

A GUIDE TO THE BLUEBOOK

Prof. Davlantes

LP-I

Week 4

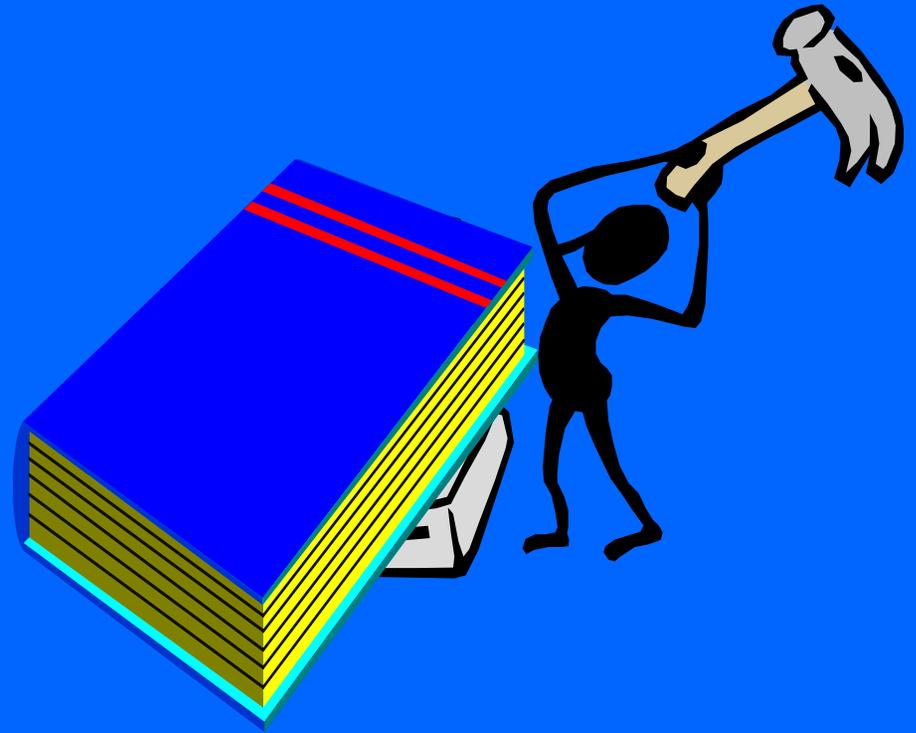


Navigating the Bluebook

- Quick References (at front and back)
- Practitioner's Notes (blue pages in front)
- Rules (white pages in middle)
- Tables and Abbreviations (blue pages in back)
- Index (white pages in back)

You Must Cite to Supporting Authority When:

- You make an assertion about the law
- You quote directly from a legal source
- You paraphrase from a legal source



Citation of American Case Law

- **Federal cases:** The Supreme Court of the United States is the only federal court to officially report its cases. This reporter is the United States Reports (U.S.)
- The Bluebook requires citation only to the official report
- Supreme Court Opinions are also published in three unofficial reporters:
 1. Supreme Court Reporter (S. Ct.)
 2. Lawyer's Edition (L. Ed.)
Lawyer's Edition, Second Series (L. Ed. 2d)
 3. United States Law Week (U.S.L.W.)

Citations of Federal Cases, cont.

- **Federal courts of appeal** decisions are published by West in the unofficial reporter, Federal Reporter 2d and 3d (F.2d and F.3d).
- **District court** decisions are published by West in the unofficial reporter, the Federal Supplement (F. Supp.)





State cases & West Regional Reporters

- 28 states publish their cases officially.
- The other 22 states rely on the unofficial West reporters to publish their cases in seven regional reporters:

- North Eastern (N.E. and N.E.2d)
- North Western (N.W. and N.W.2d)
- Pacific (P. and P.2d)
- South Eastern (S.E. and S.E.2d)
- South Western (S.W. and S.W.2d)
- Southern (S. and S.2d).



New York and California are Odd

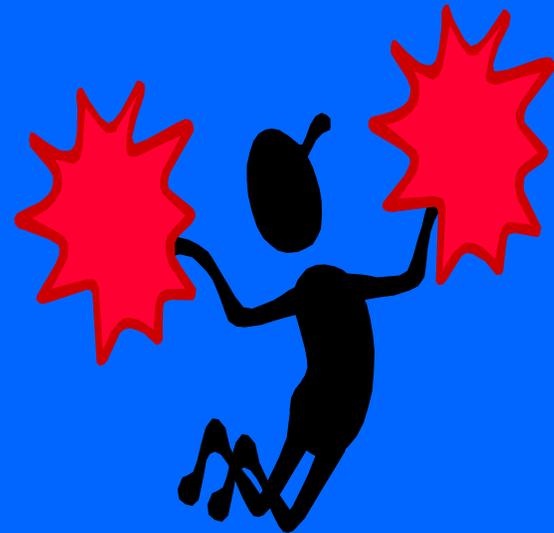
- The intermediate court decisions of these states are also published by West in the New York Supplement (N.Y.S. and N.Y.S.2d) and in the California Reporter (Cal. Rptr.), respectively.



