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### The ALWD Citation Manual: A Coup de Grace

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Melissa H. Weresh\*

The reviews are in and the response is overwhelmingly positive! A few representative quotes illustrate the reception in the legal community. "The ALWD Citation Manual is a welcome step forward."<sup>2</sup> "The rules for citations are no longer subject only to the determinations of student-edited law reviews. An outstanding alternative is now available."<sup>3</sup> "This new system of citation is like a Bluebook computer program with all of the bugs worked out."<sup>4</sup> "The ALWD guide seeks to adopt a flexible approach with a single set of consistent rules versus the crazy quilt of Blue Book rules. The book is user friendly with a two-color interior design highlighting key points versus the drab Blue Book that terrorizes generations of first year students."<sup>5</sup> "[T]he ALWD Citation Manual not only provides the legal academy with a text that simplifies teaching legal citation, but also provides

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1. Assn. of Leg. Writing Directors & Darby Dickerson, *ALWD Citation Manual* (Aspen L. & Bus. 2000) [hereinafter the *ALWD Citation Manual*]. [DARBY DICKERSON, ASSOCIATION OF LEGAL WRITING DIRECTORS, *ALWD CITATION MANUAL* (2000) [hereinafter *ALWD CITATION MANUAL*.] The author notes that the footnotes in this article conform to the *ALWD Citation Manual*. Also, in order to facilitate the comparison of citation styles between the *Bluebook*, *infra* note 7, and the *ALWD Citation Manual*, citation consistent with the *Bluebook* is provided in brackets. To that end, the author would like to thank the following students, members of the *Drake Law Review* and teaching assistants for the Legal Research and Writing Program, for their gracious assistance in reviewing the citation form: Lisa Kirkpatrick, Michael Leinz, Heather Mowery, Anne Nielsen, Brooke Sams, and Holly Schaffter. In addition, the author would like to thank Gregory Sisk, Richard M. and Anita Calkins Distinguished Professor, Drake University Law School, for his generous support and encouragement. Responsibility for any errors that remain is my own.

\* Assistant Director of Legal Writing, Drake University Law School.

2. Steven J. Jamar, *The ALWD Citation Manual—A Professional Citation System for the Law*, 8 *Persp.* 65 (2000). [Steven J. Jamar, *The ALWD Citation Manual—A Professional Citation System for the Law*, 8 *PERSP.* 65 (2000).]

3. E-mail from Gregory Sisk, Richard M. & Anita Calkins Distinguished Prof., Drake U. L. Sch., to LAWPROF listserv (Apr. 7, 2000) (copies of all cited e-mails are on file with the author and have been used with permission of the original author). [E-mail from Gregory Sisk, Richard M. & Anita Calkins Distinguished Professor, to LAWPROF listserv (Apr. 7, 2000) (copies of all cited e-mails are on file with the author).]

4. Maureen B. Collins, *Bluebloods' 'Bluebook'* <<http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZSUWFZ3BC&live=true&cst=1&pc=0&pa=0.htm>> (July 26, 2000). [Maureen B. Collins, *Bluebloods' 'Bluebook'* (July 26, 2000) at <http://www.law.com/cgi-bin/gx.cgi/AppLogic+FTContentServer?pagename=law/View&c=Article&cid=ZZZSUWFZ3BC&live=true&cst=1&pc=0&pa=0.htm>.]

5. Michael Rustad, *Citations*, *Bimonthly Rev. of L. Books* 10 (July-Aug. 2000). [Michael Rustad, *Citations*, *BIMONTHLY REV. OF L. BOOKS*, July-Aug. 2000, at 10.]

judges and lawyers with a helpful desktop reference book.”<sup>6</sup> Clearly, the *ALWD Citation Manual* boasts many fans. So what is all the fuss about?

## I. INTRODUCTION

The idea of developing an alternative to the *Bluebook*<sup>7</sup> began approximately three years ago.<sup>8</sup> As a result of the work of the Association of Legal Writing Directors (“ALWD”), an organization of more than 200 members representing approximately 150 law schools, and lead author Darby Dickerson, the daunting task of developing and publishing a new legal citation manual has been accomplished. In contrast to the *Bluebook*, the *ALWD Citation Manual* was prepared by legal writing professionals. Because of the institutional endorsement the *ALWD Citation Manual* enjoys, it stands a better chance of replacing the *Bluebook* than other competitors. This article will begin by tracing the history of the *Bluebook* and competitors to the *Bluebook*. It will also examine the common criticisms of the *Bluebook*. The article will then survey the historical development of the *ALWD Citation Manual* and will analyze the differences between the *ALWD Citation Manual* and the *Bluebook*. Finally, the author will introduce observations regarding the impact the *ALWD Citation Manual* will have on the types of individuals most significantly affected by a change in prevailing legal citation form.

## II. THE BLUEBOOK

The *Bluebook* was originally conceived by a second-year law student at Harvard Law School, Erwin Griswold, in 1926.<sup>9</sup> The

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6. Pamela Lysaght & Grace Tonner, *Bye-Bye Bluebook?*, 79 Mich. Bar J. 1058 (2000). [Pamela Lysaght & Grace Tonner, *Bye-Bye Bluebook?*, 79 MICH. BAR J. 1058 (2000).]

7. *The Bluebook: A Uniform System of Citation* (Columbia Law Review Assn. et al. eds., 17th ed., The Harvard Law Review Assn. Gannett House 2000) (hereinafter *Bluebook*). [THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Assn. et al. eds., 17th ed. 2000) [hereinafter BLUEBOOK].]

8. Jamar, *supra* n. 2, at 65. [Jamar, *supra* note 2, at 65.] The original idea to prepare a citation manual came in 1997 from Jan Levine of Temple University School of Law and Richard K. Neumann, Jr., of Hofstra University School of Law. *See infra* nn. 61-69 and accompanying text. [See *infra* notes 61-69 and accompanying text.]

9. James W. Paulsen, *An Uninformed System of Citation*, 105 Harv. L. Rev. 1780, 1782 (1992). [James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1782 (1992).] Paulsen’s book review of the fifteenth edition of the *Bluebook*

precursor to Griswold's manual was the 1921 *Yale Law Journal* citation guide.<sup>10</sup> Griswold started his citation project during a summer break from Harvard Law School.<sup>11</sup> Griswold later became dean of Harvard Law School. In its first edition the manual, designed for use by law review editors, was concise, straightforward, and surprisingly humble.<sup>12</sup> Ultimately the *Bluebook* represented a collaboration between the editors of the *Columbia Law Review*, *Harvard Law Review*, *University of Pennsylvania Law Review* and *The Yale Law Journal*. The *Bluebook* quickly became a leading citation manual and in 1949, at the first national conference of law review editors, won the unanimous support of the editors for a proposed national system of citation.<sup>13</sup> Interestingly, the *Bluebook* was never officially adopted by the conference, likely because the group of student editors responsible for studying the issue graduated prior to issuing a final report at the next conference three years later.<sup>14</sup>

In 1976 the *Bluebook* was in its twelfth edition.<sup>15</sup> At this point the *Bluebook* began to be marketed as a practice guide for attorneys, rather than simply a citation manual for law reviews. The editors also instituted a policy of publishing new editions at five-year intervals in an effort to enhance the stability of the publication. By 1981, the *Bluebook's* thirteenth edition, the original pamphlet designed for in-school use at Harvard<sup>16</sup> had evolved into a comprehensive book designed to

contains one of the many remarkably humorous reviews of the citation manual. See e.g. James D. Gordon III, *Oh No! A New Bluebook!*, 90 Mich. L. Rev. 1698 (1992). [See, e.g., James D. Gordon III, *Oh No! A New Bluebook!*, 90 MICH. L. REV. 1698 (1992).]

10. *The Bluebook: A Sixty-Five Year Retrospective* vol. 2, app. A, 6 (William S. Hein & Co., Inc. 1998) [hereinafter *Retrospective*]. [2 THE BLUEBOOK: A SIXTY-FIVE YEAR RETROSPECTIVE vi (1998) [hereinafter RETROSPECTIVE].] The citation guide took all guess-work out of the citation process: "If you can not find the proper form in this pamphlet, do not guess at it. . . ." *Id.* at vol. 2, app. A, 1. [*Id.* at app. A, 1.]

11. Paulsen, *supra* n. 9, at 1782. [Paulsen, *supra* note 9, at 1782.]

12. *A Uniform System of Citation* (1st ed. 1926) [hereinafter *Bluebook* 1st ed.]. [A UNIFORM SYSTEM OF CITATION (1st ed. 1926) [hereinafter BLUEBOOK 1st ed.].] The Foreword acknowledged, "This pamphlet does not pretend to include a complete list of abbreviations or all the necessary data as to form. It aims to deal with the more common abbreviations and forms to which one has occasion to refer." *Id.* at 1. [*Id.* at 1.]

13. See Paulsen, *supra* n. 9, at 1783 (citing Daniel Walker, *Report on the First National Conference of Law Review Editors*, 2 J. Leg. Educ. 326, 332 (1950)). [See Paulsen, *supra* note 9, at 1783 (citing Daniel Walker, *Report on the First National Conference of Law Review Editors*, 2 J. LEGAL EDUC. 326, 332 (1950)).]

14. *Id.* at 1783 n. 21. [*Id.* at 1783 n.21.]

15. *A Uniform System of Citation* (Columbia Law Review Assn. et al. eds., 12th ed., The Harvard Law Review Assn. Gannett House 1976). [A UNIFORM SYSTEM OF CITATION (Columbia Law Review Assn. et al. eds., 12th ed. 1976).]

16. See *Bluebook* 1st ed., *supra* n. 12. [See BLUEBOOK 1st ed., *supra* note 12.]

provide a citation format for all types of legal writing. At this point the *Bluebook* had gained a stronghold in the legal writing community and its influence had migrated from law reviews to law school legal research and writing curricula, practitioners, and the courts.<sup>17</sup> However, a storm was brewing.

