Intro to the Bluebook

Presented by
The Academic Achievement Program
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Intro to the Bluebook

- Why is the Bluebook important?
  - Because the folks on Harvard, Columbia, Yale and Penn Law Reviews said so? Hardly . . .
- Uniformity – the Bluebook sets the standard.
  - “designed to provide the information necessary to lead the reader directly to the specific items cited”
Applying what you’ve learned:

- L-Comm: Memos, Briefs
- Upper Level: Law Review, Paper for writing requirement
- The Real World:
  
  I am quite fortunate to have found this case in light of defense counsel's multiple mistakes in citing to it in his reply brief. In fact, counsel's citations are poor throughout all his pleadings. A few mistakes may be tolerable, but his blatant failure to follow proper citation format is inexcusable. I admonish him not to submit further briefs to this court unless demonstrating a good faith effort to comply with proper format. I refer him to The Bluebook: A Uniform System of Citation (Columbia Law Review Ass'n et al. eds. 17th ed. 2000).

Taking Time to Get it Right

- Take the Bluebook out of your trunk
- Use the index!
- Judges and employers will assess your competence by assessing your attention to detail; attention to detail is exhibited by correct citations
- Correct citations are time-consuming, but when you understand the basics, you can consult the front and back covers to use as a guide
- When in doubt, use published articles or publicly available briefs to confirm proper citation format
Law Review vs. Legal Memos

- Rule B1: The Rule that people should not ignore, but often do.
- Bluepages are for legal memos
- Whitepages are for law review
- Location of Citation: footnote vs. in-text: the pursuit of uncluttered writing
- Typeface Distinctions: differences regarding *italics* and Small Caps. See front and back covers; see “Books,” Rule 15, as an example
Signals: Rule 1

• Signaling tells the reader how you’ve used the source.

• The basics:
  • No signal: Justice Scalia held that animals have feelings. X v. Y, 300 U.S. 301, 306 (1989).
    • Means you’ve directly adopted/quoted the source’s assertion.
    • Be confident: use no signal!
  • See: Justice Scalia was right in holding that animals have feelings, since they do. See X v. Y, 300 U.S. 301, 306 (1989).
    • Means that the source clearly supports the assertion but is not stated directly. There is an inferential step
    • Most writers either overuse or underuse “see.” “See” does not give you license to misuse the source.
Signals: Rule 1

- **E.g.**
  - Indicates that other authorities also state the proposition but citation is not necessary (can be used with other signals)

- **See also**
  - Commonly used to cite additional sources that support the point (use parenthetical)

- **See generally**
  - For background material; usually entire book or article (use parenthetical)
Signals: Rule 1: Getting Fancy

- Less Common Signals
  - Cf. ➞ Compare/Confer; different but analogous
  - Contra ➞ Cited authority directly states the contrary of the proposition
  - But see ➞ Cited authority clearly supports a proposition contrary to the main proposition

ORDER OF AUTHORITIES, 1.4 (and the room for discretion when a source is “more important” or “more helpful”)
Parentheticals: B11, 1.5, 5, 10.6

- **Should be used when:**
  - the relevance of what you’re citing might not be clear to the reader
  - begin usually with a gerund/present participle: holding, distinguishing, reasoning, noting, elucidating, rationalizing, arguing, stating . . .
    - i.e. Cooper v. Dupnik, 924 F.2d 1520, 1530–31 (9th Cir. 1991) (holding that the police officers’ actions did not rise to level of due process violation).
  - can also use direct quote in parenthetical explanation, begin with capital, use brackets if need be. Period in and outside of parentheses.
    - i.e. X v. Y, 300 U.S. 301, 303 (2009) ("[A]ll puppies . . . have feelings.").
    - never, ever disturb the source’s text: use brackets
  - “Hybrid” parenthetical explanations, like gerund parentheticals, period outside:
    - i.e. X v. Y, 300 U.S. 301, 309 (distinguishing fish from monkeys because “[f]ish do not breathe air”)

