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Thre Dreaded *Bluebook*

Mary Whisner

University of Washington School of Law

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Practicing Reference . . .

The Dreaded *Bluebook**

Mary Whisner**

¶1 The *Bluebook*¹ is reviled by many as confusing, arcane, and nitpicky. And some of those who are stumped and intimidated by the *Bluebook* come to reference librarians asking for help. Thus we are presented with a wonderful opportunity to serve (while building our credibility and earning our patrons' thanks). But of course we must first get past our own *Bluebook* anxiety.

¶2 At the outset, let me say that I am aware that the *Bluebook*'s dominion is not complete. In law schools, ALWD² has made inroads and has been adopted by many legal writing programs.³ I haven't worked with it, but even if ALWD is cleaner, simpler, and easier to follow, I suspect that some of its users feel about it pretty much the way others feel about the *Bluebook* (perhaps not realizing how much worse things could be). The same might hold for jurisdiction-specific citation rules for local practitioners.⁴ So, while I am going to speak of the *Bluebook* and of people's relationships with it, I think that much of what I say can easily be applied where the *Bluebook* is not the citation manual of record.

Why It's Hated

¶3 The widespread loathing of the *Bluebook* has at least two sources. First, people hate it because it's hard for them. It is detailed and complex, and it requires them to think about things that they aren't used to focusing on.

¶4 Second, the *Bluebook* evokes an anxiety akin to certain social anxieties. You know what it's like to go to a formal dinner, hoping to impress your hosts, and

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** Reference Librarian, Marian Gould Gallagher Law Library, University of Washington School of Law, Seattle. Mary A. Hotchkiss provided helpful comments on a draft of this essay.

1. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (18th ed. 2005) [hereinafter BLUEBOOK].
2. ASS'N OF LEGAL WRITING DIRS. & DARBY DICKERSON, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION (3d ed. 2006). The first edition came out in 2000.
3. In a recent survey of journals at top-tier law schools, only one journal reported using a citation manual other than the *Bluebook*. Mary Rumsey & April Schwartz, *Paper versus Electronic Sources for Law Review Cite Checking: Should Paper Be the Gold Standard?*, 97 LAW LIBR. J. 31, 33, 2005 LAW LIBR. J. 2 ¶ 6.
4. My own state's rules instruct practitioners to follow the *Bluebook*, with just a page and a half of state-specific exceptions (for instance, citing our state's statutory code, the *Revised Code of Washington*, as "RCW" rather than the *Bluebook*'s "Wash. Rev. Code"). See Wash. Courts, Office of Reporter of Decisions, Style Sheet (Sept. 20, 2005), available at http://www.courts.wa.gov/appellate_trial_courts/supreme/?fa=atc_supreme.style. Isn't it ironic that it's so hard to cite a rule on citation?

worrying that you'll be judged on your misuse of a fork? Or to be the new kid in school discovering too late that clothes you used to wear at your old school are considered uncool? Those feelings are similar to what students (and others) feel when their papers are marked up for violations of fussy little citation rules they were only vaguely aware of. In each case there is a code of rules—etiquette, teenage fashion, or citation format—but the newcomer does not fully understand the rules, and the social stakes are high. A novice who blows it, even on a detail that seems very insignificant to the uninitiated, faces rejection by the high prestige group. With *Bluebook* citation, the rejection takes the form of a lower score on a writing assignment or instructions from a journal editor to fix a draft, but it's rejection nonetheless.⁵

Often Not Inherently Important, But Still Worth Learning

¶5 Because I internalized many of the rules long ago, it's reflexive for me to notice *Bluebook* errors—at least the basic ones. But I stop myself from harsh judgments when the mistake doesn't affect function. For example, if a brief writer uses "C.A.1" instead of "1st Cir.," my understanding isn't harmed. It gets the job done, just as a salad fork can gracefully get a morsel of entrée from plate to mouth. I do still notice that the citation doesn't conform to the rules, but I know that it's only a citation infraction, not a mark of something worse than a lack of familiarity with the *Bluebook* or a lack of care in its application. (Of course, the year our school's Moot Court Honor Board hosted a regional competition and asked me to score briefs for compliance with citation rules and other technical requirements, it was my job to notice and to judge, so I whittled off points for things like that.)

¶6 More significant are the *Bluebook* violations that detract from the core purposes of citation: they make it harder to evaluate the authority or they make it harder to locate it. "C.A. 1, 2001" isn't correct, but it's a lot better than when a writer omits the circuit or the date (or, heaven forbid, both). That information is needed for the reader to tell where the case fits in a line of precedent and whether it is mandatory or persuasive in the jurisdiction. If the purely stylistic error is like using the wrong fork—wrong, but still effective—then leaving out the date and court is like using a fork to eat soup: wrong *and* it doesn't work very well.