### III. CRITICISMS OF, AND COMPETITION FOR, THE *BLUEBOOK*

No discussion of the *Bluebook* would be complete, or gratifying, without referring to the library of criticism published each time the *Bluebook* is revised. A profound example appears in the preface to *The Bluebook: A Sixty-Five Year Retrospective*,<sup>18</sup> in which author Robert Berring astutely notes, "The Uniform System of Citation has inflicted more pain on more law students than any other publication in legal history."<sup>19</sup> A particularly scathing review by Judge Richard Posner provides:

Like many of the judicial opinions and law review articles whose citation form it dictates, the *Bluebook* is elaborate but not purposive. Form is prescribed for the sake of form, not of function; a large structure is built up, all unconsciously, by accretion; the superficial dominates the substantive. The vacuity and tendentiousness of so much legal reasoning are concealed by the awesome scrupulousness with which a set of intricate rules governing the form of citations is observed.<sup>20</sup>

Indeed, the titles to citation assistance manuals underscore the dissatisfaction with the *Bluebook: User's Guide to a Uniform System of Citation: The Cure for the Bluebook Blues*,<sup>21</sup> *The Citation Workbook: How to Beat the*

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17. Paulsen, *supra* n. 9, at 1784 nn. 31 to 34. [See Paulsen, *supra* note 9, at 1784 nn.31-34.]

18. *Retrospective*, *supra* n. 10. [RETROSPECTIVE, *supra* note 10.]

19. *Id.* at v. [*Id.* at v.]

20. Richard A. Posner, *Goodbye to the Bluebook*, 53 U. Chi. L. Rev. 1343, 1343-1344 (1986). [Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343, 1343-44 (1986).]

21. Alan L. Dworsky, *User's Guide to a Uniform System of Citation: The Cure for the Bluebook Blues* (Fred B. Rothman & Co. 1988). [ALAN L. DWORSKY, *USER'S GUIDE TO A UNIFORM SYSTEM OF CITATION: THE CURE FOR THE BLUEBOOK BLUES* (1988).]

*Citation Blues*,<sup>22</sup> and *A Bluebook Survival Guide for Students, Editors, Instructors, and Practitioners*.<sup>23</sup>

The primary criticisms of the *Bluebook* were accurately characterized by Darby Dickerson, the leading author of the *ALWD Citation Manual* and a recognized expert on legal citation.<sup>24</sup> Dickerson noted four reasons that the *Bluebook* fails in its objective to provide uniform citation rules.<sup>25</sup> First, each edition of the *Bluebook* changes basic rules, rather than simply adding or supplementing rules for new sources.<sup>26</sup> This criticism was particularly well supported in connection with the sixteenth edition of the *Bluebook*.<sup>27</sup> In the sixteenth edition, the editors of the *Bluebook* drastically changed rules regarding signal definitions.<sup>28</sup> The most consequential change regarded the “see” signal, which the sixteenth edition required to be used in nearly every citation circumstance except where the source of a quotation need be identified. Because the “see” signal had formerly indicated indirect support for a proposition, the new definition of the signal all but ensured confusion and created a distinct probability that an author’s work would be misconstrued. “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.”<sup>29</sup>

22. Maria L. Ciampi et al., *The Citation Workbook: How to Beat the Citation Blues* (Anderson Publ. Co. 1993). [MARIA L. CIAMPI ET AL., *THE CITATION WORKBOOK: HOW TO BEAT THE CITATION BLUES* (1993).]

23. J. Reid Mowrer, *A Bluebook Survival Guide for Students, Editors, Instructors, and Practitioners* (Maria Delgado Publ. 1997). [J. REID MOWRER, *A BLUEBOOK SURVIVAL GUIDE FOR STUDENTS, EDITORS, INSTRUCTORS, AND PRACTITIONERS* (1997).]

24. 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) [hereinafter Dickerson, *Un-Uniform*]. [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) [hereinafter Dickerson, *Un-Uniform*].]

25. *Id.* at 56-57. [*Id.* at 56-57.]

26. *Id.* at 56. [*Id.* at 56.]

27. *Bluebook*, *supra* n. 7. [*BLUEBOOK*, *supra* note 7.]

28. As Professor Dickerson aptly noted, however, “Revising the introductory-signal section appears to be a rite of passage for *Bluebook* editors: the signals have changed in each edition since the Seventh.” A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 *Scribes J. Leg. Writing* 75, 75 (1998). [A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 *SCRIBES J. LEGAL WRITING* 75, 75 (1998).]

29. Richard L. Bowler, *Book Review*, 44 *U. Chi. L. Rev.* 695, 701 (1977) (reviewing the twelfth edition of the *Bluebook*). [Richard L. Bowler, *Book Review*, 44 *U. CHI. L.*

The second criticism noted by Dean Dickerson also involves the failure of the *Bluebook* to maintain and adhere to uniform standards: The law reviews that produce the *Bluebook* often deviate from *Bluebook* rules.<sup>30</sup> The two additional criticisms of the *Bluebook* involve practical matters. Specifically, the *Bluebook* fails to incorporate or adequately reference mandatory court rules practitioners must follow.<sup>31</sup> Also, because the *Bluebook* is complex and not perceived as being user-friendly, there have been numerous proposed alternatives to either supplement or supplant the *Bluebook*.<sup>32</sup>

Indeed, many alternative guides for legal citation exist. Miles O. Price authored *A Practical Manual of Standard Legal Citations*,<sup>33</sup> based on citation practices the author found in briefs.<sup>34</sup> Many law review staffs have published either supplements or alternatives to the *Bluebook*.<sup>35</sup> Finally, many jurisdictions have adopted specific citation rules for practice within that jurisdiction.<sup>36</sup>

The most widely recognized challenger to the *Bluebook* was developed by various law journals at the University of Chicago in 1986.<sup>37</sup> *The University of Chicago Manual of Legal Citation*, known as the *Maroonbook*, was intended to "provide a simple, workable system of citation for legal writing."<sup>38</sup> A primary objective of the *Maroonbook* was to allow writers some flexibility in citation:

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REV. 695, 701 (1977) (reviewing the twelfth edition of the *Bluebook*).]

30. Dickerson, *Un-Uniform*, *supra* n. 24, at 57. [Dickerson, *Un-Uniform*, *supra* note 24, at 57.]

31. *Id.* [Id.]

32. *Id.* [Id.]

33. Miles O. Price, *A Practical Manual of Standard Legal Citations* (Oceana Publications 1950). [MILES O. PRICE, A PRACTICAL MANUAL OF STANDARD LEGAL CITATIONS (1950).]

34. See Byron D. Cooper, *Anglo-American Legal Citation: Historical Development and Library Implications*, 75 L. Lib. J. 3, 22 (1982). [See Byron D. Cooper, *Anglo-American Legal Citation: Historical Development and Library Implications*, 75 LAW LIBR. J. 3, 22 (1982).]

35. See Dickerson, *Un-Uniform*, *supra* n. 24, at 91-92. [See Dickerson, *Un-Uniform*, *supra* note 24, at 91-92.]

36. *Id.* at 167-211, apps. B-1 to B-3. [Id. at apps. B-1 to B-3.]

37. *University of Chicago Manual of Legal Citation* (U. Chi. L. Rev. & U. Chi. Leg. Forum eds., 1989) [hereinafter *Maroonbook*]. [UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION (University of Chicago Law Review & University of Chicago Legal Forum eds., 1989) [hereinafter MAROONBOOK].] *The University of Chicago Manual of Legal Citation*, commonly known as the *Maroonbook*, was first published as an appendix to Posner, *supra* n. 20.

38. *Maroonbook*, *supra* n. 37, at 7. [MAROONBOOK, *supra* note 37, at 7.]

[A] citation system should prize ease of reference and internal consistency within a journal over a rigid adherence to form . . . . [W]riters and editors should devote their time to writing and editing, rather than spend hours slogging through the *Bluebook* to unearth an answer. Since it is neither possible nor desirable to craft a rule for every citation problem that could arise, the *Maroonbook* grants writers and editors a fair amount of discretion. This above all: Be clear, sensible and consistent.<sup>39</sup>

In striving to provide a general framework, as opposed to a comprehensive system of rules and exceptions, the contrast between the *Maroonbook* and the *Bluebook* was noteworthy. The 1989 edition of the *Maroonbook* was sixty-three pages compared with the then 237-page *Bluebook*. The content of the *Maroonbook* was limited to a brief introduction, four rules, and two appendices. The rules addressed typeface conventions, citation sentences, initial references to authority, and subsequent references to authority. The appendices compiled general rules of style and abbreviations.

The *Maroonbook* found considerable support in Judge Richard A. Posner, who published an essay in the *University of Chicago Law Review* titled *Goodbye to the Bluebook*, which introduced the initial citation guide in the form of a fifteen page appendix.<sup>40</sup> Other scholars also supported the *Maroonbook* as a viable alternative to the *Bluebook*. For example, the preface to the third edition of *Legal Research and Citation* by Larry L. Tepley notes: “The text and exercises are designed so that students may use the citation form set out in *A Uniform System of Citation* (14th ed. 1986) or *The University of Chicago Manual of Legal Citation* (1989).”<sup>41</sup>

Even with the solid endorsement of Judge Posner, the *Maroonbook* failed to effectively oust the *Bluebook* from its authoritative position. Perhaps the primary reason that the *Maroonbook* failed was that it went

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39. Dickerson, *Un-Uniform*, *supra* n. 24, at 93 n. 260 (quoting Letter from Tom Dupree, Editor, *University of Chicago Law Review*, to ABA Special Committee on Citation Issues (July 21, 1996) (copy on file with *Stetson Law Review*)). [Dickerson, *Un-Uniform*, *supra* note 24, at 93 n.260 (quoting Letter from Tom Dupree, Editor, *University of Chicago Law Review*, to ABA Special Committee on Citation Issues (July 21, 1996) (copy on file with *Stetson Law Review*)).]

40. Posner, *supra* n. 20, at 1353. [Posner, *supra* note 20, at 1353.]

41. See e.g. Larry L. Tepley, *Legal Research and Citation* iii (4th ed., West 1989) (noting that “[t]he citations in this text are keyed to the fifteenth edition of *The Bluebook: A Uniform System of Citation*”). [See, e.g., LARRY L. TEPLY, *LEGAL RESEARCH AND CITATION* iii (4th ed. 1989) (noting that “[t]he citations in this text are keyed to the fifteenth edition of *The Bluebook: A Uniform System of Citation*”).]



too far in its objective to be flexible and left the reader with no clear guidance.

