

## THE ALWD CITATION MANUAL: A CLEAR IMPROVEMENT OVER THE BLUEBOOK

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### INTRODUCTION

In Spring 2000, a new legal citation manual by the Association of Legal Writing Directors (“ALWD”) and Darby Dickerson, hit the ground running. The *ALWD Citation Manual*<sup>1</sup> was eagerly anticipated by lawyers, judges, law teachers, and law students who needed a citation manual that addressed the needs of practitioners, not the needs of law journals, and that would be easy to use, whether the user was experienced or inexperienced with citation form.<sup>2</sup> This article will evaluate how well the *ALWD Citation Manual* meets the needs of legal writers by grading its success in achieving the goals of citation and the goals of a good citation manual.

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1. Association of Legal Writing Professors & Darby Dickerson, *ALWD Citation Manual: A Professional System of Citation* (Aspen Law & Bus. 2000) [*Manual*].

2. The primary source for legal citation form is familiarly known as the *Bluebook*. *The Bluebook: A Uniform System of Citation* (Columbia L. Rev. et al. eds., 17th ed. Harvard L. Rev. Assn. 2000) [*Bluebook*]. Originally published in 1926 for the use of Harvard Law Review, it is now widely used by other law reviews and has been adapted for use by some courts. Byron D. Cooper, *Anglo-American Legal Citation: Historical Development and Library Implications*, 75 L. Lib. J. 3, 21 (1982). Numerous publications have criticized the *Bluebook*’s form and substance. See e.g. A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook*, 26 Stetson L. Rev. 53 (1996) (critiquing the Sixteenth Edition of the *Bluebook*); Richard A. Posner, *Goodbye to the Bluebook*, 53 U. Chi. L. Rev. 1343 (1986) (criticizing the Fourteenth Edition of the *Bluebook*).

## I. GOALS OF CITATION

The goals of legal citation are various.<sup>3</sup> The ultimate goals of legal citation are to lead the reader to the cited source<sup>4</sup> in a way that is accurate and efficient<sup>5</sup> and to help the reader understand the significance of the information.<sup>6</sup> Good citation form, then, provides attribution of ideas and statements, and it communicates how a source supports the text for which it is cited. The *ALWD Citation Manual* does an excellent job of meeting both of these goals.

### A. Attribution

The primary goal of citation is to provide attribution for an idea or statement by identifying its source in a way that makes it easy for the reader to find the source of the idea or statement and by conveying information about the source efficiently and accurately.<sup>7</sup> To determine how well the *ALWD Citation Manual* achieves this goal, this article will first evaluate how well it addresses attribution, and then whether it does so in a way that makes it easy to find the source, conveys information about the source efficiently, and is accurate.

#### 1. Citation form that attributes ideas or statements to their sources

##### Grade: A

Good citation form attributes ideas or statements to their sources. The *ALWD Citation Manual* notes in its introductory material that citations are necessary to “give credit to those who

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3. *Manual*, *supra* n. 1, at 3-4 (purposes of citations include telling the reader where to find the cited source, helping the reader to determine the weight and persuasiveness of the source, conveying to the reader the type and degree of support the source gives, helping attorneys to demonstrate comprehensively researched propositions, and giving credit to those whose thoughts, words, and ideas the writer uses).

4. Miles O. Price, *A Practical Manual of Standard Legal Citations* iii (2d ed., Oceana Pubs. 1958).

5. *Bluebook*, *supra* n. 2, at 4.

6. Cooper, *supra* n. 2, at 3.

7. *See supra* nn. 3-5.

originated an idea.”<sup>8</sup> The *Manual* is devoted to assuring that writers cite their sources, whether the sources be cases (Rule 12), constitutions (Rule 13), statutes (Rule 14), federal legislative materials (Rule 15), state legislative materials (Rule 16), court rules (Rule 17), local ordinances (Rule 18), federal regulations (Rule 19), state regulations (Rule 20), treaties (Rule 21), various books (Rules 22, 24-28), periodicals (Rule 23), or other electronic or hard copy materials (Rules 29-43). The concept of attribution is reinforced by Rule 44.2(a), which requires that the writer “[p]lace a citation immediately after each sentence, or part of a sentence, that contains a statement of legal principle, a reference to or description of a legal authority, or an idea, a thought, or an expression borrowed from another source.”<sup>9</sup>

However, the admonition to give credit to a source and the discussion of when to provide a citation are not cross-referenced and are separated by 294 pages. The *Manual* should more clearly connect these portions. In addition, the introductory material should establish a better foundation for giving proper attribution. The *Manual* states that “[g]iving proper attribution to those whose thoughts, words, and ideas you use is an important concept in legal writing and legal citation.”<sup>10</sup> However, the *Manual* does not state why this is true: Not giving proper attribution may constitute plagiarism. Giving a more clear foundation for the requirement of attribution may be even more significant in today’s electronically connected world because of the ease with which writers can download text from other writers into their documents<sup>11</sup> and the resulting prevalence of plagiarism.<sup>12</sup>

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8. *Manual*, *supra* n. 1, at 4.

