



# BLUEBOOK SURVIVAL SKILLS

SCRIBES STUDENT WRITING GROUP

Fall 2016

# AGENDA

- Review of Statutes and Cases
- Citing Books and Reports
- Citing Periodicals
- Citing Internet Resources
- Signals
- Order of Authorities



# WHITE PAGES v. BLUE PAGES

- BLUE PAGES = PRACTITIONERS
- WHITE PAGES = ACADEMIC WRITING
- BUT, even if a practitioner, may need to use white pages because they give further detail about rules. Blue pages are abbreviated to most important info.
- BIGGEST DIFFERENCES:
  - TYPEFACE. In the white pages, you will use SMALL CAPS for titles of books and law reviews, as well as code titles.
  - FOOTNOTES. In academic writing, we use footnotes.

# CITING CASES: CASE NAME ABBREVIATIONS

- Case names are abbreviated according to two tables in the back of the Bluebook:
  - Table 6: Case name words
  - Table 10: Geographical names
- The paragraph at the top of T6 explains how to pluralize abbreviations.

# CITING CASES:

## OTHER CASE NAME RULES (R. 10.2.1)

- LOTS of weird case name rules, so always check 10.2.1.
  - Examples:
    - Only list first part on either side of the v. and omit words indicating multiple parties like “et al.”
    - Omit “The” as the first word of a party’s name, as well as any descriptive terms that describe a party already named (e.g., Smith v. Jones, Administrator
    - Geographical terms: Omit “State of” and “People of”, except when citing decisions of the state court, in which case only “State,” “Commonwealth” or “People” should be used

# CITING CASES: SPACING FOR COURTS & JXN (R 10.4)

- To use properly space court names and jurisdictions, use the single, adjacent capital letter rule (10.4).
  - If the abbreviations are single, adjacent capital letters (e.g., S.D.N.Y.), there are no space.
  - If the abbreviations are not single, adjacent capital letters (e.g. D. Mass.), there is a space.
  - NOTE: Ordinals (2d, 4th) count as single, adjacent capital letters

# CITING CASES: RULE OF FIVE (R 10.9)

- Unlike in briefs, where we often cite cases and other resources in full only once, in academic Bluebooking, we follow the rule of five:
  - Short forms can be used if it identifies a case:
    - Already cited in the same footnote
    - Already cited in one of the five preceding footnotes in either full or short form
  - Otherwise, a full form is necessary.

# CITING CASES: PARENTHETICALS (R. 10.6.2-10.7.1)

- There are three main types of parentheticals used to explain why you are using a particular authority (NOTE: some signals require the use of a parenthetical)
  - Quoting: (quoting \_\_\_\_\_)
  - Citing (citing \_\_\_\_\_)
  - Explanatory:
    - (noting that...): add an -ing to a verb to explain why you're using it
    - Quote: include the full quote as a sentence (“It...law.”)

# CITING STATUTES

## ■ THREE THINGS TO REMEMBER:

- Pay attention to spacing:
  - ALWAYS a space between the section symbol and the section number
- Always cite to the official print code if available (U.S.C., not U.S.C.A. or U.S.C.S.)
  - For state codes, you can find the official list in T1. If not the official code, you must indicate that by including the publisher information.
- If citing to more than one section, use double section symbol §§

# CITING TO BOOKS & REPORTS: USE OF SMALL CAPS (R. 15)

- If doing academic Bluebooking (seminar paper/journal editing), must use SMALL CAPS for both author name and title (Rule 15)
  - Small Caps option is found under font in Microsoft Products

# CITING TO BOOKS & REPORTS: INSTITUTIONAL AUTHORS (R 15.1(c))

- Citations to works by institutional authors must be abbreviated according to T6/T10.
  - NOTE: Book titles are never abbreviated.
- When an individual author is credited on behalf of an institution, cite to both the individual and the institution.

# CITING TO BOOKS & REPORTS: SUBSEQUENT EDITIONS (R 15.4)

- Must note if a book is a subsequent edition of the same publisher in the date parenthetical
  - Ex. (2d ed. 2010) or (4th ed. 2009).
  - NOTE: The “th” in the ordinal should NEVER be superscript.
- Where possible, you should always cite to the latest edition that supports your point, unless an earlier version is particularly authoritative.