A more recent supplement to the *Bluebook* is the *Universal Citation Guide* (“UCG”), published by the American Association of Law Libraries (“AALL”) in 1999.<sup>42</sup> The *UCG* deals specifically with medium-neutral, vendor-neutral, or public domain citation form and is intended to supplement, rather than replace the *Bluebook*. The impetus for the *UCG* was a series of copyright disputes between vendors of legal material. Where citations are dependent on page numbers contained within a particular vendor’s product, it became increasingly difficult for writers to appropriately reference material from a different source, such as an on-line source. As many states adopted universal citation systems, and the *Bluebook* rules failed to adequately address this type of citation system, the AALL drafted the *UCG*.

The *UCG* is only ninety-eight pages in length and contains rules pertaining to universal citation form for cases, constitutions, statutes and administrative regulations. Appendices addressed abbreviations and recommended citations for federal primary sources. Appendix E contains recommendations for state primary sources as well as the form of universal citation forms approved by states that had adopted those forms by the time the *UCG* was published. Not nearly as comprehensive in scope, the *UCG* does not include information pertaining to legal authority other than primary sources. Also, the *UCG* does not address general citation conventions, including rules regarding short form citations, prior and subsequent history, case name abbreviations, introductory signals, and parentheticals. It is worth noting, however, that none of this content was within the intended scope of the *UCG*.

The most plausible reason for the *Bluebook*’s endurance is that most law schools adhere to the *Bluebook* and, consequently, most lawyers are familiar with and therefore married to *Bluebook* form. Indeed, the inability to break away from the *Bluebook*, notwithstanding its widely recognized deficiencies, continues to plague the legal community.<sup>43</sup>

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42. Comm. on Citation Formats & Am. Assn. L. Libs., *Universal Citation Guide* (St. B. of Wis. 1999) [hereinafter *UCG*]. [COMMITTEE ON CITATION FORMATS, AMERICAN ASS’N LAW LIBRARIES, *UNIVERSAL CITATION GUIDE* (1999) [hereinafter *UCG*].]

43. See A. Darby Dickerson, *It’s Time for a New Citation System*, *The Scrivener* 2, 6 (Summer 1998) (available at <<http://www.lawscribes.org/summer98.htm#citation>>) [hereinafter Dickerson, *It’s Time*]. [See A. Darby Dickerson, *It’s Time for a New Citation System*, *THE SCRIVENER* 2, 6 (Summer 1998), available at <http://www.lawscribes.org/summer98.htm#citation> [hereinafter Dickerson, *It’s Time*].] Survey respondents who were questioned as to whether they would consider using a citation manual other than the *Bluebook* voiced a variety of considerations, including the reaction of their

Because the *ALWD Citation Manual* has been prepared by legal writing instructors who influence the style and format of the next generation of law review editors, practitioners, and judges, it has already been widely adopted in legal writing curricula across the country<sup>44</sup> and therefore stands the greatest chance of infiltrating the exclusive turf of the *Bluebook*.

#### IV. HISTORICAL DEVELOPMENT OF THE *ALWD CITATION MANUAL*

The *Bluebook* sixteenth edition signals change resulted in an extraordinary response from the academic community. This was not surprising, as academicians across the country received drafts of their articles back from law reviews infused with “*see*” citations.<sup>45</sup> They initiated a grassroots movement on the Internet, and the sentiment amongst participants was that the signals change was arbitrary, confusing, and unwarranted.<sup>46</sup> Indeed, the signals change, albeit the catalyst for the discussion, was a significant<sup>47</sup> but not exclusive bone of

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respective deans and colleagues and the decision by other schools to make the switch. *See id.*

44. The *ALWD Citation Manual* web address is <http://www.alwd.org> [hereinafter ALWD website]. As of the date of this publication, 86 schools had adopted the ALWD Citation Manual for use in their first year writing programs and 14 law reviews had adopted the manual.

45. One commentator referred to the phenomena as a “sea of sees.” Interview with Gregory Sisk, Richard M. & Anita Calkins Distinguished Prof., Drake U. L. Sch. (Sept. 29, 2000) [hereinafter Sisk Interview]. [Interview with Gregory Sisk, Richard M. & Anita Calkins Distinguished Professor, Drake University Law School (September 29, 2000) [hereinafter Sisk Interview].]

46. *Id.* [*Id.*]

47. *See Lambrich v. Singletery*, 520 U.S. 518 (1997). [See *Lambrich v. Singletery*, 520 U.S. 518 (1997).] In *Lambrich*, the Supreme Court affirmed the death sentence of Cary Lambrich, who had been found guilty of murder. *Id.* [*Id.*] The Florida jury, having resolved Lambrich’s guilt, heard instructions on aggravating and mitigating factors and recommended the death penalty. *Id.* at 520-21. [*Id.* at 520-21.] The trial court gave great weight to the advisory sentence and sentenced Lambrich to death. *Id.* at 521. [*Id.* at 521.] Lambrich filed a petition for a writ of habeas corpus arguing that the jury instruction on one of the aggravating factors was unconstitutional. *Id.* [*Id.*] While Lambrich’s appeal was pending, the Supreme Court decided *Espinosa v. Florida*, 505 U.S. 1079 (1992), determining that, when weighing aggravating and mitigating circumstances in the context of capital sentencing, neither the judge nor the jury is permitted to weigh invalid aggravating circumstances. *Lambrich*, 520 U.S. at 521. [*Lambrich*, 520 U.S. at 521.] Lambrich argued that *Espinosa* should be applied retroactively. *Id.* [*Id.*] The Court determined that *Espinosa* should only be applied retroactively if the case was “dictated” by existing precedent. *Id.* at 527. [*Id.* at 527.] The *Espinosa* Court relied on a single case in support of its conclusion and “introduced that lone citation with a ‘cf.’—an introductory signal which shows authority that supports the point in dictum or by analogy, not one that ‘controls’ or ‘dictates’ the

contention. What the discussion revealed was widespread dissatisfaction with the process imposed by the *Bluebook*: that students at select law reviews have the ability to dictate, often arbitrarily, the citation format to be used by practitioners and academicians without input from these critically affected groups. One commentator has likened the reaction to the oppression experienced by the American colonists prior to the American Revolution.<sup>48</sup>

Reacting to the documented dissatisfaction, Professor Gregory Sisk drafted a resolution calling for formal opposition to the signals change. The draft resolution was posted on various listservs on the Internet through which Professor Sisk solicited comments and suggestions that were ultimately incorporated into later drafts.<sup>49</sup> The final draft<sup>50</sup> was submitted at the 1997 Annual Meeting of the American Association of Law Schools and specifically acknowledged the signals change as the impetus for the resolution.<sup>51</sup> More importantly, the resolution highlighted the underlying problem with the supremacy of the *Bluebook*: the exclusion of the affected masses from the process of change. The resolution noted:

[T]he release of the Sixteenth Edition has revealed weaknesses in a process that leaves this significant subject within the unilateral control of law students and without opportunity for meaningful participation by the rest of the legal profession, including judges, lawyers, and law professors . . . . More generally, the misguided

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result." *Id.* at 529. [*Id.* at 529.] While the Court did articulate additional factors to suggest that the *Espinosa* ruling was novel, the attention paid to the signal and its effect on the death sentence of Cary Lambrix demonstrates the impact signals have on a reader's interpretation of a particular document.

48. Alex Glashausser, *Citation and Representation*, \_\_\_\_ VAND. L. REV. \_\_\_\_ (forthcoming 2000). [Alex Glashausser, *Citation and Representation* (forthcoming 2000).] The author notes: "The final Resolutions of the Stamp Act Congress, while claiming 'sincere[] devot[ion]' to and 'affection' for the King and his government, asserted broadly that the principle of no taxation without representation was essential to the colonists' right to freedom . . . . Legal academia's reaction to the new 'see' was equally swift and emphatic." *Id.* at 14 (citations omitted). [*Id.* at 14 (citations omitted).]

49. Sisk Interview, *supra* n. 45. [Sisk Interview, *supra* note 45.]

50. Association of American Law Schools, *Resolution Concerning Promulgation of Rules of Citation* (Jan. 4, 1997) [hereinafter *AALS Resolution*] (copy on file with author). [Association of American Law Schools, *Resolution Concerning Promulgation of Rules of Citation* (Jan. 4, 1997) [hereinafter *AALS Resolution*] (copy on file with author).]

51. *Id.* [*Id.*] The resolution stated: "In particular, and as a provocation for further examination of this subject, Rule 1.2 of *The Bluebook* has been revised to re-define the signals in a manner that unnecessarily multiplies use of signals, creates confusion, and impairs clear communication." *Id.* [*Id.*]

change in a single rule . . . reflects a broader problem of inadequate opportunity for the legal profession as a whole to participate in the process of establishing rules of citation . . . . [I]t is essential that [citation manuals] adopt a process of providing widespread advance notice of proposed changes so as to invite comment from across the full range of the legal profession.<sup>52</sup>

In response to the introduction of the resolution, the AALS Executive Committee proposed to refer the resolution to the Standing Committee on Libraries and Technology.<sup>53</sup> It is noteworthy and somewhat surprising that the ALWD Board had met prior to the meeting of delegates and had similarly voted to ask that the resolution be referred to the AALS Committee on Libraries and Technology.<sup>54</sup> The Board had further voted to request that the committee coordinate with the ALWD and AALL committees and with the Legal Writing Institute.<sup>55</sup> However, not content to let the matter rest or linger, the House of Representatives rejected the Executive Committee's recommendation.<sup>56</sup> Given the input to the resolution prior to the conference, the resounding adoption should have come as no surprise.<sup>57</sup> The

52. Sisk Interview, *supra* n. 45. [Sisk Interview, *supra* note 45.]

53. *Proceedings of the 1997 Annual Meeting* (Assn. of Am. L. Schs., 1999) [hereinafter *AALS Proceedings*]. [*Proceedings of the 1997 Annual Meeting* (1999) [hereinafter *AALS Proceedings*].] ALWD had considered the resolution at a meeting on January 4, 1997 and similarly voted to refer the resolution to the AALS Committee on Libraries and Technology. Telephone Interview with Jan Levine, 1997 Pres. of ALWD, Assoc. Prof. and Dir., Leg. Research & Writing Program, Temple U. Sch. of L. (Sept. 8, 2000) [hereinafter *Levine Interview*]. [Telephone Interview with Jan Levine, 1997 President of ALWD, Associate Professor and Director, Legal Research & Writing Program, Temple University School of Law (Sept. 8, 2000) [hereinafter *Levine Interview*].] As Levine acknowledged, ALWD knew that the resolution had support within AALS, but had no idea that the resolution would pass without further consideration. *Id.* [*Id.*] ALWD's objective was to at least keep the proposal alive at the committee level. *Id.* [*Id.*]

54. Professor Sisk acknowledged surprise that the legal writing professionals did not initially support passage of the resolution. Sisk Interview, *supra* n. 45. [Sisk Interview, *supra* note 45.] In fact, when Maureen Kordesh spoke at the proceedings and noted that ALWD had voted in favor of passing the resolution on to committee, Sisk contemplated withdrawing the proposal to pass the resolution and instead vote in favor of passing it to committee. *Id.* [*Id.*] In a series of events that he described as "serendipitous," the gentleman sitting next to him at the meeting persuaded him to hold his ground, and the resolution passed. *Id.* [*Id.*]

55. Levine Interview, *supra* n. 53. [Levine Interview, *supra* note 53.]

56. *AALS Proceedings*, *supra* n. 53, at 203-204. [*AALS Proceedings*, *supra* note 53, at 203-04.] Professor Sisk noted that the timeliness of the resolution depended upon its passage soon after the publication of the sixteenth edition of the *Bluebook*. *Id.* at 203. [*Id.* at 203.]

