

Into the Abyss: Exploring the Bluebook

By David M. Tobias¹

I. Citation form: Overview of the Bluebook

- A. The BB is in its 19th Edition, the first edition was published in 1926. It has grown from a mere 26 pages to 511 pages! It is also available at <http://www.legalbluebook.com>. (All references are to the 19th ed.)
- B. For a scathing review of the Bluebook, see Richard A. Posner, *The Bluebook Blues*, 120 YALE L.J. 850 (2011)
- C. Purpose of legal citation: The central function of a legal citation is to allow the reader to efficiently locate the cited source. BB at 1
- D. Posner says the function of citation forms is (1) to provide enough information to give the reader a general idea of its significance and (2) to enable the reader to easily find the reference if he decides it's worth looking up. Posner, *supra*, at 852
- E. The overriding purpose of citation is to quickly and conveniently provide the reader with relevant information about the cited source.

II. General Citation Principles

A. Elements of a citation: BB at 3

1. a signal
2. the source or authority (use pinpoint cites)
3. parenthetical information, if any

B. Citations to the appellate record

1. This is not Bluebook, but the preference for citing the reporter's record and the clerk's record is to cite the volume followed by

either RR or CR and the page number. *E.g.*, 2 RR 29, 16 CR 1739.

C. Signals BB at 5–6, 55–56

1. Signals are shorthand for the relationship between the proposition stated and the source or authority cited.
2. Four categories of signals: supportive; comparative; contradictory; and background.
3. Supportive
 - a. [no signal]: (1) directly states the proposition; (2) source of quotation; or (3) referred to in text
 - b. *E.g.*.: examples directly stating the same proposition; use *see, e.g.*, for authorities clearly supporting the same proposition
 - c. *Accord*: 2 or more authorities state or clearly support the proposition, but the text quotes or refers to only one. Can be used to introduce a string cite after a cite to the source of a quotation.
 - d. *See*: authority clearly supports, but does not directly state, the proposition
 - e. *See also*: additional source material that supports the proposition. Use a parenthetical explanation of the source's relevance.
 - f. *Cf.*: “compare” meaning the authority supports a proposition different from the main proposition, but sufficiently analogous to lend support. Use a parenthetical explanation of the relevance.
4. Comparison
 - a. *Compare . . . with . . .* : Comparison of the authorities cited will offer support for or illustrate the proposition. Use a parenthetical explanation of the relevance of each authority.

5. Contradiction

- a. *Contra*: directly states the contrary of the proposition. Opposite of [no signal].
- b. *But see*: clearly supports a proposition contrary to the main proposition. Opposite of *see*.
- c. *But cf.*: supports a proposition analogous to the contrary of the main proposition. Use a parenthetical explanation of the relevance.

6. Background

- a. *See generally*: authority presents helpful background material related to the proposition. Use parenthetical explanations for the relevance of the material.
7. When is it appropriate to start a new citation sentence using “see” or “see also”? If you change from one category (support, compare, contra, or background) to another, start a new citation sentence, but within a category, use a semicolon and the new signal.
 8. Can you use a string cite after a direct quotation? The cite following a direct quotation is [no signal] for the source of the quote. You can follow that with a semicolon and *accord*, *see*, or *see also* cites. BB at 54
 9. Use signals in the order listed in BB at 54 ([no signal], e.g., *accord*, *see*, *see also*, etc.)

D. Explanatory Parentheticals BB at 12–13, 26, 59–60, 101

1. Use explanatory parentheticals any time it would help the reader understand the relevance of the citation. BB at 26, 59
2. The “ing” rule: BB says to always begin with a present participle—discussing, holding, concluding, stating, etc. No reason is given for this rule and some people choose not to follow it. BB at 26, 59