How to Cite Cases

Jackson v. Green, 204 So. 2d 94 (Fla. 1974)

case name + reporter (volume, reporter abbrev., page #) + court and date



Underlining or Italicizing Case Names

- In briefs, memos, and other legal writings, all case names and procedural phrases should be italicized or underscored. In this class, always underline. The “v.” should also be underscored. Include blank spaces between the words and the case name.
- **Incorrect:** Jones v. Smith
In re Jones
- **Correct:** Jones v. Smith
In re Jones



Cite only the first listed party on each side

- **John P. Jones, Franklin W. Bailey, Plaintiffs v. Glenn M. Adams, and Stephen Lamieux, Defendants**
 - Jones v. Adams
- If two or more cases are consolidated, cite only the first-listed parties of each side of the first-listed action.



Cite individuals by last name only

- Do not include “et. al.” to show multiple parties; no first names or initials; no “d/b/a” or “a/k/a”; do not include legal status such as Administrator, Executor, Plaintiff, Defendant, Appellant, Appellee, Guardian, etc.

Incorrect

Smith et. al. v. Jones

John E. Smith v. Jill Jones

Smith d/b/a Flower Power
v. Jones

Correct

Smith v. Jones

Smith v. Jones

Smith v. Jones

Business Names

- If a business uses more than one business term in its name, drop all but the first.

Incorrect:

Pacific Palisades Co., Inc. v. A.V. Jones

Correct:

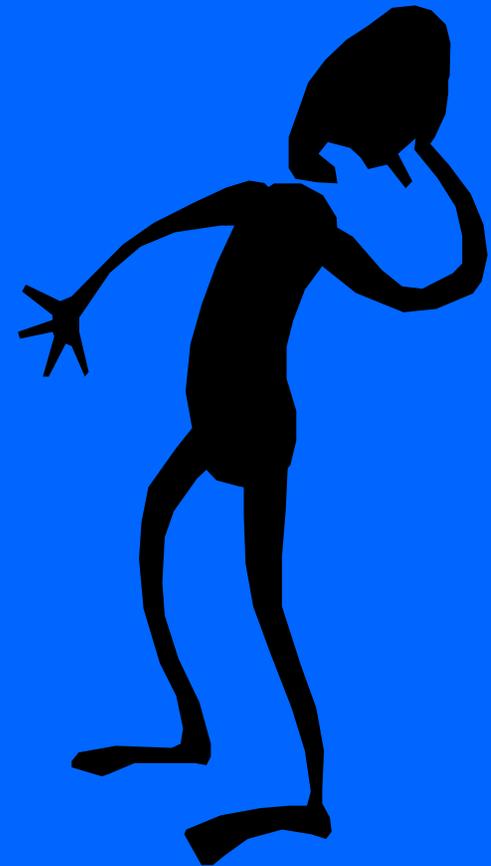
Pacific Palisades Co. v. Jones

Citing a Decision Involving a State

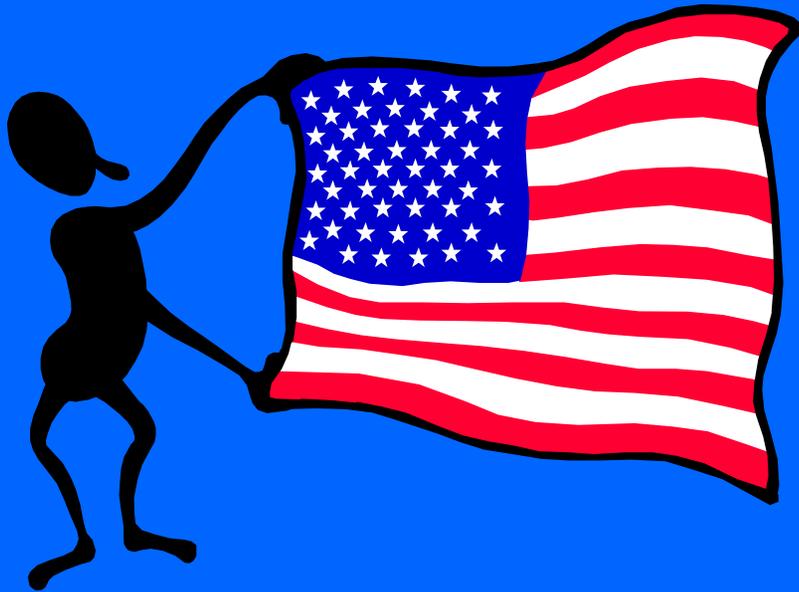
- To cite a state, use either the word “State,” “Commonwealth,” or “People,” depending on which appears on the title page, if citing to a case decided by that state’s state court. Use the name of the state if citing to a case not decided by that state’s state court. Never use both.
- Ex: The State of Arizona v. Jonathan P. Jones
- If case cited by Arizona court, then: State v. Jones
- If cited by another court: Arizona v. Jones