9. *Id.* at 298.

10. *Id.* at 4.

11. Technology makes cheating easy because students can download academic writing from a number of free of Web sites, and, for \$5+ per page, they can get a stock paper in one or two hours, or for \$17.95+ per page, a paper tailor-made for their specific assignment. Carolyn Kleiner et al., *The Great Term-Paper Buying Caper: How They Do It*, 127 U.S. News & World Rep. 63, 63 (Nov. 22, 1999).

12. Professor Donald L. McCabe of Rutgers University surveyed over 7,000 students on 26 small-to-medium-sized campuses in 1990, 1992, and 1995. Eighty percent of the undergraduates responding reported cheating. Center for Academic Integrity, *Research Highlights* <<http://www.academicintegrity.org/research.asp>> (accessed Jan. 7, 2001). Similar results are reported from a 1999 survey of 3,123 high-achieving 16- to 18-year-old

## 2. Citation form that makes it easy to find the source

Grade: A

To adequately attribute information to its source, citation forms should make it easy to find the source. The citation forms in the *ALWD Citation Manual* will make it easy for readers to find sources, similar to the *Bluebook*. The *Manual's* citation forms are complete and specific. One highlight of specificity is the discussion of pinpoint page references. In Rule 5.2, the *Manual* requires pinpoint page references for citations to any source divided into pages, information that is frequently omitted from citations. The requirement for pinpoint page references is repeated within the rule for each type of source.<sup>13</sup> Failing to include pinpoint page references in citations is frustrating to judges, practitioners, and scholars alike. In Sidebar 5.1, the *Manual* goes far to impress upon writers the importance of including this information. In addition, the narrative in Sidebar 5.1 is supported by the numerous admonitions throughout the *Manual* to include pinpoint page references.

## 3. Citation form that conveys the information efficiently

Grade: B

To adequately attribute sources, citation forms should convey information efficiently.<sup>14</sup> The citation forms in the *ALWD Citation Manual* generally convey information with similar efficiency to the *Bluebook's* citation forms. However, the *Manual's* citation forms improve efficiency in a number of significant respects. First, the *Manual* eliminates parallel citing unless required by local rule (Rule 12.4(c)(2)). If local rules do not require parallel citing, the writer uses the West reporter

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students in *Who's Who Among American High School Students*. Four out of five (80%) students admitted to cheating on schoolwork, and a majority (53%) said the transgression was no big deal. Who's Who, *Cheating and Succeeding: Record Numbers of Top High School Students Take Ethical Shortcuts* <<http://www.eci-whoswho.com/highschool/annualsurveys/29.shtml>> (accessed Jan. 7, 2001) (also reported in Carolyn Kleiner & Mary Lord, *The Cheating Game: 'Everyone's Doing it,' from Grade School to Graduate School*, 127 U.S. News & World Rep. 55, 55-56 (Nov. 22, 1999)).

13. See e.g. Rule 12.5(b) for cases and Rule 22.1(c) for books.

14. Paul Axel-Lute, *Legal Citation Form: Theory and Practice*, 75 L. Lib. J. 148, 148-49 (1982) (includes brevity in a list of neutral principles governing citation form, noting that a citation should be as short as possible, with no unnecessary elements).

citation (Rule 12.4(a)(2)). While this rule conforms to the general practice of citing to the regional reporter, it may leave many uncomfortable with such a heavy reliance on one publisher's materials. Rules 12.16 and 43 discuss neutral citation form, but the *Manual* does not require citations in this format.<sup>15</sup>

Parallel citing has been a source of conflict for some time.<sup>16</sup> At one time, the *Bluebook* required that all state court decisions be parallel cited, but it did not require parallel citations of Supreme Court decisions (Rule 1:2:3).<sup>17</sup> In its latest incarnation, the *Bluebook* requires parallel citing only for court documents if the writer is citing to decisions of that jurisdiction (Rule 10.3.1(a)).<sup>18</sup> The present requirement reflects an uneasy truce between the needs of practitioners, who primarily rely on regional reporters, and judges, who primarily rely on official reporters. For all federal courts except the Supreme Court and for the twenty-two states<sup>19</sup> that publish their opinions only in the regional reporters, this conflict does not exist. But for the twenty-eight states<sup>20</sup> that have both an official and an unofficial

