

REVIEW

A Uniform System of Citation, 12th ed. COLUMBIA LAW REVIEW, HARVARD LAW REVIEW, UNIVERSITY OF PENNSYLVANIA LAW REVIEW, AND YALE LAW JOURNAL. The Harvard Law Review Association, Cambridge, Massachusetts, 1976. Pp. ix, 190. \$1.50 (paperbound).

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After a nine-year hiatus we now have a *Bluebook* again. The Twelfth Edition of *A Uniform System of Citation*¹ has restored the

† Law Librarian, University of Chicago Law School Library. I wish to thank Clara Ann Bowler, Douglass Day, and George Eberhart of the *Journal of Law & Economics* for sharing their practical problems in the application of *Bluebook* citation rules to a wide range of interdisciplinary articles. Adolf Sprudz, Foreign Law Librarian, University of Chicago Law School Library, advised me on foreign law and treaty citation problems.

¹ A UNIFORM SYSTEM OF CITATION (12th ed. 1976) [hereinafter cited without cross reference as TWELFTH EDITION]. After a tentative run of "Aquamarine" or, in the modern parlance, "Pastel *Bluebooks*," the second printing of the Twelfth Edition bears a royal blue cover that removes any doubt that the *Bluebook* has returned. The editors who presented us with the Ninth Edition (1955) noted that until that time the manual had ranged in color from "calamine to ultramarine." *With the Editors*, 68 HARV. L. REV. viii (No. 4, Feb. 1955) [paperbound issues]. Unfortunately, unless they have an unbound set, or that rarity, a bound set with all preliminary pages left in, most readers cannot reconstruct the commentaries in the *With the Editors* column. The column first appeared in volume 63 of the *Harvard Law Review* which, at page 118, announces for the first time that the *Harvard Law Review* does indeed pay heed to the *Bluebook*, and incidentally informs the reader that there is a new edition, A UNIFORM SYSTEM OF CITATION (8th ed. 1949) [hereinafter cited without cross reference as EIGHTH EDITION]. Prior to that time, the only reference to the *Bluebook* I could find was an advertisement for the first post-war edition, A UNIFORM SYSTEM OF CITATION (7th ed. 1947), at 60 HARV. L. REV. vii (No. 5, May 1947). The editors, in 1955, tell us the *Bluebook* goes back to 1931. The Library of Congress, in 150 CATALOG OF BOOKS 676 ("Issued to July 31, 1942"), lists the Fourth Edition (1934) with 48 pages, the Fifth Edition (1936) with 51 pages, and the Sixth Edition (1939) with 51 pages. The *Bluebook's* sudden emergence into prominence with the Eighth Edition, which had grown to 84 pages, was only one of the substantial changes the *Harvard Law Review* initiated with volume 68. The *With the Editors* column was the result of findings by a committee of the previous year's editorial board, and in it the new editors reported the other suggested changes, including the addition of "Comments," which were to be lightly footnoted features by practitioners and professors, and an annual student survey of United States Supreme Court activity in the previous term. These changes were made, and generally continue, with the exception of the *With the Editors* column, which has in recent years fallen into disuse. The latest column appeared in 84 HARV. L. REV. vii (No. 6, April 1971). A "Survey of Readers" in the second issue for volume 63, 63 HARV. L. REV. ix-xxxiv (No. 2, Dec. 1949), indicated, among other things, that readers generally wanted less documentation—though there was more tolerance of collateral documentation in articles than in notes—and that they wanted the articles to be more for research than for current reading and more scholarly than practice-oriented. All of this activity at the *Harvard Law Review* could have become a valuable part of the permanent history of the journal if the editors had followed the suggestion of Prof. Corker of Stanford in his letter to the editors, reprinted in the *With the Editors* column, 63 HARV. L. REV. xi (No. 5, March

blue cover which inspired the book's familiar unofficial designation. The Tenth and Eleventh Editions, in spite of the latter's drab white cover, established themselves as the standard form books for almost all law reviews,² and the Twelfth Edition is certainly worthy of the wide acceptance it has inherited from its predecessors. Nevertheless, this new version should be applied critically, with a flexible willingness to vary its rules whenever they are inappropriate, costly, or simply wrong.

A willingness to vary the rules has, indeed, been seen in the past. For example, the *Texas Law Review* modifies *Bluebook* usage to the extent necessary to match Texas practices in the *Texas Rules of Form*.³ The *Journal of Law and Economics* and the *Journal of Legal Studies* at the University of Chicago Law School do not use

1950), that the column be permanently bound into the volume. The editors suggested a cumulation of the column with the annual index, but, alas, it was never to appear.

² The *Stanford Law Review* made quite a point out of its adoption of the *Bluebook*, taking note of the fact on the *President's Page*, 11 STAN. L. REV. 6 (1958) (thoughtfully included in the standard bound volumes) and with a review of the Tenth Edition by Stanley E. Tobin, 11 STAN. L. REV. 410-14 (1959). By this time acceptance was becoming so widespread that practitioners were looking to the *Bluebook* as a form manual for court papers, although Frederick Bernays Wiener's extraordinarily popular *Effective Appellate Advocacy* (1950) set out a citation system for briefs without even suggesting the existence of the *Bluebook*. By 1961, however, in the revised edition of his book, Mr. Wiener had become a strident critic not only of particular practices in the *Bluebook*, but also of the view that such a manual could speak to the practitioner at all. Speaking of the introductory signal system, Mr. Wiener concluded, "[U]ltimately, with the appearance of the 9th edition . . . published in 1954, the law reviews in important respects turned their backs on professional tradition, and marched off in a different direction all their own." F. WIENER, BRIEFING AND ARGUING FEDERAL APPEALS 223 (1961). I suggest that Mr. Wiener was correct but for the wrong reasons. The introductory signals provide a system, albeit obscure and overly technical (more about this later) by which the line of research which the author followed can be reproduced. This is a good scientific practice that should be followed in academic journals, including those in law. However, this practice can simply be ignored in brief writing, where the one best case is often the only appropriate citation. The real problem the *Bluebook* has caused for those writing legal papers is that no distinction has been made between citation in footnote and citation in text. The Twelfth Edition attempts to cure this problem with, at best, mixed results.

³ TEXAS RULES OF FORM (3d ed. 1974). This book sets out forms for the complex collection of Texas authorities which often must be used. It is the outgrowth of an article by Judge Greenhill, now Chief Justice Greenhill, of the Texas Supreme Court, who set out a rather complete system of citation for Texas lawyers. Greenhill, *Uniform Citation for Briefs*, 27 TEX. B.J. 323 (1964). He also wrote the "Preface to the Third Edition" of the *Texas Rules of Form*, giving it a generally favorable review. An express recognition of such published and institutionalized variations for Texas and other jurisdictions might go far to eliminate some of the hostility of brief writers toward the *Bluebook*.

