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Just When You Thought It Was Safe To Go Back Into the Bluebook: Notes on the Fifteenth Edition

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JUST WHEN YOU THOUGHT IT WAS SAFE TO GO BACK INTO THE BLUEBOOK: NOTES ON THE FIFTEENTH EDITION

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The BLUEBOOK[1] is a necessary evil.[2] Having a standard for legal citation should provide authors and readers with a method of ritualizing the mechanical details of supplying authority in legal scholarship, allowing full attention to be focused on the content which the work is attempting to communicate.[3] However, when such a standard is altered, confusion and distraction arise as those mechanical matters formerly submerged into the subconscious are evoked once more by unfamiliarity. The promulgation of a new standard such as the 15TH BLUEBOOK forces those who have mastered the obscurities of the old standard to start the bedeviling[4] learning process anew.

To ease that burden, this essay attempts to help smooth over the transition to 15TH BLUEBOOK style by highlighting some of the significant differences between the old and new versions. Some of the changes in 15TH BLUEBOOK are for the better.[5] Some are for the worse. Some serve no apparent purpose.[6]

* The author accepts full responsibility, or blame, for the opinions expressed herein. The names of those who provided assistance are withheld to protect the innocent.

1. Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (15th ed. 1991) [hereinafter 15TH BLUEBOOK] with A UNIFORM SYSTEM OF CITATION (14th ed. 1986) [hereinafter 14TH BLUEBOOK]. Generically, hereinafter BLUEBOOK. It has been pointed out that the BLUEBOOK does not tell one how to cite itself. *See* 15TH BLUEBOOK, *supra* at v ("*Bluebook*"); W. Duane Benton, *Developments in the Law—Legal Citation*, 86 YALE L.J. 197, 197 n.1 (1976) ("Twelfth Edition"); Mary I. Coombs, *Lowering One's Cites: A (Sort of) Review of the University of Chicago Manual of Legal Citation*, 76 VA. L. REV. 1099, 1102 n.16 (1990) ("BLUEBOOK"); Aside, *Don't* Cry** Over Filled Milk: The Neglected Footnote Three to Caroline Products****, 136 U. PA. L. REV. 1553, 1558 n.23 (1988) ("BLUEBOOK"). *Cf.* DOUGLAS R. HOFSTADTER, METAMAGICAL THEMAS: QUESTING FOR THE ESSENCE OF MIND AND PATTERN 265 (1985) (summarizing Gödel's Theorem: no sufficiently complex mathematical system can simultaneously achieve completeness and consistency).

2. *Contra* Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343, 1343 (1986) (describing the BLUEBOOK as "the mindless elaboration of social practices" of law and comparing it to the pyramids of Egypt).

3. *See* Posner, *supra* note 2, at 1344.

4. *Cf.* United States *ex rel.* Mayo v. Satan & His Staff, 54 F.R.D. 282 (W.D. Pa. 1971) (denying motion to proceed in forma pauperis on grounds of lack of personal jurisdiction over defendant and plaintiff's failure to provide directions for service of process).

5. 15TH BLUEBOOK finally allows us to cite ourselves as CHI.-KENT L. REV., instead of the ridiculous 14TH BLUEBOOK CHI.[-]KENT L. REV..

6. Some would argue that much of the BLUEBOOK serves no purpose. *See* Arthur D. Austin, *Footnote* Skulduggery** and Other Bad Habits****, 44 U. MIAMI L. REV. 1009, 1025 (1990) ("puritanical handcuffs of the Bluebook"); Arthur D. Austin, *Footnotes as Product Differentiation*, 40 VAND.

Broadly speaking, the overall structure of the work is better. The tables of abbreviations are collected in the back of the volume, rather than being scattered throughout. The BLUEBOOK editors have apparently realized that there are lawyers out there writing briefs and motions for real courts, and so 15TH BLUEBOOK contains "practitioner's notes" to cover situations not adequately served by law review citation style. 15TH BLUEBOOK also specifies short citation forms for nearly everything, eliminating one of the few places where writers were left to their own devices by 14TH BLUEBOOK.

This essay seeks only to highlight the significant changes of substance in 15TH BLUEBOOK. Thus, details of the new practitioner's rules or short citation forms are left for the reader to discover.[7] As an exercise[8], the footnotes herein (which may or may not have anything to do with the BLUEBOOK) are in 15TH BLUEBOOK style, to provide a few more examples (and somewhat less boring ones) than the BLUEBOOK itself does.