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15. The Task Force on Citation Formats, American Association of Law Libraries, issued its final report, which supported neutral citation forms. *The Final Report of the Task Force on Citation Formats*, 87 L. Lib. J. 577 (1995). Several additional articles discussing neutral citation form include Coleen M. Barger, *The Uncertain Status of Citation Reform: An Update for the Undecided*, 1 J. App. Prac. & Process 59 (1999); *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Regulatory Citation*, 90 L. Lib. J. 509 (1998); *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Statutory Citation*, 90 L. Lib. J. 91 (1998); *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Case Citation*, 89 L. Lib. J. 7 (1997); James H. Wyman, *Freeing the Law: Case Reporter Copyright and the Universal Citation System*, 24 Fla. St. U. L. Rev. 217 (1996).

16. The *Bluebook* was both praised and criticized for not including parallel citations for Supreme Court cases. E.g. Peter Lushing, Book Review, 67 Colum. L. Rev. 599, 600 (1967) ("Parallel citation to S. Ct. and L. Ed. is still wisely forbidden."); Price, *supra* n. 4, at iii-iv (noting that good citation form includes parallel citations as a check against error and for the ease of the reader who may only have one of the forms).

17. E.g. *Uniform System of Citation* 16 (Colum. L. Rev. et al. eds., 11th ed. Harv. L. Rev. Assn. 1967).

18. *Bluebook*, *supra* n. 2, at 62.

19. Alabama, Arkansas, Alaska, Colorado, Delaware, Florida, Indiana, Iowa, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, North Dakota, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Wyoming. The District of Columbia also reports its cases in a regional reporter.

20. Arizona, Arkansas, California, Connecticut, Georgia, Hawaii, Idaho, Illinois, Kansas, Maryland, Massachusetts, Michigan, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, South Carolina, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

reporter, the conflict is quite real since the judges in these states usually have access only to the official reporters. Under the *ALWD Citation Manual*, these courts will need to adopt local rules if they want parallel citing in documents submitted to them.

Second, the *ALWD Citation Manual* simplifies the citation of early Supreme Court decisions. According to Rule 12.4(b)(3), a writer need only give the United States Reports citation because this reporter includes all of the cases originally published in reporters that were named for the individuals who compiled them. No more Dallas, Cranch, Wheaton, etc., buried in the U.S. citation. Sidebar 12.4 explains this change and provides a handy conversion chart.

Third, the *ALWD Citation Manual* conforms to practitioner and reporter practice with the abbreviation of United States to U.S. in a case name (Rule 12.2(g)), instead of requiring that the name be spelled out, as *Bluebook* Rule 10.2.2 mandates.<sup>21</sup> Finally, the *Manual* allows the use of paragraph (§) and section (§) symbols in text (Rule 6.11), rather than limiting them to citation sentences, as the *Bluebook* prescribes in Rules 6.2(c) and 12.9(c).<sup>22</sup>

All of these simplifications in citation form should be well received. However, the *ALWD Citation Manual* should go further in simplifying citation form from the *Bluebook*. It should do this by simplifying citation form when it would be an improvement from *Bluebook* form and by eliminating some unnecessary additions to citation form that are not an improvement from *Bluebook* form. The *Manual* could improve the efficiency of citations by simplifying the rules for citing to statutes, by simplifying the rules for short form citations of statutes and court rules, by eliminating the use of “hereinafter,” and by eliminating unnecessary punctuation.

First, the *Manual* should simplify the rules for citing to statutes. Unlike its rule for constitutions presently in effect, which requires no date, the *Manual*, like the *Bluebook*, requires a date for statutes. The rules should be the same: If the writer is citing the most recent official code, the year of publication

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21. *Bluebook*, *supra* n. 2, at 62.

22. *Id.* at 50, 90.

should be unnecessary. The writer should have to include the year only if he or she is citing to an earlier version of a statute or to an unofficial code. In addition, the *Manual* should eliminate requiring the publisher's name in parentheses. For example, only one publisher, West, exists for U.S.C.A.; omitting the publisher would mislead or confuse no one. Likewise, little is gained by requiring publisher information when publisher names change frequently but the source remains the same. For example, U.S.C.S. remains the same even though it is now published by LEXIS Law Publishing, rather than Lawyers Cooperative. While the publisher may be significant in the research process,<sup>23</sup> it is not needed to find the source.

Second, the *Manual* should simplify the short forms for statutes and court rules. According to Rule 14.5, only two short forms exist for federal and state statutes: dropping the year from the full citation or using *id.* This rule ignores the most obvious short form, Section [number], which is also the short form most useful for textual references. Likewise, the *Manual* gives the same two short forms for court rules (Rule 17.3). However, the most obvious short forms would be simply Rule [number] or FRCP [number].

