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### Citation Form in Transition: The ALWD Citation Manual

Vickie Rainwater

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## BOOK REVIEW

### CITATION FORM IN TRANSITION: THE ALWD CITATION MANUAL

ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION.  
By Association of Legal Writing Directors and Darby Dickerson.  
New York: Aspen Law and Business. 2000. Pp. i, 470.

*Reviewed by Vickie Rainwater*<sup>†</sup>

The importance of citations in American jurisprudence can hardly be overstated. Stability in the law depends on the principle of stare decisis, which in turn relies on precedent. Virtually all legal argument, therefore, rests on precedent. Legal writers must demonstrate that the precedent on which they rely is sound and authoritative, and citations are the shorthand they use to show readers the nature and source of that precedent.

For most of the last century, the conventions of legal citation form have been dictated by *The Bluebook*.<sup>1</sup> The fact that it is compiled by students<sup>2</sup> has not diminished its power as the ultimate arbiter of citation form.<sup>3</sup> Indeed, *The Bluebook* is the official citation authority in

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<sup>†</sup> Acting Director of the Legal Writing Program, Texas Wesleyan University School of Law; J.D. University of Texas School of Law, 1984. The author is grateful to Professor Susan Phillips for her comments and assistance with citation form and to Associate Dean Jim Hambleton for sharing his insights on neutral citation format. Both Professor Phillips and Associate Dean Hambleton are faculty members and librarians at Texas Wesleyan University School of Law.

1. All citations for this review are presented in both *Bluebook* form and *ALWD* form to demonstrate the similarities and differences of the two.

*Bluebook* form: THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) [hereinafter THE BLUEBOOK].

*ALWD* form: *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. Assn. et al. eds., 17th ed., Harvard L. Rev. Assn. 2000) [hereinafter *The Bluebook*].

2. *Bluebook* form: *The Bluebook* is “[c]ompiled by editors of the *Columbia Law Review*, the *Harvard Law Review*, the *University of Pennsylvania Law Review*, and *The Yale Law Journal*.” *Id.* at iii.

*ALWD* form: *The Bluebook* is “[c]ompiled by editors of the *Columbia Law Review*, the *Harvard Law Review*, the *University of Pennsylvania Law Review*, and *The Yale Law Journal*.” *Id.* at iii. (*ALWD* does not make clear whether to italicize the names of these law reviews.)

3. *Bluebook* form: See generally A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 STETSON L. REV. 53 (1996) (describing the history of *The Bluebook*). *The Bluebook* has, until now, had only one serious competitor, “The Maroonbook,” also prepared by students. THE UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION (The Univ. of Chi. Law Review & The Univ. of Chi. Legal Forum eds., 1989).

*ALWD* form: See generally A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 Stetson L. Rev. 53 (1996) (describing the history

some jurisdictions and the de facto authority in many others.<sup>4</sup> Many jurisdictions have citation rules of their own—to be followed in addition to *The Bluebook*—but generally these adapt basic *Bluebook* rules to the problems peculiar to that jurisdiction.<sup>5</sup> And for many sources of authority, from treaties and tax materials to treatises and periodical articles, *The Bluebook* has been the only authoritative guide for citation form.<sup>6</sup> So, through the good offices of countless students, American law has a citation system that is, for the most part, informative, stable, comprehensive, and unobtrusive.

Increasingly, however, *The Bluebook* has been subject to criticism. First, *The Bluebook* has perpetuated a double citation system, with significant differences for practitioners' documents and for law reviews.<sup>7</sup> Begun as a manual for law-review editors,<sup>8</sup> *The Bluebook* is still designed primarily for them, so practitioners must adapt law-review rules for their use. Second, the editors of *The Bluebook* have frustrated users by frequently making changes that serve no apparent

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of *The Bluebook*). *The Bluebook* has, until now, had only one serious competitor, "The Maroonbook," also prepared by students. *The University of Chicago Manual of Legal Citation* (The U. of Chi. L. Rev. & The U. of Chi. Leg. Forum eds., Laws. Coop. Publ. Co., Bancroft-Whitney Co., & Mead Data Co., Inc. 1989).

4. *Bluebook* form: ASS'N OF LEGAL WRITING DIRS. & DARBY DICKERSON, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION app. 2 (2000). Appendix 2 gives the citation rules required or preferred by each state—some states specifically require *Bluebook* style, others have more general guidelines, a few have their own style, and some use a combination of these. *Id.* at app. 2. Federal courts' citation rules are not included in this appendix, but they are available on the ALWD Web site. Ass'n of Legal Writing Dirs., *Updates*, at <http://www.alwd.org/cm/updates.htm> (last modified Jan. 15, 2001). *The Bluebook* does not provide this information anywhere.

ALWD form: ALWD & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* 379, app. 2 (Aspen L. & Bus. 2000). Appendix 2 gives the citation rules required or preferred by each state—some states specifically require *Bluebook* style, others have more general guidelines, a few have their own style, and some use a combination of these. *Id.* at 379, app. 2. Federal courts' citation rules are not included in this appendix, but they are available on the ALWD Web site. ALWD, *Updates* <<http://www.alwd.org/cm/updates.htm>> (last modified Jan. 15, 2001). *The Bluebook* does not provide this information anywhere.

5. *Bluebook* form: *See, e.g.*, TEXAS RULES OF FORM 1 (Tex. Law Review Ass'n ed., 9th ed. 2d prtng. 1997) (indicating that it is intended as a supplement to *The Bluebook*, *supra* note 1).

ALWD form: *See e.g. Texas Rules of Form 1* (9th ed., 2d prtng., The U. of Tex. at Austin Sch. of L. Publications, Inc. 1997) (indicating that it is intended as a supplement to *The Bluebook*, *supra* n. 1).