I. AUTHOR'S NAMES

The most substantial changes in 15TH BLUEBOOK affect the citation of author's names. In an area which has engendered[9] considerable con-

L. REV. 1131, 1140 & n.41 (1987) ("nit-picking" and "formalistic") [hereinafter Austin, *Footnotes as Product Differentation*]; Benton, *supra* note 1, at 197 (reviewing A UNIFORM SYSTEM OF CITATION (12th ed. 1976)) ("Twelve joins Amy Vanderbilt, the Rules of Baseball, and totalitarian regimes throughout history in a modest quest to impose uniformity on more mundane spheres of human activity."); James D. Gordon III, *How Not to Succeed in Law School*, 100 YALE L.J. 1679, 1692 (1991) ("idiot rules"); Posner, *supra* note 2, at 1344 ("Form is prescribed for the sake of form, not of function; a large structure is built up, all unconsciously, by accretion; the superficial dominates the substantive."); *id.* at 1347 ("unhealthy preoccupation with uniformity"). For a contrast with the Rules of Baseball, see Aside, *The Common Law Origins of the Infield Fly Rule*, 123 U. PA. L. REV. 1474 (1975). For a discussion of exceptions to rules, see Robert J. Martineau, *Considering New Issues on Appeal: The General Rule and the Gorilla Rule*, 40 VAND. L. REV. 1023, 1057 n.137 (1987).

7. The sections on foreign and international materials are also ignored herein. Being faced with the prospect of having to determine which British monarch reigned in the year of a court's decision, or whether a case should be cited to Rōdō Kankei Minji Saibanreishū or Gyōsei Saiban Geppō, would be enough to make the most stout-hearted Bluebooker tremble. To deal with it voluntarily would be ludicrous. There are limits, after all. *But see* E. Joshua Rosenkranz, *Law Review's Empire*, 39 HASTINGS L.J. 859, 893 n.104 (1988) (unflattering description of law review types).

8. This piece started out as a short memo for the author's fellow law review staffers and grew out of control. The author expressly disavows deriving any enjoyment out of wading through the morass of the BLUEBOOK; nevertheless, just like spending a half-hour on the Stairmaster at the health club, one must do it for one's own good.

9. *See* Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 829 n.* (1990):

> I had wanted to humanize and particularize the authors whose ideas I used in this Article by giving their first as well as last names. Unfortunately, the editors of the HARVARD LAW REVIEW, who otherwise have been most cooperative, insisted upon adhering to the "time-honored" Bluebook convention of using last names only, *see* A UNIFORM SYSTEM OF CITATION 91 (14th ed. 1986), except when the writing is a "book," in which case the first

troversy, the BLUEBOOK editors have retreated from their formerly adamant position[10] of citing only last names for articles, or first initials and last names for books, to adopt a more liberal position of citing the author's full name for all sources.[11]

II. AUTHOR'S FULL NAME REQUIRED

First, the author's full name is to be supplied in full, whether citing books (rule 15.1.1) or periodicals (rule 16). Thus, the 14TH BLUEBOOK cite

> C. MACKINNON, THE SEXUAL HARASSMENT OF WORKING WOMEN 57 (1979).

should now appear as

> CATHERINE A. MACKINNON, THE SEXUAL HARASSMENT OF WORKING WOMEN 57 (1979).

Similarly for periodicals, the former[12]

> Sirico, *Supreme Court Haiku*, 61 N.Y.U. L. REV. 1224 (1986).

should now appear as

> Louis J. Sirico, *Supreme Court Haiku*, 61 N.Y.U. L. REV. 1224 (1986).

Unfortunately, the 15TH BLUEBOOK editors couldn't leave well enough alone and write a simple rule such as MAROON BOOK's "Cite to the author's or editor's full name as given on the first page or the title

> initial is given, *id.* at 83, and except when the writing is by a student, in which case no name whatsoever is given (unless the student has a name like "Bruce Ackerman," in which case "it may be indicated parenthetically," *id.* at 91), *see id.* In these rules, I see hierarchy, rigidity, and depersonalization, of the not altogether neutral variety. First names have been one dignified way in which women could distinguish themselves from their fathers and their husbands. I apologize to the authors whose identities have been obscured in the apparently higher goals of Bluebook orthodoxy.

See also Zipporah Batshaw Wiseman, *Women in Bankruptcy and Beyond*, 65 IND. L.J. 107, 107 n.+ (1989) (author requesting full names in citations). *But see* Anna Quindlen, *The Name Game, or When Contempt Breeds Familiarity*, CHI. TRIB., Nov. 26, 1991, § 1, at 21 (arguing that referring to a woman or African-American man by first name historically is used to diminish and disrespect).

10. *See* Book Note, *Manual Labor, Chicago Style*, 101 HARV. L. REV. 1323, 1325-26 (1988) (ridiculing Judge Posner's suggestion that citation to an author's full name would reduce ambiguity: "[N]o longer [would] readers be deceived into reading [Andrea Dworkin's] *Against the Male Flood: Censorship, Pornography and Equality*, thinking Ronald was the author.") (footnote omitted).