57. In fact, Sisk acknowledged considerable surprise, particularly in light of

resolution formally asked the editors of the *Bluebook* to reinstate the signal definitions found in the fifteenth edition of the *Bluebook*.<sup>58</sup> The resolution also encouraged law reviews to continue to use the fifteenth edition's introductory signal rules.<sup>59</sup> In fact, some law reviews, such as the *Drake Law Review*, took the definitive step and reverted to fifteenth edition signal rules. While a risky strategy given the preeminence of the *Bluebook* and the extent of its followers, confusion was inevitable given the drastic change between editions. Not so surprising was the *Bluebook* editors' ultimate decision to return to the introductory signal definitions from the fifteenth edition in the publication of the seventeenth edition.<sup>60</sup>

Encouraged by the momentum of the AALS resolution, ALWD moved forward with its determination to publish a citation manual prepared by members of the legal writing community. Jan Levine, then president of ALWD, and Richard Neumann discussed the possibility of ALWD publishing a competitor to the *Bluebook*.<sup>61</sup> They quickly approached Darby Dickerson to head the effort.<sup>62</sup> Levine and Neumann had clearly invested considerable effort in the project, as Neumann was

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ALWD's position on the matter. He noted, however, that the House of Delegates may have had additional motives for rejecting the Executive Committee's recommendation. He believes that the House was reacting to a bureaucratic process which had formally lacked sufficient input from the House. The members of the House determined that they had sufficient understanding of the resolution and that additional consideration was unnecessary. Consequently, the super-majority rejected the proposal by the Executive Committee and passed the proposal. Sisk Interview, *supra* n. 45. [Sisk Interview, *supra* note 45.]

58. Association of American Law Schools, *Resolution Concerning Promulgation of Rules of Citation* (Jan. 4, 1997) (copy on file with author).

59. *Id.* [*Id.*]

60. *Bluebook*, *supra* n. 7, R. 1.2, at 22-24. [BLUEBOOK, *supra* note 7, R. 1.2, at 22-24.]

61. Graciously, neither was willing to take credit for the initial idea. When Richard Neumann approached Darby Dickerson in early January, 1997, he indicated that Levine had thought of the idea. E-mail from Richard K. Neumann, Jr., Prof. of L., Hofstra U. Sch. of L., to Darby Dickerson (Jan. 8, 1997). [E-mail from Richard K. Neumann, Jr., Professor of Law, Hofstra University School of Law, to Darby Dickerson (Jan. 8, 1997).] Levine quickly corrected this assessment, indicating that both men had the idea at the same time. E-mail from Jan Levine, Assoc. Prof. & Dir., Leg. Research & Writing Program, Temple U. Sch. of L., to Darby Dickerson (Jan. 9, 1997). [E-mail from Jan Levine, Associate Professor and Director, Legal Research and Writing Program, Temple University School of Law, to Darby Dickerson (Jan. 9, 1997).]

62. Dickerson was widely recognized as the foremost authority on legal citation, having recently completed a comprehensive analysis of the history of the *Bluebook*. See Dickerson, *Un-Uniform*, *supra* n. 24. [See Dickerson, *Un-Uniform*, *supra* note 24.]

able to outline the primary considerations to Dickerson in his solicitation of her as an author.<sup>63</sup> Neumann advised:

A good [citation manual] would (1) restore the formerly good rules that have recently been made bad, (2) reform a few rules that have never made sense, (3) omit the rules that lawyers and students hardly ever use . . . , (4) use the typeface conventions that lawyers and students use, and (5) explain things more simply than the *Bluebook* does.<sup>64</sup>

Neumann also addressed practical considerations such as finding a publisher, copyright implications, and marshaling additional people to work on the project.<sup>65</sup> Notably, Neumann recognized the need to involve a variety of groups in the process, including textbook authors, librarians, and students.<sup>66</sup>

What followed next was a series of discussions regarding the project. Levine, Dickerson, and Neumann, among others, considered the scope of the project.<sup>67</sup> At the first biennial conference of ALWD, Jan Levine announced the citation manual as a formal goal: "I would like to see a citation guide that is prepared by professional legal writing teachers and librarians, in a joint effort—not a student-written and poorly organized *Bluebook*, prepared without a nod to legal research and writing specialist[s]."<sup>68</sup> At the next formal meeting of ALWD, the association's board of directors formally approved the project and prevailed upon Darby Dickerson, the recognized expert in legal citation, to serve as the lead author.<sup>69</sup>

The next significant step in the development of the manual was a survey distributed to legal writing program directors.<sup>70</sup> The general

63. E-mail from Richard K. Neumann, Jr., *supra* n. 61. [E-mail from Richard K. Neumann, Jr., *supra* note 61.]

64. *Id.* [*Id.*]

65. *Id.* [*Id.*]

66. *Id.* [*Id.*] The reference to students is particularly compelling as Neumann noted that the manual needed to make sense to novices to the field of legal citation.

67. Telephone Interview with Darby Dickerson, Assoc. Prof. of L., Assoc. Dean and Dir. of the Leg. Research & Writing Program, Stetson U. College of L. (Sept. 19, 2000). [Telephone Interview with Darby Dickerson, Associate Professor of Law, Associate Dean and Director of the Legal Research and Writing Program, Stetson University College of Law (Sept. 19, 2000).] Relevant issues included the scope and audience for the manual and the intended length.

68. Jan Levine, ALWD Biennial Conf. Plenary Address (Chicago, Ill., July, 1997) (copy of transcript on file with author). [Jan Levine, ALWD Biennial Conference Plenary Address (July, 1997) (copy of transcript on file with author).]

69. Jamar, *supra* n. 2, at 67. [Jamar, *supra* note 2, at 67.]

70. ALWD Citation Project Survey (Jan. 1998) (copy on file with author)

objective of the January 1998 survey was to determine what variations of citation conventions were being taught and used in the academic legal writing community. The survey questioned which citation system was used by the school's legal writing program<sup>71</sup> and law review,<sup>72</sup> and whether the legal writing program would be willing to switch to a new citation system.<sup>73</sup> Specific questions regarding the content of an alternative citation manual were designed to elicit the primary objectives the respondents felt should be addressed by a citation system. For example, the survey listed factors related to the program's willingness to change citation systems, including the length of the new manual and whether it was easy to use, internally consistent and used by other schools, law reviews and judges.<sup>74</sup> The survey also addressed topic coverage of the new system, and the degree to which respondents felt it was important for a citation manual to include coverage of tax sources, international sources, electronic sources, and style and usage rules.<sup>75</sup> There were specific questions regarding *Bluebook* rules, including rules regarding signals<sup>76</sup> and subsequent history.<sup>77</sup> Notably, the survey asked readers to identify one *Bluebook* rule that should be changed,<sup>78</sup> and one that should be retained.<sup>79</sup> Finally, the survey asked readers for input on the content of a new citation manual. Preferences regarding typeface conventions,<sup>80</sup> signals,<sup>81</sup> and statutorily-designated rules<sup>82</sup> were solicited.

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[hereinafter 1998 Survey]. [ALWD Citation Project Survey (Jan. 1998) (copy on file with author) [hereinafter 1998 Survey].] Initial discussions regarding the survey evidenced the primary benefits of such an inquiry, including response from the legal writing community as to specific problems associated with legal citation manuals and the concrete support the project was likely to get from the community in terms of sales. Telephone Interview with Darby Dickerson, *supra* n. 67. [Telephone Interview with Darby Dickerson, *supra* note 67.]

71. *Id.* at question 2. [*Id.* at question 2.]

72. *Id.* at question 3. [*Id.* at question 3.]

73. *Id.* at question 4. [*Id.* at question 4.]

74. *Id.* at question 5. [*Id.* at question 5.]

75. *Id.* at question 6. [*Id.* at question 6.]

76. 1998 Survey, *supra* n. 70, at question 7. [1998 Survey, *supra* note 70, at question 7.]

77. *Id.* at question 10. [*Id.* at question 10.]

78. *Id.* at question 12. [*Id.* at question 12.]

79. *Id.* at question 13. [*Id.* at question 13.]

80. *Id.* at questions 16 & 17. [*Id.* at questions 16 & 17.]

81. *Id.* at questions 14 & 15. [*Id.* at questions 14 & 15.]

82. 1998 Survey, *supra* n. 70, at question 20. [1998 Survey, *supra* note 70, at question 20.]