Third, the *Manual* should revamp its rule directing use of "hereinafter" in the reference for shortening a citation (Rule 11.4(d)). The word is legalese and including it is inconsistent with a goal of legal writing to avoid its use,<sup>24</sup> a goal that members of ALWD presumably support. No clarity is lost by deleting the word; that the writer intends to refer to the source in a shortened form in future citations is communicated by simply stating the shortened form in brackets after the full cite.

Fourth, the *Manual* should simplify citation form by eliminating unnecessary punctuation. For example, the *Manual* requires punctuation after every abbreviation<sup>25</sup> except commonly

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23. Researchers may need to know which publisher's materials they are using because generally publishers only cross-reference to their own publications. In addition, a researcher who relied solely on one publisher might find the same editorial decisions reflected throughout the publisher's network of publications.

24. See e.g. Richard C. Wydick, *Plain English for Lawyers* 61-63 (4th ed., Carolina Academic Press 1998) (recommending that writers avoid using "lawyerisms" such as the word *hereinafter*).

25. *Manual*, *supra* n. 1, at 5-6, 58 (Chart 12.1), 335-77 (Appendix 1), 407-42 (Appendices 3-5).

known initials, such as ACLU, NAACP, MADD, FAA, and OSHA (Rules 12.2(e)(4) and 12.2(l)).<sup>26</sup> However, Or App is just as clear as Or. App. but it is easier to type, eliminates pesky problems with automatic capitalization in word processing software, and arguably is easier on the eyes.

In addition to these suggestions for simplifying citation form from *Bluebook* form, the *Manual* should also eliminate some unnecessary additions to citation form that are not an improvement from *Bluebook* form. These unnecessary additions include requiring publisher information for most books and requiring the year for court rules.<sup>27</sup>

First, the *Manual* may require more information than is necessary for treatises, books, and other nonperiodical materials. For these materials, the *Manual* requires the publisher's name in parentheses with the year of publication and the edition (if any) (Rule 22.1(f), (i), & (j)). Including the publisher makes legal citation more similar to other citations forms.<sup>28</sup> Although librarians may find this information helpful when purchasing these materials, information about the author(s), title, and date should be sufficient to find the book in any library or library network. In addition, with all of the publisher mergers of recent years,<sup>29</sup> information about the publisher might not be very helpful, even for purchasing a book. Citation form should only require publisher information when more than one publisher exists for the same materials, a rare occurrence that does not justify requiring this information for every book citation.

Second, the *Manual* may require more information than is necessary for court rules. Unlike the *Bluebook*, the *Manual* requires the year of publication in full citations for court rules, including the rules of evidence and procedure (Rule 17.1(c)).

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26. *Id.* at 61, 63.

27. The reasoning for eliminating the date from citations to current constitutions is equally applicable to court rules.

28. *E.g. The Chicago Manual of Style: The Essential Guide for Writers, Editors, and Publishers* ¶ 16.92 (14th ed., U. Chi. Press 1993).

29. With the significant mergers of legal publishers in the past five years, few publishers remain. A web site entitled *A Legal Publisher's List: Corporate Affiliations of Legal Publishers* provides news about the mergers, and it includes a chart that reflects the astonishing concentration of legal publishers that has occurred. Rob Richards, *A Legal Publisher's List: Corporate Affiliations of Legal Publishers* <<http://www.colorado.edu/law/lib/ts/legpub.htm>> (last updated Dec. 19, 2000).



This information is unnecessary since presumably the rule is the version in force at the time the document was written. Writers should only have to include the year if they are citing to an earlier version of a rule. In addition, information about the year of publication may not be very helpful. Most lawyers and judges do not use the code as their source for court rules. Instead, they use the court rules that are reprinted more conveniently in a pamphlet or book that consists only of the court rules.<sup>30</sup> This habit begins with law school, where courses routinely require the purchase of a book or pamphlet that nicely compiles a variety of court rules.<sup>31</sup>

Further, while the *Manual* says to include the date of the source, such as a book or code, the date of the source or book may not be the date of the rule. For example, new amendments to the Federal Rules of Civil Procedure became effective December 1, 2000. If an author were preparing a document before that effective date, but using a book of court rules dated 2000, the date in the citation would be ambiguous as to what version of the rule was the proper source. Conversely, a reprint of the court rules might have a publication date later than the effective date of the rules, also potentially creating confusion. The citation form for court rules would be less confusing and more efficient if it did not include the year of the source except when the cited rule is a previous or subsequent version.

