

LEGAL CITATION

Basic Principle: To allow the reader to locate a cited source accurately and efficiently.

When is a citation needed? Whenever you **quote directly from a source, make assertions about the law, or directly paraphrase a legal source**, you must support your statement with a legal citation.

The citation will answer four questions:

- | | |
|---------------|---|
| What? | What is the thing cited, a case, a statute, a law review article, etc.? |
| Where? | Where can the reader go to find the information? e.g. 617 F. Supp. 341 |
| When? | When did this information come into being? Usually the date is given as a year but sometimes more specific information is required. |
| Who? | Who is the author of the information? A court? A legislature? A law student? |

Law Review Format vs. Practitioner Format

The *Bluebook* was originally developed as a style manual for law reviews. Citation style in law review articles varies somewhat from citation style in legal practice documents. The main difference between the two formats concerns the typeface used in the body of the text and in the footnotes. However, many of the rules in the *Bluebook* are the same for both formats. Section B provides specific rules for practitioner format and should be considered as a supplement to the rest of the *Bluebook*. When a particular rule varies in terms of practitioner format, the editors provide a cross reference to Section B. If there is no variation in the rule for practitioners, the main *Bluebook* rule will govern. Most assignments you do in law school will fall under the practitioner format rule. However, always check with your professor to determine which format is required for a particular assignment. Consult the inside back cover of the *Bluebook* and Section B (the blue pages), for examples of common citations in court documents and legal memoranda. **The ALWD Manual does not distinguish between practitioner and law review format.**

Case Law Citation

Bluebook Rule 10 and *ALWD Manual* Rule 12 govern case law citation. Case names generally have three, sometimes four parts:

1. Parties' Names: *Dulin v. Murley*
2. Reporter Abbreviation(s): 407 Mass. 559, 677 N.E.2d 990
3. Date/sometimes court: (2001)
4. Case history (if relevant): *cert. granted*, 60 U.S.L.W. 3442 (U.S. Dec. 14, 2002) (No. 02-345)

Common case law citation errors tend to occur in areas set out below.

- **Publication Abbreviations.** Close up all adjacent single capitals, i.e. there should be no spaces between them. (F.2d and N.E.2d) Do not close up single capitals with longer abbreviations. (So. 2d, Fed. R. Civ. Proc., F. Supp.)
- **Parallel Citations.** Some cases are reported in more than one reporter, especially cases from the state courts.

Example: *Pitino v. Boston Celtics*, 510 Mass. 559, 701 N.E.2d 876 (2000)
(official rept.) (unofficial rept.)

Bluebook General Rule (10.3.1) - You must provide both reporter citations if you are citing a case from a particular jurisdiction in a document submitted to a court of that same jurisdiction. **For example, in a brief filed in the Maryland Court of Appeals you must provide citations from the official and unofficial reporter for all Maryland cases. However, when citing a case from any other jurisdiction you need only provide the regional/unofficial cite.**

Example in a brief submitted to a **Maryland court**:

Citing a Maryland case: Correct form: *Bush v. Hussein*, 510 Md. 559, 701 A.2d 876 (2002)

Citing a Vermont case: Correct form: *Ben v. Jerry*, 590 A.2d 888 (Vt. 1995)

In all other forms of legal writing, including ordinary legal memoranda and law review articles, **cite only to the regional reporter and, if the decision is available as a public domain citation, that citation must also be provided.**

ALWD Manual Rule and Bluebook Practitioner Rule B.5.1.3 – Follow local court rules regarding parallel citations.

- **No Parallel Citations for U.S. Supreme Court** When citing a case from the United States Supreme Court, cite only to the U.S. Reports. Omit parallel citations to L. Ed. and S. Ct. The *ALWD Manual Rule 12.4(b)(2)* allows citation to all three reporters, but indicates this is not the preferred method.
- **Indicate Court in Parenthetical When Not Obvious From Reporter Abbreviation.** Sometimes a case is only published in the regional reporter, because there is no official state reporter. In that case, your citation must also include a designation indicating which court decided the case.

