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Introduction to Cite-Checking

■ The Task of Cite-Checking

A 500-plus page book entitled *The Bluebook: A Uniform System of Citation* (Columbia Law Review Ass’n et al. eds., 19th ed. 2010) (*The Bluebook*) is the standard reference tool in the United States for citing legal authorities. Although some states, including California, Michigan, and Texas, have their own citation systems and manuals and many courts have established rules governing citation for documents submitted to them, *The Bluebook* remains the gold standard for citation form throughout the United States, primarily because the judges who read court briefs learned *Bluebook* citation form when in school.

The principle underlying *The Bluebook* is that citation form for cases, statutes, and other authorities should be consistent throughout the entire United States, so that a practitioner in Ohio can submit a brief to a New York court, and all readers will know how and where to locate the authorities referred to in the document. The task of placing citations in their proper format is typically called “cite-checking” or “Bluebooking.”

Why must a practitioner learn the intricate and difficult rules of citation form? First, citation form communicates critical information to a reader because it allows a reader to locate and review authorities referred to in a legal document. Thus, an organized, systematic, uniform system of citation is needed so all law practitioners cite cases, statutes, and other authorities

the same way each time they are used. Second, although incorrect citation form is not an act of legal malpractice, it reflects badly on you and your firm or company, much the same way a spelling error has a disproportionately negative effect on a reader. Carelessness in citation form could lead a reader to believe you are equally careless in your analysis of the law. Law firms and departments strive for excellence and professionalism to best serve their clients. Correct citation form is an integral part of this goal. Nevertheless, there is tremendous inconsistency in citation form often contributed to by courts themselves, which frequently use incorrect citation form in their own published opinions. Similarly, law book publishers contribute to misunderstanding of citation form by often using incorrect citation form, typically in an effort to save space and reduce printing costs.

Recently, courts have been complaining that too many briefs are riddled with citation errors. *See, e.g., Edison Mission Energy, Inc. v. FERC*, 394 F.3d 964, 969 n.1 (D.C. Cir. 2005) (noting that failure to indicate relevant pages in citations in briefs is sanctionable under the Federal Rules of Appellate Procedure).

Practice Tip

- ✓ Do not rely on citation form used in published case reports or other legal authorities, including Lexis and Westlaw. To save space or to emphasize market brand, these forms are often incorrect. Use *The Bluebook*.

■ *The Bluebook*

Introduction

The Bluebook is the accepted “bible” for citation form (unless court rules dictate otherwise). Yet its myriad rules are awkwardly phrased, haphazardly arranged, and seemingly contradictory. Why? *The Bluebook* was originally intended as a short guide to aid law students in preparing citations in their scholarly writings. Eventually, as legal authorities proliferated, so did the rules in *The Bluebook*. Additionally, it began to be accepted as the citation form authority for practitioners as well as for those engaged in scholarly writing, although the presentation style used for academic writing (a style that used LARGE AND SMALL CAPITALS) could not be reproduced by practitioners

who were typing their documents rather than having them professionally typeset. Thus, one citation guide attempts to fit vastly differing needs.

Moreover, *The Bluebook's* coverage might simply be too broad. In providing information about citing to Swiss civil law cases, Belgian treaties, and Zambian statutes, little space is available to provide examples of far less esoteric citation forms, such as those for New York cases.

Thus, *The Bluebook's* numerous rules and their exceptions, dual approach, and broad coverage have contributed to frustration for cite-checkers. Moreover, cite-checking is often done at the eleventh hour, making it a difficult and pressure-filled task. Finally, it requires attention to detail and a high level of concentration to locate minute errors in spacing and abbreviations. All of these factors contribute to an often difficult task. By learning the most frequently used citation rules, however, in a step-by-step approach, you will achieve mastery of this task.

Although there are other citation guides, such as *The Maroonbook* (published by the University of Chicago Law Review and used primarily in the Chicago metropolitan area), or *ALWD*, a user-friendly citation manual published by the Association of Legal Writing Directors and Professor Darby Dickerson (now in its fourth edition), *The Bluebook* is the most widely adopted system of citation in practice and should be followed unless court rules or law firm or company policy require otherwise.