6. *Bluebook* form: West and other publishers may use different citation forms, but they are never considered authoritative.

ALWD form: West and other publishers may use different citation forms, but they are never considered authoritative.

7. *Bluebook* form: *See* THE BLUEBOOK, *supra* note 1, R. P.1(a), at 11-12; *id.* R. 2.1(a), at 30-31. *See also id.* R. P.1(b), at 12; *id.* R. 15, at 107-17; *id.* R. 16, at 117-26. ALWD form: *See The Bluebook*, *supra* n. 1, at 11-12 (R. P.1(a)); *id.* at 30-31 (R. 2.1(a)). *See also id.* at 12 (R. P.1(b)); *id.* at 107-17 (R. 15); *id.* at 117-26 (R. 16).

8. *Bluebook* form: Dickerson, *supra* note 3, at 57-58.

ALWD form: Dickerson, *supra* n. 3, at 57-58.

purpose. Most detrimental—especially to courts and practitioners—were the changes in the meaning of citation signals, which obscured the writer’s argument when the signals no longer carried their original meaning.<sup>9</sup> Now in its 17th edition, each new edition of *The Bluebook* since the 7th has included changes in signals.<sup>10</sup> In fact, a recent change in the meaning of the signal “see” was deemed so unnecessary and confusing that the American Association of Law Schools passed a plenary resolution against it.<sup>11</sup> Third, *The Bluebook* has always been plagued with internal inconsistencies—some trivial, some not.<sup>12</sup>

Finally, and perhaps most important, *The Bluebook*’s presentation of the citation system is notoriously difficult to use. Even for experienced users, *The Bluebook* can be difficult, but for novices it is often daunting. Its difficulties have been the impetus for many commercial publications purporting to teach, explain, or simplify *The Bluebook*.<sup>13</sup> Every legal writing text includes a chapter explaining *Bluebook* rules and citation usage, and legal writing teachers prepare handouts for their students to serve the same purpose. Learning the basics of *The*

9. *Bluebook* form: Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 1.2, at 22-24 (Columbia Law Review Ass’n et. al eds., 16th ed. 9th prtng. 1999), with THE BLUEBOOK, *supra* note 1, R. 1.2, at 22-24.

ALWD form: Compare *The Bluebook: A Uniform System of Citation* 22-24 (Columbia L. Rev. Assn. et al. eds., 16th ed., 9th prtng. 1999) (R. 1.2) with *The Bluebook*, *supra* n. 1, at 22-24 (R. 1.2).

10. *Bluebook* form: Dickerson, *supra* note 3, at 66 n.81.

ALWD form: Dickerson, *supra* n. 3, at 66 n. 81.

11. *Bluebook* form: A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 SCRIBES J. LEGAL WRITING 75, 79-81 (1997) (explaining the reasons for the resolution). The ensuing academic brouhaha contributed to ALWD’s decision to make a better mousetrap. Steven D. Jamar, *The ALWD Citation Manual—A Professional Citation System for the Law*, 8 PERSP.: TEACHING LEGAL RES. & WRITING 65, 66 (2000). Perhaps in response to these events, the 17th edition of *The Bluebook* goes back to signal rules from the 15th edition. THE BLUEBOOK, *supra* note 1, at v. ALWD form: A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 Scribes J. Leg. Writing 75, 79-81 (1997) (explaining the reasons for the resolution). The ensuing academic brouhaha contributed to ALWD’s decision to make a better mousetrap. Steven D. Jamar, *The ALWD Citation Manual—A Professional Citation System for the Law*, 8 Persps.: Teaching Leg. Research & Writing 65, 66 (2000). Perhaps in response to these events, the 17th edition of *The Bluebook* goes back to signal rules from the 15th edition. *The Bluebook*, *supra* n. 1, at v.

12. *Bluebook* form: For example, there are numerous inconsistent uses of abbreviations, such as “Bankr.” for “Bankruptcy Court,” THE BLUEBOOK, *supra* note 1, at 185 tbl.T.1, and “B.R.” for “Bankruptcy Reporter,” *id.*

ALWD form: For example, there are numerous inconsistent uses of abbreviations, such as “Bankr.” for “Bankruptcy Court,” *The Bluebook*, *supra* n. 1, at 185 tbl. T.1, and “B.R.” for “Bankruptcy Reporter,” *id.*

13. *Bluebook* form: See, e.g., MARIA L. CIAMPI ET AL., THE CITATION WORKBOOK: HOW TO BEAT THE CITATION BLUES (2d ed. 1997); PETER W. MARTIN, INTRODUCTION TO BASIC LEGAL CITATION (2000-2001 ed.), <http://www.law.cornell.edu/citation> (last visited Jan. 27, 2001).

ALWD form: See e.g. Maria L. Ciampi et al., *The Citation Workbook: How to Beat the Citation Blues* (2d ed., Anderson Publg. Co. 1997); Peter W. Martin, *Introduction to Basic Legal Citation* (2000-2001 ed.) <<http://www.law.cornell.edu/citation>> (accessed Jan. 27, 2001).

*Bluebook*—never mind the intricacies—is a rite of passage for first-year law students akin to being called on in class the first time, taking the first exams, and making the first moot court argument. While the flaws in the citation system are troubling but relatively minor (except, perhaps, for the “*see*” problem), the flaws in *The Bluebook*’s presentation of the citation system are a deep source of frustration, especially for law professors and their students.