The results of the survey were announced in the summer of 1998 in an article in the *Scrivener*.<sup>83</sup> The survey demonstrated that the vast majority of respondents used the *Bluebook* in the first-year curriculum and in the school's primary law review.<sup>84</sup> The respondents were receptive to a new citation system and noted that their willingness to switch to a new system depended on the ease of use and internal consistency of a new manual, and whether judges and law reviews would use the system.<sup>85</sup> The primary dissatisfaction with the *Bluebook* continued to relate to signal rules and the respondents noted a willingness to reduce the number of signals and introduce new, more descriptive signals.<sup>86</sup> The survey also supported elimination of different typeface conventions for different types of documents.<sup>87</sup>

In conjunction with announcing the results from the survey, ALWD formally and publicly announced its decision to prepare a new citation system. Darby Dickerson heralded the project as follows:

Since past Bluebook editors have refused to implement changes suggested by legal professionals, it appears that the only solution to the current citation conundrum is a new citation system . . . . ALWD's system will be new; it will not be a "Bluebook helper." ALWD's aim, however, is not to drastically change the way that citations look or work, but to design a system that makes sense and is easy to use. It will retain what works, and change what does not.<sup>88</sup>

Dickerson noted that ALWD did not intend to disregard current citation practice; rather, the ALWD system would be "akin to a 'restatement of citation'—codifying the 'common law' while making needed improvements."<sup>89</sup> The *Scrivener* article included a draft rule on typeface conventions which was designed to illustrate the goals of the ALWD project and demonstrate specific reasons that the particular *Bluebook* rule no longer made sense.<sup>90</sup> The *Scrivener* article reiterated

83. Dickerson, *It's Time*, *supra* n. 43. [Dickerson, *It's Time*, *supra* note 43.]

84. *Id.* [*Id.*]

85. *Id.* [*Id.*] Approximately one-third of the respondents noted that the reactions of their deans and colleagues, adoption by other schools of the new system, and authorship by legal professionals, as opposed to students, were "very important" considerations in their receptiveness to a new system. *Id.* [*Id.*] Cost of a new manual was a "neutral" factor, and length of a new manual was a "somewhat important" factor. *Id.* [*Id.*]

86. *Id.* [*Id.*]

87. *Id.* [*Id.*]

88. *Id.* [*Id.*]

89. Dickerson, *It's Time*, *supra* n. 43. [Dickerson, *It's Time*, *supra* note 43.]

90. *Id.* [*Id.*] For example, current word processing capabilities eliminated the artificial distinction the *Bluebook* made between law review documents and legal and



ALWD's objective to create a system that incorporated practical suggestions from the community primarily affected by a new citation system by explicitly welcoming "ideas, comments, and input from members of the bench and bar, law professors, librarians, and others interested in legal citation."<sup>91</sup>

Also, in the summer of 1998, ALWD presented a panel presentation regarding the citation project at the Legal Writing Institute's conference in Ann Arbor, Michigan.<sup>92</sup> Sample proposed rules were distributed at the presentation and were available at the conference's idea bank.<sup>93</sup> The samples were provided to solicit further input from the legal writing community regarding citation form.<sup>94</sup> Through the fall of 1998, draft contracts with various publishers were reviewed and Aspen was ultimately selected.<sup>95</sup> Contracts with Aspen were finalized in the early spring of 1999, and ALWD and Dickerson were put on a rigorous timetable.<sup>96</sup>

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court memoranda. *Id.* [*Id.*] Moreover, the ALWD authors saw no legitimate reason to differentiate between typeface styles for footnote text and main text or between citations in textual sentences and citations in citation sentences. *Id.* [*Id.*]

91. *Id.* at 10. [*Id.* at 10.]

92. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

93. *Id.* [*Id.*]

94. *Id.* [*Id.*] Dickerson noted that there were few responses to this solicitation. *Id.* [*Id.*]

95. *Id.* [*Id.*] Dickerson noted that Richard Neumann acted as the liaison between ALWD and Aspen and that Aspen was selected for three primary reasons: (1) Aspen had a good reputation with regard to legal writing publications; (2) Aspen had an exemplary marketing force committed to the project; and (3) Aspen's editors committed a great deal of personal attention to the project, but were also receptive to the unique status of the project and inclined to let the project take on its own "personality." *Id.* [*Id.*]

96. *Id.* [*Id.*] Dickerson noted that the initial deadline for a draft was August 1999, with a completed manuscript by October. *Id.* [*Id.*] These deadlines were ultimately moved up. *Id.* [*Id.*] Various e-mails to Dickerson reflected her miraculous ability to stay ahead of schedule. Steve Jamar commented, "Darby, Your ability to synthesize all of the diverse comments into this draft is amazing." E-mail from Steve Jamar, Dir., Leg. Research & Writing Program, Howard U. Sch. of L., to Darby Dickerson (Aug. 12, 1999) (copy on file with author). [E-mail from Steve Jamar, Director, Legal Research and Writing Program, Howard University School of Law, to Darby Dickerson (Aug. 12, 1999) (copy on file with author).] With regard to additional responsibilities following publication of the manual, Jan Levine commented "Darby, you continue to amaze me. Are there more than 24 hours a day in Florida?" E-mail from Jan Levine, Assoc. Prof. & Dir., Leg. Research & Writing Program, Temple U. Sch. of L., to Darby Dickerson (June 24, 2000) (copy on file with author). [E-mail from Jan Levine, Associate Professor and Director, Legal Research and Writing Program, Temple University School of Law to Darby Dickerson (June 24, 2000) (copy on file with author).]

Up to the challenge, Dickerson prepared a draft manuscript which was forwarded to the ALWD Citation Manual Advisory Committee ("ALWD Committee").<sup>97</sup> In preparing the initial manuscript, Dickerson performed extensive research to determine the most logical and widely used citation formats.<sup>98</sup> True to the goal of the new citation manual, she strove not to introduce radical new rules, but to codify the common law of citation while integrating needed improvements.<sup>99</sup> Dickerson consulted a variety of sources, including research texts, citation manuals and guides, style manuals, on-line sources such as articles, briefs and cases, law reviews on legal citations and primary sources.<sup>100</sup> Her objective was to see how the legal community was actually citing sources, as opposed to how it was told to cite the sources.<sup>101</sup>

The ALWD Committee conducted an organized review of draft rules in June 1999.<sup>102</sup> In an e-mail sent to committee members, the members were instructed to review the draft for substance and organization and to review specific issues Dickerson had identified.<sup>103</sup> In

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97. Co-chairs of the committee were Steven J. Jamar, Director, Legal Research and Writing Program, Howard University School of Law, and Amy E. Sloan, Director of the Legal Research and Writing Program at the George Washington University Law School. *ALWD Citation Manual*, *supra* n. 1, at xxv. [ALWD CITATION MANUAL, *supra* note 1, at xxv.] Richard K. Neumann, Jr., of Hofstra University School of Law, served on the committee and acted as the liaison between ALWD and Aspen. *Id.* [Id.] Committee members included the following: Coleen Barger, Assistant Professor of Law, University of Arkansas at Little Rock William H. Bowen School of Law; Mary Beth Beazley, Director of Legal Writing, The Ohio State University College of Law; Maria Ciampi, St. John's University School of Law; Eric B. Easton, Associate Professor and Director, Legal Skills Program, University of Baltimore; Jan M. Levine, Associate Professor and Director, Legal Research and Writing Program, Temple University School of Law; Ruth Ann McKinney, Clinical Professor of Law, The University of North Carolina School of Law; Craig T. Smith, Director of Legal Writing, Vanderbilt University Law School; Kathleen Elliott Vinson, Director, Legal Practice Skills Program, Suffolk University Law School; Marilyn R. Walter, Director of the Writing Program and Professor of Law, Brooklyn Law School; and Ursula H. Weigold, Assistant Dean and Director of Legal Research and Writing, South Texas College of Law. *Id.* [Id.]

98. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

99. Dickerson, *It's Time*, *supra* n. 43, at 7. [Dickerson, *It's Time*, *supra* note 43, at 7.]

100. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

101. *Id.* [Id.]

102. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.] Dickerson noted that the manuscript contained draft rules, but that appendices were not included in the June 1999, draft.

103. E-mail from Steven J. Jamar, Dir., Leg. Research and Writing Program, Howard U. Sch. of L., to ALWD Citation Advisory Committee members (June 9, 1999) (copy on file with author). [E-mail from Steven J. Jamar, Director, Legal Research and Writing Program, Howard University School of Law, to ALWD Citation Advisory

addition to this commenting period, the draft manuscript was presented at the July 1999 ALWD meeting and forwarded to members of ALWD who were not in attendance at the meeting.<sup>104</sup> Comments from these solicitations were incorporated in August 1999, and a final draft of the rules was completed in September 1999. The first printing of the *ALWD Citation Manual* was in March 2000.<sup>105</sup>

#### V. FORMAT DIFFERENCES BETWEEN THE *BLUEBOOK* AND THE *ALWD CITATION MANUAL*

Several differences in format between the two citation guides are worth noting. The *ALWD Citation Manual* is organized into six parts. Part 1 contains introductory material, including general information on the purpose and use of citations, how to use the manual, and how a word processor might affect citations. Part 2, titled "Citation Basics," includes eleven rules relating to such issues as typeface, abbreviations, spelling, capitalization, footnotes, and endnotes. Part 3 addresses citation to specific print sources. Part 4 sets forth rules relating to electronic sources and neutral citations. Part 5 addresses how to incorporate citations in documents, and Part 6 addresses quotations. Six appendices address primary sources by jurisdiction, local citation rules, abbreviations, and an example of a legal memorandum.

The *ALWD Citation Manual* is slightly longer than the *Bluebook*. The *ALWD Citation Manual* is 470 pages (approximately 9 x 6 inches) long, including appendices and indices, as compared to the 389-page (approximately 8 x 5 inches) *Bluebook*, complete with index and related tables. However, much of the length of the *ALWD Citation Manual* is attributable to straightforward information on how to use the manual and how to clearly cite the sources. Also, the *ALWD Citation Manual* has standard margins and 12 point font in contrast to one-fourth inch margins at the top and bottom of each *Bluebook* page. Consequently, while the *ALWD Citation Manual* may be slightly longer, it is significantly easier on the eyes.

The *ALWD Citation Manual*, like the *Bluebook*, has ring binding so that it conveniently lays flat. Also, the front and back covers of the

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Committee members (June 9, 1999) (copy on file with author).]

104. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

105. Aspen reports that it has sold more units of the *ALWD Citation Manual* in a single semester than any other text. Telephone Interview with Dan Mangan, Aspen L. & Bus. (Oct. 5, 2000). [Telephone Interview with Dan Mangan, Aspen Law & Business (Oct. 5, 2000).]

