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BLUEBOOK

Uniform Citation for Legal Reference

School of Legal Studies

THE BLUEBOOK

Throughout this presentation reference will be made to rules and page numbers. These are references to *The Bluebook*, 19th Edition.

WHEN TO CITE?

- When you rely on and use legal sources and legal authorities in your own work, *The Bluebook* provides a systematic citation form to “cite” those references.
- The citation follows the discussion from the source: It is clear that only personal rights that can be deemed “fundamental” or “implicit in the concept of ordered liberty” are guaranteed personal privacy. Palko v. Connecticut, 302 U.S. 319, 325 (1937).

HOW TO CITE?

- A citation is an address. It tells you who you are talking about and where to find the decision.
- Each legal source has its own particular order to follow and specific information that must be included in the cite.
- The general rule for case citations is Rule 10, page 87.

WHO ARE YOU TALKING ABOUT?

- At the trial level, the parties names are listed as Plaintiff v. Defendant.
- At the appellant level, the parties names are listed as Appellant v. Appellee (Respondent)
- If the Plaintiff (P) wins at trial and the Defendant (D) appeals, at the appellant level, the parties names will be listed as: D v. P,
- If the Defendant (D) wins at trial and the Plaintiff appeals, at the appellant level, the parties names will be listed as P v. D,

PARTIES NAMES

- Katko v. Briney, 183 N.W.2d 657 (Iowa 1971).
- Always underline or italicize case names. This will depend on what type of legal document you are writing and how your law firm prefers things be done.
- The “v.” is an abbreviation of the word “versus.” It is a lowercase letter, followed by a period. The abbreviation is NOT “vs.” like you see in sports competitions.
- After the parties names, there is a comma to separate the names from the “address” to find the case decision. The comma is not underlined or italicized.

PARTIES NAMES

- Do not include parties' first names, unless they are the name of a corporation:
 - *Baker v. John Smith, Inc.*,
- If there is more than one plaintiff or defendant, use only the name of the first party on each side.
- Do not abbreviate United States in a case name:
 - *United States v. Michigan*,
- Some words may be abbreviated, but do not abbreviate them if they are the first word of a party's name. A list of common abbreviations is found in Table 6, page 430.

THE STREET ADDRESS

- Katko v. Briney, 183 N.W.2d 657
- N.W.2d refers to the Reporter or the specific book to find the decision in. N.W.2d is the North Western Reporter, Second series.
- Commonly reporter volumes go from 1 through 999, then start a new series of 999 books.
- 183 is the volume number. So you walk down the library aisle, find the North Western Reporters, and go to the second series. Then you pick out volume 183.
- Once you pick up volume 183, you flip the pages to find page 657 and Voila! You now have the first page of the Katko v. Briney decision.

CITY & STATE

- Katko v. Briney, 183 N.W.2d 657 (Iowa 1971).
- The parenthetical information in a case tells us the court and year. Parenthetical means in parentheses.
- The court here is The Supreme Court of Iowa. To find court abbreviations, look to Table 1 beginning on Page xiv of *The Bluebook*. The information on Iowa is on Page 241.
- The year this case was decided was 1971.

COMPUTER DATABASES

- If you download a case from Westlaw or Lexis, you will on occasion find a WL or LEXIS cite. For instance, Phelan v. Gardner has the citation 1872 WL 1161 (Cal.). The 1872 refers to the year of decision, WL refers to WestLaw and 1161 is the database number assigned to this case.
- DO NOT use the electronic database citation UNLESS that is the ONLY citation there is.
- When would there only be an electronic database citation? If the court did not want its decision to be used as precedent, the decision would not be formally published in the reporter books. But these are more readily found in the computer databases. In this case, the ONLY citation to use would be the computer database citation since there is no BOOK citation.

COMPUTER DATABASES

- If the only place to find a case is in a computer database go to Rule 18 on page 164.
- Vaugh v. Wilson, No. 95-124, 1995 U.S. Sup. Ct. LEXIS 3255, at *16 (1995).
- Note here that the filing number, 95-124, is listed as part of the citation.

U.S. SUPREME COURT

- Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963).
- This is a United States Supreme Court decision. How can I tell? Because it is the United States (U.S.) Reports, the official reporter of the U.S. Supreme Court.
- But the U.S. Reporter is not the only one mentioned here. There is also the Supreme Court Reporter (S. Ct.) published by West Publications and United States Supreme Court Reporters, Lawyers' Edition (L. Ed., L. Ed. 2d) published by LexisNexis. These citations are known as parallel citations. It is common to see these parallel citations included in a Supreme Court citation if they are known.