In 1997, the Association of Legal Writing Directors<sup>14</sup> embarked on a project to write a new citation manual.<sup>15</sup> The aim was to create a citation manual that, without making radical changes to the standard system, would simplify it and make it more consistent.<sup>16</sup> The new manual would take the terror out of learning citation form—and, not incidentally, would take the terror out of teaching citation form—by presenting citation rules in an easily understood format.<sup>17</sup> The *ALWD Citation Manual: A Professional System of Citation*<sup>18</sup> is the happy result of that ambitious project. As indicated in the preface to the *ALWD Manual*: “The Association of Legal Writing Directors created the *ALWD Citation Manual* because lawyers, judges, law teachers, and law students need a citation manual that is easy to use, easy to teach from, and easy to learn from.”<sup>19</sup> Darby Dickerson, the book’s primary author, and the ALWD Citation Manual Advisory Committee, which advised her on the project, have succeeded in creating a manual that meets all these goals.

#### A SINGLE CITATION SYSTEM THAT IS STABLE AND CONSISTENT

Any citation written using *ALWD* form will be immediately understandable by readers accustomed to *Bluebook* form. Dickerson and the Advisory Committee decided that the new manual should, for the most part, simply restate the most commonly used rules of citation.<sup>20</sup>

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14. *Bluebook* form: The Association of Legal Writing Directors is an organization for professors who direct legal writing programs. DICKERSON, *supra* note 4, at xxi. The author is a member of ALWD, but she did not work on the *ALWD Citation Manual: A Professional System of Citation* in any capacity.

*ALWD* form: The Association of Legal Writing Directors is an organization for professors who direct legal writing programs. ALWD & Dickerson, *supra* n. 4, at xxi. The author is a member of ALWD, but she did not work on the *ALWD Citation Manual: A Professional System of Citation* in any capacity.

15. *Bluebook* form: Jamar, *supra* note 11, at 67.  
*ALWD* form: Jamar, *supra* n. 11, at 67.

16. *Bluebook* form: DICKERSON, *supra* note 4, at xxiii-xxiv.  
*ALWD* form: ALWD & Dickerson, *supra* n. 4, at xxiii-xxiv.

17. *Bluebook* form: *Id.*  
*ALWD* form: *Id.*

18. *Bluebook* form: DICKERSON, *supra* note 4.  
*ALWD* form: ALWD & Dickerson, *supra* n. 4.

19. *Bluebook* form: *Id.* at xxiii.  
*ALWD* form: *Id.* at xxiii.

20. *Bluebook* form: Jamar, *supra* note 11, at 65.  
*ALWD* form: Jamar, *supra* n. 11, at 65.

There was no attempt to make radical changes to the rules.<sup>21</sup> But there are, of course, a few changes. Of these, only a very few could be considered significant,<sup>22</sup> and no more than one or two could cause any confusion.

A very welcome change is the elimination of a double set of rules, so that a single form is used both for practitioners' documents and for law reviews.<sup>23</sup> The *Manual* adopts the rules for signals that most lawyers are familiar with,<sup>24</sup> which *The Bluebook* itself has readopted in the 17th edition,<sup>25</sup> and further, makes the promise that “[t]he rules in this book will not be changed arbitrarily.”<sup>26</sup> The use of small capitals is eliminated; ordinary type and italic type or underlining are the only typefaces used.<sup>27</sup> The first word of an organization's name, state names, and “United States” may be abbreviated in case names.<sup>28</sup> To show whether the case is binding authority in the jurisdiction, *ALWD* requires division and district information for state appellate courts<sup>29</sup>

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21. *Bluebook* form: *See id.* In fact, some may find the approach too conservative. A couple of illustrations will suffice. Adopting postal abbreviations for states would not have caused any confusion, and would have helped pave the way for neutral citation format. And the continuing insistence on page numbers—rather than on only section or paragraph numbers—for pinpoint references is anachronistic when many researchers are using CD and online resources that do not incorporate book page references. *Id.*

*ALWD* form: *See id.* In fact, some may find the approach too conservative. A couple of illustrations will suffice. Adopting postal abbreviations for states would not have caused any confusion, and would have helped pave the way for neutral citation format. And the continuing insistence on page numbers—rather than on only section or paragraph numbers—for pinpoint references is anachronistic when many researchers are using CD and online resources that do not incorporate book page references. *Id.*

22. *Bluebook* form: For a chart showing major changes and comparing certain rules in *ALWD* and *The Bluebook*, see DARBY DICKERSON, INSTRUCTOR'S GUIDE TO ACCOMPANY ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION app. A (2000).

*ALWD* form: For a chart showing major changes and comparing certain rules in *ALWD* and *The Bluebook*, see Darby Dickerson, *Instructor's Guide to Accompany ALWD Citation Manual: A Professional System of Citation* 15, app. A (Aspen L. & Bus. 2000).

23. *Bluebook* form: DICKERSON, *supra* note 4, at 4.  
*ALWD* form: ALWD & Dickerson, *supra* n. 4, at 4.

24. *Bluebook* form: *Id.* R. 45.0, at 301-04.  
*ALWD* form: *Id.* at 301-04 (R. 45.0).

25. *Bluebook* form: THE BLUEBOOK, *supra* note 1, at v.  
*ALWD* form: *The Bluebook*, *supra* n. 1, at v.

26. *Bluebook* form: DICKERSON, *supra* note 4, at 8.  
*ALWD* form: ALWD & Dickerson, *supra* n. 4, at 8.

27. *Bluebook* form: *Id.* R. 1.1, at 15.  
*ALWD* form: *Id.* at 15 (R. 1.1).

28. *Bluebook* form: *Id.* R. 12.2(e), (h)-(i), at 61-62. *The Bluebook* also made this change in the 17th edition with the exception of abbreviating “United States.” THE BLUEBOOK, *supra* note 1, R. 10.2.1(c), at 59; *id.* R. 10.2.2, at 62.