Example: *Woodward v. Lathrop*, 569 A.2d 520 (Del. 1991)

- **State Abbreviation Standing Alone.** A state abbreviation in a reporter standing alone implies that the case comes from the highest court. For example, the citation 407 Mass. 559 implies the case is from the Massachusetts Supreme Judicial Court. No further court designation in the parenthetical is necessary.
- **Official Public Domain Citations/ Medium Neutral Citations.** If the decision is available as an official public domain citation (also referred to as medium neutral citation), that citation should be provided. Parallel citations to regional and state reporters are generally provided as well. *Bluebook Rule 10.3.3. ALWD Manual Rule 12.16.*

Example: *Custer v. Bull*, 2000 MT 36, ¶ 45, 286 Mont. 306, 309, 677 P.2d 102, 105

- **Order of Citation.** Because of different publication schedules, very often a case cannot be found in the official reporter. In that situation, the *Bluebook* sets out a rule specifying which sources should be cited as alternatives. Consult *Bluebook Rule 10.3.1* and Table 1 for these alternatives.

Example: A case decided today by the United States Supreme Court will not show up in U.S. Reports (the official reporter for U.S. Supreme Court cases and the preferred reporter for *Bluebook* citation purposes) for at least two years because of its slow publication schedule. In this situation, the following sources should be cited in this order of preference:

- An unofficial reporter (e.g. S. Ct. or L. Ed. in that order of preference)
- A service (e.g. U.S.L.W.)
- A widely used computer database (e.g. WESTLAW or LEXIS)
- A slip opinion
- A newspaper

Note: *ALWD Manual Rule 12.4(b)* varies slightly from the order listed above.

- Short Form. *Bluebook* Rule 10.9 and *ALWD* Rule 12.21 govern “short form” citation for cases. Very often legal writers use an incorrect short form.

Example: Incorrect form: *Stevens* at 356
Correct forms: *Stevens v. Kravitz*, 389 U.S. at 356, or
Stevens, 389 U.S. at 356, or
389 U.S. at 356

- ***Id.* and *Supra.*** You may use *Id.* for immediate preceding authority. ***Supra* is not used as a short form for cases, statutes or constitutions (unless local court rules vary).**
- **WESTLAW & LEXIS Cites.** Cases only available on WESTLAW and LEXIS have a specific citation format. *Bluebook* Rule 10.1 and *ALWD Manual* Rule 12.12.

Bluebook Example: Incorrect form: *Seinfeld v. Newman*, 1996 WL 4 (1996)
Correct form: *Seinfeld v. Newman*, Civ. No. 96-8877, 1996 WL 33361, at *4 (S.D. N.Y. June 4, 1996)

ALWD Manual: **Correct form:** *Seinfeld v. Newman*, 1996 WL 33361, at *4 (S.D. N.Y. June 4, 1996)

- **Subsequent History.** *Bluebook* Rule 10.7 and *ALWD* Rule 12.8 require that the author give the entire subsequent history of any decision cited in full, but omit denials of certiorari or denials of other similar discretionary appeals, **unless** the decision is less than two years old or the denial is particularly relevant.

Statutory Citation

***Bluebook* Rule 12 and *ALWD Manual* Rules 13-20** govern the citation of constitutions, statutes, legislative, administrative and executive materials. These publications vary widely in format and are updated frequently. This causes confusion regarding which source to cite.

- Cite statutes to the current official code or its supplement if they can be found in that source. Again, because of delays in official publications, *Bluebook* Rule 12.2.1 and *ALWD Manual* Rule 14.1 set out alternative sources to cite when the statute cannot be found in the official codification. **Note: *ALWD* Rule 14 order of preference varies from example below.**

Example: A statute enacted by Congress this year will not be found in the current version of the United States Code. In this situation the following sources should be cited in this order of preference:

- Current unofficial code (U.S.C.A. or U.S.C.S.)
- Official session laws (Statutes at Large)
- Privately published session laws (U.S.C.C.A.N.)
- A widely used computer database
- A loose-leaf service.
- A periodical.
- A newspaper.