#### 4. Citation form that conveys source information accurately

Grade: A

Further, to adequately attribute cited information to its source, citation forms should convey information accurately. The citation forms in the *ALWD Citation Manual* assure readers of accurate source information. The *Manual* includes wonderful practical tips to assure accuracy. For example, it includes information about how word processors may affect citation form (Part 1D). The *Manual* also includes explanations that assure

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30. E.g. *Federal Rules of Civil Procedure: 1999-2000 Educational Edition* (West Publ. Co. 1999), includes the federal rules of civil procedure, appellate rules, Supreme Court rules, rules of evidence, selected statutes, multidistrict litigation rules, habeas corpus rules, U.S. Constitution, selected state provisions, and proposed rules amendments.

31. *Id.* This book is required by many law schools, including Willamette, for courses in Civil Procedure.

accuracy. For example, it explains commonly used procedural phrases, such as *in re*, *ex parte*, and *ex rel.*, a feature that should go far to eliminating misuse of these terms (Sidebar 12.3). Finally, the *Manual* distinguishes itself from the *Bluebook* in ways that should improve accuracy. For example, the *Manual* suggests deleting a business designation only if the business name includes more than one business designation (Rule 12.2(e)), unlike the *Bluebook*, which allows the writer to delete business designations if it were obvious from the name that the entity was a business (Rule 10.2.1(h)). Additionally, the *Manual* provides more accurate information concerning the Fifth Circuit split (Rule 12.6(c)) than the *Bluebook*, which does not discuss Unit A and Unit B decisions.<sup>32</sup>

Finally, the *Manual* more accurately identifies student works in periodicals by requesting the words “Student Author” be placed after the author’s full name and before the title of the article (Rule 23.1(a)(2)). This eliminates the distinction between Notes and Comments since many periodicals no longer use those terms (Sidebar 23.1).

## B. Support

In addition to attribution, a second goal of citation form is that it reflect the degree and nature of support that the source gives the idea or statement. Citation form does this when it conveys the weight of the authority and the type and degree of support.

### 1. Weight of Authority

#### Grade: A

To adequately establish how a source supports an idea or statement, citation form should convey how much weight the

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32. Effective July 1, 1980, the former United States Court of Appeals for the Fifth Circuit divided itself into two administrative units: Unit A included Louisiana, Mississippi, and Texas; Unit B included Alabama, Florida, and Georgia. Effective October 1, 1981, Unit A became the current Fifth Circuit and Unit B became the newly created Eleventh Circuit under the Fifth Circuit Court of Appeals Reorganization Act of 1980. 94 Stat. 1995 (1980), codified at 28 U.S.C. §§ 1, 41 (1994). For additional discussion of this split, see Thomas E. Baker, *A Postscript on Precedent in the Divided Fifth Circuit*, 36 Sw. L.J. 725 (1982).

reader should give to a source. The *ALWD Citation Manual* does an excellent job of this in a number of respects. First, the *Manual's* citation forms clearly communicate whether the source is primary or secondary authority. The forms for primary authority are distinct from the forms for secondary authority. The forms are also complete so that a writer would not need to invent a form for a source not covered by the *Manual*, and inadvertently confuse whether it is primary or secondary authority.

Second, the citation forms in the *Manual* for primary authority clearly communicate the information the reader needs to judge weight of authority. For example, a citation to a case would include the court that decided the case, the date of the decision, subsequent history, and a parenthetical that identifies a source that is less than a majority opinion (Rules 12.4, 12.6–12.8). In addition, the cite might include an additional parenthetical that provides other information about the weight of the authority, including whether the opinion is an en banc decision or a per curiam opinion, whether it was a split decision, whether the information is dictum or holding, and whether a disposition is without an opinion (Rule 12.11(b)).

The *Manual* does a particularly nice job of explaining subsequent history in Rule 12.8. It lists the actions to include (Rule 12.8(a)) and to exclude (Rule 12.8(b)), and it gives the writer clear guidance on where to put it (Rule 12.8(c)) and how to do it properly (Rule 12.10). In addition, the *Manual* provides helpful information about denials of certiorari in Sidebar 12.6, including how they occur and what they mean precedentially (usually, not much).

Third, the citation forms in the *Manual* for secondary authority clearly communicate the information the reader needs to judge weight of authority. Citation forms clearly identify the author and the publication from which the reader could determine the source's significance.

## *2. Type and degree of support*

Grade: A

To adequately establish how a source supports an idea or statement, citation forms should convey the type and degree of support that it gives. The *ALWD Citation Manual* does this job

well because it significantly simplifies and clarifies the use of introductory signals that “inform readers about the type and degree of support or contradiction the cited authority provides for the accompanying text” (Rule 45.1).