More Parenthetical Excitement

- Rule 5.2: (emphasis added), (emphasis in original), (citation omitted)
- Attribute quotes to original source when practicable, avoid the game of telephone, use (quoting, citing . . . )
- Rule 9: (5–4 decision) (Roberts, C.J., dissenting)
- 10.6.3 Order: When using multiple parentheticals, keep this order in mind: weight of authority (6–3 decision) (dissenting?), quoting/citing, explanatory
- If an explanatory parenthetical contains text that itself requires a “quoting” or “citing” parenthetical, the two parentheticals should be nested:
  - Cooper v. Dupnik, 924 F.2d 1520, 1530-31 (9th Cir. 1991) (holding that the police officers’ actions “did not rise to level of due process violation” (quoting Weissman v. CIA, 565 F.2d 692, 695 (D.C. Cir. 1977)))
Cases and Statutes
Cases and Statutes

- Meritor Savings Bank versus Vinson Construction Company, Volume Four Hundred Seventy-Seven, United States Reports, Beginning on page 57, Citing to page 60 through 63, Case is from 1986
Cases

- Found at R10 in the BlueBook
- Start with the party’s names
  - Look to rule 10.2 of the BlueBook
  - 10.2.2 Concerns abbreviation of case/party names and citations
  - Go to T.6 in the back of the BlueBook
  - Match any names with the proper abbreviations in T.6
Cases . . . Citing the Reporter

- Start with Rule 10.3 to determine how to cite reporters and other sources.
- 10.3 sends you to T.1
- Table 1 explains how to cite all U.S. court decisions, both federal and state.
- Since the case is a U.S. Supreme Court decision, look under T1.1 (federal) and find United States Reports. It is cited as “U.S.”
- Return to Rule 10 which explains the order of the volume, reporter, and page.
- So we have: 477 U.S. 57
- *Remember you always put the first page of the case after the reporter—to draw attention to a certain idea, you place the page number after the comma.
- After the page numbers are clear, you insert parentheses and the date of the decision—remember to always follow up with a period.
Here’s the Cite:

- But keep in mind: use short cites later on in the same document; also, try to avoid in-sentence full cites.
- Common slip-ups:
  - Fla. 3d DCA vs. Fla. 3rd DCA; 2d Cir. vs. 2nd Cir.
  - So. 2d. v. So.2d ; F.3d vs. F. 3d; F. Supp. 2d vs. F.Supp.2d
Try citing this case:

Northeastern Mountain Development Organization versus Coalition of Appalachian Environmental Engineers, decided 1982, found at page 1832 of volume 296 of the second federal supplement, a bankruptcy decision from the Northern District of West Virginia subsequently reversed by the Fourth Circuit in 1984 en banc at volume 573 of the third federal reporter at page 702. You want to pincite to footnote 7 of the lower court opinion at page 1836.
Answer

Statutes

- The 2000 version of Title Twenty-Eight, United States Code, Section Twelve Ninety-Two
Citation for 1292

- Looking to rule 12, the Bluebook states that one always uses the title number first, followed by the abbreviation of the code cited.
- Look to table 1 for the abbreviations for federal statutes. United States Code is cited U.S.C.
- Using your abbreviation from table 1, you can return to rule 12 and cite the statute.
- Make the section symbol (§) with Alt+0167.
- Short cites: Do not use “at,” i.e. Id. § 1293.

- Things to look out for:
  - If there is an official name for the act, it needs to go before the title number and must followed by a comma. Usually need not worry about this for United States Code citations.
  - If you are citing more than one section, you need to use two subsection characters followed by the sections you are citing. §§ 1291–1292
    But note that this is not the rule if you are just citing multiple subsections ((a)–(b)).
Try citing this statute:

Obamacare – Public Law # 111-148 which is located in the session laws at page 119 of volume 124 and is called the Patient Protection and Affordable Care Act and will be codified at various sections in title 42 of the United States Code
Answer

Books and Periodicals.

Books: Rule 15
Periodicals: Rule 16
Author (books)

- **Full name** as it appears in publication
- Include:
  - Jr. (s) and III (s), etc.
- Do **not** include:
  - Dr. or Prof. (or other designations)

- Remember, differences between law review and memo writing, always keep in mind . . .
  - In law reviews, author name is small caps
  - In legal memoranda, author name is not in small caps
Small Caps

On a PC:
- Font ...
- Effects
- Small Caps

On a Mac:
- Format ...
- Font
- Small Caps

*Shortcut! Control+Shift+K

👍 Homer Simpson

👎 Homer Simpson
Two Authors

As they are listed on page, separated by an &

JOHN SMITH, JR. & JANE DOE
More than two?