*ALWD Citation Manual* are laminated to ensure durability, and the pages are of heavy stock.

The *ALWD Citation Manual* clearly shows spacing with icons, and uses color variation to emphasize points and make distinctions clear. Similarly, the seventeenth edition of the *Bluebook* includes dots to show spacing in the diagrammed examples of citations found in the Introduction and beginning sections of each rule. In the *ALWD Citation Manual*, a teaching tool referred to as a “Sidebar” discusses key points that are extremely helpful to novice researchers. There is no complementary feature in the seventeenth edition of the *Bluebook*.

The *ALWD Citation Manual* contains “Fast Formats” sections which precede chapters covering a particular source. The Fast Formats feature provides detailed examples of how to apply the citation rules covering that source. This feature can be likened to the Quick Reference feature contained inside the front and back covers of the *Bluebook*. Consequently, the *ALWD Citation Manual* contains more varied examples of how to apply the rules, but requires that the reader find the rule in the text to locate the example. The *Bluebook* examples are more limited, but are readily available inside the covers.

The *ALWD Citation Manual* features a web site that will address frequently asked questions and material the authors felt were useful but too cumbersome to include in the text.<sup>106</sup> The editors of the *Bluebook* now also maintain a web site.<sup>107</sup>

## VI. THE *ALWD CITATION MANUAL* AND THE *BLUEBOOK*: A COMPARISON OF SELECTED RULES<sup>108</sup>

### A. Typeface Conventions

With respect to typeface conventions, the *ALWD Citation Manual* eliminates the use of small caps in citations. The *ALWD Citation Manual* has only two type styles: italics and regular type.<sup>109</sup> If the portion of the

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106. ALWD website, *supra* n. 44. [ALWD website, *supra* note 44.]

107. Harvard Law Review, *The Bluebook: A Uniform System of Citation* <<http://www.legalbluebook.com>> (accessed Mar. 19, 2000). [Harvard Law Review, *The Bluebook: A Uniform System of Citation*, at <http://www.legalbluebook.com> (last visited Mar. 19, 2001).]

108. Unless otherwise noted, comparisons are based on the *ALWD Citation Manual* and the seventeenth edition of the *Bluebook*.

109. As in the *Bluebook*, underlining may be substituted for italics. *ALWD Citation Manual*, *supra* n. 1, R. 1.1, at 15. [ALWD CITATION MANUAL, *supra* note 1, R. 1.1, at 15.]

citation is not in italics, then it is to be in regular type. The *Bluebook* continues to require<sup>110</sup> the use of ordinary type and italics in court documents and legal memoranda,<sup>111</sup> ordinary roman, italics, and large and small capitals in law review citations,<sup>112</sup> and ordinary roman and italics in law review text.<sup>113</sup>

## B. Cases and Statutes

A prominent feature of the *ALWD Citation Manual*, and one which significantly impacts its simplicity and resultant usefulness, is that the *ALWD Citation Manual* does not distinguish between case citations appearing in legal memoranda, law review articles, and law review footnotes. The *ALWD Citation Manual* uses the same citation format regardless of where the citation appears.

Like the *Bluebook*, the *ALWD Citation Manual* contains diagrammed examples that emphasize each component of a citation. The *ALWD Citation Manual* explains initial case references and emphasizes the importance of pinpoint references. The Sidebar that addresses pinpoint references is clear, straightforward and gives the novice researcher appropriate information within a practical context. It provides:

The importance of including pinpoint references whenever possible cannot be overstated. If you do not refer readers to specific pages or other subdivisions where the referenced material appears, readers will be frustrated. Moreover, if a judge or judicial law clerk cannot locate support for your position, you may lose credibility with the court, or the court may discount your position. Accordingly, always spend the extra time it takes to insert the pinpoint reference.<sup>114</sup>

Comprehensive organization helps users determine the actual case name, including how to distinguish case names from party names in textual sentences. A particularly illustrative Sidebar explains commonly used procedural phrases.<sup>115</sup> The *ALWD Citation Manual* notes that

110. The different typeface conventions apparently developed because law reviews were professionally typeset and therefore had access to large and small capitals typeface, a typeface that was not generally available on the typewriters practitioners used to prepare court documents and legal memoranda.

111. *Bluebook*, *supra* n. 7, P.1, at 11. [BLUEBOOK, *supra* note 7, P.1, at 11.]

112. *Id.*, R. 2.1, at 30-32. [*Id.*, R. 2.1, at 30-32.]

113. *Id.*, R. 2.2, at 32-33. [*Id.*, R. 2.2, at 32-33.]

114. *ALWD Citation Manual*, *supra* n. 1, Sidebar 5.1, at 27. [ALWD CITATION MANUAL, *supra* note 1, Sidebar 5.1, at 27.]

115. *Id.*, Sidebar 12.3, at 67. [*Id.*, Sidebar 12.3, at 67.]

parallel citations should only be used when required by local rule and a helpful Sidebar explains how to find a parallel citation.<sup>116</sup> A straightforward list of subsequent histories<sup>117</sup> and an excellent Sidebar pertaining to denials of certiorari<sup>118</sup> are particularly helpful to the novice legal researcher who can be easily sidelined by a misapprehension of subsequent treatment.

Another useful feature of the *ALWD Citation Manual* regards abbreviations, which are clearly addressed in Appendices 3, 4, and 5. Determining the appropriate case name is easy under the *ALWD* rule, which allows, but does not mandate, abbreviations.<sup>119</sup> Appendix 3 categorically demonstrates the types of words that can be abbreviated. The *ALWD Citation Manual* differs from the *Bluebook* in that there are not as many differences in abbreviations for cases and other sources.<sup>120</sup> Federal court abbreviations are shown in Appendix 4, with proper spacing.<sup>121</sup> Appendix 5 contains a comprehensive list of abbreviations for legal periodicals. To reduce the length of the *ALWD Citation Manual*, Appendix 5 contains most traditional law reviews. For any periodical not listed in Appendix 5, an author can consult additional listings that appear on the web site which complements the *ALWD Citation Manual*.<sup>122</sup> The legal periodicals appendix is particularly helpful as it provides cross references to journals that have changed names. Also, abbreviations for law reviews are more consistent with each other. Moreover, the same abbreviations are used regardless of where the citation appears in a document.

The *ALWD Citation Manual* rule on case citation eliminates the *Bluebook's* admonition against abbreviating the first word of a party

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116. *Id.*, Sidebar 12.5, at 71. [*Id.*, Sidebar 12.5, at 71.]

117. *Id.*, R. 12.8, at 77-80. [*Id.*, R. 12.8, at 77-80.]

118. *Id.*, Sidebar 12.6, at 79. [*Id.*, Sidebar 12.6, at 79.]

119. *Id.*, R. 12.2(e)(3), at 61. [*Id.*, R. 12.2(e)(3), at 61.]

120. The *Bluebook* rules concerning case names are highly complex and have been widely criticized. For example, for a case name that contains a prepositional phrase of geographical location, the rule is set forth, followed by a series of exceptions and one exception to the exceptions. See Douglas Laycock, *The Maroonbook v. the Bluebook: A Comparative Review*, 1 *Scribes J. Leg. Writing* 181, 182-183 (1990). [See Douglas Laycock, *The Maroonbook v. The Bluebook: A Comparative Review*, 1 *SCRIBES J. LEG. WRITING* 181, 182-83 (1990).] The rule contains "two categories of cases in which an initial 'The' in the case name must be included, one category in which it must be omitted, and a fourth category in which it must sometimes be included and sometimes omitted, depending on context." *Id.* [*Id.*]

121. Abbreviations for state courts can be found on the web site for the *ALWD Citation Manual*. ALWD website, *supra* n. 44. [See ALWD website, *supra* note 44.]

122. ALWD website, *supra* n. 44. [See ALWD website, *supra* note 44.]

name.<sup>123</sup> Also, the *ALWD Citation Manual* drops the unnecessary abbreviation "Ct." in parentheticals noting state appellate court decisions. Another notable ALWD difference is the abbreviation for the Southern Reporter, which is "S." as opposed to the *Bluebook's* abbreviation "So."

*ALWD Citation Manual Citation*

*Brown v. Bd. of Educ.*, 349 U.S.  
294, 297 (1955)

*Rogan v. State*, 203 S.2d 24 (Fla.  
Dist. App. 1967).

*Bluebook Citation*

*Brown v. Board of Educ.*, 349 U.S.  
294, 297 (1955).

*Rogan v. State*, 203 So. 2d 24  
(Fla. Dist. Ct. App. 1967).

The *ALWD Citation Manual* provides clearer examples of proper spacing than the *Bluebook*, which has been criticized for requiring stringent regard for spacing but using 11 point font that all but ensures that no one could identify a space in the examples provided. The *ALWD Citation Manual* does not change rules regarding spacing, but shows spacing with an icon. Also, a helpful introductory section in the *ALWD Citation Manual* describes the variety of ways that word processing programs can affect citations and includes methods for resolving those problems. True to its commitment to elevate good judgment over rigid conformity to rule, the section on justification advises writers to conform the justification settings, and the resultant impact on spacing, to the sensibilities of the audience to the particular document.

### C. Legislative Material

Most forms for citation to legislative material are consistent with the *Bluebook*. The term "Senate" has been abbreviated in the *ALWD Citation Manual* as "Sen." instead of "S." to avoid confusion with other abbreviations.

*ALWD Citation Manual Citation*

Sen. Res. 35, 106th Cong. (1999).

*Bluebook Citation*

S. Res. 35, 106th Cong. (1999).

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123. *ALWD Citation Manual*, *supra* n. 1, R. 12.2, at 58-66. [See ALWD CITATION MANUAL, *supra* note 1, R. 12.2, at 58-66.]

Helpful Fast Format sections for federal and state legislative materials give clear examples of citation formats and there are detailed instructions on how to cite the individual components of federal and state legislative materials.

#### D. Administrative Materials

As with legislative materials, the *ALWD Citation Manual* has separate sections for federal and state materials. A notable difference between the *ALWD Citation Manual* and the sixteenth edition of the *Bluebook* concerned citations to the *Federal Register*, for which the *ALWD Citation Manual* requires exact dates. The seventeenth edition of the *Bluebook* illustrates citation to the *Federal Register* with exact dates. Because the *Federal Register* is published every business day, this change is particularly helpful in leading a reader to the source.

