

The Scrivener: Modern Legal Writing



A New *Bluebook*



by *K.K. DuVivier*

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In late August 2000, the Seventeenth Edition of *The Bluebook*¹ hit the shelves of law-school bookstores across the country. Only a few first-year students have an inkling of what this unassuming, spiral-bound paperback has in store for them. However, savvy second- and third-year students know to check the Preface for changes from previous editions. The Preface to the Seventeenth Edition² lists fifteen “noteworthy” changes from the Sixteenth Edition. Here are six that may have the most impact on practitioners.

Six Noteworthy Changes

1. Elimination of Commas

Sometimes abbreviated citations to court documents and letters serve as a clause in a sentence instead of as a separate citation sentence. Page 7 of the Practitioners’ Notes no longer requires commas before or after the parentheses used around these abbreviated citations.

Example: The witness did not observe anything unusual on that day (R. at 101-05) and received no phone call until approximately 5:00 p.m. (R. at 106; Hirsch Aff. ¶ 7).³

2. Introductory Signals

Rule 1.2 has been changed to reinstate the Fifteenth Edition’s version. With the Seventeenth Edition, “see” again is used “when the proposition is not directly stated by the cited authority but obviously follows from it. . . .” The signals “e.g.” and “contra,” both of which suffered a premature demise in the Sixteenth Edition, have now been “revived.”⁴

DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING?

K.K. DuVivier will be happy to address them through the *Scrivener* column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.

3. Abbreviations in Case Names

Rule 10.2.1 continues to dictate the use of abbreviations. The list of specific words for which *The Bluebook* requires abbreviations has expanded.⁵ In addition, the rule has changed—the first word in a case name also is abbreviated if the word appears in table T.6.⁶

Example: *S. Consol. R.R. v. Consol. Transp. Co.*⁷

4. Public Domain Citations

The traditional legal citation follows this format: volume number, volume name, page. Several states now have adopted an alternative citation format that is medium neutral: the citation does not refer to a particular vendor’s source (such as one of West’s regional reporters) and is not dependant on the particular volume or page of a text. These medium-neutral citations also are called public domain citations. When you use such a public domain citation, *The Bluebook* requires you to provide a parallel citation to West’s regional reporter if the regional citation is available.⁸

Example: *Beck v. Beck*, 1999 ME 110, ¶ 6, 733 A.2d 981, 983.⁹

5. Electronic Media

The Seventeenth Edition dedicates an entire new rule, Rule 18, to Electronic Media and other Nonprint Resources.¹⁰ In addition to LEXIS and WESTLAW, the new Rule 18 covers citation to sources such as CD-ROMs and the Internet. The Internet portion of the rule recognizes the explosion of that source since the previous edition of *The Bluebook*¹¹ was published; the Internet rule has expanded from a half page in the Sixteenth Edition¹² to over nine pages in the Seventeenth Edition.¹³ Below is an example of how to cite a source that is available only on the Internet.

Example: J. T. Westermeier, *Ethical Issues for Lawyers on the Internet and World Wide Web*, 6 Rich. J.L. & Tech. 5, ¶ 7 (1999), at <http://www.richmond.edu/jolt/v6il/westermeier.html>.¹⁴

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6. State Websites

Table T.1 in the table portion at the back of *The Bluebook* has been updated to include references to state judicial websites. For example, the website for Colorado's courts is <http://www.courts.state.co.us>.¹⁵

Comparison to the ALWD Citation Manual

Several of the changes in the new version of *The Bluebook* bring its forms closer to those of the rival *ALWD Citation Manual*.¹⁶ The Sixteenth Edition's effort to change the meaning of the signal "see" to require it before almost every citation actually helped instigate the rebellion that led to the creation of the *ALWD Citation Manual*.¹⁷ By reviving the traditional meaning of "see" and by reviving "e.g." and "contra," the new *Bluebook* suggests that the *ALWD Citation Manual* forces prevailed.

Conclusion

The Preface of the newest edition of *The Bluebook* details fifteen changes from previous editions; this column has discussed only a few. Those who wish to conform with *The Bluebook* should check the new edition to keep on top of the latest citation form. Since its origin, *The Bluebook* has attempted to standardize citation form to create "A Uniform System of Citation." Uniformity remains an aspiration, but *The Bluebook* does deserve praise for its efforts, both in past editions and in the new Seventeenth Edition, to place standards on ever-changing sources of legal information.

NOTES

1. The Harvard Law Review Association, *The Bluebook, A Uniform System of Citation*, 17th ed. (Cambridge, MA: Gannett House, 2000).
2. *Id.* at v.
3. *Id.* at v, 18.
4. *Id.* at v, 22-23.
5. *Id.* at vi.
6. *Id.* at v, 62.
7. *Id.*
8. *Id.* at v, 62-63.
9. *Id.* at 64. For information about jurisdictions that have adopted a public domain format since publication of the Seventeenth Edition of *The Bluebook*, check <http://www.legalbluebook>.
10. *Id.* at vi, 129.
11. The Harvard Law Review Association, *The Bluebook, A Uniform System of Citation*, 16th ed. (Cambridge, MA: Gannett House, 1996).
12. *Id.*, Rule 17.3.3 at 124.
13. *Supra*, note 1, Rule 18.2 at 132-41.
14. *Id.* at 393 (inside back cover).
15. *Id.* at 193.
16. Association of Legal Writing Directors and Dickerson, *ALWD Citation Manual* (New York, NY: Aspen L. & Bus., 2000).
17. For a discussion of the distinction, see DuVivier, "Legal Citations for the Twenty-first Century," 29 *The Colorado Lawyer* 45 (May 2000). The *ALWD Citation Manual* requires the signal "see" only "when the cited authority (a) supports the stated proposition implicitly or (b) contains dicta that support the proposition." Rule 45.2 of the *ALWD Citation Manual*, *supra*, note 16 at 302. ■

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