First, the *Manual* provides much needed clarification of the use of signals by reorganizing the material and by conforming definitions to practice. The *Manual* reorganizes the material on “signals” by separating the discussion of signals from the discussion of “no signals.” The Seventeenth Edition of the *Bluebook* lists the first signal as “[no signal]” in Rule 1.2(a). “No signal” cannot also be “a signal”; rather, it is the absence of a signal. Therefore, the *Manual* correctly begins its discussion of signals by discussing when a writer would not use a signal (Rule 45.2(a)). Because a writer’s goal is to support text with authority that directly states it, signals should be the exception in legal writing, not the rule.

The *Manual* also conforms the definitions to practice. The Sixteenth Edition of the *Bluebook* altered the definition of the signal *see* in Rule 1.2(a),<sup>33</sup> much to the outrage of academics and the bewilderment of judges and practitioners.<sup>34</sup> Traditionally, the signal *see* indicated that the source did not directly state the text, but that it supported the text by inference.<sup>35</sup> Competent legal analysis requires that a writer distinguish between direct and indirect support of a statement. By reclaiming the original definition of *see* (Rule 45.3), the *Manual* accomplishes this goal and provides the reader with information needed to assess weight of authority. Under the *Manual*, writers would use the

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33. *The Bluebook: A Uniform System of Citation* 22 (Columbia L. Rev. et al. eds., 16th ed. Harvard L. Rev. Assn. 1996) (stating that *see* should be used when “[c]ited authority directly states or clearly supports the proposition”).

34. For example, at the 1997 Annual Meeting of the Association of American Law Schools [AALS], the House of Representatives passed a “Resolution Concerning Promulgation of Rules of Citation,” which criticized this change and requested that law reviews follow the old rule. A copy of the resolution is available from AALS, 1201 Connecticut Avenue N.W., Suite 800, Washington, D.C. 20036. It should be noted that the Seventeenth Edition of the *Bluebook*, published shortly after the appearance of the *Manual*, reinstated the *Bluebook*’s former definition of *see* and once again states in Rule 1.2(a) that *see* should be used when “[c]ited authority clearly supports the proposition.” *Bluebook*, *supra* n. 2, at 22-23.

35. Dickerson, *supra* n. 2, at 66-70, 212-20 (App. C-1).

signal *see* only if the source supports the text by inference or by dicta (Rule 45.3).<sup>36</sup>

Second, the *Manual* simplifies the signals by eliminating those that are redundant and by including those that are missing. The *Manual* eliminates the signal *accord* because the signal *see* already exists for indicating when an authority supports text by inference or dicta. The *Manual* also eliminates the signal *see also* since this signal is unnecessary when the signal *see* precedes a string cite, and it provides guidance for combining signals (Rule 45.3) so that the *Manual* need not list all possible combinations. Finally, the *Manual* includes the signal *contra* (Rule 45.3). This signal is necessary to indicate that the source directly contradicts the text, a signal missing many years from the *Bluebook* and only recently restored.<sup>37</sup>

## II. GOALS OF A CITATION MANUAL

In addition to meeting the goals of citation form, a good citation manual would also meet the goals of a citation manual—that is, it would be easy to use, clear, and complete. The *ALWD Citation Manual* meets these goals and more: It is also pleasing to the eye. For those who have struggled with using the *Bluebook*, the *ALWD Citation Manual* is a sure winner.

### A. Ease of reference

#### Grade: A

The first goal of a citation manual is that it be easy to use. The *ALWD Citation Manual* is easy to use because it is well organized, well indexed, and well designed. The *Manual* is organized in six parts: (1) introductory material; (2) citation basics (Rules 1-11); (3) citation to print sources (Rules 12-37); (4) citation to electronic sources and neutral citations (Rules 38-

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36. The seventeenth edition of the *Bluebook* provides that “‘*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.” *Bluebook*, *supra* n. 2, at 22.

37. *Id.* at 23. In the sixteenth edition of the *Bluebook*, *supra* n. 2, Rule 1.2, all of the signals for contradiction were for sources from which the reader could infer contradiction.

43); (5) placement of citations (Rules 44-47); and (6) quotations (Rules 48-50). Part 1, Introductory Material, explains the purpose of citations, how to use the book, the relationship of the citations within the *Manual* to local rules, and how a word processor might affect citations. Part 2, Citation Basics, places the general rules of citation (*e.g.*, abbreviations, capitalization, and spacing) into one handy section.