*ALWD* form: *Id.* at 61-62 (R. 12.2(e), (h)-(i)). *The Bluebook* also made this change in the 17th edition with the exception of abbreviating “United States.” *The Bluebook*, *supra* n. 1, at 59 (R. 10.2.1(c)); *id.* at 62 (R. 10.2.2).

29. *Bluebook* form: DICKERSON, *supra* note 4, R. 12.6(b), at 74.

and a date for all court rule citations, even current rules.<sup>30</sup> Two changes that were urged by librarians are the inclusion of a publisher's name in a book citation<sup>31</sup> and an exact date in a Federal Register citation.<sup>32</sup> The distinctions between consecutively and non-consecutively paginated journals are eliminated so that the volume and page number of non-consecutively paginated journals are treated as they are for consecutively paginated journals,<sup>33</sup> although *ALWD* requires a date for the cite.<sup>34</sup> These changes are unlikely to cause any difficulty.

But, a few changes may cause difficulty. Abbreviations have been made more consistent throughout, which has resulted in a change in the abbreviation for the Southern Reporter, which is now "S.," rather than "So."<sup>35</sup> This is a change that some will find unnecessary and confusing. The occasional abbreviation sacrifices precision for brevity; for example, the abbreviation for this journal is *Tex. Wes. L. Rev.*, which might easily be mistaken for *Texas Western Law Review*.<sup>36</sup> (*The Bluebook* spells out *Wesleyan*.)<sup>37</sup> And *ALWD* introduces a redundancy into the citation form for administrative decisions, requiring that both the reporter and the agency name be included<sup>38</sup>—as *The Bluebook* indicates, this is usually unnecessary because the reporter name clearly indicates the agency.<sup>39</sup>

Another change that may cause difficulty is in the rule for order of citations. The *Bluebook* rule treats state and federal cases differently.<sup>40</sup> State cases are ordered first alphabetically, and then in re-

*ALWD* form: *ALWD & Dickerson, supra* n. 4, at 74 (R. 12.6(b)).

30. *Bluebook* form: *Id.* R. 17.1(c), at 152.

*ALWD* form: *Id.* at 152 (R. 17.1(c)).

31. *Bluebook* form: *Id.* R. 22.1, at 186; Posting of Sue Liemer, immediate past President of *ALWD*, sliemer@siu.edu, DIRCON97@chicagokent2.kentlaw.edu (Aug. 9, 2000) (copy on file with author).

*ALWD* form: *Id.* at 186 (R. 22.1); E-mail from Sue Liemer, immediate past Pres., *ALWD*, to DIRCON listserv, *New Citation Manual*, sliemer@siu.edu, DIRCON97@chicagokent2.kentlaw.edu (Aug. 9, 2000) (copy on file with author).

32. *Bluebook* form: DICKERSON, *supra* note 4, R. 19.3(d), at 163; Liemer, *supra* note 31.

*ALWD* form: *ALWD & Dickerson, supra* n. 4, at 163 (R. 19.3(d)); E-mail, *supra* n. 31.

33. *Bluebook* form: DICKERSON, *supra* note 4, R. 23.1(c), (f), at 202-04.

*ALWD* form: *ALWD & Dickerson, supra* n. 4, at 202-04 (R. 23.1(c), (f)).

34. *Bluebook* form: *Id.* R. 23.1(f), at 204.

*ALWD* form: *Id.* at 204 (R. 23.1(f)).

35. *Bluebook* form: *Id.* at 68 chart 12.1.

*ALWD* form: *Id.* at 68 chart 12.1.

36. *Bluebook* form: *Id.* at app. 5 at 436.

*ALWD* form: *Id.* at 419, app. 5, 436.

37. *Bluebook* form: THE BLUEBOOK, *supra* note 1, at 337 tbl.T.14.

*ALWD* form: *The Bluebook, supra* n. 1, at 337 tbl. T.14.

38. *Bluebook* form: DICKERSON, *supra* note 4, R. 19.5-6, at 164-65.

*ALWD* form: *ALWD & Dickerson, supra* n. 4, at 164-65 (R. 19.5-6).

39. *Bluebook* form: THE BLUEBOOK, *supra* note 1, R. 14.3.3, at 100.

*ALWD* form: *The Bluebook, supra* n. 1, at 100 (R. 14.3.3).

40. *Bluebook* form: *Id.* R. 1.4(d), at 26.

verse chronological order for cases from the same court.<sup>41</sup> In contrast, federal cases are ordered in three groups—Supreme Court, circuit courts, district courts—and within each group of courts, each case is treated as if all were from the same court, and the cases are ordered in reverse chronological order.<sup>42</sup> *ALWD* changes the rules for federal cases—it orders those from the circuits first by circuit court number, then in reverse chronological order, and district court cases are ordered first by state in alphabetical order, then by district in alphabetical order, and then in reverse chronological order.<sup>43</sup> The change does make for tidy lists, but in the long run it may be unhelpful—many readers will resent having to scour a long list of citations for the most recent cases.

A second edition of the *ALWD Citation Manual* is planned for 2003.<sup>44</sup> Meanwhile, corrections, updates, and additions are posted on the Web site maintained by the Association of Legal Writing Directors.<sup>45</sup> A recent visit disclosed a rather discouraging number of corrections to the first through the fourth printings of the book.<sup>46</sup> Several of the appendices are available in expanded versions on the Web site, and there is an excellent list of frequently asked questions.<sup>47</sup> Although the *ALWD Citation Manual* itself does not include rules for tax materials or international materials except treaties binding the United States,<sup>48</sup> these materials will be available on the Web site, probably next summer.<sup>49</sup> The Web site, already very helpful, is frequently updated and is likely to improve.

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ALWD form: *Id.* at 26 (R. 1.4(d)).