¶7 Even though the *Bluebook* came easily to me and I am fairly comfortable with most of its rules, I do see the ridiculousness of it all. I know it's arbitrary that an author's name should be in large and small caps if she wrote a book but in

5. In addition to this social anxiety, the *Bluebook* may also foster an epistemological anxiety, because the gradations of signals and the invitation (or expectation) to include string cites makes authors deeply uncertain about authority—what to cite, how much to cite, what support is direct support and what is indirect, and so on. See generally Michael Bacchus, Comment, *Strung Out: Legal Citation, The Bluebook, and the Anxiety of Authority*, 151 U. PA. L. REV. 245 (2002).

ordinary roman if she wrote an article.⁶ I know it's petty to worry about there being no space in "F.3d" but spaces in "F. Supp. 2d."⁷ Still, it's worth learning even the silly rules. If you are taking young friends or your children to a fancy dinner, you do them a service by first explaining different forks, bread plates, and so on. You don't have to say that the customs are inherently important. But they *are* customs, and we humans form our social networks in part by shared observance of customs. Keeping this in mind helps me explain the arbitrary rules to students without being totally embarrassed by the minutiae.⁸

Reasons for Rules

¶8 Plus there are the good reasons for citation rules: (1) enabling researchers to find the material cited; (2) helping readers evaluate the authority an author uses to support an argument (and hence to evaluate the argument); (3) streamlining citations to save typing, ink, and paper.⁹

¶9 The first benefit might seem obvious: *of course* citations should make it possible for someone else to find what is cited. But since some people manage to cite things so poorly that it is hard to find what they're talking about, that principle must not be obvious to them. Having standard abbreviations that everyone in the community recognizes (or can look up easily) helps us recognize citations and find the sources. Some of the rules further help retrieval by forcing writers to include infor-

6. Compare BLUEBOOK, *supra* note 1, at 130 (R. 15.1), with *id.* at 139 (R. 16.1).

7. See *id.* at 72 (R. 6.1).

8. The arbitrary rules can bear deeper messages. See, e.g., Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 829 (author's footnote) (1990) (decrying the then-current rule precluding the citation of authors' first names as preventing the author from humanizing and particularizing them); J.M. Balkin & Sanford Levinson, Commentary, *The Canons of Constitutional Law*, 111 HARV. L. REV. 963, 965 n.8 (1998) (observing that the *Bluebook's* requirement that Justices of the United States Supreme Court always be referred to by title illustrates how "constitutional interpretation is much too centered on the worship of the Supreme Court and its pronouncements"). I love critiques like these, but as a practical matter, the people who come to our Reference Office are generally grumbling about the rules' pettiness, not their political implications.

9. Others have discussed different purposes for the *Bluebook's*—or any citation manual's—rules. See Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343, 1344 (1986) (stating that a citation system should "spare the writer or editor from having to think about citation form"; "economize on space and the reader's time"; "provide information to the reader"; and "minimize distraction"); James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1793–94 (1992) (book review) ("A uniform and common-sense citation system makes legal writing easier and helps readers to retrieve cited works with a minimum of fuss."). One editor revealed that the *Bluebook* is designed and implemented "with the single minded goal of spanking authors with a paddle, while generating sufficient revenue for the Bluebook schools to support the Executive Editors' ever-expanding drinking habit." Aside, *Challenging Law Review Dominance*, 149 U. PA. L. REV. 1601, 1604 (2001) (quoting Confidential Memorandum from Dan Garodnick, Editor-in-Chief, Univ. of Pa. Law Review, to the Editors of the Columbia and Harvard Law Reviews and The Yale Law Journal (Feb. 14, 2000)).

One last purpose served by citation form: I hesitate to reveal my total geekiness, but I confess that I find an aesthetic pleasure in making my citations look "right." Since I learned a keyboard shortcut in Word (ctrl-shift-k), I even think it's fun to convert ordinary roman type to LARGE AND SMALL CAPITALS. See BLUEBOOK, *supra* note 1, at 54 (R. 2.1).

mation to disambiguate citations: which edition of a book are you citing? which year of a statutory code? which publisher's version of a code? on what page of the source will a researcher find the passage you're relying on?