Citing a City in a Case Name

- To cite a city or county, cite it the way it appears on the title page. Omit name of state though.
- **Incorrect**: City of Memphis, Tennessee v. Jonathan P. Jones
- **Correct**: City of Memphis v. Jones



When United States is a Party



- United States of America is always cited as “United States”
 - not U.S.A.
 - not U.S.
 - not United States of America
 - not the big Red, White and Blue

Titles of government officials

- Cite only to the person's last name and omit the title completely.

Incorrect: Harris, Secretary of the Department of Health and Human Services v. Citicorp

Correct: Harris v. Citicorp

- Exception: Commissioner of Internal Revenue.

Incorrect: Commissioner of Internal Revenue v. Fred C. Smith

Correct: Commissioner v. Smith



In rem actions

- Actions involving objects such as land or goods are known as “in rem” actions.

Ex.: condemnation proceedings or proceedings against contraband property. Omit all but first-listed item or group of items.

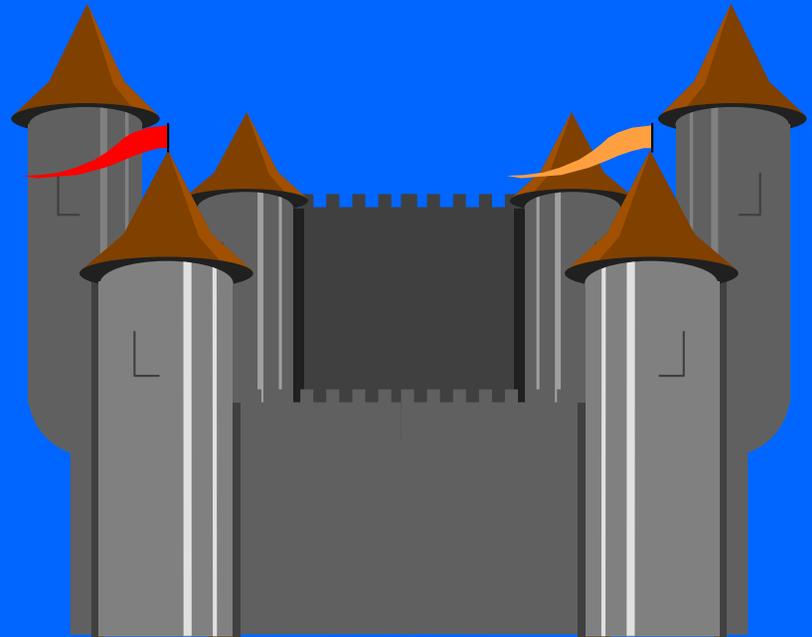
- **Incorrect**: In re Fifty Kilograms of Cocaine, Twelve Cases of Potato Chips, and One Milky Way Bar
- **Correct**: In re Fifty Kilograms of Cocaine

When Real Property is a Party

- When real property is a party, use its street address and omit all other words.
- **Incorrect**: United States v. Real Property Situated at 13 Fernbank Lane, County of Duval, State of Florida
- **Correct**: United States v. 13 Fernbank Lane

Use of “the” in party names

- Omit “The” as the first word of a party’s name unless the party’s name is “The King,” “The Queen,” or the name of an object in an in-rem action.
- **Incorrect:** The Heekin Co. v. Fred Franklin
- **Correct:** Heekin Co. v. Franklin



Prepositional Phrases of Location



- Omit prepositional phrases of location unless the resulting citation leaves only one word in the case name or an insufficiently identified case name.
- **Incorrect**: Brown v. Board of Education of Albemarle County
- **Correct**: Brown v. Board of Education

Abbreviations: The Bluebook has two different systems for abbreviating: Heavy and Light.

- The **Light Abbreviation System** is used for case names appearing in the grammatical part of textual sentences and in complete sentences in footnotes. (Rule 10.2.1)

- Only eight words are abbreviated:

Company = Co.