In Parts 3 and 4, Rules 12 through 42 begin with Fast Formats, graphically pleasing, color charts that illustrate each citation form in advance of each rule's explanation. Then each rule is nicely outlined to separate—and prioritize—each point. When the reader might need additional information about a rule (*i.e.*, further explanation or background), the rule includes a graphically separated Sidebar. In addition, examples are generously included throughout a rule. They are easy to find because they begin with a color heading, and they are easy to read because they are nicely displayed, including color triangles to indicate spacing within a citation.

In addition to being well organized, the *Manual* is well indexed. The clear Table of Contents and thorough Index make the *Manual* easily accessible to any user. While I discovered a couple of glitches in the index,<sup>38</sup> these did not impede my ability to find information and are the kinds of minor glitches one might expect with a first edition.

Finally, the *Manual* is easy to use because it is well designed. Users will enjoy the helpful use of color, a refreshing visual alternative to the typical black and white text, and the helpful use of space, which keeps the user from feeling overwhelmed by the amount of material. Users will also enjoy the weight and texture of the paper, which makes it easy to flip pages, and the spiral binding, which makes it easy to lay the book flat.

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38. In preparing this article, I discovered three errors in the index, none of which were significant. First, I could find no listing for student-written works; the listing was a subheading under Periodicals. Second, the index gave Rule 12.2(e)(5) for commonly known initials not requiring punctuation, but the correct subsection was (e)(4). Third, the index gave several references for Italics, but it did not include Rules 12.10(b)(2), 12.10(c)(2), or 12.10(d), which also discuss italicizing. I also found no references to plagiarism; however, that particular word was not used in the *Manual* at all, which discusses the need for attribution, so this was not an error in indexing.

### *B. Clarity of explanations*

Grade: A

A second goal of a citation manual is that it provide clear explanations of citation form. The *ALWD Citation Manual* excels in the clarity of its explanations because of the way that it explains, illustrates, and supplements the rules.

The *Manual* excels in its clarity by explaining the rules using a checklist format that is easy to follow. In addition, it gives a more complete explanation of rules where writers often have questions. For example, when the *Manual* notes the short forms for case citations, it does not just illustrate them; it explains when to use each of the forms (Rule 12.21).

The *Manual* also excels in its clarity because of its liberal use of examples. Examples are included with nearly every subpart of a rule. Because the rules in the *Manual* include many subparts, the *Manual* also includes more examples than the *Bluebook* does, leaving little for users to have to infer on their own. For example, when the *Manual* discusses how to cite material in supplements (Rule 8), it clearly illustrates all of the variations: material that is printed in the main volume only; material that is printed in the supplement only; and material that is printed in both the main volume and the supplement.

Finally, the *Manual* also excels in the supplemental information that accompanies the rules. Many of the rules contain Sidebars that give background information, define terms, explain how to do specific tasks, or elaborate on an aspect of the rule. For example, the *Manual* gives background on why the public official name might change in a case name (Sidebar 12.2). It defines commonly used procedural phrases (Sidebar 12.3) and the source of *id.* (Sidebar 11.1). The *Manual* explains how to create a paragraph or section symbol with a word processing program (Sidebar 6.1) and how to find parallel citations (Sidebar 12.5). It elaborates on the two uses of *supra* (Sidebar 10.1), the distinction between a party's name and the case name in text (Sidebar 12.1), court rules restricting the citation to unreported cases (Sidebar 12.7), explanatory parentheticals (Sidebar 47.1), and federal district court abbreviations (Sidebar A4-1).

Despite its exceptional clarity, the *Manual* could improve its explanation of spacing after use of a section or paragraph symbol (Rules 6.2 and 14.2(c)) simply by noting that the symbol represents a word and that a space should follow a word. In addition, the rules on quotations (Rules 48-50) could be simplified with the use of charts.

### C. Completeness

#### Grade: B

A third goal of a citation manual is that it be complete and current. The *ALWD Citation Manual* is more complete and current than the *Bluebook* in many respects, but it is less complete and current in other ways.

Some notable additions to the *Manual* include the word processing tips (e.g., how to change the automatic word processing features (Part 1D)), citations to subsections (Rules 6.4-6.11), citations to graphical material (Rule 9.1), a list of actions that constitute subsequent history (Rule 12.8), citations to e-mails and web sites (Rules 40 and 41), neutral citations (Rule 43), and court abbreviations (Appendix 4).

However, in other ways, the *Manual* is not complete, either by design or by default. By design, the *Manual* does not presently cover citation of international materials. By default, the *Manual* incompletely executes two laudable objectives: acknowledging local citation rules and simplifying abbreviations.