Judge Greenhill, incidentally, cites with favor Miles O. Price's superb little book, *A Practical Manual of Standard Citations* (2d ed. 1958). See 27 TEX. B.J. at 391 n.2 (1964). On several points Price reaches conclusions as to the proper form of rules at striking variation with both Mr. Wiener and the *Bluebook*—and for persuasive reasons. See, e.g., text and note at note 59 *infra*.

the wide variety of typefaces called for in the *Bluebook*. They have also unilaterally corrected the improper rule in the Eleventh Edition for the citation of hearings,⁴ and, in recognition of their interdisciplinary nature, give full author names for articles and books. Major law book publishers, such as West Publishing Company, Lawyers Co-operative Publishing Company, and Callaghan and Company use uniform type faces and parallel citations in all cases. Clearly the *Bluebook* is still not the last word, nor is it ever likely to be. With this in mind, I will examine some of the changes made in the Twelfth Edition and offer suggestions to assist those who must use it.

I. GENERAL RULES OF CITATION AND STYLE

The Twelfth Edition is divided into three parts, with the first two comprising nineteen rules and the third listing by jurisdiction the citation forms for reporters, codes, and session laws. The most important change in the edition is not in any particular rule but rather in the book's very conception of itself. Previous editions contained a "Foreword" with cautious disclaimers,⁵ followed by particular rules for citing cases and the various types of legal publications. General citation rules, covering short forms, the signal system, and other miscellaneous problems, were appended at the end. This order has been turned around in the Twelfth Edition, with the "General Rules of Citation and Style" constituting the first nine rules of the book.⁶ This is no simple reordering of sections; rather, the scope of the *Bluebook's* application has been broadened. It "has been designed for use in all forms of legal writing" and "is intended to serve as a self-contained introduction to principles of legal citation."⁷

⁴ A UNIFORM SYSTEM OF CITATION Rule 9:4:2 at 41-42 (11th ed. 1967) [hereinafter cited without cross reference as ELEVENTH EDITION]. See text and notes at notes 85-88 *infra* for a discussion of the hearings rule.

⁵ "This booklet is not intended to include . . . all the necessary data as to form." EIGHTH EDITION 2. This edition was also so parochial as to prescribe rules for the typing of manuscripts for submission. "The rules set forth in this booklet should not be considered invariable." A UNIFORM SYSTEM OF CITATION iv (10th ed. 1958) [hereinafter cited without cross reference as TENTH EDITION]. This edition also deferred to *Black's Law Dictionary* for abbreviations other than periodicals and to the *U.S. Government Printing Office Style Manual* for punctuation and capitalization. TENTH EDITION iv. The Eleventh Edition continued to suggest sources other than itself for some rules. A new tone, however, set in when the editors noted that the alternate reference sources were to be used "[e]xcept where this manual specifically differs." ELEVENTH EDITION ii. Also introduced in this edition were the infamous statutory abbreviation supplements which had to be separately ordered. In retrospect one can detect in these features some tendency in the direction of a "compleat" manual of style.

⁶ TWELFTH EDITION 1-28.

⁷ *Id.* at 1 & ii.

Although earlier editions gave some hints of the gradual attempt to extend the *Bluebook's* authority,⁸ the Twelfth Edition's extension is proclaimed more openly and is reflected in two significant innovations: explicit provisions governing citation in briefs⁹ and a shift from a form-book format, built around specific, self-contained rules for particular types of publications (*e.g.*, cases, statutes, books, periodicals), to a manual-of-style format, emphasizing general rules purporting to cover a wide range of different types of authorities.

Both of these innovations create some problems. I would assert that the *Bluebook's* whole notion of appealing to brief writers, as set forth in the first nine rules, is inappropriate and unnecessary. As I will indicate more specifically below, the differences between brief writing and law review writing make many of the conventions that are appropriate for law reviews irrelevant, or even positive nuisances, when applied to briefs. Frederick Bernays Weiner's guide to citation for brief writers¹⁰ is generally excellent, if a bit dated. Furthermore, courts have their own views on citation, and for brief writers these always take precedence.¹¹ The second change, the shift from self-contained rules for particular types of authority to general rules covering separately the various elements common to most citations, also makes using the *Bluebook* unnecessarily complex. Two or more steps are often required where a single reference sufficed before.

These difficulties are evident from the very beginning—the general typeface conventions in Rule 1. For example, the self-contained rules in previous editions allowed an author or editor wishing to cite a loose-leaf service to find in one location all the provisions governing citation form and typeface for “loose-leaf” materials (except for occasional problems where a *supra* or a signal was also needed).¹² No longer is life so simple. Now, when the rule on “Services” is finally found (Rule 19),¹³ it instructs the author to cite loose-leaf titles in

⁸ See notes 1 & 5 *supra*.

⁹ TWELFTH EDITION 1-3.

¹⁰ F. WIENER, *supra* note 2, 205-48 (1967). This is the first part of his chapter on “The Fine Points of Brief Writing.” The latter part deals with questions of writing style.

¹¹ See, *e.g.*, TEXAS RULES OF FORM (3d ed. 1974); ILL. SUP. CT. RULE 341(d). See also *Tomkins v. Tomkins*, 89 Cal. App. 2d 243, 253, 200 P.2d 821, 828 (1948), where the court says: “Our labors in the consideration of this appeal would have been immeasurably lightened had counsel, in citing cases from other jurisdictions in their briefs, given us parallel and *unofficial citations as well as the official state citations.*” However, the notorious Seventh Circuit Rule 17(a)(3), which banned the use of *supra* and which was cited both by Mr. Wiener, F. WIENER, *supra* note 2, at 240, n.104, and Mr. Lushing in his review of the Eleventh Edition, Lushing, *Book Review*, 67 COLUM. L. REV. 599, 601 n.22 (1967), seems no longer in effect.

¹² ELEVENTH EDITION 50-54.

¹³ TWELFTH EDITION 94-99.

large and small capitals. Rule 1(a),¹⁴ however, makes the use of large and small capitals optional, rather than obligatory. Remembering this qualification may not be a burden to a law review editor who has set a firm path through this quagmire, but pity the diligent author who must keep this rule in mind when the editors of the *Bluebook* express their continuing displeasure at this slight concession by uniformly using large and small capitals in their examples. Thus, while Rule 1(b) (iii)¹⁵ says that the typeface conventions illustrated in the examples throughout the book should be used in law review footnotes, the existence of Rules 1 and 2 giving general typeface rules now makes all references to the *Bluebook* a two-step, rather than a one-step process.

The ostensible reason for the general rules on typeface is the need to accommodate the *Bluebook* rules to both brief writing and law review footnotes.¹⁶ One important difference between briefs and law review writing is that briefs almost never use the variety of typefaces prescribed for law reviews. Recognizing this difference, the new edition instructs brief writers to follow the less variegated typeface rules that have traditionally governed law review text material.¹⁷ Yet these rules still require italicization of case names, titles of publications, and signals.

This overly complex structure could have been avoided by omitting the special typeface rules altogether (except, perhaps, for directions such as *supra*, and signals). As I have already mentioned, a few journals and most commercial publishers have already done so. Law reviews generally, however, are holdouts for alluringly variegated pages. The economics of publication, I suspect, are against them. Given the number and length of footnotes in legal publications, typesetting costs can increase when so many typefaces are used so often. There has, in fact, been a substantial inflation in the cost of student-run law reviews, traditionally one of the best bargains in the academic journal market. Printing costs may be a major contributor to this inflation, since most editorial work is either subsidized or voluntary. Now is the time to halt this escalation. The *Bluebook* would indeed become more useful and economical as a guide to all legal writers, which is what it purports to be, if it made typeface practices more uniform.

¹⁴ *Id.* at 1.