3. If the parenthetical quotes a full sentence or a portion that reads as a full sentence, it begins with a capital letter and ends with appropriate punctuation.
4. BB also says you *may* omit extraneous words such as “the” to save space, *unless* it causes confusion. Please use articles where necessary to avoid confusion.
5. Parentheticals should be in the following order: (1) weight of authority parentheticals (“___, J., dissenting,” “mem. op.,” “per curiam,” etc.); (2) “quoting” and “citing” parentheticals; and (3) explanatory parentheticals.
6. The explanatory parenthetical comes before any subsequent history: *Atl. Richfield Co. v. Fed. Energy Admin.*, 466 F. Supp. 1052, 1061–62 (N.D. Cal. 1976) (“[N]ot every person aggrieved by administrative action is necessarily entitled to the protections of due process.”), *aff’d*, 556 F.2d 542 (Temp. Emer. Ct. App. 1977).
7. Which comes first (per curiam) or (mem. op.)? BB indicates (plurality opinion) should come before (per curiam). Based on this I would put (mem. op.) before (per curiam). See BB at 12, 60, 100-01

E. Abbreviations in textual sentences vs. citations

1. When referring to the full name of a case in textual sentences, do not abbreviate as in table T6. BB 10.2, p. 89
2. However, abbreviate widely known acronyms (NLRB, FDIC, AARP, etc.) and these eight words: “&,” “Ass’n,” “Bros.,” “Co.,” “Corp.,” “Inc.,” “Ltd.,” and “No.” Do not abbreviate these eight if they begin a party’s name. (I would include other common entity abbreviations like “L.L.P.,” “L.L.C.,” “P.L.L.C.,” etc.) BB at 8, 81, 89, 91
3. Example:
 - a. In *Penn Central Transportation Co. v. City of New York*, 366 N.E.2d 1271 (N.Y. 1977), the court applied a version of the diminution in value rule. BB at 8

b. *See Penn Cent. Transp. Co. v. City of New York*, 366 N.E.2d 1271 (N.Y. 1977) (applying diminution of value rule).

4. Do not abbreviate the titles of books or law review articles. BB 15.3, 16.3
5. Confusion can result when a citation clause is included in the text. Citations can be in either full sentences or in clauses set off by commas. In non-academic writing, citations appear within the text. In law reviews, all citations are in footnotes. BB at 4
6. A citation sentence cites sources and authorities that relate to the *entire* preceding sentence.
7. A citation clause appears in text set off by commas and immediately follows the proposition to which it relates. Citation clauses cite authorities that relate to only part of a sentence.
8. In both citation sentences and citation clauses, abbreviate case names according to table T6. BB 10.2.2., p. 94. This applies even though the citation clause is within a textual sentence.
9. Example:
 - a. Substantial evidence means “such relevant evidence a reasonable mind might accept as adequate to support a conclusion,” *Corning Glass Works v. U.S. Int’l Trade Comm’n*, 799 F.2d 1559, 1566 (Fed. Cir. 1986), which will not be reweighed by the Federal Circuit on appeal even if an alternative conclusion can be drawn, *Nutrinova Nutrition Specialties & Food Ingredients GmbH v. U.S. Int’l Trade Comm’n*, 224 F.3d 1356, 1359 (Fed. Cir. 2000). BB at 5
10. Tip: if you could put the citation in a footnote without changing the meaning of the sentence, the cite is a citation clause and should be abbreviated. If the cite is part of the text, then do not abbreviate.

F. General Rules for Abbreviations BB at 80–81

1. Spacing: close up single capitals, numbers and ordinals, e.g., U.S., N.W., S.D.N.Y., F.3d, S.W.3d.

2. Do not close up longer abbreviations, i.e., insert a space adjacent to any abbreviation of 2 or more letters: S. Ct., L. Ed., Tex. App., TEX. R. CIV. P., TEX. R. APP. P.
3. Generally, abbreviations are followed by a period except where the last letter is set off by an apostrophe. *E.g.*, Ave., Bldg., Ass'n, Dep't.
4. Entities with widely known initials may be referred to by the initials without periods in text, in case names, and as institutional authors: AARP, CBS, CIA, FCC, FDA, FEC, NAACP, NLRB, etc.