U.S. SUPREME COURT

- Gideon v. Wainwright, 372 U.S. 335, 83 S. Ct. 792, 9 L. Ed. 2d 799 (1963).
- Katko v. Briney, 183 N.W. 2d 657 (Iowa 1971).
- Let's compare Katko with Gideon. In the Gideon parenthetical information, there is only the year of the decision as opposed to Katko which also included the court. Why is this different? Because "U.S." automatically tells us it is the U.S. Supreme Court. The North Western Reporter covers Iowa, Michigan, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin.
- See Table 1, page xiv for further information.

U.S. COURT OF APPEALS

- There are 12 regional appeals circuits plus the Federal Circuit.
 - Davis v. Everett, 102 F.2d 24 (9th Cir. 1954).
- The Federal Reporter series contains all published appeals court decisions. There are currently 3 series: F., F.2d, and 3.d.
- This citation looks similar to Katko, but instead of the name of the state court, the circuit number is included in the parenthetical information.

U.S. DISTRICT COURTS

- There are 94 U.S. judicial districts
- *Flanders v. Glissandi*, 913 F. Supp. 885 (C.D. Cal. 1996).
- The Federal Supplement contains all published District Court decisions. There are currently 2 series:
 - F. Supp. and F. Supp. 2d
- Note the parenthetical information here. This case was decided in the Central District of California. Each state is divided into districts. For instance, Virginia has an Eastern and a Western District. Florida has a Northern, Central, and Southern District. Rhode Island is it's own district with no geographic divisions.

STATE CASES

- Katko v. Briney, 183 N.W.2d 657 (Iowa 1971).
- *Kearney v. Lovejoy*, 777 P.2d 1024 (Cal. 1993).
- In state court pleadings or motions, cite to the official state reporter first, then include the regional reporter citation. The regional reporter citation is called the parallel citation. See Rule 10.3.1 on page 95.
- In all other documents, including legal memoranda, cite only to the regional reporter if the case is found in the regional reporter. See Table 1, page 215 to review the proper order of citations.

QUOTATIONS

- Always give the exact page of a quote (i.e. pinpoint cite), even when paraphrasing:
 - “The rule is well established that we will not consider a contention not raised in the trial court.” *Katko v. Briney*, 183 N.W.2d 657, 662 (Iowa 1971).
- Look at the *Katko* citation here. It is the full case citation, but there is an added number, 662, which is the exact page the quote is found on.

QUOTATIONS

- To delete one or more words within a quote, use ellipses. At the end of a sentence, follow the ellipses by a period.
 - “The time has come . . . To talk of many things.” Lewis Carroll, Alice in Wonderland 56 (1872).
- Never start a sentence with an ellipses. If you start a quote in the middle of a sentence, or if you substitute letters or words in a sentence, use brackets.
 - “[M]y troubles seemed so far away.” Paul McCartney, Yesterday 2 (1966).

STATUTES

- It is common to refer to the popular name of a statute, then put in the citation. For the Individuals with Disabilities Education Act, the proper citation is 20 U.S.C. § 1401, *et. seq.* (2004).
- This citation form is similar to the case citation. There is the volume number, but instead of the reporter name, there is the abbreviation for the referenced code. The section symbol can be found in the Word Insert menu, Symbol menu. The last number here is the specific section referred to.

STATUTES

- Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq* (2004).
- Note the *et seq.* at the end of the citation here. This stands for “and sequence” and refers to the law as a whole, all sections and sub-sections.
- The federal code is the United States Code. You will also see U.S.C.A. (U.S. Code Annotated) published by West and U.S.C.S. (U.S. Code Service) published by LexisNexis. ALWAYS cite to the OFFICIAL publication, the U.S.C.

STATUTES

- Individuals with Disabilities Education Act, 20 U.S.C. § 1400(c)(5)(A)(i).
- This specific reference is to the Free and Appropriate Public Education provision of the IDEA. We are looking at a specific provision here: (c)(5)(A)(i). The § 1400 is the section number. (c) refers to the subsection. (5) refers to the part. (A) refers to the subpart. (i) refers to the item.
- See Rule 12, page 101.

CONSTITUTIONS

- U.S. Const. art. I, § 2, cl. 3
- U.S. Const. amend. XX
- Cal. Const. art. XIV
- When citing to a constitution, whether state or federal, the numbers for articles and amendments should be in Roman numerals. The provisions mentioned above are currently in force. If you cite to a provision that has been repealed or amended, make note using parenthetical notation.
- U.S. Const. amend XVIII (repealed 1933).
- For more information see Rule 11, page 110.