¹⁵ *Id.* at 2.

¹⁶ *Id.* at 1.

¹⁷ *Id.* at 2.

Like the *Bluebook's* typeface system, its complex signal system—covered in Rule 2¹⁸—is largely irrelevant to and confusing for brief writing. In brief writing, unlike law review writing, string citations are generally discouraged. Thus if there is a case clearly on point, it is the only case cited for the point; secondary citations, while allowed in the footnotes of briefs,¹⁹ are to be used sparingly. Signals are thus usually unnecessary.

A more substantive problem with the Twelfth Edition's treatment of the signal system lies in the subtle but potentially disruptive alterations in meaning in the signal terms themselves. For example, whereas in the previous edition *see generally* and *see also* could both be used to signal background or analogous material,²⁰ the two signals are now disjoined, with *see generally* signalling only "background" material and *see also* signalling only "analogous" material.²¹ Another example is *accord*: whereas in the previous edition it signalled directly supportive authority where the facts were "different,"²² it now signals such authority if the facts are merely "slightly different."²³ A further change in *accord*—and one that could open up a chamber of horrors—is the removal of the previous edition's caveat that "the law of one jurisdiction may be cited as in accord with that of another [only] if the law is *exactly the same*."²⁴

¹⁸ *Id.* at 4-12. The placement of the signal system under Rule 2 in this edition will confuse readers accustomed to having the rules of citation first, followed by rules of style and form, an arrangement which has characterized all previous editions that I have examined except one. In the Tenth Edition, the signal system appears at Part III, "General Rules of Citation," section C, "Purpose, Weight, and Order," at pages 83-92. In the Eleventh Edition it appears in the same part and section, but the pages have been reduced to only five, 86-90. This reduction was accomplished by changing from a textual to a tabular list of signal terms. The most interesting arrangement that I have seen is in the Eighth Edition. There, signals are a subsection of Part I, Section C, "Purpose and Explanation." Sections A and B of Part I, which is entitled "Cases and Reports," cover rules for American and Commonwealth cases. Subsequent parts, in order, are II, "Statutes," III, "Treatises," IV, "Periodicals," V, "Government Publications," then parts on foreign citations and general style rules. This arrangement is a fascinating reflection of a legal world where precedent and the order of precedent were still thought to hold sway. It also shows that signals were to be used only in case citations. It is a commentary on the extent to which precedent has failed as a basis for the legal system to note the relegation of the signals to a general rule of style in later editions, implying the validity of its use for more than listing case precedents, and the extensive treatment the Twelfth Edition gives to the order and significance of various authorities within a signal. TWELFTH EDITION 8-10.

¹⁹ See F. WIENER, *supra* note 2, at 245-46 (1967).

²⁰ ELEVENTH EDITION 88.

²¹ TWELFTH EDITION 7.

²² ELEVENTH EDITION 87.

²³ TWELFTH EDITION 6.

²⁴ ELEVENTH EDITION 87 (emphasis supplied). For the new definition of *accord*, see TWELFTH EDITION 6.

These changes are subtle and some are arguably of little substance, but any change in the longstanding rules for a highly technical and specific system of signals means that signals in one generation of law reviews denote a set of significations that could be inconsistent with the usages known to a later generation. Since the purpose of a signal system is to facilitate an orderly presentation of authority which gives readers the opportunity to reproduce the author's research and the significance he assigns to his conclusions and authorities, changes in the signals could bring an accurate author's credibility into question.

Rule 3, "Subdivisions,"²⁵ which corresponds to the Eleventh Edition's Section B of Part III,²⁶ has also been caught by the rush to change the *Bluebook* into a manual of style. In earlier editions the general subdivision rule was simply a brief set of rules and abbreviations for citing to specific parts of authorities; that is, to particular pages, footnotes, paragraphs, sections, amendments, appendices and the like. The section was brief because earlier editions of the *Bluebook* were organized more than the present edition around types of publications, and most particular subdivision rules affected only a single type of publication and were listed under the *Bluebook* section on that publication type. In the new edition, by contrast, the "Subdivision" rule itself sets out a large number of specific rules purporting to cover most conceivable subdivision problems.²⁷ A careful reading shows, however, that in most subsections of the rule the problem covered applies only to one or two particular publication types. Accordingly, I would submit that most of the problems covered in the rule would have been better placed under Part II, "Citation Forms for Different Kinds of Authority" under that publication type to which they will most likely apply. The "Subdivision" rule should retain only those rules likely to apply across a broad range of authority.

Rule 4²⁸ concerns the use of *id.*, *supra*, and "hereinafter," and represents a slightly reworked version of old Rules 23 and 24.²⁹ Since much reform in this area was made in the Eleventh Edition,³⁰ it is not surprising to see this section inadequately dealt with in the Twelfth. The most noteworthy change is that the previous ban on

²⁵ TWELFTH EDITION 12-18.

²⁶ ELEVENTH EDITION 84-86.

²⁷ This new expanded version possibly came as the result of criticism that not enough rules were provided for all the possible citation variances which can occur.

²⁸ TWELFTH EDITION 18-20.

²⁹ ELEVENTH EDITION 83-84.

³⁰ Lushing, Book Review, 67 COLUM. L. REV. 599, 601 (1967).

the use of *supra* in statutory and quasi-statutory materials, has now been extended to the use of "hereinafter"³¹ and expanded to include cases.³² While it seems logical to extend the ban—if it is valid at all—to all primary materials, the *Bluebook* editors neglect to explain why indeed the ban is desirable. Instead, they merely provide a separate short-form rule for statutes and cases.³³

Rule 4 completes the "Citation" half of Part I, "General Rules of Citation and Style." Rules 5 through 9 constitute the other half, "Rules of Style."³⁴ These rules correspond to what used to be Part IV, "Miscellaneous,"³⁵ except that the typeface rules in that Part are now in the "Citation" section as Rule 1,³⁶ and the old Rule 35—making the *U.S. Government Printing Office (GPO), Style Manual* the fall-back source for all matters not covered in the *Bluebook*—has been replaced by an editorial "recommendation" favoring the *GPO Style Manual*, contained in the *Bluebook's* introductory "Note."³⁷ Although that manual has been favored in the *Bluebook* over the years because it includes rules for the preparation of briefs in federal cases,³⁸ the University of Chicago Press's *A Manual of Style*³⁹ still dominates most academic writing in this country, especially in journals, and might well be preferable for law review problems. In any case, by eliminating the *GPO Style Manual* rule the editors are wisely more flexible on the issue.

The quotations rule (Rule 5)⁴⁰ is much more detailed than previously,⁴¹ following the general practice in Part I of setting out general rules purporting to cover all occasions where a few choice examples might have been both adequate and easier to use.

The abbreviations rule (Rule 6)⁴² contains several useful clarifications and innovations. First, Rule 6:1(a)⁴³ explicitly recognizes that in order to avoid confusion, certain commonly recognized ab-

³¹ TWELFTH EDITION 18.

³² *Id.*

³³ *Id.* at 19-20.

³⁴ *Id.* at 20-28.

³⁵ ELEVENTH EDITION 93-99.

³⁶ The typeface rules do not belong in the "citation" section. Only if all typeface rules were obligatory could it be argued that typeface is an inherent part of the form of a citation and thus that typeface rules belong in "Rules of Citation." Since large and small capitals are now optional it would seem that typeface is becoming more a matter of "style."