¶10 By the way, the goal of making it possible to find things explains a rule that confuses many people. Most law reviews are paginated consecutively through a volume, so we can cite an article unambiguously by volume and page: 79 J. NAME 36 (2003). But if a journal or magazine starts numbering with page one each issue within a volume, then the rule has to be different. Volume 79 of a given journal might have twelve different articles starting on page 36, so it makes sense instead to cite journals that are not paginated consecutively with the format: J. NAME, June 2003, at 36.¹⁰

¶11 Citation rules facilitate a reader's evaluations in many ways: the court and the year help a reader evaluate the authority of a case, parentheticals explain why the author has cited something, subsequent history notations indicate whether a case has been upheld or reversed on appeal, signals tell how the author thinks that a source supports or doesn't support a proposition.

¶12 Citation rules balance these purposes—providing paths to the sources and providing information to help evaluate the authority and argument—with the goal of streamlining. Think how much space is saved in a typical brief or article by being able to say “P.3d” instead of “West's Pacific Reporter, Third Series” and “N.Y.U. Rev. L. & Soc. Change” instead of “New York University Review of Law and Social Change.” Add in all the other abbreviations and the uses of *id.* and *supra* for secondary sources and short forms for case names and you're saving a lot of space and typing.

¶13 Now it would be quite possible to save the space and typing without abbreviating exactly the way that the *Bluebook* editors command us. In most contexts, readers would recognize “Assoc.” or “Ass.” or “Assn.” as an abbreviation of “Association” just as easily as they recognize “Ass'n.” There is some benefit in standardization—you don't want a reader to see “Ala.” and think “Alaska” if you're really discussing Alabama law—but most errors in abbreviation would confuse no one. But there is this manual that standardizes the format, and there are some readers who notice little infractions (think of the salad fork issue). It's not terribly hard to use the *Bluebook*'s tables to abbreviate the way everyone else does, and having the rules saves us the bother of coming up with a good, unambiguous abbreviation each time we have a long word we want to shorten. Compliance isn't (too) hard and it might help, so why not do it the way the *Bluebook* says?

We Can Help

¶14 Because many people are confused by and anxious about *Bluebook* rules and yet are forced to comply with them, there is a demand for help. We get questions

10. Compare BLUEBOOK, *supra* note 1, at 140 (R. 16.3), with *id.* at 140–41 (R. 16.4).

from law students, faculty secretaries, and lawyers. Faculty secretaries requested that a reference librarian give them a class in *Bluebook* basics. Editors of one of our student journals asked for presentations on some fine points (e.g., citing electronic sources). When we offered lunchtime lessons on a variety of topics, the *Bluebook* presentations were among the best attended.¹¹

¶15 I suppose we could cut these off, saying: your questions aren't about research, and we only do research. But why? They want to know, they come to us with questions, and we have some expertise. We don't have to believe that the *Bluebook* is a great citation system, and we can even agree with the critics who say that its complexity wastes writers' and editors' time.¹² But we can still help the people who have questions.

¶16 Many patrons can be helped with some very basic bibliographic instruction. When they come in with their questions, they may not have yet tried to use the *Bluebook's* table of contents, index, or tables. The web generation hasn't had much experience with using a book's finding aids, especially not a book whose structure is as complex as this one's.

¶17 Once we help the patron find a relevant rule or page, we can help sort through the material and figure out what the rule means and how the examples illustrate it. If this were a statutory code, we would shy away from doing so much interpretive work because of our policies against giving legal advice. But the *Bluebook* isn't a statutory code (although it's structured like one), and we aren't giving "legal advice" when we parse a rule.

¶18 It's great when we can show the patron a good example of citation form. *Prince's Dictionary of Legal Citations*¹³ is an excellent aid, since it lists thousands of sources and shows how they are cited.

¶19 A favorite trick in our reference department—which often pleases students with its neatness—is using the power of full-text searching to find examples for even seemingly obscure material (e.g., U.N. reports, foreign cases, draft statements from a professional group). Odds are good that someone has cited the source (or something close to it). If the citation is in one of the four *Bluebook* law reviews, all the better: surely their editors should know how to apply their own rules. So if the student isn't sure how to cite the Convention on the Elimination of All Forms of

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11. Sessions with Word tips were also popular—another topic that's not "research" but tied to it because you want to be able to write about what you find.
 12. See Posner, *supra* note 9, at 1348 ("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."); Jim C. Chen, *Something Old, Something New, Something Borrowed, Something Blue*, 58 U. CHI. L. REV. 1527, 1540 (1991) (book review) ("The intricate *Bluebook* diverts scarce intellectual energy from thinking, writing, and rewriting in legal scholarship.").
 13. MARY MILES PRINCE, *PRINCE'S DICTIONARY OF LEGAL CITATIONS: A REFERENCE GUIDE FOR ATTORNEYS, LEGAL SECRETARIES, PARALEGALS, AND LAW STUDENTS* (7th ed. 2006). Ms. Prince continues the work begun by Doris Bieber. See *CURRENT AMERICAN LEGAL CITATIONS WITH 2100 EXAMPLES* (Doris M. Bieber comp. 1983).