Corporation = Corp.

Incorporated = Inc.

Limited = Ltd.

Number = No.

And = &

Association = Ass'n

Brothers = Bros.

Ⓒ Any widely known acronym may also be used, e.g.,
National Labor Relations Board = NLRB.

The Heavy Abbreviation System

- All words in case names, other than the first word of either party's name, is abbreviated if it is listed in Table 6 on pages 302-03 of the Bluebook (Rule 10.2.2).
- Used for case names appearing in citations, i.e., one that is not part of a grammatical sentence.
- Ex: Although it is generally recognized that landlords have a duty to protect tenants against foreseeable third party criminal attacks, see, e.g., Isaacs v Huntington Mem'l Hosp., 695 P.2d 653 (Cal. 1985), the court in Ann M. v. Pacific Plaza Shopping Center, 863 P.2d 207 (Cal. 1993), restricted this liability by requiring the application of a balancing test.

Forming abbreviations



- The Bluebook uses two methods of abbreviating words.
 - The contraction technique takes the first three letters of a word plus the last letter. An apostrophe is used before the last letter but no period.
Ex: “department” is abbreviated “dep’t”, not “dept.”
 - The scrunched technique is used when various letters of the word are chosen as the abbreviation. Use a period at the end.
Ex: “building” is abbreviated “bldg.”

Procedural Phrases

- “Ex rel.” is the abbreviation for “on the relation of,” “for the use of,” “on behalf of,” and similar expressions.
- This type of proceeding occurs when one party is suing on behalf of another. (Rule 10.2.1(b))
- Ex: James P. Smith, Attorney General for the State of Mississippi, for the use of Jane P. Jones v. Fred Jones is cited as Smith ex rel. Jones v. Jones.

Procedural Phases

- “In re” is the abbreviation for “in the matter of,” “petition of,” “application of,” and the like. 
- These cases might involve the probate of a will or a bankruptcy proceeding.
- Ex: In the Matter of the Will Jane L. Lester is cited In re Will of Lester.

Parallel Citation Rule (PC Rule)

- When citing a given state's cases to that state's courts, always provide parallel citations to the official and unofficial reports. Cite the official report first and then the unofficial West reporter. In all other documents, however, do not provide parallel citations. Cite only to the official West reporter.

Examples of PC Rule

- Incorrect (PC Rule):
123 S.E.2d 115, 217 Ga. 234 (1971)
- Correct (PC Rule):
217 Ga. 234, 123 S.E.2d 115 (1971)
- Incorrect (No PC Rule):
123 S.E.2d 115, 217 Ga. 234 (1971)
217 Ga. 234, 123 S.E.2d 115 (1971)
- Correct (No PC Rule):
123 S.E.2d 115 (Ga. 1971)



How to Cite the Parentheses

Each case citation must include the precise identity of the court deciding the case. Most official court reports publish the opinion of just one court. Thus, when following the PC Rule, by naming the court report, the court is also identified. In the parentheses, identify the court deciding the case by using Table 1 of the Bluebook.

- Ex: Jackson v. Green, 143 Va. 423, 218 S.E.2d 453 (1971) = PC Rule
Jackson v. Green, 218 S.E.2d 453 (Va. 1971)
= No PC Rule

How to Cite Case History

- Legal writers must reveal all subsequent case history occurring in a higher court.

Ex: Jones v. Smith, 235 F. Supp. 102 (S.D.N.Y. 1965), aff'd, 312 F.2d 901 (2d Cir. 1966).

- Prior history is cited only if the attorney wishes to alert the reader to what happened at the lower court level.

Ex: Jones v. Smith, 312 F.2d 901 (2d Cir. 1966), aff'g 235 F. Supp. 102 (S.D.N.Y. 1965)

Short Citation Forms

- The first time you cite to a case, use its full citation. After that, use one of these forms of short cites:
 - United States v. Calandra, 414 U.S. at 343
 - Calandra, 414 U.S. at 343
 - 414 U.S. at 343
 - Id. at 343
- Use Id. only if there are no intervening cases
- Ex: The court affirmed the judgment. Smith v. Wells, 42 So. 2d 832 (Fla. 1999). The plaintiffs were awarded \$10,000. Id. at 833.