³⁷ TWELFTH EDITION ii.

³⁸ U.S. GOVERNMENT PRINTING OFFICE, *STYLE MANUAL* 239-50 (rev. ed. 1973).

³⁹ THE UNIVERSITY OF CHICAGO PRESS, *A MANUAL OF STYLE* (12th ed. rev. 1969).

⁴⁰ TWELFTH EDITION 20-22.

⁴¹ ELEVENTH EDITION 93-94.

⁴² TWELFTH EDITION 22-25. In the Eleventh Edition it was Rule 33. ELEVENTH EDITION 96.

⁴³ TWELFTH EDITION 23.

abbreviations involving adjacent single capitals (such as U.C.L.A.) should be set off by spaces from other single capitals. Thus U.C.L.A.L. REV. is now U.C.L.A. L. REV.⁴⁴ Second, Rule 6:1(b)⁴⁵ clarifies the treatment of such abbreviations as NLRB and CBS that are commonly treated as acronyms.⁴⁶ Third, authors are now allowed to abbreviate foreign sources in accordance with the list in Part III,⁴⁷ but only after spelling out the complete citation the first time the source is cited.⁴⁸ Finally, Rule 6:3⁴⁹ provides a helpful set of rules for the use of numerals and symbols.

Rule 7,⁵⁰ curiously, keeps a few of the *Bluebook's* italics rules—otherwise treated in the “citation” section—in the “style” section. The only explanation is that the rule is entitled “Italicization for Stylistic Purposes.”⁵¹

The capitalization rule (Rule 8)⁵² has undergone three significant changes. The word *state* has been wisely added to the list of capitalization examples;⁵³ the caveat in the previous edition requiring that foreign language materials be capitalized according to the cited source has been unwisely eliminated; and the treatment of the word “government” has been clarified.⁵⁴ The addition of arbitrator, mediator, and referee to the list of title abbreviations in Rule 9 represents an interesting commentary on the growth of administrative law since the Eleventh Edition which is not reflected in other parts of the Twelfth Edition.⁵⁵

II. CITATION FORMS FOR DIFFERENT KINDS OF AUTHORITY

Part II⁵⁶ retains the form-book character of the prior editions, setting out rules based on long accepted practice for citing particular types of publications. I will consider selectively some of the basic

⁴⁴ Compare *id.* at 23 with ELEVENTH EDITION at 44.

⁴⁵ TWELFTH EDITION 23.

⁴⁶ Compare *id.* with ELEVENTH EDITION 3.

⁴⁷ TWELFTH EDITION 157-70.

⁴⁸ *Id.* at 24. Curiously, no mention is made at this point of the American and other common law jurisdiction abbreviations list. *Id.* at 24-25.

⁴⁹ *Id.*

⁵⁰ *Id.* at 25.

⁵¹ *Id.*

⁵² *Id.* at 25-27. In the Eleventh Edition it was Rule 32. ELEVENTH EDITION 95.

⁵³ TWELFTH EDITION 27.

⁵⁴ ELEVENTH EDITION 95. The new rule makes clear that “government” is to be capitalized only when referring to the U.S. government *as a party*. TWELFTH EDITION 27.

⁵⁵ Compare TWELFTH EDITION 27 with ELEVENTH EDITION 94-95. See also discussion in text and notes at notes 67 & 99 *infra*.

⁵⁶ *Id.* at 28-99.

problems that have plagued all the editions as well as the problems peculiar to this edition.

Rule 10,⁵⁷ covering cases, incorporates a number of changes but leaves unchanged a number of problems. The abbreviations for case reports have been assembled together with the abbreviations for other types of authority in Part III. This arrangement seems sensible, though it may lead to more page flipping. While Rule 10 has retained parallel citation to state reports,⁵⁸ it has also, unfortunately, retained the rule against parallel citation for United States Supreme Court cases. Miles Price's argument favoring parallel citation generally⁵⁹ is strongly supported by my experience with frequent inaccuracies in case report citations, and most major commercial law publishers use parallel citation.⁶⁰

Another case rule in need of revision is Rule 10:3:1(a),⁶¹ which continues the practice of citing only to the *Supreme Court Reporter* or *United States Law Week* if the official report is not yet out⁶²—neglecting to provide for the *Lawyer's Edition* as an alternate cite after the *Supreme Court Reporter* and before *Law Week*. While the *Supreme Court Reporter* consistently comes out faster than the *Lawyer's Edition*, the frequency of errors in both sets of advance sheets is such that where cases have been reported in both but not in the official reporter, authors and brief writers should be given the option to choose one or the other as appropriate.⁶³

Rule 10:3:1(f) requires that pre-1865 English cases be cited only to the *English Reports-Full Reprint* or the *Revised Reports*.⁶⁴ This rule is in recognition that few American law libraries have adequate sets of the nominate reports while many do have the *English Reports* and *Revised Reports*. The problem with the rule is its absoluteness: it contains no provision for citation to nominate reporters. Even the Eleventh Edition's provision for an optional parallel cita-

⁵⁷ *Id.* at 28-49.

⁵⁸ In this context it should be noted that now that Illinois Decisions is separately paginated, it should be included in this rule with the New York Supplement and California Reporter in Rule 10:3:1(d). TWELFTH EDITION 38.

⁵⁹ See M. PRICE, *supra* note 3, at iii-iv.

⁶⁰ West Publishing Company, Lawyers Co-operative Publishing Company, and Callaghan & Company all provide parallel citations for all cases.

⁶¹ TWELFTH EDITION 37.

⁶² The delay in the publication of the official reporter is serious. As of June 14, 1977, the latest preliminary print covered cases decided up to December 20, 1976. See 429 U.S. pt. 1.

⁶³ A further problem with *Law Week*, not often noted, is that sometimes it does not include dissenting or concurring opinions that are not released at the same time as the majority opinion.

⁶⁴ TWELFTH EDITION 39.

tion to the nominate reporter has been exiled to Part III.⁶⁵ With the increasing use of legal history in American law writing, a number of cases which are not in the *English Reports* or the *Revised Reports*, or whose original reports are at variance with them, are used for historical if not precedential purposes. The *Bluebook* gives an author inadequate assistance in dealing with this problem.⁶⁶

A final problem in Rule 10 is its inadequate handling of administrative cases. Rule 10:2:3 provides for naming these cases, allowing citation either by the name of the first-listed private party or by the official subject-matter title. Citation by official subject-matter title is often quite burdensome, and provision for a shortened title should be made. A further problem is that the section provides no rule or examples for citing administrative cases that are pending or papers filed in administrative cases.⁶⁷

The big change in Rule 12, "Statutes,"⁶⁸ is that the notorious statutory supplement to that rule in the previous edition,⁶⁹ containing the proper forms for citing the statutes of various jurisdictions, has been incorporated into Part III of the current edition. Incorporating these abbreviations into the rule on statutes would have been extremely cumbersome, so the supplementary section is justified, and the reader should be glad to have simply to flip pages rather than order a mimeographed pamphlet.