##### *ALWD Citation Manual* Citation

64 Fed. Reg. 12473 (Mar. 12, 1999).

##### *Bluebook* Citation

64 Fed. Reg. 12473 (Mar. 12, 1999).

#### E. Treatises

The *ALWD Citation Manual* requires that treatise titles be italicized and that citations include publisher information. Also, the writer may use the term “et al.” for more than two authors, but is not required to do so.<sup>124</sup> The *Bluebook* now allows presentation of more than two authors when “particularly relevant.”<sup>125</sup> Finally, the volume is treated as any other subdivision and appears after the title.

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124. *Id.*, R. 22.1(a)(2), at 187. [*Id.*, R. 22.1(a)(2), at 187.] Recognizing that there may be a variety of reasons for including all authors’ names, the *ALWD Citation Manual* suggests naming all authors while providing “et al.” as the shortcut alternative. *Id.*, R. 22.1(a)(2)(d), at 187. [*Id.*, R. 22.1(a)(2)(d), at 187.]

125. *Bluebook*, *supra* n. 7, R. 15.1.1, at 107-108. [BLUEBOOK, *supra* note 7, R. 15.1.1, at 107-08.]



ALWD Citation Manual CitationBluebook Citation

Charles Allen Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure* vol. 6A, § 1497, 70-79 (2d ed., West 1990).

6A CHARLES ALAN WRIGHT ET AL., *FEDERAL PRACTICE AND PROCEDURE* § 1497, at 70-79 (2d ed. 1990).

## F. Legal Periodicals

In the *ALWD Citation Manual*, unlike the *Bluebook*, the form for citing consecutively and nonconsecutively paginated journals is generally the same. The *ALWD Citation Manual* requires that the complete date in the date parenthetical for non-consecutively paginated journals be included. To further assist users in this regard, non-consecutively paginated journals are starred in Appendix 5. Also, the single term "Student Author" replaces the terms Note, Comment, etc.

ALWD Citation Manual CitationBluebook Citation

Hope Viner Samborn, *Navigating Murky Waters*, 85 ABA J. 28 (July 1998).

Hope Viner Samborn, *Navigating Murky Waters*, A.B.A. J., July 1998, at 28.

Tara Burns Koch, Student Author, *Betting on Brownfields—Does Florida's Brownfields Redevelopment Act Transform Liability into Opportunity?*, 28 Stetson L. Rev. 171 (1998).

Tara Burns Koch, Comment, *Betting on Brownfields—Does Florida's Brownfields Redevelopment Act Transforms Liability into Opportunity?*, 28 STETSON L. REV. 171 (1998).

## G. Legal Dictionaries, Encyclopedias, and A.L.R. Annotations

For these sources, the *Bluebook* provides a sample citation without detailed instructions. The *ALWD Citation Manual* provides detailed instructions and examples for new users. Also, the *ALWD Citation Manual* includes a Sidebar in the encyclopedia section that lists most state encyclopedia abbreviations with spaces clearly noted. With regard to the A.L.R., spacing rules and examples are shown for all A.L.R. series. Also, the "Annotation" reference has been eliminated.

ALWD Citation Manual Citation

Marjorie A. Caner, *Validity, Construction, and Application of Stalking Statutes*, 29 A.L.R.5th 487, 489 (1995).

Bluebook Citation

Marjorie A. Caner, Annotation, *Validity, Construction, and Application of Stalking Statutes*, 29 A.L.R.5th 487, 489 (1995).

## H. Internet Web Site Citations

The *ALWD Citation Manual* significantly expanded the coverage of online sources from what was found in the sixteenth edition of the *Bluebook*. The *ALWD Citation Manual* World Wide Web site section gives detailed illustrations of citation to such sources and directs the reader to the ALWD web site<sup>126</sup> for information regarding Gopher, FTP, and Telnet sites, and electronic bulletin boards, newsgroups, and synchronous communications. The *ALWD Citation Manual* replaces the term “visited” with “accessed” to give the citation a more professional tone and to be consistent with non-legal citation guides. Finally, the date of access has been moved to the end of the citation to be consistent with citations of other sources.

The *Bluebook*'s seventeenth edition has greatly expanded coverage of Internet sources. A helpful introductory section covers rules regarding Internet sources, including an explanation of the components of an URL and how to properly cite sources when URLs change. There is also a helpful explanation regarding how to pinpoint cite Internet sources in a case where there is no citation to a traditional source. The *Bluebook* further advises users to use the explanatory phrase “available at” when the Internet citation is provided as a parallel citation, and the explanatory phrase “at” when the material cited is available exclusively on the Internet.

ALWD Citation Manual Citation

Federal Judicial Center, *Federal Center Publications* <<http://www.fjc.gov/pubs.html>> (accessed July 10, 1999).

Bluebook Citation

Federal Judicial Center, *Federal Judicial Center Publications* (last visited July 10, 1999) <<http://www.fjc.gov/pubs.html>>.

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126. ALWD website, *supra* n. 44. [ALWD website, *supra* note 44.]

Michael Guth, *An Expert System for Curtailing Electric Power*, 3 W. Va. J.L. & Tech. 2, ¶ 14 (Mar. 15, 1999) <<http://www.wvjolt.wvu.edu/v3i2/guth.html>>.

Michael Guth, *An Expert System for Curtailing Electric Power*, 3 W. VA. J.L. & TECH. 2, ¶ 14 (Mar. 15, 1999), at <http://www.wvjolt.wvu.edu/v3i2/guth.html>>.

## I. Neutral Citations

The sixteenth edition of the *Bluebook* simply indicated that a public domain citation for cases should be used when available and permitted the use of a parallel citation to the regional reporter. The seventeenth edition continues to require the use of official public domain citations where available, and now also requires a parallel citation to the regional reporter, where available.<sup>127</sup>

The *ALWD Citation Manual* provides a brief explanation of neutral citation formats and a clear indication that neutral citations are new, and that different formats are being considered. The *ALWD Citation Manual* indicates that if the document is being submitted to a court that requires the use of neutral citations, that court's neutral citation format should be used. The user is then directed to Appendix 2 of the *ALWD Citation Manual* to determine which courts require neutral citation formats.<sup>128</sup> Where there is no court-prescribed format, the form of the citation may follow the citation used on the source, or the form suggested by the American Association of Law Librarians ("AALL").<sup>129</sup> The *ALWD Citation Manual* also indicates that parallel citation to a print source should be used when using neutral citation.

## J. Signals

This was clearly the source of the most vocal criticism of the sixteenth edition of the *Bluebook*.<sup>130</sup> The *ALWD Citation Manual* identifies many long-used and relied upon signal definitions which were

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127. *Bluebook*, *supra* n. 7, R. 10.3.1, at 62-63. [BLUEBOOK, *supra* note 7, R. 10.3.1, at 62-63.]

128. To its credit, Appendix 2 of the *ALWD Citation Manual* includes, without commentary, all local rules requiring conformity to different versions of the *Bluebook*. *ALWD Citation Manual*, *supra* n. 1, app. 2, at 378-405. [ALWD CITATION MANUAL, *supra* note 1, app. 2, at 378-405.]

129. UCG, *supra* n. 42. [UCG, *supra* note 42.]

130. See *supra* nn. 46-47 and accompanying text. [See *supra* notes 46-47 and accompanying text.]

adversely impacted by the sixteenth edition of the *Bluebook*. The most profound example is the return to the common understanding of direct support, for which no signal is necessary, and the *see* signal, which provides implicit, rather than explicit support. The *ALWD Citation Manual* also eliminates some signals such as *accord* and *see also*, which the authors determined were not sufficiently distinct from others. The seventeenth edition of the *Bluebook* returns to signal definitions set forth in the fifteenth edition, with minor modifications. No signal is necessary for direct support under the seventeenth edition rule. *E.g.* and *contra* have also returned to the pages of the *Bluebook*. One tool of the *Bluebook* that first-year students find helpful that has not been mirrored in the *ALWD Citation Manual* is the use of headings in the signals section which tell the reader what category of signals follow, e.g., “Signals that suggest a useful comparison,” “Signals that indicate contradiction.”<sup>131</sup>

One interesting difference between the seventeenth edition of the *Bluebook* and the *ALWD Citation Manual* concerns rules relating to the order of authorities within each signal. In a rare illustration of flexibility, the *Bluebook* allows writers to vary the order of authorities within a signal for a “substance-related rationale” or where the author determines “one authority is considerably more helpful or authoritative than the other authorities cited within [the] signal.”<sup>132</sup> Conversely, the *ALWD Citation Manual* sets forth the acceptable order and does not allow the author to exercise independent judgment to deviate from the order.<sup>133</sup> Also, explanatory parentheticals are recommended with many of the *Bluebook* signals, while rule 47.1 of the *ALWD Citation Manual* states that “parentheticals should be used wherever a signal is used in connection with a citation.”<sup>134</sup>

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131. The distinctions were determined unnecessary since all signals are separated with semicolons. The *Bluebook* requires the subsections to determine when to use a semicolon and when to start a new citation sentence. See *Bluebook*, *supra* n. 1, R. 1.3, at 91-96. [See BLUEBOOK, *supra* note 1, R. 1.3, at 91-96.]

132. *Id.*, R. 1.4, at 25-27. [*Id.*, R. 1.4, at 25-27.]

133. *ALWD Citation Manual*, *supra* n. 1, R. 46.0, at 305-310. [ALWD CITATION MANUAL, *supra* note 1, R. 46.0, at 305-10.]

134. *Id.*, R. 47.1, at 311. [*Id.*, R. 47.1, at 311.]

ALWD Citation Manual Signal

"No signal" is not treated like a signal. Do not use a signal if the cited authority directly supports the stated proposition, identifies the source of a quotation or merely identifies the authority referred to in the text.

*E.g.*: Use to reflect that the cited authority is representative of, or merely an example of, many authorities that stand for the same proposition, but are not cited. Use "*e.g.*" alone when the authority directly supports the stated proposition. In other situations, combine "*e.g.*" with the appropriate signal.

Bluebook Signal

"No signal": Cited authority (1) directly states the proposition;<sup>135</sup> (2) identifies the source of a quotation; or (3) identifies an authority referred to in the text.