11. *Cf.* THE UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION 14 (1989) [hereinafter MAROON BOOK].

12. Note that N.Y.U. L. REV. violates the former rule on spacing of single capitals (rule 6.1(a)), but is specifically listed in 14TH BLUEBOOK as an exception. Under the rule, it should have been the absurd N.Y.U.L. REV. *Cf.* B.C.L. REV. in the same rule. Here we see one of the advantages of being a top-ranked law school. *See* Survey, *Chicago-Kent Law Review Faculty Scholarship Survey*, 65 CHI.-KENT L. REV. 195, 208 (1989) (9th overall); Janet M. Gumm, Survey, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-KENT L. REV. 509, 520 (1990) (8th overall).

page of the source cited."[13] The 15TH BLUEBOOK rule adds "Shorten any middle name (or names) to a middle initial unless the author uses an initial in place of his or her first name, in which case retain the first initial and the full middle name."[14] In addition to being incomprehensible, the rule is wrong. The author's name should be cited as it is, as the author is known, the way it appears on the title page. While the 15TH BLUEBOOK rule works for H.L.A. Hart and W. Page Keeton, it fails for Mary Kay Kane,[15] Mary Joe Frug,[16] Anthony Jon Waters,[17] Melvin Aron Eisenberg,[18] Frank E.A. Sander[19] and David A.J. Richards[20] (which 15TH BLUEBOOK misspells as DAVID A.J. RICHARS[21]). Authors should be able to get proper credit[22] for their efforts without having editors mangle their names,[23] and editors have better things to do[24] than to worry about the proper way to shorten a name without offending the author. The BLUEBOOK does not require shortening of titles (rule 15.2); why should it require shortening something so intimately connected with the author's ego as his or her own name? Perhaps the next edition of the BLUEBOOK can simply state the rule as "Cite the author's name as the author wants it."

III. AUTHOR'S NAME FOR STUDENT-WRITTEN ARTICLES

In a great leap forward, 15TH BLUEBOOK recognizes student authors as human beings. No longer can our articles be dismissed as mere

13. MAROON BOOK, *supra* note 11, at 14.

14. 15TH BLUEBOOK also eliminates the option of altering the citation of an author's name "if failure to do so would make identification difficult" which 14TH BLUEBOOK (rule 15.1) allowed.

15. MARY KAY KANE, CIVIL PROCEDURE IN A NUTSHELL (3d ed. 1991).

16. Mary Joe Frug, *Re-Reading Contracts: A Feminist Analysis of a Contracts Casebook*, 34 AM. U. L. REV. 1065 (1985).

17. Anthony Jon Waters, *The Property in the Promise: A Study of the Third Party Beneficiary Rule*, 98 HARV. L. REV. 1109 (1985).

18. Melvin Aron Eisenberg, *The Bargain Principle and its Limits*, 95 HARV. L. REV. 741 (1982); Robert Cooter & Melvin Aron Eisenberg, *Damages for Breach of Contract*, 73 CAL. L. REV. 1432 (1985). The "forthcoming articles" page of the issue preceding the one with the Cooter and Eisenberg article listed "Melvin A. Eisenberg." One may surmise that Professor Eisenberg's name was corrected for the publication of the actual article.

19. Frank E.A. Sander, *Alternative Methods of Dispute Resolution: An Overview*, 37 U. FLA. L. REV. 1 (1985).

20. DAVID A.J. RICHARDS, THE MORAL CRITICISM OF LAW (1977).

21. 15TH BLUEBOOK, *supra* note 1, at 115.

22. Or blame.

23. 15TH BLUEBOOK muddles the "Bruce Ackerman rule," *see supra* note 9, by citing "Bruce Ackerman" (inside front cover, 115 and 118) and "Bruce A. Ackerman" (at 109).

24. Such as (according to some authors) mangling style. *See, e.g.*, James Lindgren, *Fear of Writing*, 78 CAL. L. REV. 1677, 1677-78 (1990) (reviewing TEXAS LAW REVIEW MANUAL OF STYLE (6th ed. 1990) as "evil" and a "Style Book From Hell"). *But see* Charles D. Moody & Arthur S. Feldman, *Greetings from Hell*, 78 CAL. L. REV. 1703, 1706, 1712 (1990) (criticizing Lindgren's criticism as "demogoguery" and "straight out of Monty Python"); *contra* James Lindgren, *Return to Sender*, 78 CAL. L. REV. 1719 (1990) (getting in the last shot).

anonymous Notes or Comments, unworthy of the respect granted to real authors. Under the new rule,[25] student-written materials are "cited in the same manner as any other signed article in a law review" (rule 16.5.1). Well, almost the same manner. We must still be tagged with a caveat such as "Comment" or "Note" between the author's name and the title. Thus, we have

> Richard Saks, Note, *Redemption or Exemption?: Racial Discrimination in Judicial Elections Under the Voting Rights Act*, 66 CHI.-KENT L. REV. 245 (1990).

