baxter Healthcare Corp., 57 F.3d 1067 (4th Cir. 1995) (*unpublished table opinion*).

# Additional parenthetical information about a case (cont'd)

- Use parentheticals to summarize the holding of a case when that information is not clear from the textual sentence preceding the citation.

## Examples:

- ▶ The terms “obscene,” “lewd,” and “vulgar” are not, as a matter of law, unduly vague.<sup>3</sup>
  - <sup>3</sup> See *Bystrom v. Fridley High Sch., Indep. Sch. Dist. No. 14*, 822 F.2d 747, 751 (8th Cir. 1987) (holding that a school policy prohibiting the distribution on school grounds of material that was “obscene to minors” was not unconstitutionally vague).
- ▶ <sup>82</sup> *Lodi v. Lodi*, 219 Cal. Rptr. 116, 118 (Ct. App. 1985) (holding that a man could not sue himself for trying to raid his own trust fund).

# Additional parenthetical information about a case (cont'd)

- Use parentheticals to summarize the facts of a case when that information is not clear from the textual sentence preceding the citation.

## Example:

- ▶ <sup>11</sup> Commonwealth v. Ireland, 31 N.E.2d 33, 43 (Mass. 1977) (involving a tracking dog that was a purebred bloodhound, was in good health, had been trained to pursue humans for eight months by an Army trainer, and had, in fact, located at least twenty-four missing persons).

# Additional parenthetical information about a case (cont'd)

- The Bluebook dictates that certain alterations to quotations must be included in a parenthetical.

## Example:

- ▶ “The sky is *always* blue.”<sup>5</sup>
  - <sup>5</sup> Green v. Yellow, 110 R.I. 660, 664 (1980) (emphasis added).

# Parallel Citations

- ▶ *R10.3.1*
- ▶ Parallel citations are citations to more than one source (most frequently, more than one case reporter) for the same authority.
- ▶ As the Bluebook notes, practitioners in a state court must refer to the court's local rules when determining whether to provide parallel citations.
- ▶ However, in law review articles, cite only to the relevant regional reporter, if the decision can be found in that reporter. Therefore, parallel citations are not commonly found in law review articles.
- ▶ If the case is not found in the regional reporter, see R10.3.1(b).

# Signals

- ▶ *R1.2*
- ▶ Certain words, known as “signals,” may precede citations to show the purpose of the citation and the strength of support provided by the citation. For example, signals might indicate whether the cited source supports, contradicts, or otherwise affects the proposition for which it has been cited.

# Signals (cont'd)

- ▶ Common signals are “no signal” and “see.”
  - *No signal* – the citation sentence or clause contains no introductory signal when it: (1) directly states the proposition preceding it, (2) is the source of a direct quotation, or (3) identifies an authority referred to in the text. **If your authority does not meet any of these requirements, you must provide a signal prior to your cite.**
  - *See* – the citation sentence or clause clearly supports the proposition. The difference between “no signal” and “see” is one of degree. Use “see” when the authority does not directly state the proposition but the proposition is obviously supported by the source.

# Order of signals

- ▶ *R1.3*
- ▶ When more than one signal is used in a citation sentence or clause, R1.3 dictates the order in which they should appear.
- ▶ R1.4 dictates the order of legal authorities within each signal.

# Formatting for signals

- ▶ Italicize signals when they appear in citation sentences or clauses. When an introductory signal is used as part of a textual sentence, however, it is not italicized.
- ▶ Signals begin with a capital letter **only** when they begin a sentence.
- ▶ There is a space between the signal and the case name.
- ▶ When appropriate, two or more signals may be paired together.

# Examples of “no signal”

- ▶ Fifty-one years ago, the United States Supreme Court held that racial segregation in public schools violates the Fourteenth Amendment’s guarantee of Equal Protection.<sup>3</sup>
  - <sup>3</sup>-Brown v. Bd. of Educ., 347 U.S. 483, 494 (1954).
- ▶ In *Brown v. Board of Education*, the United States Supreme Court began to unravel Jim Crow.<sup>4</sup>
  - <sup>4</sup> 347 U.S. 483, 494 (1954).