*E.g.*: Cited authority states the proposition; other authorities also state the proposition, but citation to them would not be helpful or is not necessary. "*E.g.*" may also be used in combination with other signals, preceded by a comma.

*Accord*: "*Accord*" is commonly used when two or more cases state or clearly support the proposition but the text quotes or refers to only one; the others are then introduced by an "*accord*." Similarly, the law of one jurisdiction may be cited as being in accord with that of another.

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135. It is noteworthy that the seventeenth edition editors included this minor, but helpful, distinction in the definition of "no signal." The fifteenth edition had vaguely defined "no signal" as "*clearly states* the proposition" and "*see*" as "*clearly supports* the proposition," which clearly gave rise to a question as to the relevant distinction.

**See:** Use when the cited authority (1) supports the stated proposition implicitly or (2) contains dicta that support the proposition.

**See:** Cited authority clearly supports the proposition. “*See*” is used instead of “no signal” when the proposition is not directly stated by the cited authority but obviously follows from it; there is an inferential step between the authority cited and the proposition it supports.

**See also:** Cited authority constitutes additional source material that supports the proposition. “*See also*” is commonly used to cite an authority supporting a proposition when authorities that state or directly support the proposition have already been cited or discussed. The use of a parenthetical explanation of the source material’s relevance (Rule 1.5) following “*see also*” is encouraged.

**Cf.:** Cited authority supports the stated proposition only by analogy.

**Cf.:** Cited authority supports a proposition different from the main proposition but sufficiently analogous to lend support. Literally, “*cf.*” means “compare.” The citation’s relevance will be clear to the reader only if it is explained. Parenthetical explanations (Rule 1.5), however brief, are therefore strongly recommended.

*Compare . . . with:* Use to compare authorities or groups of authorities that reach different results concerning the stated proposition.

*Contra:* Use when the cited authority directly contradicts the stated proposition.

*But see:* Use when the cited authority (1) contradicts the stated proposition implicitly or (2) contains dicta that contradict the stated proposition.

*But cf.:* Use when the cited authority contradicts the stated proposition by analogy.

*See generally:* Use when the cited authority is presented as helpful background information related to the stated proposition.

*Compare . . . with:* Comparison of the authorities cited will offer support for or illustrate the proposition. The relevance of the comparison will usually be clear to the reader only if it is explained. Parenthetical explanations (Rule 1.5) following each authority are therefore strongly recommended.

*Contra:* Cited authority directly states the contrary of the proposition. “*Contra*” is used where “no signal” would be used for support.

*But see:* Cited authority clearly supports a proposition contrary to the main proposition. “*But see*” is used where “*see*” would be used for support.

*But cf.:* Cited authority supports a proposition analogous to the contrary of the main proposition. The use of a parenthetical explanation of the source material’s relevance (Rule 1.5) following a citation introduced by “*but cf.*” is strongly recommended.

*See generally:* Cited authority presents helpful background material related to the proposition. The use of parenthetical explanation of the source material’s relevance (Rule 1.5) following each authority introduced by “*see generally*” is strongly recommended.

## K. Foreign Sources

The *ALWD Citation Manual* does not include detailed guidance on how to cite foreign sources. The *ALWD Citation Manual* advises users to use “the form of citation adopted by the country whose law is being cited.”<sup>136</sup> Darby Dickerson advises that this is not an oversight: A committee is currently working on citation forms for foreign sources.<sup>137</sup> True to its commitment to codify common citation practices, the committee includes legal writing professionals, librarians, and practitioners with specialization in international law.<sup>138</sup> The authors are considering whether foreign source materials would best be included in the second edition of the *ALWD Citation Manual*, as a supplement or as an independent publication.<sup>139</sup> Individuals with suggestions regarding this material are encouraged to post a message at the *ALWD Citation Manual* web site.<sup>140</sup>

## VII. OBSERVATIONS

Miles Price provided a classic definition of the primary purpose of legal citation: “A legal citation has only one purpose: to lead its reader to the work cited, and this without enforced recourse to any other source of information, for data which should have been given in the citation itself.”<sup>141</sup> Additionally, Byron Cooper has noted that the adequacy of a citation depends on the background of the reader, the resources to which the reader has access, and whether the citation provides information useful to understanding the material for which the citation was provided.<sup>142</sup> In fact, a citation should provide three types of information: (1) an identification of the source for which attribution is given; (2) sufficient specific information to allow the reader to access the source; and (3) information about the source which the author seeks to convey. The categories of persons most affected by the change in prevailing citation authorities include practitioners, judges, legal writing professionals, students, and law review members and authors. Each of

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136. *ALWD Citation Manual*, *supra* n. 1, at 4. [ALWD CITATION MANUAL, *supra* note 1, at 4.]

137. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

138. *Id.* [*Id.*]

139. *Id.* [*Id.*]

140. ALWD website, *supra* n. 44. [ALWD website, *supra* note 44.]

141. Cooper, *supra* n. 34, at 3 (citing Price, *supra* n. 33, at iii). [Cooper, *supra* note 34, at 3 (citing Price, *supra* note 33, at iii).]

142. *Id.* [*Id.*]



these categories will feel the impact of the changes in citation form introduced by the *ALWD Citation Manual* and the seventeenth edition of the *Bluebook* differently.

With regard to students and legal writing professionals, there is no doubt that the *ALWD Citation Manual* is an exemplary teaching tool. In this respect its purpose is twofold: not only to provide a uniform guide to proper citation form, but also to provide the user a more comprehensive context for legal citation. The *ALWD Citation Manual* achieves both purposes. It is not only straightforward and user-friendly, but it provides the novice researcher with generous information regarding the content of sources, where and when to provide attribution, and specifically how and what information is communicated through legal citation. First-year law students in particular will be better served by a citation manual that attempts to provide a more comprehensive understanding of the relationship between written legal analysis and citation form.

Moreover, the new manual is significantly less intimidating than the *Bluebook*. It preaches a practical commonsense approach to legal citation. In situations where minor variation does not affect the substance of a citation, the overwhelmed, novice researcher is comforted: "Do not spend hours agonizing over how to cite the source. Select a logical format and be consistent."<sup>143</sup>

Additionally, the manual is a superior teaching text which enhances the credibility of the academic community charged with the responsibility of teaching legal citation. As a result, the *ALWD Citation Manual* has clearly been embraced by the academic legal writing community. In fact, at the printing of this article, eighty-six schools had adopted the *ALWD Citation Manual* for use in the first-year curriculum. Due to the astonishing demand, the *ALWD Citation Manual* is in its fourth printing<sup>144</sup> and has become a best selling legal text in a single semester.<sup>145</sup>

Law review members and authors will be affected somewhat less directly, at least initially, by the new manual. At the print date of this article, fourteen law reviews had adopted the *ALWD Citation Manual* as the conforming source for citations, in marked contrast to the number of first year legal writing programs which had adopted the manual. This should come as no surprise: The students that serve on these

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143. *ALWD Citation Manual*, *supra* n. 1, at 7. [ALWD CITATION MANUAL, *supra* note 1, at 7.]

144. ALWD website, *supra* n. 44. [ALWD website, *supra* note 44.]

145. Telephone Interview with Dan Mangan, Aspen L. & Bus. (Oct. 5, 2000). [Telephone Interview with Dan Mangan, Aspen Law & Business (Oct. 5, 2000).]

journals learned *Bluebook* citation form, although almost certainly the rules under the sixteenth edition. Consequently, adaptation to a revised *Bluebook* likely seemed the less burdensome choice, although change was inevitable. When first-year students who learned citation under the *ALWD Citation Manual* advance to positions in the journals in the next two years, however, there is likely to be a general shift in the journals to the form of citation that the editors are most familiar with.<sup>146</sup> Additionally, as these students graduate and advance into practice, it will be the *ALWD Citation Manual* that they have mastered.

Finally, judges and practitioners will begin to feel the effects of the new citation system more gradually. Busy practitioners have little time to devote to the nuances of how to properly abbreviate geographical designations under the *Bluebook*. The *ALWD Citation Manual* should clearly be more appealing to these groups if for no reason other than the fact that it does not seek to disenfranchise them in the text itself.<sup>147</sup> Indeed, the *ALWD Citation Manual* encourages the bar to comply with local rule and custom and facilitates such compliance by directing the user to the appropriate source for the rules. The *Bluebook* refuses to even acknowledge non-conforming citation practices. Moreover, the *ALWD Citation Manual* is considering including customary citation practices for specific jurisdictions in its second edition,<sup>148</sup> further facilitating compliance with local rule and custom. Arguably, these features of the *ALWD Citation Manual* should be appealing to the bar.

Clearly the biggest obstacle to the success of the *ALWD Citation Manual* is the entrenchment of the *Bluebook*. By integrating the *ALWD Citation Manual* in first-year writing curricula it can clearly achieve its objective: to simplify the form of legal citation and overcome the complexities of the *Bluebook*. As a legal writing instructor, I found that the *Bluebook* often undermined my credibility, particularly when I was forced to acknowledge that particular rules did not make sense or that the *Bluebook* failed to provide sufficient explanation or illustration. As a result, our program has embraced the new manual. The response from our students has been positive, particularly from our teaching assistants

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146. The author recognizes that this is not likely to be the progression in four prominent journals, which shall remain nameless.

147. One need only look at the number of blue "practitioners notes" pages in the *Bluebook*, as compared to the white pages which address the loftier objectives of the academic journals. As one author notes: "There is no question which section is more important: 'readers of the blue pages are often referred to the white pages for guidance, but not vice-versa.'" Glashauser, *supra* n. 48, at 48 (footnotes omitted). [Glashauser, *supra* note 48, at 48 (footnotes omitted).]

148. Dickerson Interview, *supra* n. 67. [Dickerson Interview, *supra* note 67.]

who learned citation practices under the *Bluebook* in the first year curriculum and now teach citation from the *ALWD Citation Manual*.<sup>149</sup> The project is clearly a resounding success.

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149. It should be noted that all of the teaching assistants in Drake University Law School's legal research and writing program learned the *Bluebook* in their first year curriculum and they all serve on the *Drake Law Review*, which continues to adhere to the *Bluebook*. They now teach first year law students citations under the *ALWD Citation Manual*. They have all indicated that the new manual is easier to use and easier to teach. I suspect that also makes it easier for the students to learn.