- The date of publication in statutory citations depends on where the material being cited is found. For example, if a statutory provision appears in the bound volume of the statutory code, the date in the citation should be the year that appears on the spine of the bound volume, or the year the appears on the title page, or the copyright date, in that order of preference. If the provision cited is from the pocket part or supplement, the date in the citation should be the date found on the front page of the pocket part or supplement. If the provisions cited are found in both the pocket

part and the main volume, provide both dates in the citation. *Bluebook* Rule 12.3.2 and *ALWD Manual* Rule 14.2.

Example: Iowa Code § 806 (1998) Statutory text is found in bound volume.
Iowa Code § 806 (Supp. 2002) Statutory text is found in the pocket part.
Iowa Code § 806 (1998 & Supp. 2002) Statutory text is found in both.

- When citing a statutory section contained in an electronic database, give parenthetically the name of the database and information regarding the currency of the database as provided by the database itself. Also give the name of the publisher of the code unless the code is published by the state. *Bluebook* Rule 18.1.2.

Example: Cal. Bus. & Prof. Code § 1670 (Deering, LEXIS through 2002 Sess.)

- The session law must be cited when discussing the historical significance of a statute, e.g. that it was enacted, amended, or repealed in a certain year. *Bluebook* Rule 12.2.2.

Example: In 1992 Congress passed the National Infomercial Relief Act. National Infomercial Relief Act of 1992, Pub. L. No. 103-67, 101 Stat. 345. (Codified at 23 U.S.C. § 123 (1994))

Citations to Books and Periodicals.

Bluebook Rule 16 and *ALWD Manual* Rule 23 govern periodical citation. Most of the rules governing citation of these sources are straightforward. The *Bluebook* rules differentiate between journals that are consecutively paginated and those that are not. Just make sure you are aware of what sort of publication you are citing. You may have to go and look! (Note that Appendix 5 in the *ALWD Manual* (2d ed.) indicates which is which.)

- Articles found within journals which are consecutively paginated throughout an entire volume regardless of how many issues are contained in the volume are cited as follows:

Author/Title/Vol. #/Periodical Name/First Page and page where material appears /Date.

Example: Kevin H. Smith, *How to Become a Law Professor Without Really Trying: a Critical, Heuristic, Deconstructionist, and Hermeneutical Exploration of Avoiding the Drudgery Associated With Actually Working as an Attorney*, 47 U. Kan. L. Rev. 139 (1998)

- Articles found within journals that are separately paginated within each issue should be cited as follows:

Author/Title/Periodical Name/Date of issue from cover/First Page and page where material appears.

Example: John F. Bramfeld, *Boldly Going Where No Writer Has Gone Before... (Poor/Strange Legal Writing in Law Reviews)* Chi. Daily L. Bull., June 1, 1994, at 5.

Note: *ALWD Manual* Rule 23 treats consecutively paginated and non-consecutively paginated periodicals the same EXCEPT for the date. Non-consecutively paginated periodicals must include the exact date of the issue as opposed to only the year.

- Newspaper articles are cited in the same manner as non-consecutively paginated journals except that designation of sections may be added. *Bluebook* Rule 16.5.

Example: Erik Lacitis, *Love Me Tender - For a Price You Can Find a Bride in, of All Places, The Soviet Union*, *The Seattle Times*, Dec. 16, 1990, at K1.

- Signed student written law review articles are cited just as any other law review article except that a designation must appear within the cite to indicate it is student written. *Bluebook* Rule 16.6.2 and *ALWD Manual* Rule 23.1(a).

Example: Ann Marie Montgomery, Note, *Battered Women Under Duress: the Concept the Washington Supreme Court Could not Grasp*, 19 *Seattle U. L. Rev.* 305 (1996). *Bluebook*

Ann Marie Montgomery, Student Author, *Battered Women Under Duress: the Concept the Washington Supreme Court Could not Grasp*, 19 *Seattle U. L. Rev.* 305 (1996). *ALWD Manual*.

- **Citation of books varies significantly between the two style manuals.**

Bluebook Rule: Books are cited by Volume (if more than one) / Author, Editor or Translator / Title / Serial number, if any / Page, Section, or Paragraph / Edition if more than one / Publisher, if not the original one / and Date. *Bluebook* Rule 15.

Example: Frank D. Bean & Marta Tienda, *The Hispanic Population in the United States* 203 (1987).