First, the *Manual* recognizes that many state and federal courts have adopted local citation rules, and it directs practitioners to follow them (Appendix 2).<sup>39</sup> Courts with local rules should be delighted with that directive. To assist practitioners, the *Manual* includes Appendix 2, which includes the local rules for state courts. For federal courts, the *Manual* directs the practitioner to the ALWD web site.<sup>40</sup> However, the appendix is incomplete. In Oregon, for example, practitioners must follow citation rules in addition to Oregon Uniform Trial

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39. *Manual*, *supra* n. 1, at 8-9, 379-405.

40. Association of Legal Writing Directors, *Association of Legal Writing Directors* <<http://www.alwd.org>> (accessed Mar. 18, 2001).



Court Rule 2.010(13).<sup>41</sup> Oregon Rule of Appellate Procedure 1.10 requires that the rules be cited as “ORAP.”<sup>42</sup> ORAP 5.20 discusses how to cite evidence and exhibits in briefs and refers the practitioner to the Oregon Judicial Department’s Appellate Courts’ Style Manual for guidelines for the style and conventions in citation of authorities.<sup>43</sup>

The Oregon Judicial Department’s Appellate Courts’ Style Manual includes the requirements of the Uniform Trial Court Rule 2.010(13) for cases by requiring citation to the official reporter, by making parallel citations optional, and by eliminating punctuation after reporter abbreviations. It also requests parallel citations for United States Supreme Court cases, eliminates punctuation after abbreviations, eliminates the word “section” or the section symbol in statutory citations, and simplifies abbreviations for statutes and rules, whether cited in text or in a citation sentence (*e.g.*, Oregon Revised Statutes becomes ORS, Oregon Rules of Civil Procedure become ORCP, Oregon Evidence Code becomes OEC, etc.).

In addition, Oregon Rule of Civil Procedure 1E discusses how to cite those rules,<sup>44</sup> the preface to the Oregon Revised Statutes discusses how to cite statutes, and Tax Court Rule 61 requires parallel citing and CCH citations parenthetically, if available.<sup>45</sup> Little of this information is included in the Oregon listing in Appendix 2. In sum, for Appendix 2 to be useful, the information for each state needs to be complete and up to date.

Second, the *Manual* sought to simplify abbreviations for the user. In many respects it accomplished that goal with helpful tables of abbreviations for reporters (Chart 12.1); subsequent history (Rule 12.8); judicial titles (Chart 12.2); selected treaty sources (Chart 21.1); A.L.R.s (Chart 24.1); encyclopedias (chart 26.1); looseleaf publishers (Chart 28.1); months and days (Appendix 3A); states, territories, and major cities (Appendix 3B); subdivisions of sources (Appendix 3C); publishing terms

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41. Oregon Uniform Trial Court Rule 2.010(13) states: “In all matters submitted to the circuit courts, Oregon cases must be cited by reference to the Oregon Reports as: *Blank v. Blank*, \_\_\_ Or \_\_\_ (year) or as *State v. Blank*, \_\_\_ Or App \_\_\_ (year). Parallel citations may be added.” Or. Unif. Tr. Ct. R. 2.010(13) (West 2000).

42. Or. R. App. P. 1.10 (West 2000).

43. Or. R. App. P. 5.20 (West 2000).

44. Or. R. Civ. P. 1E (West 2000).

45. Or. Tax Ct. R. 61 (West 2000).

(Appendix 3D); courts (Appendix 4); and legal periodicals (Appendix 5).

However, the *Manual* went too far with Appendix 3E, General Abbreviations. This appendix lists all of the words that a writer may abbreviate in a case name or other publication that allows abbreviations. However, the writer may not abbreviate any word that is not included in that list.<sup>46</sup> This restriction seems a bit harsh, given the fact that it is unlikely the table includes all of the words that would be appropriate to abbreviate. Sometimes bright lines are not very bright; perhaps the better approach would be to give the writer general rules to govern abbreviations, rather than to dictate specific abbreviations.

### CONCLUSION

The *ALWD Citation Manual* is a welcome reference for anyone involved in legal writing. It meets the goals for citation because it requires writers to provide attribution by identifying sources in a way that makes it easy to find the information, conveys the information efficiently and accurately, and demonstrates how the source supports the idea or statement for which it is cited, including information concerning the weight of the authority and the type and degree of support. It also meets the goals of a citation manual because of its ease of reference, clarity of explanations, and completeness. Historically, legal citation form has been guided by the efforts of law students from a few elite schools in establishing rules for law review publications. More appropriately, legal citation form should be guided by experienced legal writers. Who better to prepare a guide on citation form than those who teach it to law students—members of the Association of Legal Writing Directors. The time is ripe for legal writers to take the lead on legal citation; the *ALWD Citation Manual* does just that.

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46. See e.g. *Manual*, *supra* n. 1, Rule 12.2(e)(3), at 61.