At least we no longer have to be Bruce Ackerman to have our names cited.[26]

For student-written book reviews, the designation is "Book Note," regardless of what it is called in the publication (rule 16.5.2).

IV. NO MORE PARALLEL CITES TO STATE CASES

15TH BLUEBOOK inexplicably drops the requirement (rule 10.3.1) of parallel cites to state cases. Under the new rule, parallel cites are only provided for "citation of state court cases in documents submitted to courts of the state that originally decided them" (rule 10.3.1(a)). In legal memos and law review articles, cases which appear in regional reporters are to be cited only to that reporter. Thus, the 14TH BLUEBOOK citation

> People v. Bimbo, 314 Ill. 449, 145 N.E. 651 (1924).

would appear as

> People v. Bimbo, 145 N.E. 561 (Ill. 1924).

The editors of 15TH BLUEBOOK provide no rationale for this change. Possibly they felt that the official state reporters are rarely used nowadays, and that with access to LEXIS and WESTLAW, anyone who needs the parallel cites can get them easily.

In light of its practical effects, however, the new rule seems to be a bad idea. Regardless of what the BLUEBOOK editors decree, state courts will require citations to their own official reporters. But what will the practitioners who are writing briefs for these courts use for sources for these citations? Under the new rule, internal legal memoranda and law review articles will only contain cites to regional reporters. Thus, practitioners will have the added burden of tracking down the parallel cites anyway. It seems likely that law firms will institute their own rules requiring inclusion of parallel citations, just for the sake of convenience. It

25. Formerly rule 16.1.2.
26. *See supra* note 9; *see also* 14TH BLUEBOOK, *supra* note 1, at 91.

also seems curious that a law review, claiming to be a wellspring of legal knowledge, would choose not to provide complete information to researchers who clearly will need it.

V. NEWSPAPERS CITED AS PERIODICALS

15TH BLUEBOOK makes the citation form for newspapers logical and completely inverted from what everyone has been accustomed to. Newspapers are now cited like periodicals, with the headline in italics and the newspaper name in large and small caps. Thus, the 14TH BLUEBOOK citation

> Chicago Tribune, Nov. 26, 1991, § 1, at 1, col. 5.

would now appear as

> Joseph A. Reaves, *Poland Unable to Put Brakes on Growing Stolen Car Market*, CHI. TRIB., Nov. 26, 1991, § 1, at 1.[27]

VI. PREVIOUSLY UNCITEABLE MATERIALS

The 15TH BLUEBOOK editors have done us a favor by adding citation forms for a potpourri of materials for which no cite form was specified. Now dazed and bewildered Bluebookers need not suffer anxiety attacks over how to cite that one source which is not included in the all-inclusive BLUEBOOK.

A. *Electronic Databases*

Rule 10.8.1(b) specifies citation forms for cases cited to electronic databases (LEXIS, WESTLAW etc.).[28] Note that citations to electronic databases are now preferred over slip opinions or newspapers (rule 10.3.1(b))[29]. Since cases get into the databases quicker than slip opinions

27. As it originally appeared, the title (in the Chicago Tribune's style) was *Poland unable to put brakes on growing stolen car market*. However, rule 8 says to capitalize (nearly) all words in the title, and so it would be cited as in the text above. On the other hand, the Chicago Sun-Times has recently adopted a style of capitalizing *more* words in the title than would be called for by 15TH BLUEBOOK. Thus, the citation

> Virginia Van Vynckt, *Lentil Salad is a Meal in a Bowl*, CHI. SUN-TIMES, July 9, 1992, Food section, at 2.

would be the "proper" rendition for an article entitled (in the original) *Lentil Salad Is a Meal In a Bowl*. Apparently law review editors outrank newspaper editors.

28. *See, e.g.*, Turner v. Chicago Hous. Auth., No. 89-C5801, 1990 WL 104113 (N.D. Ill. July 3, 1990). Note that WESTLAW lists this case number as "89 C 5801"; the punctuation above is as shown in the example for rule 10.8.1(b).

29. *See also* rule 10.8.1(a): "When a case is unreported *and* available *only* in a slip opinion . . . ." (emphasis added).

The fact that the BLUEBOOK specifies a *form* for citing unreported opinions may gloss over the issue of whether it is *proper* to use and cite materials which are unavailable to attorneys who do not

get to the public,[30] this rule seems to be to (almost) never cite to slip opinions.