41. *Bluebook* form: *Id.*

ALWD form: *Id.*

42. *Bluebook* form: *Id.*

ALWD form: *Id.*

43. *Bluebook* form: DICKERSON, *supra* note 4, R. 46.3(f), at 307.

ALWD form: ALWD & Dickerson, *supra* n. 4, at 307 (R. 46.3(f)).

44. *Bluebook* form: Ass'n of Legal Writing Dirs., *Frequently Asked Questions*, at <http://www.alwd.org/cm/faq.htm> (last updated Sept. 29, 2000) [hereinafter *FAQ*].

ALWD form: ALWD, *Frequently Asked Questions* <<http://www.alwd.org/cm/faq.htm>> (last updated Sept. 29, 2000) [hereinafter *FAQ*].

45. *Bluebook* form: Ass'n of Legal Writing Dirs., *Home Page*, at <http://www.alwd.org/> (last updated Jan. 15, 2001).

ALWD form: ALWD, *Home Page* <<http://www.alwd.org/>> (last updated Jan. 15, 2001).

46. *Bluebook* form: *Id.* at *Updates*, at <http://www.alwd.org/cm/updates.htm> (visited on Dec. 7, 2000).

ALWD form: *Id.* at *Updates* <<http://www.alwd.org/cm/updates.htm>> (accessed Dec. 7, 2000).

47. *Bluebook* form: *Id.* at *FAQ* (visited on Jan. 15, 2001).

ALWD form: *Id.* at *FAQ* (accessed Jan. 15, 2001).

48. *Bluebook* form: DICKERSON, *supra* note 4, at 4, 172.

ALWD form: ALWD & Dickerson, *supra* n. 4, at 4, 172.

49. *Bluebook* form: *FAQ*, *supra* note 44.

ALWD form: *FAQ*, *supra* n. 44.



A CITATION SYSTEM THAT IS EASY TO USE, EASY TO TEACH  
FROM, EASY TO LEARN FROM

The *ALWD Manual*, taking its cue from scores of new reference manuals,<sup>50</sup> is designed for ease of use.<sup>51</sup> The book is a little larger than *The Bluebook*, but it is still small enough to carry around easily. The paper and binding will withstand hard use. It is printed in two colors to differentiate the examples from the text and to show headings in the appendices.<sup>52</sup> There is plenty of white space, so it is easy on weary eyes. Both the table of contents<sup>53</sup> and the index<sup>54</sup> are thorough and admirably clean on the page. The organization of rules is simple and sensible. The rules themselves are broken down into many subparts, each with its own heading, so that it is simple to locate small details.<sup>55</sup> “Fast Format” pages at the beginning of each chapter contain numerous examples of citations for each type of source.<sup>56</sup> These provide far more examples than *The Bluebook* does on its inside covers.<sup>57</sup>

In addition to the Fast Formats, several features will prove particularly helpful to students: charts, which list abbreviations for research sources;<sup>58</sup> “Sidebars,” which contain information on items of interest;<sup>59</sup> and a short sample memorandum illustrating how citations are used in text.<sup>60</sup> The Sidebars deserve special note.<sup>61</sup> Some Sidebars

50. *Bluebook* form: See, e.g., DIANA HACKER, *A WRITER'S REFERENCE* (4th ed. 1999); ANDREA LUNSFORD & ROBERT CONNORS, *THE NEW ST. MARTIN'S HANDBOOK* (1999).

*ALWD* form: See e.g. Diana Hacker, *A Writer's Reference* (4th ed., Bedford/St. Martin's 1999); Andrea Lunsford & Robert Connors, *The New St. Martin's Handbook* (Bedford/St. Martin's 1999).

51. *Bluebook* form: DICKERSON, *supra* note 4, at xxiii.  
*ALWD* form: ALWD & Dickerson, *supra* n. 4, at xxiii.

52. *Bluebook* form: E.g., *id.* at 58.  
*ALWD* form: E.g. *id.* at 58.

53. *Bluebook* form: *Id.* at v-xx.  
*ALWD* form: *Id.* at v-xx.

54. *Bluebook* form: *Id.* at 447-70.  
*ALWD* form: *Id.* at 447-70.

55. *Bluebook* form: *Id.* at v-xx.  
*ALWD* form: *Id.* at v-xx.

56. *Bluebook* form: E.g., *id.* at 57.  
*ALWD* form: E.g. *id.* at 57.

57. *Bluebook* form: THE BLUEBOOK, *supra* note 1.  
*ALWD* form: *The Bluebook*, *supra* n. 1.

58. *Bluebook* form: E.g., DICKERSON, *supra* note 4, at 68 chart 12.1.  
*ALWD* form: E.g. ALWD & Dickerson, *supra* n. 4, at 68 chart 12.1.

59. *Bluebook* form: E.g., *id.* at 67.  
*ALWD* form: E.g. *id.* at 67.

60. *Bluebook* form: *Id.* at app. 6.  
*ALWD* form: *Id.* at app. 6.

61. *Bluebook* form: E.g., *id.* at 45 (delineating the different uses of the *supra* short citation format).  
*ALWD* form: E.g. *id.* at 45 (delineating the different uses of the *supra* short citation format).

very helpfully explain matters that are always mysterious to first-year students, such as the importance of pinpoint citations;<sup>62</sup> the meaning of *in re*, *ex parte*, and *ex rel.*;<sup>63</sup> why the early United States Reports have names like “Dallas” and “Howard”;<sup>64</sup> the meaning of “paragraph” in a looseleaf service;<sup>65</sup> and the meaning of a denial of certiorari.<sup>66</sup> Other Sidebars are little “how-to’s” on subjects such as using parentheticals effectively,<sup>67</sup> referring to a statute in the text,<sup>68</sup> locating parallel citations,<sup>69</sup> and making the word processor print section and paragraph symbols.<sup>70</sup> For students, especially first-year students, the Sidebars answer a good number of the maddening questions that frustrate them as they struggle with their first assignments. *The Bluebook* has nothing comparable.