Rule 12 continues the practice of preferring current codes, even when unofficial, to session laws.⁷⁰ For law reviews, this approach has always seemed both convenient and adequate; codes are generally easier to use and more readily available than session laws. However, the caveat contained in Rule 13:3:1(d),⁷¹ warning of possible inaccuracies in the statutory language reprinted in the *United States Code (U.S.C.)*, seems too mild for brief writers. The recent case of *United States v. Bornstein*⁷² illustrates the consequences of inaccuracies in

⁶⁵ Compare ELEVENTH EDITION 56 with TWELFTH EDITION 39 & 152.

⁶⁶ On what is not in the *Full Reprint*, see Williams, *Addendum to the Table of English Reports*, 7 CAMBRIDGE L.J. 261 (1940). See also Univ. of Ga. Law Lib., Monthly List of Acquisitions, Supplement to VII no. 1, British Law Reports that were not included in *English Reports (Full Reprint)* (Jan. 1977). An example of how the omissions can make a difference can be found in Danzig, *Hadley v. Baxendale: A Study in the Industrialization of the Law*, 4 J. LEGAL STUD. 249, 275 n.108 (1975).

⁶⁷ In the Eleventh Edition, one administrative example was given under "Unreported and Pending Cases" though it also gave no help with briefs (papers). ELEVENTH EDITION 16.

⁶⁸ TWELFTH EDITION 50-61.

⁶⁹ ELEVENTH EDITION ii.

⁷⁰ TWELFTH EDITION 52.

⁷¹ *Id.* at 54.

⁷² 423 U.S. 303 (1976).

the *U.S.C.* There the codification of the False Claims Act⁷³ was called into question, and the Supreme Court relied on the language of the *Revised Statutes*.⁷⁴ It is interesting to note that the *United States Code Service* had the correct *Revised Statutes* language, while the *United States Code Annotated (U.S.C.A.)* followed the text of the *U.S.C.*⁷⁵ This example may cast some doubt on the *Bluebook's* rule that the *U.S.C.A.* is the preferred unofficial codification.⁷⁶

The brief writer should also be wary of the list of *U.S.C.* titles enacted into positive law contained in Rule 12:3:1(d).⁷⁷ Most of these were enacted many years ago and have been amended. The authoritative source for the language of these amendments is still the *Statutes At Large*.

Rule 12:3:4, "Sources Other Than Codifications and Session Laws,"⁷⁸ makes one serious omission: *United States Code Congressional and Administrative News*. This service is readily available in both general and law libraries and often prints new public laws faster than the government prints slip laws, which are also not as readily available. While the *Bluebook* recognizes the value of this service in providing access to otherwise unavailable documents—in Rule 13:3 for Congressional Committee Reports⁷⁹ and in Rule 14:4 for presidential documents⁸⁰—it ignores use of the service for statutes.⁸¹

Rule 13, "legislative materials" is a thicket of thorny problems,

⁷³ 31 U.S.C. §§ 231-235 (1970).

⁷⁴ 423 U.S. at 305 n.1.

⁷⁵ Compare 31 U.S.C.S. §§ 231-235 (1969) and Rev. Stat. §§ 3490-3494, 5438 (1878) with 31 U.S.C.A. §§ 231-235 (1976) and 31 U.S.C. §§ 231-235 (1970).

⁷⁶ TWELFTH EDITION 54. At least until the Lawyers Co-operative Publishing Company completes its revision of the Federal Code Annotated, the *U.S.C.A.* should probably remain the preferred source. New portions of the *U.S.C.S.* are very useful, however, as they contain C.F.R. cross-references and extensive law review citations. An oddity running throughout the *Bluebook* is the editors' apparent failure to recognize the existence of the American Law Reports, United States Code Service, and the Lawyer's Edition of the Supreme Court Reports. Citations to A.L.R. and L.R.A. (TWELFTH EDITION, Rule 17:1:5 at 87) are provided for in the context of citing to one of their annotations, but otherwise these various sources are ignored. Further, no abbreviations are anywhere given for United States Code Service or Lawyer's Edition.

⁷⁷ TWELFTH EDITION 54.

⁷⁸ *Id.* at 57.

⁷⁹ *Id.* at 63.

⁸⁰ *Id.* at 67.

⁸¹ *Id.* at Rule 12:3:1(a) at 52. The new edition, unlike the previous one, ELEVENTH EDITION 28, does helpfully provide an abbreviation for the Service: U.S. CODE CONG. & AD. NEWS. Another helpful change in the new edition is the reduced abbreviation for the Internal Revenue Code: I.R.C. Compare TWELFTH EDITION 59 with ELEVENTH EDITION 27.

as could be expected.⁸² Only a few of the worst problems will be reviewed here. Two problems inhere in Rule 13:1 on Bills and Resolutions.⁸³ First, the suggested abbreviations for House resolutions all begin with the initials "H.R." In order to distinguish House resolutions from bills, which also begin with "H.R.," the *Bluebook* should denote resolutions by "H. Res.," following the manner in which bill and resolution numbers actually appear on the face of bills and resolutions. The second problem is the new requirement to cite bills and resolutions to some widely available source.⁸⁴ While citation to secondary sources whenever used should be encouraged if not required, it is an odious burden for an author citing to bills who happens to be working from some original source to have to find a secondary source for the same thing.

Rule 13:2, "Hearings," represents one of the more successful reforms in the new edition.⁸⁵ The citation form for hearings given in the previous edition included only the bibliographical data below the black letter title on the title page, excluding the title itself.⁸⁶ Since the major sources for locating hearings are indexed by title and subject matter,⁸⁷ locating a hearing without the title is immensely more difficult. The new rule wisely requires that the title be cited. Mr. Benton seems to miss the point entirely when he criticizes the new rule.⁸⁸ He shows great concern over the length of titles, although only appropriation hearings normally have overly long titles, and the rule provides for abbreviation when necessary. A more serious problem with Mr. Benton's criticism is that his suggestion for improving the rule by adding "serial set" numbers to the citation is based on mistaken assumptions of fact. Hearings are not part of the "serial set," which includes congressional reports and documents. Furthermore, although hearings are given Superintendent of Documents Classification Number, only some libraries use

⁸² TWELFTH EDITION 61-64.

⁸³ *Id.* at 61-62.

⁸⁴ Compare *id.* with ELEVENTH EDITION 32. Mr. Benton considers this a favorable change. Benton, Book Review, 86 YALE L.J. 197, 198-99 n.11 (1976).

⁸⁵ TWELFTH EDITION 62.

⁸⁶ ELEVENTH EDITION 41-42.

⁸⁷ There are three possible sources through which hearings are generally located. These are the *Monthly Catalog of United States Government Publications*, the *Cumulative Index of Congressional Committee Hearings*, and the *Congressional Information Service*.

⁸⁸ Benton, *supra* note 84, at 200 & n.16. Mr. Benton's point that citation to bill numbers is often unhelpful because of the frequent changes in these numbers is well taken, but the *Bluebook* rule can be read to allow the option of indicating the subject matter of the hearing rather than citing a bill number. TWELFTH EDITION 62.

this number to arrange their collections of hearings. Other libraries, including many depository libraries, follow the Library of Congress and fully catalogue hearings; for these collections the title is important and the Classification Number is irrelevant. Furthermore, since these numbers appear nowhere on the face of the hearing, requiring them would place an unreasonable burden on those working from copies not catalogued according to the numbers.