Discrimination Against Women, we can go online, search for **elimination /10 discrimination /3 women** and find an example of how the *Harvard Law Review* cited it recently.¹⁴ If the citation is in another law review, that's good too. At least the student writing a comment here can tell his or her editor, "This is my best guess at a citation form, and it's the same way the editors at the *Duke Law Journal* did it."

¶20 Sometimes what you find is that the journals are inconsistent. That can be validating for confused students who thought that the *Bluebook* was only unclear to them. It can also give writers permission to pick a format that makes sense to them.

¶21 I'm pretty good at basic *Bluebook* rules, but writing this piece, I realized I wasn't sure how to cite the *Bluebook* itself. Should I treat the journals that publish it as institutional authors or as editors? Should I cite the rule number (as I would for rules of evidence or ethics) or the page number (as I would for most books)? So I went online, searching for "uniform system of citation" (to include earlier editions when "The Bluebook" wasn't in the title but was just a nickname). Here are formats used by the creators of the *Bluebook*:

Example	Elements included	Used by
A UNIFORM SYSTEM OF CITATION 52 (16th ed. 1996).	Title, page (edition year)	Harvard Law Review ¹⁵ University of Pennsylvania Law Review ¹⁶ Yale Law Journal ¹⁷
COLUMBIA LAW REVIEW, HARVARD LAW REVIEW, UNIVERSITY OF PENNSYLVANIA LAW REVIEW & THE YALE LAW JOURNAL, A UNIFORM SYSTEM OF CITATION 26 (12th ed. 1976)	Authors, title, page (edition year)	Harvard Law Review ¹⁸
A UNIFORM SYSTEM OF CITATION, rule 2.2(c) (14th ed. 1986).	Title, rule (edition year) ("rule" is spelled out, in lower case)	Harvard Law Review ¹⁹
THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 18.2, at 132 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000)	Title, rule, at page (editors [with et al.] edition year) ("rule" is abbreviated "R.")	University of Pennsylvania Law Review ²⁰

14. Nicholas Quinn Rosenkranz, *Executing the Treaty Power*, 118 HARV. L. REV. 1867, 1870 n.8 (2005) (citing Convention on the Elimination of All Forms of Discrimination Against Women, *adopted* Dec. 18, 1979, 1249 U.N.T.S. 13 (signed, but not yet ratified, by the United States)).
15. William H. Allen & Alex Kozinski, Book Review, 94 HARV. L. REV. 312, 320 n.28 (1980) (reviewing RULES OF THE SUPREME COURT OF THE UNITED STATES (1980)); Balkin & Levinson, *supra* note 8, at 965 n.8; Bartlett, *supra* note 8, at 829 (author's footnote).
16. Albert W. Alschuler, *Rediscovering Blackstone*, 145 U. PA. L. REV. 1, 3 n.4 (1996).

¶22 From this exercise I concluded that there isn't one perfect and obvious way to cite the *Bluebook*, and therefore I could have some latitude. The first model listed above seems to be the most common and has the added benefit of being the shortest, so I chose to use that. But I decided to add the rule numbers in parentheses, since some readers might recognize them (e.g., you might know that Rule 10 is the rule for cases, but would you recognize pp. 78–99?).

The Good News

¶23 Being prepared to help people with their *Bluebook* questions gives us the opportunity to provide a service that's in demand. It's not that hard to help: we're expert at using indexes and tables of contents—and we're patient enough to work our way through the many exceptions and cross-references the *Bluebook* is peppered with. We can also use our online skills to find published examples. We understand that there may not be one perfect answer—we live with that sort of ambiguity in much of the research we do— but we can work out a citation format that is plausible and find examples to back it up.

¶24 Since many people feel confusion and discomfort around citation issues, this is an area where even a little help can earn us gratitude. The news is even better because of spillover effects: the student who is helped out of a citation pickle might later think of us when she has a research puzzle in the future. In the end, there's no reason to dread the *Bluebook*, even if our patrons do.

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17. E. Donald Elliott, Jr., *The Dis-Integration of Administrative Law: A Comment on Shapiro*, 92 *YALE L.J.* 1523, 1524 n.10 (1983).
 18. Paulsen, *supra* note 9, at 1783 n.24.
 19. Kenneth Lasson, Commentary, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 *HARV. L. REV.* 926, 940 n.82 (1990).
 20. Aside, *supra* note 9, at 1602 n.7.