The difference in ease of use between *The Bluebook* and *ALWD* is seen most clearly by comparing a specific rule. Here is a typical example. The rule covering pinpoint cites appears in *The Bluebook* in Rule 3.3, which is headed “Pages, Footnotes, Endnotes, and Graphical Materials.”<sup>71</sup> Rule 3.3(a), headed “Pages,” includes six rules, none of them is captioned in any way—you must read the text to determine what the rule is about. The rule for pinpoint cites is effectively buried in the fourth rule (although the excellent index will lead you to the rule provided you know to look for “pinpoint citations”).<sup>72</sup> There is no definition of the term and no indication of the importance of a pinpoint citation. In fact, the rule itself does not use the term “pinpoint citation.”<sup>73</sup>

62. *Bluebook* form: *Id.* at 27.  
*ALWD* form: *Id.* at 27.

63. *Bluebook* form: *Id.* at 67.  
*ALWD* form: *Id.* at 67.

64. *Bluebook* form: *Id.* at 70.  
*ALWD* form: *Id.* at 70.

65. *Bluebook* form: *Id.* at 228.  
*ALWD* form: *Id.* at 228.

66. *Bluebook* form: *Id.* at 79.  
*ALWD* form: *Id.* at 79.

67. *Bluebook* form: *Id.* at 312.  
*ALWD* form: *Id.* at 312.

68. *Bluebook* form: *Id.* at 107.  
*ALWD* form: *Id.* at 107.

69. *Bluebook* form: *Id.* at 71.  
*ALWD* form: *Id.* at 71.

70. *Bluebook* form: *Id.* at 30.  
*ALWD* form: *Id.* at 30.

71. *Bluebook* form: THE BLUEBOOK, *supra* note 1, R. 3.3, at 34.  
*ALWD* form: *The Bluebook*, *supra* n. 1, at 34 (R. 3.3).

72. *Bluebook* form: *Id.* R. 18.2.1(g), at 137. The *ALWD* has an excellent index, too.  
*ALWD* form: *Id.* at 137 (R. 18.2.1(g)). The *ALWD* has an excellent index, too.

73. *Bluebook* form: THE BLUEBOOK, *supra* note 1, R. 3.3, at 34-35. Apart from the index, the term “pinpoint citation” appears in *The Bluebook* only in the sections on electronic sources and public-domain sources. *Id.* R. 10.3.3, at 64; *id.* R. 18.2.1(g), at 137; *id.* R. 18.2.6(b), at 140. These two sections have been recently added or up-

The *ALWD* rule for pinpoint citations appears in Chapter 5, which covers only Page Numbers.<sup>74</sup> Rule 5.2 is headed “Pinpoint Pages,” and it defines a pinpoint page, explains that it is also called a “jump citation,” illustrates its use in several different situations, notes that pinpoints are almost always necessary, and includes a Sidebar explaining the importance of using pinpoint citations.<sup>75</sup> The *ALWD* presentation is clearly the superior one.

The *ALWD Citation Manual* provides extra support for professors in the form of ready-made PowerPoint presentations, exercises, and *Bluebook* conversion charts.<sup>76</sup> Features of this kind ensure that teaching and learning citation from *ALWD* will be much less painful than it has been with *The Bluebook*.

Practitioners will find the Appendices especially helpful. Appendix 1, the equivalent of *The Bluebook*’s Table 1, is easier to understand than *The Bluebook* version and includes a paradigm citation form for statutory and administrative laws.<sup>77</sup> In particular, Appendix 2 will be helpful to practitioners who need information on local court citation rules or preferences.<sup>78</sup> The Appendices do not attempt to be encyclopedic, as do *The Bluebook*’s Appendices,<sup>79</sup> but the Web versions are more comprehensive than the print versions.<sup>80</sup>

#### THE FUTURE FOR CITATION FORM

Although the *ALWD Citation Manual* does not make or advocate radical changes in standard citation practice, it does acknowledge the

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dated, *id.* at v-vi, but other sections have not been made internally consistent with them. This is a good illustration of *The Bluebook*’s internal inconsistencies.

*ALWD* form: *The Bluebook*, *supra* n. 1, at 34-35 (R. 3.3). Apart from the index, the term “pinpoint citation” appears in *The Bluebook* only in the sections on electronic sources and public-domain sources. *Id.* at 64 (R. 10.3.3); *id.* at 137 (R. 18.2.1(g)); *id.* at 140 (R. 18.2.6(b)). These two sections have been recently added or updated, *id.* at v-vi, but other sections have not been made internally consistent with them. This is a good illustration of *The Bluebook*’s internal inconsistencies.

74. *Bluebook* form: DICKERSON, *supra* note 4, R. 5.2, at 25-27.

*ALWD* form: ALWD & Dickerson, *supra* n. 4, at 25-27 (R. 5.2).

75. *Bluebook* form: *Id.* at 27.

*ALWD* form: *Id.* at 27.

76. *Bluebook* form: DICKERSON, *supra* note 22.

*ALWD* form: Dickerson, *supra* n. 22.

77. *Bluebook* form: DICKERSON, *supra* note 4, at app. 1.

*ALWD* form: ALWD & Dickerson, *supra* n. 4, at 336, app. 1.

78. *Bluebook* form: *Id.* at app. 2.

*ALWD* form: *Id.* at 379, app. 2.

79. *Bluebook* form: *Id.* at apps. 1-6.

