

Preface

The task of checking one's own citations or those of another author to ensure they comply with the format of *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 19th ed. 2010) is usually called cite-checking or "Bluebooking." *The Bluebook* consists of more than 400 pages of rules and tables. Some of these rules are poorly explained and others are inconsistent and arbitrary. For example, when sending a reader to a page within an immediately preceding authority, one uses the form "*id.* at 16." However, when sending the reader to a paragraph or section within an immediately preceding authority, one uses "*id.* § 16" or "*id.* ¶ 16." In other words, one cannot use the word "at" before a section symbol or paragraph sign. Why? No one knows. Similarly, one must place a comma after the title of a law review article or annotation but not after a book title. These and myriad other inconsistencies make cite-checking a frustrating task for nearly all legal writers.

For practitioners, the task is complicated even further by the fact that *The Bluebook* is designed for use by law students or those writing academic law review or law journal articles. Most of the examples given in *The Bluebook* are presented in a particular style of typeface, called "large and small capitals," that practitioners do not use. Moreover, full case names throughout nearly all of *The Bluebook* are neither underscored nor italicized, whereas practitioners always underscore or italicize case names.

In sum, practitioners have lacked a clear and brief guide to citation form designed exclusively for them. After years of teaching legal research and providing numerous in-house seminars for practitioners at law firms, government agencies, and in-house legal departments, it became clear to me that practitioners were woefully underserved by *The Bluebook*. It is my hope that this book fills the need for a short and simple guide to the most common types of citations used by practitioners so that the task of cite-checking will be easier and less frustrating.

■ Use of This Book

All legal authorities can be categorized into one of two broad categories: primary authorities and secondary authorities. Primary authorities include cases, statutes, constitutions, and administrative regulations (such as regulations of the Food and Drug Administration [FDA] or Federal Communications Commission [FCC]). Nearly everything else (including books, articles, and law dictionaries) is a secondary authority. Legal writers typically prefer to cite primary authorities rather than secondary authorities because courts are bound to follow primary authorities from their jurisdiction, assuming these authorities are relevant or “on point.” Primary authorities are thus usually referred to as “binding” or “mandatory,” whereas secondary authorities are described as “persuasive.”

This book is arranged in a building-block approach. First, users should master primary authorities, namely, the most frequently cited authorities: cases and statutes. They will then be ready to move on to secondary authorities and then to the use of quotations, signals, and short forms. In each instance, *The Bluebook* rules are explained, and then examples (most of which are fictitious) are given.

For the most thorough mastery of citation form, users should start at Chapter 1 and continue reading through the text, doing the pertinent exercises along the way. An answer key for each exercise is printed at the back of this book. Although users will quickly be able to memorize some citation forms, most legal writers continually refer to *The Bluebook* to ensure a citation is correct. No one expects legal writers to have mastered all of *The Bluebook* rules together with their numerous exceptions. Thus, continual reference to *The Bluebook* while preparing answers to the exercises herein and while on the job is expected.

As new topics are introduced throughout this book, references are given to the guiding rules or sections in *The Bluebook*. Thus, a reference to “Rule 15” refers to Rule 15 in *The Bluebook*, and a reference to “B9” refers to Bluepages Rule 9 of *The Bluebook*. References to tables, such as Table T.1, refer to tables in *The Bluebook*.

When dates in sample citations are shown as “(19xx),” acceptable formats include dates from other centuries if appropriate.

■ Scope of This Book

This guide covers most of the basic citation rules, giving several examples. It is impossible, however, to give complete coverage to *Bluebook* rules

without nearly duplicating the size of the original *Bluebook*. Moreover, there are authorities that even *The Bluebook* does not address. When confronted with such material, *The Bluebook* suggests that one try to locate an analogous authority, always guided by the principle that a writer must ensure a reader can find the cited authority quickly and reliably.

Although putting citations into their proper form is the hardest component of cite-checking, there is one other component to the task: “Shepardizing” (if using print volumes or the LexisNexis computer research system) or “KeyCiting” (if using the Westlaw computer research system), which are methods to ensure authorities cited are still good law. This book does not cover Shepardizing or KeyCiting. It is designed solely for the purpose of assisting legal writers in proper citation form. For information on Shepardizing or KeyCiting (which are now done electronically rather than through the use of print volumes in nearly every law firm and legal department), consult textbooks on legal research or access LexisNexis’s website at <http://w3.lexis.com/lawschoolreg/tutorials/shepards> and use the tutorial to learn how to Shepardize. Alternatively, access Westlaw’s site at <http://west.thomson.com/support/user-guide/keycite.aspx> for West’s User Guide to KeyCiting and other product information. Finally, most of the examples in this book are fictitious.

Please note that Internet resources are of a time-sensitive nature and URL addresses can often change or be deleted.