B. *Prefaces, Forewards, Etc.*

Rule 15.6 codifies the way everyone has probably handled these anyway.[31]

C. *Shakespeare*

For better understanding of the relation between law and literature,[32] 15TH BLUEBOOK provides a citation form for Shakespeare (rule 15.7(e)).[33]

D. *Unpublished Materials*

15TH BLUEBOOK now specifies citation form for unpublished manuscripts (rule 17.1.1),[34] unpublished dissertations and theses (rule 17.1.2), letters and memos (rule 17.1.3),[35] interviews (telephone or in-person) (rule 17.1.4), and unpublished speeches (rule 17.1.5). Thus, citecheckers are relieved of worry about the format of the cite, and can focus on talking the author into sending a copy of that preciously obscure source to the law review so that it really is "on file."

E. *Forthcoming Publications*

Rule 17.2 specifies citation forms for works scheduled to be pub-

have access to electronic databases, and which the issuing court intended to lack precedental value. *See, e.g.*, RICHARD POSNER, THE FEDERAL COURTS 120 (1985); Philip Nichols, Jr., *Selective Publication of Opinions: One Judge's View*, 35 AM. U. L. REV. 909 (1986).

30. *See, e.g.*, description of WESTLAW ALLFEDS database (obtained by typing SCOPE ALLFEDS at the initial screen).

31. *See, e.g.*, Paul Williams, *Introduction* to PHILIP K. DICK, CONFESSIONS OF A CRAP ARTIST 7, 10 (Paladin Books 1989) (1975).

32. *Cf.* RICHARD A. POSNER, LAW AND LITERATURE: A MISUNDERSTOOD RELATION (1988).

33. We still have judgement here; that we but teach
Bloody instructions, which, being taught, return
To plague the inventor. . . .

WILLIAM SHAKESPEARE, MACBETH act 1, sc. 7.

34. *See, e.g.*, David E.B. Smith, Note, Clean Sweep or Witch Hunt? Chicago's Public Housing Sweeps 1 (Mar. 30, 1992) (unpublished manuscript, on file with author).

35. 15TH BLUEBOOK gives this example at 120:

Letter from Jonathan Ross, Senior Editor, *The Yale Law Journal*, to Larry Frankel, Executive Editor, *University of Pennsylvania Law Review* 2 (Apr. 7, 1991) (on file with the *University of Pennsylvania Law Review*).

The next page contains this example:

Lawrence M. Frankel, Comment, *National Representation for the District of Columbia: A Legislative Solution*, 139 U. PA. L. REV. (forthcoming June 1991).

Mere coincidence, or further evidence of the Ivy League old-boy network in action?

lished.[36] Note that the rule provides a different format for works not yet in page proofs, so that the correctness of a cite will depend on how quickly the printer gets around to setting the article in type. One question left unanswered by 15TH BLUEBOOK is how to cite works scheduled to be published, but not yet written.[37]

F. Electronic Databases

Rule 17.3.1 specifies a fairly obvious rule for citing sources (not cases) which are only easily available in electronic databases. The example given in 15TH BLUEBOOK, and the only possibility that comes readily to mind, is wire service reports.[38]

Rule 17.3.2 specifies the citation form for information obtained as the result of electronic database searches. This solves the old problem of demonstrating support for a statement such as "no court has ever recognized the relationship between X and Y."[39] The rule becomes truly arcane in suggesting that "[i]f the search used to select the data might not be obvious to the reader, describe the search parameters used in a separate parenthetical following the date."[40]

G. Microform

Rule 17.4 specifies that citations to documents on microfilm or microfiche should, not too surprisingly, include the citation to the original document (if any), the phrase "microformed on", followed by a citation to the microform source.

H. Sound Recordings

Rule 17.6 specifies the citation form[41] for commercial (rule 17.6.1) and non-commercial (rule 17.6.2) sound recordings. For commercial recordings, the author and title are cited in large and small capitals, with

36. *See, e.g.*, *Symposium on Law and Economics: Perspectives on Urban Issues*, 67 CHI.-KENT L. REV. (forthcoming 1992). (Author's note: Two birds with one stone; rules 16.5.3 and 17.2).

37. *See* David E.B. Smith, Survey, *Chicago-Kent Law Review Faculty Scholarship Survey*, 68 CHI.-KENT L. REV. (forthcoming 199?).

38. *See Texas News Briefs*, UPI, Apr. 7, 1982, *available in* LEXIS, Nexis Library, OMNI File (describing author's uncle-in-law being struck by car while jogging).

39. Coombs, *supra* note 1, at 1108 (suggesting new introductory signal "*Will not see in*").

40. *See* Carter v. Sedgwick County, 705 F. Supp. 1474 (D. Kan. 1988). Search of LEXIS, Genfed library, COURTS file (Dec. 1, 1991) (search for (SEXUAL HARASSMENT) AND (LONG PRE/2 DONG AND SILVER) OR (LONG AND DONG)). *Cf.* Lynda Edwards, *"Look Ma, No Principles!: From Harvard Law School to Smearing Anita Hill*, SPY, Dec. 1991, at 22 (illustrating that Chicago-Kent students understand LEXIS search terms better than Harvard Law grads).