G. Short Citation Forms BB at 13–14, 72–74, 108–09

1. After you have given one full citation to an authority, you *may* use a short form in later cites, *so long as*
 - a. it will be clear to reader what is being referenced;
 - b. the full cite falls within the same general discussion; and
 - c. the reader will have little trouble quickly locating the full cite. BB at 13.
2. A full citation may be used more than once if it is not in the same general discussion or it helps the reader to quickly locate the cite.
3. If these conditions are met, the following are acceptable short cites: *Palsgraf*, 162 N.E. at 100; 162 N.E. at 100; *Id.* at 100. Omit the case name in the second example only if the reader will have no doubt about the case to which the citation refers.
4. For cases, use only one party's name or a readily identifiable part of the party's name. Use the name of the first party unless it is a geographical or governmental unit or other common litigant. Shorten a long party name so long as the reference remains unambiguous. It is acceptable to omit procedural phrases like "In re".
5. A case that has been cited in full in the same general discussion may be referred to (in main text or footnote text) by one of the parties' names without further citation: "The issue in *Bakke* has not been fully resolved." BB at 109.

6. *Id.* is a short form reference to the immediately preceding *single* authority. Use of *id.* must be unambiguous; thus, the preceding cite must contain only one citation (excluding any cites inside explanatory parentheticals or subsequent history). BB at 14.
7. Can “*id.*” in a footnote refer to a cite in the text or only to the previous footnote? Use of “*id.*” can be ambiguous when you mix citations in text and footnotes. I suggest using “*id.*” in footnotes to refer only to a citation within the *same* footnote; otherwise, use another short form in footnotes.
8. If the first full cite is in a footnote, can a short cite be used in text? BB does not address this because it assumes all cites will be entirely in text or entirely in footnotes. Using a short cite in text may be confusing because the reader may not have jumped to the footnote. I suggest using a full cite the first time a case is cited in text even if it has been cited in full in a footnote.
9. *Id.* alone refers to the identical pinpoint cite in the previous cite. If you refer to a different page, add “at [page no.]” after “*id.*” Note, there is no comma after “*id.*”: *Id.* at 122. If referring to a section, do not use “at”: *Id.* § 9.2.
10. *Id.* can be used for any authority, not just cases. Use of *id.* is optional and you may use any other unambiguous short form cite. If there several paragraphs referring to a single source, consider using a short form of the case name every other paragraph.
11. “*Supra*” and “hereinafter” should not be used to refer to cases, statutes, constitutions, or similar sources except in extraordinary circumstances, such as when a case name is extremely long. *E.g., In re Multidistrict Private Civil Treble Damage Antitrust Litig. Involving Motor Vehicle Air Pollution Control Equip.*, 54 F.R.D. 398 (C.D. Cal. 1970) [hereinafter *Air Pollution Control Antitrust Case*]. BB at 74. “*Supra*” and “*infra*” can be used for internal cross-references, but not “*id.*”
12. Short form for statutes usually omits the publisher and date parenthetical, e.g., 42 U.S.C. § 1983. BB suggests state codes can be shortened even further, e.g., CAL. EDUC. CODE § 48222 (West 2008) can be cited as EDUC. § 48222. BB at 124

13. Short form for books and periodicals is: [author's last name], *supra*, at [pinpoint cite].

H. Order of Authorities BB at 6–7, 56–59

1. Constitutions
2. Statutes (federal then state (current codes, current uncodified, rules of evidence or procedure, repealed))
3. Federal Cases (in descending order of authority)
4. State cases (in descending order of authority)
5. Legislative materials
6. Books
7. Journal articles
8. Keep this order within each signal.
9. If a cite is considerably more helpful or authoritative than others within the signal, cite it first. Thus, cite cases from the court hearing the case before other courts of appeals because those cases are binding precedent (more authoritative). Alternatively, follow the cite with an *accord* or *see also* signal and cite to other courts of appeals cases.
10. Order by date, most recent first, within each category.