# Other types of signals

- ▶ Signals that indicate support for the proposition
  - *See* and *see also*
  - *E.g.* means “for example”
  - *Accord* means “agreement”
  - *Cf.* literally means “compare”

# Other types of signals (cont'd)

- ▶ Signals that suggest a useful comparison
  - *Compare . . . with . . .*

# Other types of signals (cont'd)

- ▶ Signals that contradict the proposition
  - *Contra*
  - *But see*
  - *But cf.*

# Other types of signals (cont'd)

- ▶ Signals that indicate background material
  - *See generally*

# More examples of signals

- ▶ Racially segregated swimming pools and public parks are inherently unequal, just as racially segregated education is inherently unequal.<sup>5</sup>
  - <sup>5</sup> *See Brown*, 347 U.S. at 494; *see also* *Mass. Ass'n of Older Americans v. Sharp*, 700 F.2d 749, 753 (1st Cir. 1983) (“Termination of [medical] benefits that causes individuals to forgo . . . necessary medical care is clearly irreparable injury.”).

# More examples of signals (cont'd)

- ▶ Courts have frequently certified classes in cases involving the rights of individuals with developmental and psychiatric disabilities.<sup>2</sup>
  - <sup>2</sup> *See, e.g.,* Thomas v. Flaherty, 902 F.2d 250, 251 (4th Cir. 1990) (certifying class action in a case involving constitutional rights of individuals with mental retardation); Chisolm v. Jindal, No. CIV. A. 97-3274, 1998 WL 92272, at \*1 (E.D. La. Mar. 2, 1998) (certifying class action of individuals with developmental disabilities who were on waiting lists for Medicaid services).
- ▶ Because Kentucky law authorizes up to a ninety-day prison term for violating that state's car insurance requirement, “no insurance” in Kentucky does not constitute a “minor traffic infraction.”<sup>23</sup>
  - <sup>23</sup> *See* Ky. Rev. Stat. Ann. § 4A1.2(c)(2) (West 2001). *Accord* United States v. Perez de Dios, 237 F.3d 1192, 1199 (10th Cir. 2001) (determining that driving without proof of insurance is not a minor traffic infraction under section 4A1.2(c)(2)).

# More examples of signals (cont'd)

- ▶ Advocates for gay rights argue that barring an individual from marrying an individual of the same gender violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.<sup>11</sup>
  - <sup>11</sup> *Cf. Loving v. Virginia*, 388 U.S. 1, 12 (1967) (holding that laws barring individuals from marrying individuals of different races violate the Equal Protection Clause).
- ▶ <sup>18</sup> *See generally* Carl Bogus, *Why Lawsuits Are Good for America: Disciplined Democracy, Big Business, and the Common Law* (2001) (explaining how tort lawsuits benefit democracy).

# More examples of signals (cont'd)

- ▶ During World War II, the United States Supreme Court authorized military tribunals to try Nazi saboteurs.<sup>14</sup>
  - <sup>14</sup> *Ex parte Quirin*, 317 U.S. 1, 20 (1942). *But see* Jonathan Turley, *Trials and Tribulations*, 70 Geo. Wash. L. Rev. 649, 735-39 (2002) (criticizing *Quirin* as improper and unconstitutional).
- ▶ Even skeptics about the prohibition of insider trading tend to look askance at an insider who profits from the poor performance of the company—poor performance for which the insider may be responsible.<sup>16</sup>
  - <sup>16</sup> *But cf.* Dennis W. Carlton & Daniel R. Fischel, *The Regulation of Insider Trading*, 35 Stan. L. Rev. 857, 872, 873-75 (1983) (describing benefits of allowing insider trading).

# Subsequent History

- ▶ *R10.7*
- ▶ You must provide the entire subsequent history of a case when you cite the case in full. For example, if citing a trial court case in full, include the citation to the appellate court decision affirming the trial court's ruling.
  - <sup>8</sup> Jones v. Smith, 235 F. Supp. 102 (S.D.N.Y. 1965), *aff' d*, 312 F.2d 901 (2d Cir. 1966).