# CITING TO BOOKS & REPORTS: MULTI-VOLUME WORKS & MULTI AUTHOR WORKS (R. 15.1)

- If it's a multi-volume work, volume number goes before the author's name (Rule 15.1)
  - Ex. 14 CHARLES ALAN WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 3411 (3d ed. 1998).
- List author's names in the order they appear.
  - More than one author? Use et al. after first author, unless using all the authors' names is particularly relevant

# CITING TO BOOKS & REPORTS: SINGLE WORK IN A VOLUME OF MANY (15.5.1)

- For a single work in a volume of works by multiple authors, use the following format:
  - Han Christian Brugge, *1987-2007: "Our Common Future" Revisited*, in *Sustainable Development in International and National Law* 3, 15 (Han Christian Brugge & Christina Voigt eds., 2008).

# CITING TO BOOKS & REPORTS: SPECIAL CITATION FORMS (R. 15.8)

- There are special citation forms for books like dictionaries, legal encyclopedias, and the Bible:
  - *Res ipsa loquitur*, Black's Law Dictionary (10th ed. 2012).
  - 17 AM. JUR. 3D *Contracts* § 79 (2013).
  - *Mark* 9:19 (King James).

# CITING TO PERIODICALS: STUDENT WORKS (Rule 16.7.1)

- Designate articles by student authors as “comment” or “note”, etc.
  - Designate the student work as it’s classified on the page, such as “Recent Case,” “Recent Statute”, “Recent Development”.
  - Look to the Table of Contents or top of the work to find its designation.
- Tip: Look at fn. 1 to identify if author is a student.
  - Sometimes, you may have to look at the Table of Contents to determine authorship.

# CITING TO PERIODICALS: CONSECUTIVELY PAGINATED (R. 16.4 & 16.5)

- Periodicals that are consecutively paginated (R. 16.4) are treated differently than non-consecutively paginated articles (R 16.5)
  - Consecutively paginated means that, for each volume, the page numbers pick up where the last page numbers left off.
    - Example: Issue 1 of Volume 19 ends on page 329 and Issue 2 of Volume 19 begins on page 330.
  - Non-consecutively paginated means each new issue starts with page 1

# CITING TO PERIODICALS: TYPEFACE & ABBREVIATIONS

- Put journal titles in SMALL CAPS and abbreviate according to T10/T13
  - Don't include words "a", "at", "in", "of", and "the" unless the title consists of only one word after those words, and don't abbreviate that one word after the preposition/article
- NOTE: Article titles are in italics and are never abbreviated (R. 16.3)

# CITING TO PERIODICALS: SHORT FORMS (16.9)

- The full form of a periodical will only ever be used ONCE in your article.
- For periodical short forms, use *id.* or *supra*
  - *Id.* is used if the periodical is in the immediately preceding footnote
    - NOTE: You cannot *id.* to a footnote that has more than one source in it.
  - *Supra* is used if the periodical is not used in the immediately preceding footnote
    - Example. Drake, *supra* note 18, at 43.
    - NOTE: If using *id.* to a source that has sections instead of page numbers, the proper format is Drake, *supra* note 18, § 18.

# CITING INTERNET RESOURCES: PRINT-LIKE RESOURCES (18.2.1)

- For online sources with print characteristics, cite it like a report, but include the URL at the end of the citation
  - Print characteristics means that it could be fully cited to another rule in the Bluebook (most often a book or a report)
  - It **MUST** have page numbers, as in a PDF, and have elements that characterize a given print source, such as a volume number or publication date).

# CITING INTERNET RESOURCES: AUTHORS (R. 18.2.2)

- If there is no author clearly announced on the page, omit author information from the citation, unless there's a clear institutional owner of the domain.
  - BUT: If the domain ownership is the same as the author, omit the name of the institutional author.
- Abbreviate institutional authors according to T6/T10.

# CITING INTERNET RESOURCES: DATE AND TIME (R. 18.2.2(c))

- Include the date and time stamp for sources where available.
  - NOTE: If there is no date stamp, put (last visited May 25, 2016)
  - For blogs and other dynamic sites that are frequently updated should include a time-stamp whenever possible.

# SIGNALS: TYPEFACE

- All introductory signals are italicized.
- There is a comma after a signal ending in “e.g.” That comma is not italicized. When e.g. is combined with see, there is also a comma after the see. That comma IS italicized.
  - Example: See, *e.g.*, Board v. Board of Education, . . .