III. Specific Citation Principles

A. Cases

1. When citing to the first page of a case, repeat the page number in the cite: *United States v. Davis*, 492 F.2d 150, 150 (9th Cir. 1997). BB at 10, 67
2. Note: the examples in rule 10.2.1 apply to all case names, but case names in citations are further abbreviated according to rule 10.2.2. BB at 89
3. For case names in citations, always abbreviate any word listed in table T6 even if the word is the first word of a party's name: S.

Consol. R.R. v. Consol. Transp. Co. Abbreviate geographical units listed in table T10 *unless* the geographical unit is the entire name of the party, e.g., “United States” as a party is never abbreviated.

4. Note that Houston and Dallas are now abbreviated in T10 (Hous. and Dall.). Question: should it be *City of Dallas v. Jones*, or *City of Dall. v. Jones*? The first because the entire name of Dallas is City of Dallas. (“City of” is not omitted if it begins a party name.) BB at 92, 94. Also note that Hous. is the abbreviation for Housing according to T6 and blindly following the abbreviation rules would result in something like this: *Greater Hous. Hous. Auth. v. Jones*. I suggest not using the abbreviations for Houston and Dallas.
5. Geographical terms: include if part of the full name of the entity: *Planned Parenthood of Southeastern Pennsylvania v. Casey*. BB at 92. In citations: *Planned Parenthood of Se. Penn. v. Casey*.
6. Omit “State of” and similar phrases *unless* citing decisions of courts of that state. Thus, *Lawrence v. Texas*, 539 U.S. 558 (2003), but *Brooks v. State*, No. PD-0210-09, 2010 WL 3894613, at *1 (Tex. Crim. App. October 6, 2010). BB at 92
7. In citations, omit “The” from a party name and abbreviate geographical terms within a name: “Miami Herald v. Univ. of Fla.” Do not abbreviate “United States” or a geographical unit when it is a named party. BB at 8, 92, 94
8. Extremely long case names: omit words not necessary for identification; the running head at the top of the page can serve as a guide. E.g., *Certain Underwriters at Lloyd’s, London Subscribing to Policy Number 509/qf037603 v. Lm Ericsson Telefon, Ab and Ericsson, Inc.*, 272 S.W.3d 691, could be shortened to *Certain Underwriters at Lloyd’s, London v. Lm Ericsson Telefon, Ab*. Short cite could be *Underwriters, Ericsson*, or *Lm Ericsson* so long as not ambiguous within the document. BB at 89
9. Don’t duplicate corporate designations, only use the first: “Wisconsin Packing Co.” not “Wisconsin Packing Co., Inc.” This applies to both textual sentences and citations. BB at 93

10. If discussing different opinions for cases with multiple dispositions, add an identifier of the number of the decision parenthetically in italics after the case name, e.g., *Hamdi v. Rumsfeld (Hamdi II)*, 316 F.3d 450 (4th Cir. 2003). Note that the parentheses are not italicized. See BB at 94
11. Certiorari: the examples for filing or granting of a petition for certiorari cite to U.S.L.W. See BB at 89, 99: *DiNapoli v. Ne. Reg'l Parole Comm'n*, 764 F.2d 143 (2d Cir. 1985), *petition for cert. filed*, 54 U.S.L.W. 3146 (U.S. Aug. 29, 1985) (No. 85-335). Note that U.S.L.W. is a commercial service and no longer widely available. Westlaw will usually have a cite for the cert. granted and may list a parallel cite to U.S.L.W. I suggest substituting the Westlaw cite for the U.S.L.W. cite if one is available.
12. Omit “*cert. denied*” unless less than 2 years old or particularly relevant. BB at 101
13. Overruled cases—expressly repudiated by later case—use “*overruled by*” and cite to the later case. If the case is effectively overruled (but not explicitly), use “*abrogated by*” and cite the later case. BB at 102. “*Reversed*” should be used if the case is reversed by a higher court on direct appeal.
14. Slip opinions: cite case name, case number, Westlaw cite, court and full date in parentheses. *E.g., United States v. Jones*, No. 05-09-1234, 2009 WL 2304252, at *1 (5th Cir. Nov. 3, 2009). BB at 104. Note the comma after the Westlaw number.
15. BB has no rule about citing a single slip opinion that disposes of multiple docket numbers. I suggest using only the first docket number because that is enough information to locate the case. See BB at 11–12, 90–91, 104–05
16. Cite only the first listed party on each side, but include all names of a partnership and the first-listed relator. Omit alternative names for the first listed party such as “d/b/a ____.” BB at 90
17. Omit “trustee,” “executor,” and similar terms that describe a party already named. BB at 91