SECONDARY SOURCES – BOOKS

- Secondary sources are references that are not case law, statutes, or administrative materials. These are books, reports, law review articles, etc.
- John Knight, A Jury of Twelve, 225 (1st. Ed. 2001).
- This book by John Knight gives the title and page number referenced. It also notes that this was the first edition and the print date.
- See Rule 15, page 138.

SECONDARY SOURCES – DICTIONARIES

- Black's Law Dictionary, 826 (7th ed. 1998).
- When using a definition from a legal dictionary, put in the name of the dictionary and the page number. Note the parenthetical information here includes the specific edition and year of publication.
- See Rule 15.8, page 144.

SECONDARY SOURCES – PERIODICALS

- Mary A. Jones, The Best of Trial Briefs, 28 Neb. L. Rev. 102 (2006).
- This law review article by Mary Jones gives the title of the article, then the law review. It is very similar in structure to a case citation in that the first number is the volume and the second is the page number, but instead of a reporter abbreviation, it is the abbreviation of the law review the article was published in.
- See Rule 16, page 147.

COURT RULES

- Under the Federal Rules of Civil Procedure, a defendant may move for failure to state a claim upon which relief can be granted, also known as a 12(b)(6) motion. Fed. R. Civ. P. 12(b)(6).
- Note the number here, it is Rule 12, section (b), subsection (6).
- Rule 12.9.3, page 121.

THE INTERNET

- When information is not available in print form or from a commercial electronic database, but can be found on the internet, you may cite the internet.
- American Bar Association. Section on Legal Education and Admissions to the Bar. *Legal Education Statistics from ABA Approved Law Schools*, available at http://www.americanbar.org/groups/legal_education/resources/statistics.html (last visited June 3, 2011).

THE INTERNET

- The author is listed first, then the name of the article is in italics. The full URL is listed, including http://. The parenthetical information tells when you last viewed the webpage. This will tell a use how long ago the specific page was accessed. If you use the Word program, beware that it will tend to make the full URL a live link. You will want to correct that.
- See Rule 18.2.3, page 169.

INCORPORATING CITATIONS

When incorporating citations into a sentence:

- If the cite is in the middle of a sentence, follow it with a comma.
 - In Yon v. Sambaed, 421 U.S. 119 (1992), the Supreme Court held that . . .
- When a cite is at the end of a sentence, follow it with a period.
 - This decision was overruled in *Ankeny v. Burnside*, 102 F.2d 65 (3d Cir. 1942).

STRING CITES

- If you are citing more than 1 case in a row, this is called a string cite. Each case citation should be separated by a colon. Cite federal cases first, then state cases, and cite higher courts before lower ones.
- Several courts have held that the sun rises in the east. Caruthers v. Druid, 414 U.S. 9 (1992); Major v. Minro, 2 F. Supp. 1245 (S.D.N.Y. 1912); California v. Parker, 421 P.2d 198 (Cal. App. 1978).

ONE AUTHORITY QUOTING ANOTHER

- When one authority is quoting from another authority, indicate it.
 - “Citations stink.” Brennan v. Marshall, 102 F. Supp. 1234, 1236 (D. Mass. 1984) (quoting Scalia v. Thomas, 313 U.S 653, 655 (1976)).

SHORT FORMS

- Once you have put in the full and complete case citation, then you can use a short form throughout the rest of the document.
 - As previously mentioned, Katko stands for the premise that “it is the accepted rule that there is no privilege to use any force calculated to cause death or serious bodily injury to repel the threat to land or chattels, unless there is also such a threat to the defendant’s personal safety as to justify self-defense.” Katko, at 660.
- Note that the case name is shortened to the first name and instead of using the entire cite, it is limited to the specific page number.

Id.

As previously mentioned, Katko stands for the premise that “it is the accepted rule that there is no privilege to use any force calculated to cause death or serious bodily injury to repel the threat to land or chattels, unless there is also such a threat to the defendant’s personal safety as to justify self-defense.” Katko, at 660. It should be noted that a “possessor of land cannot do indirectly and by a mechanical device that which were he present, he could not do immediately and in person.” *Id.* at 660.

Id.

- *Id.* is short for “idem” meaning “the same.”
- *Id.* is used after a quotation or paraphrase, not within a sentence. See the preceding example.
- Rule 4.1, page 72.