Rule 13:3⁸⁹ unfortunately continues the previous edition's incorrect rule for committee prints.⁹⁰ It requires citation to committee print by institutional author. The editors apparently assume that all committee prints are studies done by the staffs of the congressional committees or the staffs of executive agencies over which some committees have oversight jurisdiction. This assumption is false. Congressmen and senators sent on investigative trips by their committees frequently file reports of their findings, which are printed as committee prints. Also, many studies by committee staffs are actually performed by an individual, who is usually identified as the author on the face of the publication. When this is done, libraries catalog committee prints under the individual's name and do not use an institutional author. This method of cataloguing also applies to one of the largest classes of committee prints, studies by the Congressional Research Service. For studies by the Congressional Research Service, by individual authors, and by executive agencies, the further requirement to include the Congress and session numbers as part of the institutional author is doubly erroneous. Committee prints should be identified by the correct author, and the Congress and session numbers should be included only as part of the committee reference, which does belong with the author's name.

Rule 13:5⁹¹ is new. In keeping with the new policy of disclosing secondary sources for congressional documents, it provides for citation to collected or separately bound legislative histories. While this is indeed a useful provision, it should be expanded to include citation to the frequently used microfiche legislative history series of Information Handling Services.⁹² Indeed, rather than merely referring to collected legislative histories for possible parallel citation, the *Bluebook* should require all authors who rely on copies of original documents contained in secondary sources when citing to pri-

⁸⁹ TWELFTH EDITION 62-63.

⁹⁰ ELEVENTH EDITION 41.

⁹¹ TWELFTH EDITION 64.

⁹² Formerly *Microcard Editions*.

mary sources to identify the secondary source in their citations.

Rule 14, "Administrative and Executive Rules,"⁹³ is much better organized than its Eleventh Edition counterpart.⁹⁴ The rule should have begun, however, with a cross-reference to the section on "Administrative Cases," Rule 10:3:1(e),⁹⁵ since an author citing such cases might well go to Rule 14 first.

A serious error was made in Rule 14:1⁹⁶ having to do largely with the *Federal Register (FR)* and the *Code of Federal Regulations (CFR)*. The previous edition, in Rule 7:1,⁹⁷ required these two sources to be cited as if they were statutes and thus gave a reference back to Rule 4:2 on statutes.⁹⁸ Since the example provided in that rule included the title of the act cited, a conscientious user of the Eleventh Edition could infer that titles should also be included in *CFR* and *FR* citations. Rule 14:1, however, makes the name or title of regulations merely optional for the *CFR*, and completely omits mention of name or title for the *FR*. The option as to *CFR* is acceptable, but the failure to require name or title in the *FR* can make citation to it far less useful. For, whereas the *CFR* prints merely a codified (hence readily identifiable) set of rules in force, the *FR* prints many of the decisions and reports of agencies engaged in the process of rulemaking. These processes are long, complicated, and themselves subjects of whole law review articles. Repeated references to the *FR* without identifying the type of *FR* entry involved can lead to massive confusion.⁹⁹

⁹³ TWELFTH EDITION 64-67.

⁹⁴ Compare ELEVENTH EDITION 34-36, 42-43 with TWELFTH EDITION 64-67.

⁹⁵ TWELFTH EDITION 39.

⁹⁶ *Id.* at 64-65.

⁹⁷ ELEVENTH EDITION 34.

⁹⁸ *Id.* at 26-29.

⁹⁹ The importance of citing to the titles of *Federal Register* citations can be demonstrated by comparing two articles on FCC rulemaking for cable television, where titles are appended to all *Federal Register* citations, Comaner & Mitchell, *The Costs of Planning: The FCC and Cable Television*, 15 J. LAW & ECON. 177 (1972); Park, *Cable Television, UHF Broadcasting, and FCC Regulatory Policy*, 15 J. LAW & ECON. 207 (1972), with an article where citations to the *Federal Register* do not contain titles or docket numbers. Williams, *Hybrid Rulemaking Under the Administrative Procedure Act: A Legal and Empirical Analysis*, 42 U. CHI. L. REV. 401 (1975). Repeated references to the *Federal Register* without further identification of the matter cited makes the citations in the Williams article, which deals with four different cases, nearly impossible to comprehend. Such confusion could be avoided by recognizing that large scale rulemaking is essentially similar to administrative cases. Rulemaking often involves aggrieved parties who present pleadings and make verbal presentations from which a record is made. Decisions on the basis of this record both create general rules and adjust the rights of the parties. Rulemaking should be cited by analogy to cases, in recognition that it is as much a part of the agencies' quasi-judicial as of their quasi-legislative functions. Several agencies, including the FCC and the CAB, recognize this reality by reporting rulemaking

The *Bluebook's* rules for international sources have been wisely consolidated and expanded in Rule 15.¹⁰⁰ Rule 15:1:2 on treaty series¹⁰¹ is defective in two respects. First, the rule requires that citation for bilateral United States treaties include a State Department source, but the only State Department sources listed in the *Bluebook* are the three major treaty series. To these should be added the State Department compilations.¹⁰² Second, the rule neglects to provide a citation to *The Consolidated Treaty Series*,¹⁰³ an important source for those multilateral and bilateral treaties to which the United States is not a party. This source should not have been ignored. It is a valuable attempt to create a comprehensive collection of treaties between 1648 and the initiation of the League of Nations (circa 1919),¹⁰⁴ and it has the advantage of presenting photo reproductions of the original treaties (from supposedly preferred texts) and English and French translations where appropriate.

Rules 15:2(b) and 15:4:2¹⁰⁵ state a preference for English language texts where possible in citation to European Communities publications. Although this preference is wise in a manual of citation for such a language-poor country as the United States, authors and editors should still take note that English translations, while now official, were not so before the United Kingdom's entry into the European Communities; that English translations are often published quite late; and that conflicts in text between different lan-

along with decisions in their official reporters. The *Bluebook* neither provides for adequate citation to rulemaking in the *Federal Register* nor requires citation to rulemaking reported in administrative reporters.

¹⁰⁰ TWELFTH EDITION 67-79. Compare with the Eleventh Edition, where "Bilateral Treaties" were under Rule 17, while "General Rules" for "Other Foreign Jurisdictions," and all other international materials were in Part C, "International and World Organization Material."

¹⁰¹ TWELFTH EDITION 69-70.

¹⁰² First preference should be given to the most current and comprehensive compilation, C. BEVANS, TREATIES AND INTERNATIONAL AGREEMENTS OF THE UNITED STATES OF AMERICA, 1776-1949 (1968-1974), and if not in Bevans, then to H. MILLER, TREATIES AND OTHER INTERNATIONAL ACTS OF THE UNITED STATES OF AMERICA, 1776-1863 (1931). Further, there are some treaties not in any of the State Department compilations, but available in the Senate Foreign Relations Committee's compilations. See W. MALLOY, TREATIES, CONVENTIONS, INTERNATIONAL ACTS, PROTOCOLS, AND AGREEMENTS BETWEEN THE UNITED STATES OF AMERICA AND OTHER POWERS, 1776-1904 (1910), as continued by C. Redmond for 1910-1923 (1923) and by E. Trenwith for 1923-1937 (1938). This is not too onerous a burden as use of all the treaty sources has been made much easier since the publication of I. KAVASS & M. MICHEAL, UNITED STATES TREATIES AND OTHER INTERNATIONAL AGREEMENTS CUMULATIVE INDEX 1776-1949 (1975) and I. KAVASS & A. SPRUDZS, UNITED STATES TREATIES CUMULATIVE INDEX, 1950-1970 (1973).