*ALWD* form: *Id.* at 335-445, apps. 1-6.

80. *Bluebook* form: Ass’n of Legal Writing Dirs., *Appendices to the ALWD Citation Manual*, at <http://www.alwd.org/cm/appendixndx.htm> (last updated Oct. 10, 2000).

*ALWD* form: ALWD, *Appendices to the ALWD Citation Manual* <<http://www.alwd.org/cm/appendixndx.htm>> (last updated Oct. 10, 2000).

citation reform underway in various jurisdictions.<sup>81</sup> Traditional citation systems support print sources. Because legal information is now widely and increasingly available in electronic sources, both *The Bluebook* and *ALWD* include rules for citing to electronic sources.<sup>82</sup> But both *The Bluebook* and *ALWD* have a definite print bias—if a document is available in print (*ALWD* says “readily available”), a citation to the print version is required.<sup>83</sup> Some critics consider this book-centered focus outmoded, if not quite obsolete.<sup>84</sup> Both the American Bar Association and the American Association of Law Libraries have proposed “neutral citation formats” (*The Bluebook* calls them “public domain” formats<sup>85</sup>) in which the data elements for the citation do not depend on the medium in which a document appears.<sup>86</sup> In other words, the citation is used to find the *content*, not the *source*, and the citation is accurate and valid for all sources of the same content, whether in a book, on a CD-ROM, or on-line.<sup>87</sup> For example, the ABA citation format consists of the case name, the year of the decision, a court abbreviation (postal code abbreviations are used for state names), a sequential opinion number (this is the unique identifier that

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81. *Bluebook* form: See DICKERSON, *supra* note 4, R. 43.0, at 289-90; *id.* at apps. 1-2.

*ALWD* form: See ALWD & Dickerson, *supra* n. 4, at 289-90 (R. 43.0); *id.* at 379-405, apps. 1-2.

82. *Bluebook* form: *Id.* R. 38-42, at 271-88; THE BLUEBOOK, *supra* note 1, R. 18.1-3, at 130-42.

*ALWD* form: *Id.* at 271-88 (R. 38-42); *The Bluebook*, *supra* n. 1, at 130-42 (R. 18.1-3).

83. *Bluebook* form: DICKERSON, *supra* note 4, R. 38.1, at 271; THE BLUEBOOK, *supra* note 1, R. 18.1, at 129.

*ALWD* form: ALWD & Dickerson, *supra* n. 4, at 271 (R. 38.1); *The Bluebook*, *supra* n. 1, at 129 (R. 18.1).

84. *Bluebook* form: For a thorough explanation of the controversy, see Coleen M. Barger, *The Uncertain Status of Citation Reform: An Update for the Undecided*, 1 J. APP. PRAC. & PROCESS 59 (1999).

*ALWD* form: For a thorough explanation of the controversy, see Coleen M. Barger, *The Uncertain Status of Citation Reform: An Update for the Undecided*, 1 J. App. Prac. & Process 59 (1999).

85. *Bluebook* form: THE BLUEBOOK, *supra* note 1, R. 10.3.3, at 64.

*ALWD* form: *The Bluebook*, *supra* n. 1, at 64 (R. 10.3.3).

86. *Bluebook* form: AM. ASS'N OF LAW LIBRARIES COMM. ON CITATION FORMATS, UNIVERSAL CITATION GUIDE ¶¶ 9-13, 16 (AALL 1999); ABA Special Comm. on Citation Issues, *Report and Recommendations*, available at <http://www.abanet.org/ftp/pub/citation/report.txt> (last visited Dec. 7, 2000). Neutral citation formats are both “vendor neutral,” that is, not dependent on any particular publisher or vendor, and “medium neutral,” that is, not dependent on any particular medium.

*ALWD* form: Am. Assn. of L. Libs. Comm. on Citation Formats, *Universal Citation Guide* ¶¶ 9-13, 16 (AALL 1999); ABA Spec. Comm. on Citation Issues, *Report and Recommendations* <<http://www.abanet.org/ftp/pub/citation/report.txt>> (accessed Dec. 7, 2000). Neutral citation formats are both “vendor neutral,” that is, not dependent on any particular publisher or vendor, and “medium neutral,” that is, not dependent on any particular medium.

87. *Bluebook* form: Constitutions are always cited this way. See DICKERSON, *supra* note 4, R. 13.0, at 97-100; THE BLUEBOOK, *supra* note 1, R. 11, at 75.

*ALWD* form: Constitutions are always cited this way. See ALWD & Dickerson, *supra* n. 4, at 97-100 (R. 13.0); *The Bluebook*, *supra* n. 1, at 75 (R. 11).

has the function of a West Reporter page number), and a paragraph reference for a pinpoint citation.<sup>88</sup> The ABA proposal recommends a parallel citation to a print source.<sup>89</sup> The AALL proposal, which is very similar, does not recommend a parallel citation.<sup>90</sup> Both *The Bluebook* and *ALWD* provide alternative neutral citation formats, neither of which is identical to the AALL or the ABA proposal.<sup>91</sup>

While any neutral citation format eliminates reliance on commercial print publishers for data elements, it requires the jurisdiction to sequentially number its opinions<sup>92</sup> and number the paragraphs within each opinion.<sup>93</sup> A few states have adopted neutral citation formats,<sup>94</sup> as has one federal circuit.<sup>95</sup> But the federal judiciary as a whole has resisted calls to adopt neutral formats,<sup>96</sup> and some commentators ar-

88. *Bluebook* form: ABA Special Comm. on Citation Issues, *supra* note 86, at 2, 9-10.

*ALWD* form: ABA Spec. Comm. on Citation Issues, *supra* n. 86, at 2, 9-10.