ALWD Manual Rule: Books are cited by Author / Title / Pinpoint reference / Editor (if any) / Translator (if any) / Edition (if any) / Publisher / Date. *ALWD* Rule 22.

Example: Frank D. Bean & Marta Tienda, *The Hispanic Population in the United States* 203 (Cambridge U. Press 1987).

- **Short forms** for books and periodicals which have been previously cited in full format include:

Id. = The work was cited as the immediate preceding authority within the same footnote or as the sole authority in the immediately preceding footnote.

Supra = The work was cited in full but not as the immediate preceding authority in the same footnote or as the sole authority in the immediate preceding footnote.

Citations to unpublished materials.

These kinds of materials often appear in articles submitted for publication. In general, *Bluebook* Rule 17.1 requires that these materials are cited by author, title or description, page, the most precise date available, and information as to where the work might be located. *ALWD Manual* Rules 30-32, 36-37 provide specific examples for these types of materials.

Manuscripts: Jim Rockford, *Developing Better Relations with Local Law Enforcement* 56 (Sept. 23, 1967) (unpublished manuscript on file with the *N.U. Forum*).

Letters: Letter from Roger Abrams, Dean, Northeastern University Law School, to Richard M. Freeland, President, Northeastern University 2 (Dec. 12, 2000) (copy on file with the *Northeastern News*).

Interviews : Interview with Michael Dukakis, Distinguished Professor, Northeastern University Urban Law Institute, in Boston, Mass. (Oct. 8, 1996).

Forthcoming Publications: Kim Dulin, *Why I Hate the Bluebook*, 114 *Harv. L. Rev.* (forthcoming June 2003).

Citations to sources on the Internet.

Citation to sources on the Internet is discouraged because of the transient nature of these sources. Cite to Internet sources only when those materials are unavailable in printed form or are difficult to obtain in their original form. *Bluebook* and *ALWD* Internet citation rules differ somewhat.

Bluebook Rule 18.2.3 requires the following:

- 1) author and title
- 2) pinpoint citations
- 3) the URL
- 4) a date parenthetical

Example: Randall R. Smith, *Jones on the Internet: Confusion and Confabulation*, Citation Debate Forum at <http://www.citations.org> (last visited Jan. 20, 2001)

ALWD Rule 40 requires the following:

- 1) the author or owner,
- 2) the title,
- 3) pinpoint reference (if available),
- 4) URL,
- 5) Access or update information,

Example: Randall R. Smith, *Jones on the Internet: Confusion and Confabulation*, Citation Debate Forum, <http://www.citations.org> (accessed Jan. 20, 2001)

The date information for Internet sources is often the most difficult to convey. Rule 18.2.3(e) of *The Bluebook* and Rule 40.1(e) of the *ALWD Manual* set out specific instructions for determining the source's date.

Citations to other sources.

Constitutions:	U.S. CONST. amend. XIV, § 2.
Bills	H.R. 378, 103rd Cong., § 2 (1993) (<i>ALWD Manual</i> 2d ed. requires exact date) Note: H.R. designates file number of a Bill as introduced in the U.S. House of Representatives. It does not stand for House Report which, is H.R. Rep.
Congressional Reports:	H.R. Rep. No. 43, 103rd Cong., at 148 (1993) (<i>BB</i>) H.R. Rpt. 103-43, at 148 (Feb. 23, 1993) (<i>ALWD</i>)
Congressional Debate:	123 CONG. REC. 15,876 (1977)(<i>BB</i>) 123 Cong. Rec. 15,876 (1977) (<i>ALWD</i>)
Court rules:	FED. R. CIV. P. 26
Administrative Regulations:	24 C.F.R. § 21.9 (2002)
Treaties:	Convention on the Recognition and Enforcement of Arbitral Awards, June 10, 1958, 21 U.S.T. 2517, 330 U.N.T.S. 38.

Good WEB sites for citation help:

Peter W. Martin, *Introduction to Basic Legal Citation* (LII 2003 ed.) www.law.cornell.edu/citation/ (accessed October 26, 2005)

Association of Legal Writing Directors, *ALWD Citation Manual*, <http://www.alwd.org/cm/> (accessed October 26, 2005) (Updates to the *ALWD Manual* will appear here)