Short way:

- First author’s name, followed by “et al.”

  **NOTE:** “ET AL.” is in small caps in law reviews.

  John Smith et al.

Long way:

- List all names

- Separate each with a “,” except the last w/ an &

  Tommy Callihan, John Smith, Jr. & Jane Doe
Title

- Cite full title as appears on page
- **RULE 8** for capitalization
- Do **not** omit or abbreviate words in the title
Special Cites

**RULE 15.8**: Special Citation Forms

Try citing this book:

Sebastian Ibis is the only author. Published in 2005. The book is titled “It’s Great to be a Miami Hurricane.” Referring to page 56.
Answer

- Court Documents- Sebastian Ibis, *It’s Great to be a Miami Hurricane* 56 (2005).
Author [Periodicals – R16]

NOT in small caps

John Smith, Jr.
Title

- Cite as seen on page (same as books) BUT
  - NO SMALL CAPS
  - USE ITALICS FOR THE TITLE

John Smith, Jr., *One-L Year Is Fun*
Periodicals cont.

THE “INVERSE RULE”

When the title includes text that will be in italics in the main text of the paper, you will NOT use italics in that portion...


• Name of law review is small caps!
• If journal issues are not consecutively paginated, cite the date or issue number if date not available. Rule 16.5.
Newspapers
RULE 16.6

Generally, same as periodicals . . .

**BUT** (if necessary) include the designation after the author
- “Op-Ed”
- “Letter to the Editor”
- “Editorial”

Abbreviations

• Why?
• Bluebook yes!
• Westlaw/Lexis noooooooooooo
Try citing this law review article:

Answer


Quotations, Rule 5

Every word, mark, and character matters

• If quotation is 50 words or more, block quote.
• Ellipsis – determined by what & where you’re omitting
  • Four dots separated by spaces if omitting whole paragraphs
  • Three dots for omitting sections of sentences, but be mindful of the end-of-sentence punctuation!

• Brackets
• [Sic] Ex. “Human error was the cause of the plain [sic] crash.”
• Emphasis added
• Use smart quotes. “ instead of "

Ex: “[T]he fact that individuals define themselves . . . comes from the freedom to choose their paths. . . . And this is, of course, is against better judgment[].” Kelly v. State, 465 So. 2d at 323 (emphasis added).
Spacing

- Singles are social (F., S.)
- Numbers are social (2d, 3d)
- Not single or a number? (Fed., Supp., Fla.) need space on all sides
Once you have provided one full citation to an authority, you are free to use a “short form” in later citations to the same authority, as long as:

(i) it will be clear to the reader from the short form what is being referenced—do not short cite to “United States” or “Trustee”—these are common party names, use obscure names like “Huckstable”; 
(ii) the earlier full citation falls in the same general discussion; 
(iii) the reader will have little trouble quickly locating the full citation; and
(iv) the earlier full citation is within the preceding five footnotes if a law review article (five footnote rule).
Short-Form: Cases

*Johnson v. Davis*, 480 So. 2d 625 (Fla. 1985).

- **Johnson**, 480 So. 2d at 627.
  - Points reader to specific page(s).
  - Use the name of the first party *unless* that party is a geographical or governmental unit or other common litigant.

- 480 So. 2d at 627.
  - Don’t need to put the case name in the citation if it is abundantly clear from the proposition what case you’re referencing (for example, you just included the case name in the sentence you’re citing).

- *Id.* at 627.
  - “Id.” may be used when citing the immediately preceding authority, *but only when the immediately preceding citation contains only one authority*. Readers cannot tell which source you are citing again.
  - Also, do not use *id.* when the previous footnote is a supra or infra.

- **Johnson**, 480 So. 2d 625.
  - If citing the *entire* decision, and not specific page(s).
Short-Form: Statutes


becomes . . .
- § 1983.


becomes . . .
- tit. 28, § 1701.
- § 1701.
Supra

- Use “supra” to refer back to material that has already been cited (unless “id.” is appropriate or “supra” is inappropriate for the authority).