# SIGNALS: TYPES (R 1.2)

- There are four types of different groups of signals
  - Supportive ([no signal]; see; see also; see, e.g.; c.f.; e.g.)
  - Comparative (compare)
  - Contradictory (contra; but see; but cf.)
  - Background (see generally)

# SIGNALS (R. 1.2)

- Signals are a concise way of alerting the reader to how you are using a resource in your paper.
  - *Are you quoting directly? NO SIGNAL NEED*
    - This is also true when: you're paraphrasing something directly from the source or you are identifying an authority referred to in the text
  - *Does it support the text? USE SEE OR E.G.*
    - Use see if what you are saying is not directly stated by the source you are citing, but obviously follows from it. In other words, there's a clear connection.
    - Use e.g. when what you are citing supports what you said, but so do other authorities.
    - Use see *also* if what you are citing supports what you said, but you've already cited to another source that directly states your proposition. Usually needs an explanatory parenthetical

# SIGNALS (R. 1.2)

- Signals are a concise way of alerting the reader to how you are using a resource in your paper.
  - *Is there an inference to draw from the cited source? USE CF.*
    - Use *cf.* when the authority doesn't exactly support what you just said, but is close enough to lend support. For example, you are making an analogous argument. Needs an explanatory parenthetical.
  - *Is it providing background information? USE SEE GENERALLY*
    - Use *see generally* if what you are citing gives helpful background information related to the proposition. Explanatory parenthetical encouraged.
  - *Are you comparing one source with another? USE COMPARE*
    - Use *compare* to contrast one source with another. Ex. There's a circuit split.

# SIGNALS (R. 1.2)

- If the source doesn't support your proposition (for example, a case holds the exact opposite of your proposition), use negative signals:

If the source supports the proposition:	If it doesn't:
[no signal]	<i>Contra</i>
<i>See</i>	<i>But see</i>
<i>Cf.</i>	<i>But cf.</i>

# SIGNALS: STRING CITATIONS

- Signals within the same citation string that are of the same type may be strung together and separated by semi-colons, but signals that are not in the same type must be separated by periods.
  - See *Brown v. Board of Education*, ...; see also . . .
  - See *Brown v. Board of Education*, ... . *But see* . . .
- You can have more than one authority that gives the same type and degree of support; when this is the case, you do not repeat the signal.

# ORDER OF AUTHORITIES (R. 1.4)

- When citing to more than one authority in a footnote, you must consider the proper order of authorities (Rule 1.4):
  - *Constitutions (federal, then alphabetical by state)*
  - *Statutes (federal, then alphabetical by state)*
  - *Cases (by level of court and then by reverse chronological order within level of court)*
    - Supreme Court > Court of Appeals > District Courts > State Courts (alphabetically by state and then by rank within state)
  - *Legislative Materials*
  - *Administrative Materials*
  - *Secondary Materials*
    - Uniform codes/restatements > books > journals by professionals > student works > magazine/newspaper articles > electronic/internet sources
- BUT, if one authority is more authoritative/helpful, it precedes the others.
- AND the order of authorities begins again for EACH SIGNAL

# CAPITALIZATION RULES (R. 8)

- Capitalize words in headings and titles, including the initial word and any word immediately following a colon
- DO NOT capitalize articles (the, a, an), conjunctions (and, but), prepositions (to, from) when they are four or fewer letters UNLESS they begin the heading/title or are the first word after a colon

# BEST PRACTICES

- Look up every source, every time!
- Become familiar with Rules 1-8, which apply to all types of authorities.
  - Rule 1: Signals, Order of Authorities
  - Rule 2: Typefaces
  - Rule 3: Subdivisions (Volumes, parts, supplements, pages, footnotes, sections, paragraphs, internal cross-references)
  - Rule 4: short forms (*id.*, *supra*, hereinafter)

# BEST PRACTICE (con't)

- Become familiar with Rules 1-8, which apply to all types of authorities.
  - Rule 5: Quotations (alterations, quotes w/i quotes, omissions)
  - Rule 6: Abbreviations, numerals, symbols
  - Rule 7: Italicization for style and unique circumstances (ex. foreign words and phrases)
  - Rule 8: Capitalization