History of *The Bluebook*

The Bluebook is compiled by the editors of the *Columbia Law Review*, *Harvard Law Review*, *University of Pennsylvania Law Review*, and *The Yale Law Journal*. Originally compiled in the mid-1920s, *The Bluebook* was a small pamphlet designed to instruct scholarly writers and the printers of scholarly articles in citation form. Over the years, *The Bluebook* was revised a number of times. The present edition in use is the Nineteenth Edition. Earlier editions have little, if any, practical value and can be discarded. New editions are not released at regularly scheduled intervals but rather when the editors believe changes are needed. The Nineteenth Edition was issued in mid-2010 and includes a number of new features, including changes dictated by new technologies (such as allowing increased citation to Internet sources).

Changes in *The Bluebook* over time can result in some citations being incorrect now that might have been correct several years ago when they were first prepared. Thus, exercise care when importing citations from

a previously written document into your document. Ensure citations you use conform to present-day *Bluebook* rules.

Organization of *The Bluebook*

Spend a few minutes becoming familiar with the organization of *The Bluebook*. In particular, note the following:

- Examine the Preface to the Nineteenth Edition (pages vii and viii). These pages outline changes made in the Nineteenth Edition of *The Bluebook*. When the next edition of *The Bluebook* is issued, examine this section to learn new rules and changes.
- Review the section on light blue paper beginning on page 3, called “the Bluepages.” The examples found on pages 3-27 are ready for use by practitioners, meaning there is no need to convert typeface or make other changes to adapt *Bluebook* forms, originally intended for scholarly writers, for use in the “real world.” The Bluepages show how to adapt the examples found in the body of *The Bluebook* to the format needed for court documents and legal memoranda. The Bluepages are far more complete and extensive than the prior Practitioners’ Notes (found in the Seventeenth Edition) and provide numerous helpful examples.
- Note Table T.1. After setting forth rules about federal court cases, there is a thorough section devoted to federal administrative and executive materials and then a section devoted to citation form for the states, each of which is listed in alphabetical order. A reference is provided for each state’s judicial website. Although you will not be given examples, you will be provided with a blueprint for setting up citations for the cases and statutes in each state.
- Table T.10 provides abbreviations for each state. Note that the abbreviations might not conform to your expectation as to how to abbreviate a particular state’s name. Similarly, Table T.12 provides abbreviations for the months of the year. These are but two examples of *The Bluebook*’s insistence on uniformity.
- All of the Tables at the back of *The Bluebook* are banded in blue, making it easy for you to access these important resources.
- The Index, printed on white paper at the end of *The Bluebook*, provides a ready reference to locating information. It is well-organized and complete.
- The outside back cover provides a mini-Index to *The Bluebook*, making it easy to find various rules.

Practice Tip

- ✓ Because there are parts of *The Bluebook* that you might not use (for example, Tables T.2, T.3, T.4, and T.5, the tables relating to international materials), simply clip them closed with a binder clip, so they don't slow you down as you search for information in your *Bluebook*.

■ New Features of the Nineteenth Edition of *The Bluebook*

The new Nineteenth Edition of *The Bluebook* provides a number of new features, including the following:

- **Bluepages.** The Bluepages section (which was new to the Eighteenth Edition) has been expanded. For example, it now includes information on citing to Electronic Case Filings.
- **Bluepages Table T.2.** Bluepages Table T.2 (providing references to local rules that govern citation form) has been expanded.
- **Order of parentheticals.** *Bluebook* Rule 1.5 now provides an order or ranking for parentheticals when a writer uses several of them.
- **Administrative materials.** Much of the information that was previously included in Rule 14 (covering Administrative and Executive Materials) is now in Table T.1.2. Moreover, Table T.1.2 (see page 218) now gives an expanded list of federal agencies, including information on citing to materials from NOAA, the USPTO, Department of Homeland Security, and more.
- **Electronic and Internet sources.** Rule 18, relating to citation to electronic sources (namely, the Internet, Lexis, and Westlaw) has been revised, and citation to these electronic sources is simplified, although *The Bluebook* continues to require the use and citation of traditional printed sources when they are available *unless* there is a digital copy of the source available that is authenticated, official, or an exact copy of the printed source (in which case the authenticated, official, or exact copy can be cited as if to the original print source).
- **Table T.1.** Table T.1 has now been divided into four sections: federal judicial and legislative materials; federal administrative and executive materials; states; and other U.S. jurisdictions.