41. Thus solving a burning citation controversy. *See* Aside, *supra* note 1, at 1555 n.7.

the specific song title (if included) in italics.[42] For non-commercial recordings, the entire citation is in roman type.[43] For those writers who avoided citing their favorite record because they didn't know how, this rule is a welcome relief.

I. Miscellaneous New Goodies

Other new items in 15TH BLUEBOOK (presented in no particular order) are:

"*Cf.*" becomes "compare" when used as a verb rather than as a signal (rule 1.2(e)) In other words, where you would say "compare," say "compare."

Explanatory parenthetical phrases should begin with a present participle, and generally not with a capital letter, unless the parenthetical is a quotation or where a "complete participle phrase is unnecessary in context" (rule 1.5).[44]

"*In*" may be used to cite shorter works in collection "at" a specific page (rule 1.6(a)).

Punctuation should be italicized only when within italicized materials, and not when following (rule 2.2(c)).[45]

Self-references within a work are cited using "*infra*" or "*supra*," and the portion cited is referred to using "note," "part," "p." or "pp." (rules 3.3(a), 3.6).[46]

If the page numbering system would make the use of a hyphen ambiguous, the word "to" may be used (rule 3.3(c)).[47]

"United States" may be abbreviated "U.S." when used as an adjective (rule 6.1(b)).

Foreign words not incorporated into common English usage and not

42. Obviously 15TH BLUEBOOK meant to cite as their example KATE BUSH, *Sat In Your Lap, on* THE DREAMING (EMI Records 1982):

I want to be a lawyer, I want to be a scholar,
But I really can't be bothered, ooh just
Gimme it quick, gimme it, gimme, gimme, gimme, gimme . . . .

Note that the form is the same as for collected works by an author (rule 15.5.1(b)), with *in* replaced with *on*.

43. Note that sound recordings (and films and broadcasts) may be cited in short form. *Cf.* BUSH, *supra* note 41.

44. *Cf.* Austin, *Footnotes as Product Differentiation*, *supra* note 6, at 1140 (pointing out "nit-picking and landscaping restraints" of the BLUEBOOK).

45. Are the commas and periods properly italicized in the example which 15TH BLUEBOOK gives for rule 2.2(c)? All those who looked it up just now have earned all the epithets applied to "law review types." *See, e.g.*, Rosenkranz, *supra* note 7.

46. *E.g.*, *supra* note 1, *infra* part VI.K. *But see infra* p. 1, *supra* pp. 10-11 (in original manuscript).

47. *E.g.*, ASHTON-TATE CORP., USING FRAMEWORK III, I-1 to I-23 (1988).

commonly used in legal writing are to be italicized (rule 7(b)), as are equations (rule 7(e)).[48]

"Commonwealth" and "State" are capitalized in the title of a state, if the word modified is capitalized, or if referring to the state as a party to litigation (rule 8).

"Federal" is capitalized when the word it modifies is capitalized ("Federal Reserve") (rule 8).

J. New Case Citation Rules

If a case name is "In re" multiple items, retain only the first item in the list (rule 10.2.1(a)).

Use the common street address of real property which is a party (rule 10.2.1(a)).[49]

"Application of" is abbreviated to "In re" (rule 10.2.1(b)).

If the department or district of an intermediate state court is "of particular relevance," it should be cited in detail (rule 10.4(b)).[50]

Cases "overruled by" other cases should be cited as such (rule 10.7.1(c)).

Multiple dispositions of the same case are connected with "and" (rule 10.7.1(d)).

When citing only one party name in the short form for a case, don't choose the one that is a "common litigant," formerly only the United States (rule 10.9). The example which the BLUEBOOK gives is *NAACP*; a better use for this rule is in habeas corpus cases, where one of the litigants is the sheriff or warden.[51] In such an instance, the habeas petitioner's name is more likely to uniquely identify the case than the official's name, as the latter undoubtedly has countless suits filed against him or her.[52]

K. Newly Obscure Case Citation Rules

This change is not as notable for its impact as for its obscurity. 14TH BLUEBOOK formerly listed three acceptable short forms for cases.[53] The

48. As any *Rechtanswalt* knows, $E = mc^2$, *n'est-ce pas?* Ignorantia legis neminem excusat.

49. *See, e.g.*, United States v. 121 Nostrand Ave., 760 F. Supp. 1015 (E.D.N.Y. 1990).