# Subsequent history (cont'd)

- ▶ Omit denials of certiorari or denials of similar discretionary appeals unless the decision is less than two years old or the denial is especially relevant.
- ▶ Separate decisions involving other issues with their own prior and subsequent history are provided only if they are relevant to the point for which the case is discussed.

# Examples of subsequent history

- ▶ <sup>7</sup> Link v. Wabash R.R. Co., 291 F.2d 542, 547 (7th Cir. 1961), *aff'd*, 370 U.S. 626 (1962).
- ▶ <sup>64</sup> Planned Parenthood of N. New England v. Heed, 390 F.3d 53, 55 (1st Cir. 2004), *cert. granted sub nom. Ayotte v. Planned Parenthood of N. New England*, 125 S. Ct. 2294 (2005).
- ▶ <sup>77</sup> United States v. Peterson, 305 F.3d 643, 650 (7th Cir. 2004), *cert. denied*, 538 U.S. 1001 (2005).

# Example of subsequent history using explanatory phrases

- ▶ <sup>55</sup> Doe v. Stincer, 990 F. Supp. 1427, 1430 (S.D. Fla. 1997), *vacated on other grounds*, 175 F.3d 879, 883 (11th Cir. 1999).

# Examples of subsequent history for decisions that have been overruled

- ▶ <sup>4</sup> Spade v. Lynn & Boston R.R. Co., 47 N.E. 88, 89-90 (Mass. 1897), *overruled by* Dziokonski v. Babineau, 380 N.E.2d 1295, 1299 (Mass. 1978).
- ▶ <sup>93</sup> G-W-L, Inc. v. Robichaux, 643 S.W.2d 392, 393 (Tex. 1982), *overruled on other grounds by* Melody Home Mfg. Co. v. Barnes, 741 S.W.2d 349, 355 (Tex. 1987).

# Case Names in Textual Sentences

- ▶ For case names in *textual sentences*, R10.2.1(c) specifies that only widely known acronyms and the following eight words are abbreviated:

And = &

Association = Ass'n

Brothers = Bros.

Company = Co.

Corporation = Corp.

Incorporated = Inc.

Limited = Ltd.

Number = No.

# Citing Statutes



- ▶ Now that we have covered the rules for citing cases, we will address the format for citing statutes – *R12.*

# Federal statutes

## Entire Statute:

official name of act

U.S.C. title number

Americans with Disabilities Act, 42 U.S.C.  
§§ 12101-12701 (2018).

section  
symbols

span of  
sections  
containing  
statute

date of  
code edition  
cited (optional)

abbreviation of code  
cited

# Specific provision of U.S. Code

Cite to official code (U.S.C.) if available. The Bluebook states that, “[i]f available, cite a current official code for statutes currently in force.”

42 U.S.C. § 1983.

Otherwise, cite to an unofficial code (e.g. U.S.C.S. or U.S.C.A.), and include the name of the publisher in parentheses along with the date, if included.

12 U.S.C.A. § 1426 (West Supp.).

# Codification of U.S.C.

- ▶ *R12.2.1*
- ▶ The United States Code (U.S.C.) is only codified once every 6 years, and an annual supplement is published yearly.
- ▶ An exact copy of the U.S.C. can be found online.

# State statutes

- ▶ Use Table T1 to identify the appropriate state code and the abbreviation for that code.
- ▶ Follow a similar format rules for citing to federal statutes:
  - Parking Authority Law, 53 Pa. Cons. Stat. §§ 5501-5517 (2020). - Note that the year is required for state statutes.



# Constitutions

- ▶ *R11*
- ▶ Cite the U.S. Constitution by using U.S. and the abbreviation “CONST.” in large and small capitals.
- ▶ Cite state constitutions by using the abbreviated name of the state and the abbreviation “CONST.” in large and small capitals.
- ▶ Do not use a short citation form (other than *id.*) for constitutions.
  - <sup>18</sup> U.S. CONST. amend. XIV, § 1.
  - <sup>32</sup> N.M. CONST. art. IV, § 7.