¹⁰³ C. PARRY, THE CONSOLIDATED TREATY SERIES (1969-date).

¹⁰⁴ It is presently complete up to volume 150 covering 1875-76.

¹⁰⁵ TWELFTH EDITION 71, 77.

guages, which are quite frequent, tend to be decided in favor of the French version.

The citation forms for United Nations materials contained in Rule 15:³¹⁰⁶ represent a better and more comprehensive treatment than the previous edition's rules.¹⁰⁷ That they are hard to apply is unfortunately due more to the nature of the United Nations classification and numbering system than to the *Bluebook* rules.

It is with some trepidation that I challenge a rule as well established as Rule 16, "Books, Pamphlets and Unpublished Material,"¹⁰⁸ which has effectively maintained brevity in footnotes for years and has not previously been thought much of a problem. The rule exemplifies the strong penchant for short forms and very abbreviated abbreviations characteristic of both the *Bluebook* as a whole and other systems of legal citation. The justification for this predilection, only partly historical,¹⁰⁹ is the need for brevity by authors who, in the course of their writing, must utilize hundreds of sources repeatedly.¹¹⁰

Nonetheless, the *Bluebook's* continued failure to require, in the first citation to a book or monograph, the author's full name,¹¹¹ the full title¹¹² and the place and name of the publisher,¹¹³ is no longer excusable. The apparent assumption behind preserving the present rule has been that useful monographs constitute a relatively small collection of recognized authorities, thus not justifying the lengthening of footnotes to identify them adequately. This assumption is unfounded. Long gone are the days when citations to monographs could be limited to a few recognized and hallowed names like Kent, Story, Wigmore, and Williston—indeed, those days were largely gone before the *Bluebook* began in 1931. One very complete reporter

¹⁰⁶ *Id.* at 73-77.

¹⁰⁷ ELEVENTH EDITION 80-81.

¹⁰⁸ TWELFTH EDITION 79-85.

¹⁰⁹ The legal footnote bears a continued remarkable similarity to the medieval marginal note from which it evolved (only British historians use forms as reminiscent of their forbears—note, for example, the citations in the *English Historical Review*).

¹¹⁰ A further complicating factor, not generally present in other areas of research and writing, is the bibliographical variety of these sources. A majority of citations in most subject areas are to articles and books. In law there is heavy use of cases, statutes, government publications, journals, books, and services; and each of these categories has complex subcategories. It is interesting to note that publishers of non-law books who would normally use end of chapter (or book) notes or a bibliographical reference system, do frequently resort to the old-fashioned footnote when faced with a manuscript with many notes from a variety of different sources.

¹¹¹ See TWELFTH EDITION 80-81.

¹¹² See *id.* at 81.

¹¹³ See *id.* at 82-83.

of new English language legal publications, for example, recorded 3,473 entries in 1975¹¹⁴ and another 3,342 in 1976,¹¹⁵ of which the vast majority were legal monographs. As of June 30, 1977 the University of Chicago Law Library collection contained 112,436 separate titles, of which only 6,195 were serials (journals, reporters, and the like): the remaining 106,000-plus titles were monographs.¹¹⁶ The 511,200 titles in the Harvard Law School Library are indicative of the size of the bibliographic universe of the law.¹¹⁷

These figures on library collection sizes reflect the increasing interaction between the law and other disciplines¹¹⁸ and support the need for fuller identification of monographs. The methods of citation popular in the humanities¹¹⁹ and the social sciences¹²⁰ are probably incompatible with the number and variety of authorities normally cited in legal writing.¹²¹ A workable system could be developed, however, by requiring full citation the first time a monograph is cited, with a short form built around "hereinafter" and *supra* used thereafter.

The editors seem to recognize the need for fuller citation in the new requirement in Rule 16:4(c) that the place of publication be given for books published before 1870, unless a specific edition is given.¹²² The rule's further requirement for citation to first editions of works prior to 1870 may reflect the same concern, but the choice of edition should remain with the author. First editions are not always preferable, authoritative, or available; and an author's scholarly, rather than his stylistic, reputation should rest on his decision.

¹¹⁴ 23 CURRENT PUBLICATIONS IN LEGAL AND RELATED FIELDS (1976).

¹¹⁵ 24 CURRENT PUBLICATIONS IN LEGAL AND RELATED FIELDS (1977).

¹¹⁶ University of Chicago, Report of the Law Librarian 1975-76, in Annual Statistics—Technical Services Department, Law School Library, 1976-77.

¹¹⁷ Lewis, 1976 Statistical Survey of Law School Libraries and Librarians, 70 LAW LIB. J. 184, 198 (1977).

¹¹⁸ See, e.g., R. POSNER, ECONOMIC ANALYSIS OF LAW (1972); J. WHITE, THE LEGAL IMAGINATION (1973). While the horizons of legal bibliography have grown spectacularly, lawyers have been slow to adopt nontraditional methods of research. See Gaxell, *An Overdue Revolution Deferred: Researching the Law*, 1972 UTAH L. REV. 22.

¹¹⁹ See, e.g., MODERN LANGUAGE ASS'N OF AMERICA, THE MLA STYLE SHEET 17-23 (2d ed. 1970) (retains footnotes, but provides for very full citation of books).

¹²⁰ See, e.g., AMERICAN PSYCHOLOGICAL ASS'N, PUBLICATION MANUAL 60 (2d ed. 1975) (abandons the footnote and puts references in text to a list of all works used as authority, collected at the end of the article, chapter, or book).

¹²¹ The editors of the *International Encyclopedia of Comparative Law* opted for a mixed approach of footnotes with citations plus a list of principal works cited at the end of each section. INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW RULES OF CITATION, Rule 7 (2d ed. 1968). For an example of how cumbersome such a list can become, see 1 INTERNATIONAL ENCYCLOPEDIA OF COMPARATIVE LAW, National Reports, vol. v, U-100 to U-102 (1976).

¹²² TWELFTH EDITION 83.

Rule 16:4(c) also mentions reprints, but its advice is inadequate in two respects. First, it applies only to photoduplicated reprints of pre-1870 works; a general rule on reprints is needed. Second, the section requires citation only to the original. Whenever a reprint is used, no matter what the date of publication of the original work, it should be recognized as such to alert the reader to its availability and to suggest a possible source of any errors in the reference.

Rule 16 provides no general rule for citing to theses; it merely mentions them incidentally in the introduction and in Rule 16:5:2.¹²³ This is a problem because most universities send their theses to University Microfilms, which makes them available in either hard-copy or microfilm. A citation form recognizing this publication fact is certainly needed. A final criticism of Rule 16 is that it offers no way of handling books whose subsequent editions have authors different from the original author.¹²⁴ This problem would be avoided if rules requiring full citation were adopted.

Except for not requiring article authors' first names or initials, Rule 17, "Periodicals," remains one of the more successful rules in the *Bluebook*.¹²⁵ The abbreviated citation form for periodicals, modeled on the citation form for cases, is one of the most effective innovations in legal citation. Unfortunately, the rule retains one anachronism—the time-honored tradition of not giving authors' names for long student material.¹²⁶ More and more journals are identifying their student authors, and if anyone continues to be concerned about the value of student material, the designation "comment" or "note" can be included with the author's name.