50. The example given is Schiffman v. Corsi, 50 N.Y.S.2d 897 (Sup. Ct. N.Y. County 1944). Rule 10.3.1(b) notwithstanding, wouldn't an attorney using *your* law review's in-depth article on revocation of medical licenses in New York City be happier to find this case cited as Schiffman v. Corsi, 182 Misc. 498, 50 N.Y.S.2d 897 (Sup. Ct. N.Y. County 1944)? *See* rule 10.3.1(a).

51. *See, e.g.*, McCleskey v. Kemp, 481 U.S. 279 (1987).

52. *See, e.g.*, *McCleskey*, 481 U.S. at 280.

53. People v. Bimbo, 145 N.E. at 652; *Bimbo*, 145 N.E. at 652; 145 N.E. at 652.

fourth permissible form, "*Id.* at —," appeared as an example for the use of *Id.* In 15TH BLUEBOOK, the same three acceptable short forms are listed at the bottom of page 69. Overleaf, at the top of page 70, where no one will ever find it when looking up the rule on short forms, is a lonesome "*Id.* at 343." In the next edition, the BLUEBOOK editors should try to get all the forms on the same page (or at least warn us about how many there are).

L. Constitutions, Statutes etc.

There is no short form for constitutions (rule 11).

Repealed statutes must be cited with a parenthetical noting the date of repeal as "repealed 19xx" (rule 12.2.1).

For session laws, "Act approved" is no longer an appropriate identifying phrase (rule 12.4(a)).

When a session law contains sections of an amended act, cite the session law's sections as "sec." and the amended act's sections as § (rule 12.4(c)).

The word "section" is to be used in law review text when referring to any statute other than U.S.C. In footnotes, "§ " may be used (rule 12.9(b)).

VII. ALTERATIONS FROM THE PREVIOUS EDITION

A. Order of Authorities

The order in which authorities are cited within a signal has been drastically altered (rule 1.4) (formerly rule 2.4). The new order is (briefly):

Constitutions	(was 2d)
Statutes	(was 3d)
Treaties	
Cases	(was 1st)
Legislative Materials	
Administrative and Executive Materials	
Resolutions, decisions, and regulations of intergovernmental organizations	
Records, briefs and petitions	
Secondary materials	
Cross-references to the author's textual material	

Within each category the order is largely as it was in 14TH BLUEBOOK.

B. Quoting Altered Quotations

15TH BLUEBOOK requires a parenthetical note when quoting a

source which contains a quotation which has been altered from its original (rule 5.2). Perhaps an easier way of explaining it is: use the parenthetical "alteration in original" whenever there was one.

C. *Spacing in Periodical Names*

The rule about always closing up single capitals (rule 6.1(a)) is modified in 15TH BLUEBOOK to exclude titles of periodicals; there, single capitals in the name of an entity are closed up, but set off from other single capitals. This replaces some of the more absurd abbreviations such as B.C.L. REV. (being the Review of Boston College Law) with the more rational B.C. L. REV. (the Law Review of Boston College).[54]

D. *Parts of the Constitution are Capitalized*

Rule 8 now specifies that parts of the U.S. Constitution are capitalized in textual references (but not in citations). Thus, 15TH BLUEBOOK recognizes the way everyone in the world writes and saves us from having to catch that correction that always slips by.

E. *Use* et al. *for multiple authors*

Rule 15.1.1 now mandates the formerly forbidden use of ET AL.[55] to shorten a list of more than three authors of a book. The example given for rule 16.1 appears to specify using "et al."[56] to shorten a list of more than three authors of a journal article.[57]

F. *Always Indicate Editors or Translators*

Rule 15.1.2 requires that the full name of an editor or translator be given, followed by "ed." or "trans." in the parenthetical.

G. *Institutional Authors*

Only the smallest applicable subdivision of the institution, followed by the name of the overall body, is cited (rule 15.1.3(a)). An individual credited as author or editor of an institutional work is cited as such, fol-

54. *Cf.* Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445 (1986) (the University of San Francisco Law Review; not U.S.F.L. REV., the Review of the United States Football League).

55. Note that ET AL. is all lower case letters in a large and small caps font, for true nit-pickers.

56. In all lower case letters in ordinary roman type, of course.

57. Though not explicitly required by the rule. How far should one carry statutory interpretation of the BLUEBOOK? *See generally Symposium on Statutory Interpretation*, 66 CHI.-KENT L. REV. (1990).

lowed by the organization's name (rule 15.1.3(a) and (b)). "United States" *should be* abbreviated to "U.S." (rule 15.3(c)).

H. Films and Broadcasts

Rule 17.5 specifies that films are to be cited in large and small capitals (like books),[58] whereas television and radio broadcasts are to be cited in italics (like periodicals).[59] The old rule 15.5.3 used italics for films and broadcasts.

