

Bluebooking Primer

For citations used in practice

Important Notes

- This is not a comprehensive review of the Bluebook.
- This presentation is about writing for *practice* not for *academia*.
- The best way to get good at this is to do it and do it often.

Why does Bluebooking matter?

- “The central function of a legal citation is to allow the reader to efficiently locate the cited source.”
 - *Uniform* citation formats make that process predictable, and enable the reader to glean more information with less text.
- Careful Bluebooking goes unnoticed, but *sloppy* Bluebooking makes for a sloppy brief

Goals

- Anatomy of a case cite
- Anatomy of a statute cite
- Other good rules to know
- Put it into practice

General Citation Format

- Citation sentence v. In-line citation
 - Note: case name abbreviations are slightly different in in-line citations. (B4.1.1(vi)).
- Elements of a citation get separated by commas, or set off by parentheses.
- String cite
 - Separate with a semi-colon
 - Order according to R 1.4.
- Use signals according to B3.4-3.5
 - “See” is often under-utilized
 - Use when the authority clearly supports but doesn’t directly

Anatomy of a case cite (B4)

Eldred v. Ashcroft, 537 U.S. 186 (2003).

- Case name
- Source
- Pinpoint citation of the cited materials
- Court, if not obvious from the reporter
- Date
- Other info
 - Weight of Authority
 - Parenthetical explanation
 - Subsequent history

Case Names (B4.1.1)

- Underline/Italicize case names.
- Only refer to the first plaintiff and the first defendant. (B4.1.1).
- Abbreviate the words in T6 and geographical units according to T10.
 - Never abbreviate United States when it is a party
 - Note that names in text, as opposed to citations, have different abbreviation conventions (B4.1.1(vi))

Source (B4.1.2)

- Volume number comes first
- Abbreviate the reporters according to T1.
 - Words abbreviated to more than one letter (e.g., Supp. or App'x) use spaces before and after.
 - Otherwise, (e.g., F. or 2d) do not use spaces
 - What if it's not in a reporter?
 - Docket number.
 - WestLaw/Lexis/Bloomberg cite.
 - Include month/day in the date parens.
- Page number on which the case starts.

Pincites

- Include pincites whenever you are citing a specific component of a decision.
- Multiple pincites:
 - When citing a range of pages do not repeat digits beyond the tens digit.
 - 8842-48, not 8842-8848
 - Separate non-consecutive pages with commas.

Court & Date

- Include the issuing court in parentheses following the pincite where the court is not apparent from the name of the reporter.
 - It's generally only apparent when dealing with the highest courts of a jurisdiction.
 - Abbreviate the court according to T1, T2, or T7.
- Include the date in these parentheses.
 - Where a month is required, abbreviate according to T12 (three letters except for Sept. and four-letter months)

Other Info (R1.3 for order)

- Weight of Authority (B4.1.5)
 - e.g., (Sotomayor, J., dissenting).
- Parenthetical Explanations (B11)
 - Used to give further explanation of how the case supports your proposition
- Subsequent/Prior History (B4.1.6)
 - Subsequent history (that isn't denial of cert or other discretionary appeals) is necessary when it exists.
 - Indicate prior history only when it is relevant to your proposition.

Short Form (B4.2)

- Eldred, 537 U.S. at 188.
- Once you've cited a case you can refer to it in a shortened form, only when three conditions are met.
 - Generally, use the name of the first party.
 - Do not use the page on which the case starts or the year.
 - Instead, use only the volume number and reporter abbreviation followed by "at [pincite]."

Anatomy of a statute cite (B5)

35 U.S.C. § 102(b)(1) (2012).

- Title Number
- Code
- Section/Subsections/Paragraphs
 - Plural: §§ or ¶¶
- Year of *Source Publication*
 - Note, this is actually not used by many courts.
- NOTE: The Bluebook is flexible on short forms of legislative materials, as long as they are clear. (B7)

Id.

- Use id. when referring to the same source as used in a prior citation.
 - Id. is underlined/italicized (including the period, but only capitalized at the start of a sentence).
 - Only use id. when the prior citation includes *only one source*.
 - Indicate a different pincite with "at [pincite]."

Quotations/Ellipses (B12)

- Set off quotations of 50 words or more in an indented block
 - Don't use quotation marks
 - The citation for the quotation should follow, unindented, with the rest of the paragraph following the quotation.
- Punctuation
 - Commas and periods go inside the quotation marks.
 - Other punctuation only goes inside if part of original.
- Ellipses (R5.3)
 - Contrary to Word auto-correct, ellipses have spaces before and after each period just . . . like . . . this.
 - BUT: do not include a space between the final period and a quotation mark.
 - When you elide a portion that runs until the end of a sentence, include the

Capitalization (R8)

- Generally, nouns describing officials and agencies should be capitalized, but the adjectival forms should not be.
 - Congress vs. congressional
- Court should be capitalized when naming a specific court or when referring to SCOTUS, but not when referring to lower courts.
- Judge should be capitalized when naming a particular judge. Justice should be capitalized when naming a particular justice or when referring to the Justices of SCOTUS generally (but not state supreme courts).

Exercise

- Zito v. Donahoe, 915 F. Supp.2d 440 (S.D.N.Y. 2012).
- 17 U.S.C. §107.
- U.S. v. Nixon, 418 U.S. 683, 690-691 (1974).
- King Drug Company of Florence, Inc. v. Cephalon, Inc., 2:06-CV-1797 2013 WestLaw 4836752 at 3, (E.D.Penn. Sep. 11, 2013) ("The FTC's principal argument... is that the redacted and withheld communications were not made for the purpose of obtaining or providing legal advice . . .")

Questions?

Final Words

- Bluebooking MATTERS.
 - Mistakes are more apparent than you might think, and incomplete or incorrect citations can be very difficult to resolve as a reader.
- Bluebooking well takes practice.
- ALWAYS check whether your ultimate reader has conventions on top of or instead of the Bluebook.
 - NB: New York State courts use an entirely different citation format.
- Twentieth Edition will be out soon, so look out for changes!