# Section and paragraph symbols

- ▶ *R3.3 & R6.2(c)*
- ▶ When a legal authority is organized by section (§) or paragraph (¶), cite using the appropriate symbol.
- ▶ When using these symbols, there should be a space between the “ § ” or “ ¶ ” and the numeral that follows.
- ▶ Do not use “at” before a section or paragraph symbol.
  - <sup>5</sup> 15 U.S.C. § 18.
  - <sup>9</sup> *Id.* § 19.

# Rules of Evidence and Procedure

## ▶ *R12.9.3*

- ▶ Cite current rules of evidence or procedure in large and small capitals without any date.
- ▶ Use abbreviations such as the following:
  - <sup>8</sup> FED. R. CIV. P. 12(b)(6).
  - <sup>9</sup> FED. R. CIV. P. 11.
  - <sup>10</sup> FED. R. EVID. 410.
  - <sup>11</sup> FED. R. EVID. 42(a).

# Model Codes, restatements, standards, etc.

## ▶ *R12.9.5*

- ▶ Include the name of the code in large and small caps, the section or subdivision, and a relevant date.
- ▶ For restatements, include the year of publication.
- ▶ For model codes, standards, and sentencing guidelines, use the year the code was adopted or last amended.
  - **Examples:**
    - <sup>19</sup> RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 3 (1995).
    - <sup>21</sup> MODEL BUS. CORP. ACT § 57 (1979).
    - <sup>23</sup> RESTATEMENT (SECOND) OF TORTS § 847A (Tentative Draft No. 17, 1974).

# Regulations

- ▶ *R14.2*
- ▶ Cite federal rules and regulations to the C.F.R. by **title, section or part, and year.**
- ▶ Example of a typical citation of a regulation in the Code of Federal Regulations (C.F.R.):
  - <sup>49</sup> **7 C.F.R. § 319.76 (2020).**
  - The **abbreviated name** of the issuing body may also be include if helpful:
    - <sup>1</sup>**FCC Broadcast Radio Services, 47 C.F.R. § 73.609 (2020).**

# Regulations (cont'd)

- ▶ The **Federal Register** (Fed. Reg.) publishes rules and regulations before they are entered into the C.F.R.
- ▶ Citations to rules or regulations in Fed. Reg. should give any commonly used name of the regulation, the volume and page where the discussion or regulation begins, and the date of the regulation.
- ▶ If the Fed. Reg. shows where the rule will appear in the C.F.R., include that information parenthetically:
  - <sup>9</sup> Importation of Fruits and Vegetables, 60 Fed. Reg. 50,379, 50,381 (Sept. 29, 2019) (to be codified at 7 C.F.R. pt. 300).
  - <sup>12</sup> Federal Acquisition Regulations for National Aeronautics and Space Administration, 55 Fed. Reg. 52,782 (Dec. 21, 2019) (to be codified at 48 C.F.R. pt. 1).

# Periodical Materials (Law Review, Magazine, and Newspaper Articles)

- ▶ *R16*
- ▶ Example of a citation to specific pages of a law review article:
  - <sup>52</sup> Charles A. Reich, *The New Property*, 73 Yale L.J. 733, 737-38 (1964) (discussing the importance of government largess).
- ▶ Example of a citation of a signed newspaper article:
  - <sup>27</sup> Seth Mydans, *Los Angeles Police Chief Removed for 60 Days in Inquiry on Beating*, N.Y. Times, Apr. 5, 1991, at A1.

# Periodical Materials (Law Review, Magazine, and Newspaper Articles) (cont'd)

- ▶ See the Bluebook for more specific rules on citing periodical materials, such as:
  - When there are multiple authors for an article, and
  - When a law review article is a student-written article, etc.
- ▶ Also see Table T13 for abbreviations for periodical titles.

# Don't forget about the index!

- This Guide has covered only the most general Bluebook rules
- Remember to use the index for other rules not covered in the Guide...
  - Such as:
    - R12.5 (Electronic Code Databases)
    - R13 (Legislative Materials)
    - R17 (Unpublished and Forthcoming Sources)
    - R18 (Internet and Electronic Media)
    - R20-21 (Foreign and International Materials)