I. Editions and Publishers

Rule 15.4(a) states "*Always* cite to the latest edition of a work" (not just for works after 1870). The subsequent portions of the rule then proceed to discuss rules for citing other editions (rule 15.4(a)(i) and (ii)) and other publishers (rules 15.4(a)(iii), (b), (c)). The rules can best be summarized as "Cite edition or publisher whenever there could be confusion."

J. Books and the Like

Rule 15.5 (on works in collection) has been substantially altered. The citation must now include the word "*in*" in italics, the volume number of the work, the page number on which the shorter work begins, and any editor or publishing information required by rules 15.1 and 15.4.[60]

VIII. MISCELLANEOUS CHANGES

In case names in textual sentences, abbreviate to "Ass'n" as with "&", "Bros.", "Co.", "Corp." etc. (rule 10.2.1(c))

When citing constitutions, abbreviate "preamble" as "pmbl." (rule 11).

Constitutional provisions which have been repealed or amended are cited with the date of the action or by the repealing or amending provision.[61]

For Model Codes, the author must be cited if not the National Con-

58. *E.g.*, THE MOON IS BLUE (United Artists 1953) (on file with author).

59. *E.g.*, *The Prisoner: Arrival* (CBS television broadcast, June 1, 1968). How does one citecheck a television broadcast from 1968?

60. *See, e.g.*, David L. Rosenhan, *On Being Sane in Insane Places*, *in* THE INVENTED REALITY 117, 122 (Paul Watzlawick ed., 1984); Letter from Edmund Wilson to Thornton Wilder (June 20, 1940), *in* LETTERS ON LITERATURE AND POLITICS 1912-1972, at 184 (Elena Wilson ed., 1977). *But see* Leon Edel, *Foreword* to EDMUND WILSON, LETTERS ON LITERATURE AND POLITICS 1912-1972, at xiii (Elena Wilson ed., 1977).

61. *Compare* U.S. CONST. amend. XVIII (repealed 1933) *with* U.S. CONST. amend. XVIII, *repealed by* U.S. CONST. amend. XXI.

ference of Commissioners on Uniform State Law; formerly, the author was not cited if the author was not the ABA or ALI (rule 12.8.5).

Simple as well as concurrent Congressional resolutions are cited as unenacted bills, and may be cited in parallel to the Congressional Record (rule 13.2).

The separately bound legislative history of the Securities Exchange Act of 1934 may be cited similarly to the other acts listed in rule 13.6.

When citing rules and regulations, cite the page on which the cited material appears, as well as the page on which it begins (rule 14.2(a)).

SEC no-action letters are preferentially cited to the Federal Register, then to a service (rule 14.6).

U.S. Code Congressional and Admninstrative News is now cited as U.S.C.C.A.N. (rule 14.7(b)).

Pinpoint cites are now explicitly required for citations to consecutively paginated journals like law reviews (rule 16.2). Everyone should have figured that out by now.

IX. NEW ABBREVIATIONS THAT DON'T FIT ANYWHERE ELSE[62]

As a conclusion,[63] here are some truly trivial items for the reader's enjoyment.

Case names (table T.6):

Laboratory	Lab.
School	Sch.

Court names (table T.7):

Borough Court	[name] Bor. Ct.
Court of Civil Appeals	Civ. App.
Court of Errors	Ct. Err.
Parish Court	Par. Ct.
Territorial	Terr.
Tribal Court	[name] Tribal Ct.
Tribunal	Trib.

Court documents (table T.8): The whole table is new.[64]

62. For general discussion of footnotes, *see* Kenneth Lasson, *Scholarship Amok: Excesses in the Pursuit of Truth and Tenure*, 103 HARV. L. REV. 926, 937-41 (1990) (decrying insertion of footnotes for footnotes' sake).

63. Perhaps the BLUEBOOK really was written by aliens. *See* Aside, *supra* note 1, at 1566.

64. The text accompanying the table of "suggested abbreviations" specifies that some words in the table "should not be abbreviated." Indeed, words such as "Quash" and "Subpoena" are left whole. But then "Attach" is left whole, while Attachment is abbreviated to "Attach." Pity the reader trying to distinguish

See Attach.

Explanatory phrases (table T.9):

certifying questions to
mandamus denied
overruled by
rev'd on other grounds
rev'g

Publishing terms (table T.15):

new series	n.s.
no date	n.d.
no place	n.p.
printing	prtg.

Thus battle-weary "[v]eterans of *Bluebook* citation"[65] have a few more weapons to use in the constant war on unruly footnote form.[66]

and

See Attach..

Moreover, pity the typist faced with "Defendant's" (abbreviated as "Def.'s") and "Defendants' " (abbreviated as "Defs.' ") in the same sentence.

65. 15TH BLUEBOOK, *supra* note 1, at v.

66. For discussion of the cabalistic significance of the final footnote, *see* Austin, *Footnotes as Product Differentiation*, *supra* note 6, at 1141-43.