89. *Bluebook* form: *Id.* at 11-12.

*ALWD* form: *Id.* at 11-12.

90. *Bluebook* form: AM. ASS'N OF LAW LIBRARIES COMM. ON CITATION FORMATS, *supra* note 86, at ¶ 40.

*ALWD* form: Am. Assn. of L. Libs. Comm. on Citation Formats, *supra* n. 86, at ¶ 40.

91. *Bluebook* form: DICKERSON, *supra* note 4, R. 43.0, at 289-90; THE BLUEBOOK, *supra* note 1, R. 10.3.3, at 64. *ALWD* arguably missed a good opportunity to move closer to neutral rules. For example, in constructing court designators, it might have used postal abbreviations for states, as the ABA and AALL forms do. And the requirement of page numbers for pinpoints ignores the fact that some electronic formats do not show the print version's page numbers. That means a conscientious writer will have to find the paper version just to construct the citation. Generally a pinpoint to a paragraph or section is quite sufficient, and the rules should allow for that.

*ALWD* form: *ALWD & Dickerson*, *supra* n. 4, at 289-90 (R. 43.0); *The Bluebook*, *supra* n. 1, at 64 (R. 10.3.3). *ALWD* arguably missed a good opportunity to move closer to neutral rules. For example, in constructing court designators, it might have used postal abbreviations for states, as the ABA and AALL forms do. And the requirement of page numbers for pinpoints ignores the fact that some electronic formats do not show the print version's page numbers. That means a conscientious writer will have to find the paper version just to construct the citation. Generally a pinpoint to a paragraph or section is quite sufficient, and the rules should allow for that.

92. *Bluebook* form: Some jurisdictions use docket numbers. DICKERSON, *supra* note 4, R. 12.18(a), at 89; THE BLUEBOOK, *supra* note 1, R. 10.8, at 70-71.

*ALWD* form: Some jurisdictions use docket numbers. *ALWD & Dickerson*, *supra* n. 4, at 89 (R. 12.18(a)); *The Bluebook*, *supra* n. 1, at 70-71 (R. 10.8).

93. *Bluebook* form: ABA Special Comm. on Citation Issues, *supra* note 86.

*ALWD* form: ABA Spec. Comm. on Citation Issues, *supra* n. 86.

94. *Bluebook* form: DICKERSON, *supra* note 4, at app. 2 (listing states adopting neutral formats).

*ALWD* form: *ALWD & Dickerson*, *supra* n. 4, at 379 app. 2 (listing states adopting neutral formats).

95. *Bluebook* form: The Sixth Circuit Court of Appeals adopted a neutral format for cases after December 31, 1993. THE BLUEBOOK, *supra* note 1, tbl.T.1.

*ALWD* form: The Sixth Circuit Court of Appeals adopted a neutral format for cases after December 31, 1993. *The Bluebook*, *supra* n. 1, at 183 tbl. T.1.

96. *Bluebook* form: Barger, *supra* note 84, at 80-82.

*ALWD* form: Barger, *supra* n. 84, at 80-82.

gue that such changes would be costly, burdensome, and unnecessary.<sup>97</sup> One study indicates that these fears are unfounded.<sup>98</sup>

The burgeoning availability of law on the Web may provide the impetus to resolve this controversy. Every day more case law and statutes are available on the Web, essentially free. Lawyers who use that material might pay for “translations” to West volume and page numbers for a time, but not for long. As more law becomes available on the Web, it becomes increasingly likely that a neutral citation system will one day—perhaps soon—be the predominant one.

Both *The Bluebook* and *ALWD* acknowledge this reality, and both provide a neutral citation format to be used where possible, while requiring the state-adopted format where applicable.<sup>99</sup> It appears that *ALWD*, and perhaps *The Bluebook* too, will support and complement the work of those adopting neutral formats.

#### CONCLUSION

The *ALWD Citation Manual* is not just *The Bluebook* dressed up in a slick presentation and marketed with PowerPoints. It is a vast improvement over *The Bluebook* in the sensible, accessible presentation of rules, in the number and usefulness of examples, and in the extensive coverage of state citation rules. For novices, *ALWD* is clearly a better choice than *The Bluebook*. For experts, *The Bluebook* is probably still the better choice, primarily because its coverage is more complete.

For the 2000-2001 academic year, 81 of the more than 150 ABA-accredited law schools adopted the *ALWD Citation Manual*.<sup>100</sup> Uncertainty about whether it will be well received by law reviews, judges, and practitioners has kept some schools from adopting it. But as more schools adopt it and their students move into the wider legal world, it will almost certainly become well known and widely accepted, particularly as a teaching manual. We are in a time of transition in the world of legal research—both sources and citation forms will continue to evolve. The *ALWD Citation Manual* is a welcome resource in this time of transition.

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97. *Bluebook* form: *Id.*  
*ALWD* form: *Id.*

98. *Bluebook* form: *Id.*  
*ALWD* form: *Id.*

99. *Bluebook* form: *ALWD* gives the complete text of the rules for the states that have adopted neutral formats, but *The Bluebook* merely gives a sample citation in the appropriate form. DICKERSON, *supra* note 4, R. 43.0, at 289-90; THE BLUEBOOK, *supra* note 1, R. 10.3.3, at 64.

*ALWD* form: *ALWD* gives the complete text of the rules for the states that have adopted neutral formats, but *The Bluebook* merely gives a sample citation in the appropriate form. ALWD & Dickerson, *supra* n. 4, at 289-90 (R. 43.0); *The Bluebook*, *supra* n. 1, at 64 (R. 10.3.3).

100. *Bluebook* form: Ass'n of Legal Writing Dirs., *supra* note 45.  
*ALWD* form: *ALWD*, *supra* n. 45.