- “Supra” may be used to refer to authorities such as legislative hearings; books; pamphlets; reports; unpublished materials; and treaties.
  - “Supra” may not be used to refer to authorities such as cases, statutes, constitutions, restatements, model codes, or regulations, except in extraordinary circumstances, such as when the name of the authority is extremely long.

- “Supra” form generally consists of the last name of the author of the work, followed by a comma and the word “supra.” Indicate any particular manner in which the subsequent citation differs from the former.
  - Example: Williams, supra note 18, at 6.
Infra

- Use “infra” to refer to material that appears *later* in the piece.

**Example:**
- *See discussion infra* Part II.B.2.
- *See infra* pp. 106–07.
- *See infra* p. 50 and note 100.
Hereinafter (supra's buddy)

- Hereinafter is commonly helpful for long acronyms or any long names that are used subsequently and should be shortened, for example, suppose there was a long-winded fictional treaty at footnote 99: The North American Treaty Regarding the Production and Sale of Self-Contained Underwater Breathing Apparatuses, art. 6, Apr. 30, 1983, 63 Stat. 2242, 34 U.N.T.S. 244 [hereinafter Scuba Treaty]. If you want to refer to article 6 of this treaty again, just write “Scuba Treaty, supra note 99.” If you want to refer to other articles, you can simply write “Scuba Treaty, supra note 99, at art. 7.”
Internet Sources (Rule 18.2)

• **Cite to the internet when:**
  
  a) the information is only available on the internet and not in printed form, in which case a direct citation is used (do not use *available at*), or

  b) the content online is the same as the printed version (i.e. a pdf version) and the internet version will *improve access* to the citation, in which case a parallel citation is used (use *available at*).

• **Note:** Normally, the url citation provided should take the reader to the exact page that the material you are citing to is found, not to a home page or intervening page of links (Rule 18.2.2(d))
  
  - Ex: www.yahoo.com/333/H?28h/how_to_bluebook_correctly.htm
  - Not: www.yahoo.com, Business Section
What people commonly do

- Most people just come up with a title, then use “available at” and then paste the URL to cite a website. This isn’t the right way of doing things.
- Lots of examples in the Table on page 164
- NO hyperlinks in your footnotes
Direct Citations to Internet Sources
(Rule 18.2.3)

- Try to follow the same rules for whatever kind of source you are citing to
  - Ex: Author, Title, Publication written the same way for an online news source (R 16.6)
  - The only difference is that the date will be in parenthesis & there *may not* be a page number to cite.
  - Often, an author will not be listed. It is okay to just cite the article name and source.

- You should always include a main page title. Don’t just cite to the web address.

- Dates – when available, include the publication date (and time if also available).
  If there is no publication date, use “last updated” or “last modified.” When material is otherwise undated, use “last visited.”
Parallel Citations to Internet Sources (Rule 18.2.3)

- Use the regular citation for whatever kind of source the original is
- Then separate that citation from the internet citation with a comma and “available at” in italics, followed by no comma & the url
    - If the citation requires parentheticals, place the “available at” after those are done. In other words, the “available at” comes after the full source is completely cited.
Citing to Lexis/Westlaw (R 18.3)

• Cases – only when unreported.
  
  

• Laws – if citing to annotated version.
  
  

• Periodicals – if you can’t find anywhere else.
  
The Eyes of the Law: Justices Eat Pizza Too

By DAVID  LAT

Here’s a fun little judicial sight-ation from the weekend. On Saturday night, at around 9 p.m., Justice Elena Kagan was spotted in the elevator of the luxury apartment building in downtown D.C. that she calls home.
Conclusions . . .

- Don’t let the Bluebook frustrate you . . . it’s just a book . . . it does not have feelings, and you can always burn it and purchase another one if doing so is therapeutic for you.

- And remember it’s important . . . especially if you’re planning on practicing before Judge Zagel. So, take it out of your trunk.
Q&A

Remember, if you have more questions, feel free to ask the Writing Dean’s Fellows!

www.law.miami.edu/aap for our schedules and room assignments. Someone is always available somewhere to help you!