The biggest problem in the periodicals rule is that it replaces the periodical list contained in the previous edition with three separate lists: a short list of special periodical forms, a longer list of general abbreviations that can be combined to create periodical titles, and a list of terms never to be abbreviated.¹²⁷ The change was made in response to the long-term problems created by the explosion of new law journal titles since the previous edition came out.

¹²³ TWELFTH EDITION 79, 84.

¹²⁴ This is quite common in English treatises. See, e.g., A. GUEST, ANSON'S LAW OF CONTRACT (24th ed. 1975). The worst situation occurs when one of these later editions is done by a panel, e.g., DICEY AND MORRIS ON THE CONFLICT OF LAWS (9th ed. 1973) and CHITTY ON CONTRACTS (24th ed. 1977). See also C. McCORMICK, McCORMICK'S HANDBOOK OF THE LAW OF EVIDENCE (2d ed. 1972). The reader should clearly be informed in some way, if possible, who actually wrote what is being cited.

¹²⁵ TWELFTH EDITION 85-93.

¹²⁶ *Id.* at 86.

¹²⁷ *Id.* at 87-93. For the previous treatment of periodical abbreviations, see ELEVENTH EDITION 43-47.

My view is that an out-of-date list of periodicals is far easier to deal with than the three new lists.¹²⁸ Most cited titles, after all, would be on even an out-of-date list for many years to come. More importantly, the three lists are not likely to be much more useful for citing new titles than the out-of-date list.

Two additional changes in the rule are noteworthy. First, the abbreviation lists now include English and Commonwealth abbreviations, and a general rule on foreign language periodicals has been integrated into the periodical rule.¹²⁹ Second, the new rule improves citations to book reviews by allowing a parenthetical citation to the reviewed book's author and title.¹³⁰

Rule 18, "Newspapers," is almost unchanged from the previous edition and remains generally adequate.¹³¹ The rule has been afforded three useful clarifications. First, it now allows citation to the title, though not to the by-line, of a news report. Second, the reference in the previous *Bluebook* to bound editions now also includes microfilm editions. Third, a distinction between "legal" and other consecutively paginated newspapers is no longer implied.

Rule 19, "Services," has been tightened up somewhat, with mixed results.¹³² The subdivision rule within Rule 19 has been wisely shorn of its previous reference to special citation forms for particular services.¹³³ The rule suffers, however, from the pervasive schizophrenia of this edition, by its reference back to Rules 3:3 and 3:4 for more particular rules. There are also several problems in Rule 19:2, on "Service Abbreviations." The major problem is that the list of abbreviations is not as exhaustive as it should be, thus forcing editors to create their own forms. For example, while an abbreviation is given for the CCH *All States Tax Reporter*, none is given for the P-H *State and Local Tax Service*, which is the only reporter covering the developments in the Multistate Tax Compact. The 1975 change in title of the CCH *Atomic Energy Law Reports* to the CCH *Nuclear Regulation Reports* goes unrecognized in the new edition. The CCH *Chicago Board Option Exchange Guide*, the rule-book for the hottest securities market in the nation, is nowhere to be seen. Nor is the Lawyers Co-operative Publishing Company's

¹²⁸ Mr. Benton shares this view. See Benton, *supra* note 84, at 199-200.

¹²⁹ TWELFTH EDITION 93. For the previous treatment, see ELEVENTH EDITION 77.

¹³⁰ TWELFTH EDITION 87. For the previous treatment, see ELEVENTH EDITION 49.

¹³¹ TWELFTH EDITION 93-94. For the previous treatment, see ELEVENTH EDITION 49-50.

¹³² TWELFTH EDITION 94-99. For the previous treatment, see ELEVENTH EDITION 50-54.

¹³³ Compare TWELFTH EDITION 95 with ELEVENTH EDITION 51.

Federal Labor Law Service on the list. These are only some of the omissions.¹³⁴

III. SPECIFIC CITATION FORMS AND ABBREVIATIONS

Part III, "Specific Citation Forms and Abbreviations," is the major reason for the new *Bluebook's* increased length, constituting nearly half of the book.¹³⁵ This addition is completely unprecedented; until the Eleventh Edition there was nothing comparable to it. In that edition many of the purposes of what is now Part III were served by separately available supplements,¹³⁶ an obviously unsatisfactory arrangement. Part III also incorporates much of the material on foreign forms that was previously collected in a separate part of the *Bluebook*.¹³⁷

While the presentation of tables of forms arranged by jurisdiction seems basically sound as an organizational principle, the reader should beware of possible errors in the content of the present tables. A random check on the accuracy of the tables revealed some problems in the treatment of state reporters that may indicate hasty preparation. The tables fail to note the discontinuance of state reporters in at least six instances,¹³⁸ and even where the tables properly recognize discontinued reporters, they are inconsistent in taking account of the discontinuance in their instructions on parallel citation.¹³⁹

CONCLUSION

One of the perennial problems in law school journals is the annual turnover of editors. The *Bluebook* is a central part of the

¹³⁴ One additional problem with the service abbreviation list involves *Radio Regulation*. See TWELFTH EDITION 98. The *Bluebook* says the service is published by Prentice-Hall, which is incorrect. It is published by Pike & Fischer.

¹³⁵ TWELFTH EDITION 100-70.

¹³⁶ ELEVENTH EDITION ii (statutory supplement) & 77 (foreign periodical supplement).

¹³⁷ *Id.* 55-82.

¹³⁸ The states are: Alabama, *see* TWELFTH EDITION 104, which discontinued the *Alabama Reports* with volume 295 in 1976; Delaware, *see id.* at 108, which discontinued the *Delaware Reports* with volume 58 in 1971; Iowa, *see id.* at 113, which discontinued the *Iowa Reports* with volume 261 in 1968; Louisiana, *see id.* at 115, which discontinued the *Louisiana Reports* with volume 263 in 1972; Tennessee, *see id.* at 136, which discontinued the *Tennessee Reports* with volume 225 in 1971; and Utah, *see id.* at 139, which discontinued the *Utah Reports* with volume 30 in 1974.

¹³⁹ In the treatment of certain states, the tables have included the caveat "if therein" in recognition of the discontinuance of state reporters, *see* TWELFTH EDITION 110, 137 (Florida, Texas), but for other states, no such caveat is offered. *See id.* at 114, 116, 142 (Kentucky, Maine, and Wyoming).

written tradition that makes continuity possible in spite of this inherent instability. Yet the *Bluebook* itself inevitably suffers from the limited experience and short memories of its revisers. The suggestions in this review are offered to compensate for this lack of continuity. I have attempted to create a guide that can be used with the *Bluebook* as it is learned. The modifications suggested here are no more hard and fast than the rules that led to them. If both are considered in context, editors and authors using the *Bluebook* may better see the total framework of the problem, and in so doing, adopt rules appropriate to the sources they are using or editing. To the extent this occurs, my work will have been successful.¹⁴⁰

¹⁴⁰ A final note: a number of my colleagues have remarked on the apparent lack of physical durability of this edition. However, I have put my copy through quite a workout in the preparation of this piece and it is my conclusion that it is at least as tough if not tougher than its predecessor.