Citing to Secondary Authority

- **Legal encyclopedias (Rule 15.7)**

Give volume-name of source-topic-section-
at page (date)

Ex: 42 C.J.S. Trials § 43, at 692 (1965)

Citing to Secondary Authority

- **Annotated Reports (Rule 16.6.5)**



Give author's full name, Annotation, Title of Annotation, volume A.L.R. (1st, 2d, 3d, 4th, 5th, or Fed.) Section, at page (date)

Ex: Susan Smith, Annotation, Search and Seizure Rights of the Accused, 94 A.L.R.3d § 14, at 29 (1968)





Citing to Secondary Authority

- **Treatises (Rule 15)**



Give correct volume (if more than one), full name of the author in the same way the author cites him or herself, name of treatise (underlined), section, page, correct edition of the treatise in a parenthetical. If treatise has two authors, include the full name of both. If treatise has more than two authors, cite only first listed author and include “et al.” after the first author’s full name.

Ex: 1 Ken C. Davis, Administrative Law Treatise § 6.18, at 419 (1958)



Citing to Secondary Authority

- **Periodical Articles (Rule 16)**

Give author's Full name, Title of the Article, Volume number of the law review, properly abbreviated name of the law review, page number where the article begins, and a parenthetical date at the end.

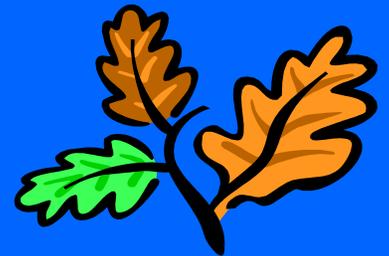
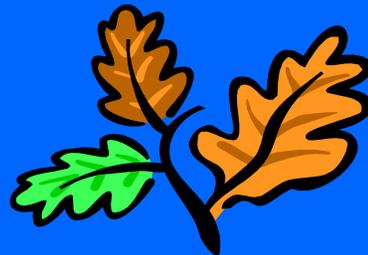
Ex: William G. Pederson, Jr., The Decline of Separation of Functions in Regulatory Agencies, 64 Va. L. Rev. 991 (1978).

Citing to Secondary Authority

- **Periodical Articles (continued)**

If the article is a Note, Comment, Case Comment, or Special Project written by a law student, the citation should include the type of article to show that it is a student-produced work.

Ex: Miles Elmore, Note, Surviving First Year in Law School, 18 Stan. L. Rev. 680 (1966).



Signal Words

- Utilize to indicate when legal authority supports a proposition, contradicts a proposition, is analogous to a proposition, or provides general background material. All signal words are italicized or underlined when used in citation sentences or clauses.
- If used as the verb of a sentence, signal words are not underlined or italicized.

Ex: See is used to indicate that the authority cited clearly supports the proposition of law but does not directly state it.

But see is used to indicate that the authority clearly supports a proposition contrary to the main proposition.

Signal Words, continued

- No signal means the cited authority:
 1. Directly states the proposition
 2. Identifies the source of a quotation
 3. Identifies an authority referred to in text.



Pinpoint Citing

- The citation of a case or law review article should include the page on which the document begins. The writer may also include a specific reference to the precise page where a quotation or legal proposition appears (pinpoint cite). In this case, the specific page follows the beginning page. Each page number is separated by a comma.

Ex: Jones v. Smith, 234 F.2d 12, 14 (4th Cir. 1971).

- When multiple, non-consecutive pages are cited, these pages should be separated by commas.

Ex: Jones v. Smith, 234 F.2d 12, 14, 17 (4th Cir. 1971).

Citing Consecutive Page Numbers



- When multiple, consecutive pages are cited, the first and last numbers should be separated by a hyphen, and all but the last two digits from the last page number should be dropped.

Ex: Jones v. Smith, 335 F.2d 756, 758-60 (2d Cir. 1973).

Citing Statutes (Rule 12)

- **Federal Statutes**

To cite an entire statute codified in the United States Code, give the official name of the act + the title number+Code abbrev.+§ or §§+parenthetical date (and supplement, if appropriate)

Ex: Americans with Disabilities Act, 42 U.S.C.
§ 12101 (1194)

To cite an individual provision of the United States Code, give title number+Code abbrev.+§ or §§+parenthetical date (and supplement, if appropriate)=Publisher if citing to U.S.C.A. or U.S.C.S.

Ex: 42 U.S.C. § 1983 (1984)
47 U.S.C. § 303(a)-(d) (1994 & Supp.II 1996)
13 U.S.C.S. § 3724 (Law. Co-op. Supp. 1990)

Bluebook Modifications

- Always check local court rules to see if the Bluebook rules for citations have been modified for your state.
- For example, in Florida, District Court of Appeal decisions are cited differently than listed in Table 1.

Ex: Food Lion, Inc. v. Clifford, 629 So. 2d 201 (Fla. 5th DCA 1993)

