

The Scrivener: Modern Legal Writing
The Bluebook No. 18—“Thank God for competition. . . .”
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DO YOU HAVE QUESTIONS ABOUT LEGAL WRITING? K.K. DuVivier will be happy to address them through the Scrivener column. Send your questions to: kkduvivier@law.du.edu or call her at (303) 871-6281.

The Eighteenth Edition of *The Bluebook*¹ is now available, and thanks to competition from the *ALWD Citation Manual* ("*ALWD Manual*"),² this version is better than ever for practitioners. In the words of Gil Atkinson, "Thank God for competition. When our competitors upset our plans or outdo our designs, they open infinite possibilities of our own work to us."³

The Bluebook Before Competition

The First Edition of *The Bluebook* was published in 1926. Since that time, the student editors of the law reviews at Columbia, Harvard, University of Pennsylvania, and Yale have issued a new iteration of this time-honored authority every few years. The Introduction to the new edition touts *The Bluebook* as the "definitive style guide for legal citation in the United States,"⁴ and many would agree.

The Preface to the Eighteenth Edition references more than forty modifications of tables or rules since the previous edition,⁵ but none of the changes in citation form seem as radical as those made in 1996. In that year, the Sixteenth Edition rattled the citation world with changes such as the revision to Rule 1.2, which addresses the use of introductory signals.⁶ Before 1996, for example, the signal "see" was appropriate when the writer made "an inferential step between the authority cited and the proposition it support[ed]."⁷ The Sixteenth Edition turned this definition around when it stated that "see" meant the "[c]ited authority *directly states or clearly supports* the proposition."⁸ (*Emphasis in original.*) The uproar over such changes led *The Bluebook* editors in the Seventeenth Edition to "reinstate" the Fifteen Edition version of Rule 1.2.⁹

The Bluebook was created by and for law reviews. For the first fifty-five years of its existence, it gave little, if any, recognition that law review citation form varied from the form courts and practitioners used. In 1981, the Thirteenth Edition of *The Bluebook* first listed, on the inside front and back covers, "Basic Citation Forms" for "Briefs and Memoranda" as distinguishable from the forms for law review footnotes.¹⁰ A decade later, *The Bluebook* editors added ten pages of "Practitioners' Notes," providing some guidance for non-law review users.¹¹ However, aside from these pages, all of the samples in *The Bluebook* were in law review format. It was up to practitioners and students to use these few pages and charts to convert the law review forms to those used in courts and law offices throughout the country.

ALWD Manual Throws Down The Gauntlet

In 2000, the Association of Legal Writing Directors decided to publish the *ALWD Manual* as an alternative to *The Bluebook*. Although part of the impetus for creating the *ALWD Manual* was discontent over random decisions made by *The Bluebook's* student editors, such as the changes to Rule 1.2, an even greater incentive was to fill a niche that *The Bluebook* ignored: the needs of "lawyers, judges, law teachers, and law students."¹² The goal of the *ALWD Manual* was ease of use,¹³ and some of the techniques that most helped achieve this goal were extensive examples of citations in practitioner—as opposed to law review—format and boxes called "sidebars," which contain tips about common citation concerns.

The *ALWD Manual* has rivaled *The Bluebook* in popularity because of its more accessible approach. After just five years of publication, the lead author, Darby Dickerson, Vice-President and Dean at Stetson University College of Law, has completed a Third Edition, which will be published in January 2006. The *ALWD Manual* currently is used in more than ninety law schools, and many paralegal programs.¹⁴ Aspen Publishers estimates that the *ALWD Manual* is used by about half of all first-year law students in the United States.¹⁵

The Response: The Bluepages

One of the most radical changes in the Eighteenth Edition is that *The Bluebook* now attempts to adopt some of the *ALWD Manual's* practitioner orientation. With little fanfare, the Eighteenth Edition introduced a forty-page section called the "Bluepages."¹⁶ Although some of the tables in previous editions of *The Bluebook* are now incorporated into the Bluepages, the number of pages devoted to explanations of practitioner needs has more than doubled from previous editions. Furthermore, the new Bluepages employ devices to help make the material accessible that are comparable to those provided in the *ALWD Manual*. Most notably, the Bluepages provide more practitioner samples, have broken the information into boxes, and now include "Bluepages Tips," which help explain more confusing concepts, much like the *ALWD Manual's* sidebars.

The Bluebook has long served a valuable purpose, but it often has been challenging to decipher, especially for those trying to determine proper form law review context. Although 90 percent of *The Bluebook's* pages continue to focus on law review format, the clarity created by the *ALWD Manual* seems to have motivated *The Bluebook* to acknowledge, after seventy-nine years, that the book has other audiences. Through the Bluepages, *The Bluebook* seems to be taking its first steps to compete for the *ALWD Manual's* niche of addressing practitioners' needs. Competition from the *ALWD Manual* may have upset *The Bluebook's* plans, but it opened new possibilities, and we, as lawyers, judges, law teachers, and law students, are the beneficiaries.

NOTES

1. *The Bluebook, A Uniform System of Citation* (Columbia Law Review Ass'n et al. eds., 18th ed. 2005) (hereinafter, *The Bluebook*).

2. Association of Legal Writing Directors ("ALWD") and Darby Dickerson, *ALWD Citation Manual* (New York, NY: Aspen Law & Business, 2d ed. 2003) (hereinafter, *ALWD Manual*).

3. See <http://www.worldofquotes.com>.

4. *The Bluebook*, supra, note 1.

5. *Id.* at v.

6. *The Bluebook* (Columbia Law Review Ass'n et al. eds., 16th ed. 1996) at 22.

7. *The Bluebook* (Columbia Law Review Ass'n *et al.* eds., 15th ed. 1991) at 23.
8. *The Bluebook*, *supra*, note 6.
9. *The Bluebook* (Columbia Law Review Ass'n *et al.* eds., 17th ed. 2000) at v.
10. *The Bluebook* (Columbia Law Review Ass'n *et al.* eds., 13th ed. 1981).
11. *The Bluebook*, *supra*, note 7 at 10-19.
12. *ALWD Manual*, *supra*, note 2 at xxiii.
13. *Id.*
14. Personal communication with Dean Dickerson by e-mail on Sept. 15, 2005.
15. Personal communication with Michael A. Gregory, Director of Sales, Aspen Publishers Legal Education, by e-mail on Sept. 15, 2005.
16. *The Bluebook*, *supra*, note 1 at 3-43.