18. Omit the state and court designation if this information is unambiguously conveyed by the reporter name. BB at 98. *E.g.*, cites to Texas Reporter or Texas Civil Appeals Reports: 121 Tex. 122 (1925); 53 Tex. Civ. App. 478 (1909); 493 N.Y.S.2d 769 (App. Div. 1985).

B. Statutes & Constitutions

1. Cite to the current official code where possible. The U.S.C. is codified once every six years, such as 2000 or 2006. Exact copies of pdf versions of the United States Code can be found at <http://uscode.house.gov/download/downloadPDF.shtml>. Use this to cite to the current official code and any supplements.
2. If citing to an unofficial code, U.S.C.A., include the publisher and date of the bound volume: 9 U.S.C.A. § 2 (West 2008).
3. When citing multiple sections, cite them in numerical order, and if they appear in volumes or supplements with different dates, group them in numerical order by the volume date. Each group requires its own “§” or “§§” or “art.” or “arts.” and its own date parenthetical. *E.g.*, TEX. CIV. PRAC. & REM. CODE ANN. § 17.50 (West 2002), §§ 17.60, 18.704 (West Supp. 2010), § 21.0002 (West 2010). Greenbook rule 10.1.5(a), (b), pp. 46–47.
4. When citing a chapter or entire act, cite the first and last section; do not use “et seq.” TEX. BUS. & COM. CODE ANN. §§ 17.41–.63 (West 2002 & Supp. 2010). BB at 70
5. BB 12.10 indicates that short forms for state statutes can refer to just the code name without the state designation, e.g., CAL. EDUC. CODE § 48222 (West 2008) can be cited as EDUC. § 48222 as a short form. This is not the convention we have typically used. *E.g.*, TEX. PENAL CODE ANN. § 9.01 (West 2010) is usually short-cited as TEX. PENAL CODE ANN. § 9.01. Whatever you do, the short form must be unambiguous.
6. Cite the United States Constitution as: U.S. CONST. art. I, § 9, cl. 2; U.S. CONST. amend. XIV, § 2. Do not use a short cite other than “*id.*” for constitutions.

C. Books & Journals

1. Do not abbreviate book titles like you do case names. BB 15.3 (WEBSTER'S NEW INTERNATIONAL DICTIONARY, not WEBSTER'S NEW INT'L DICT.).
2. Use the full name of the author as listed in the book. Separate two authors with "&" and use "et al." after the first author's name if there are more than two authors.
 - a. 21 CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1006 (3d ed. 1998)
 - b. A. LEO LEVIN ET AL., DISPUTE RESOLUTION DEVICES IN A DEMOCRATIC SOCIETY 77 (1985)
 - c. Note there is no comma before "et al." and "al." is an abbreviation for *alia* and should always have a period.
3. Frequently cited books: BLACK'S LAW DICTIONARY 712 (9th ed. 2009); 17 AM. JUR. 2D *Contracts* § 74 (1964).
4. Short cites for books use the last name of the author(s), *supra*, and a pinpoint cite. *E.g.*, RHODE, *supra*, at 60–61; see LEVIN ET AL., *supra*, at 80; JAMES & HAZARD, *supra*, § 1.7.
5. Journals: author's full name as listed in the article but in normal typeface, title in italics, journal abbreviation in large and small caps, start page and pincite, date of publication. Do not abbreviate words or omit articles in the title. BB at 147–50
6. For student written materials, indicate whether it is a comment, note, or other work after the name and before the title. *E.g.*, B. George Ballman, Jr., Note, *Amended Rule 6.1: Another Move Towards Mandatory Pro Bono? Is that What We Want?*, 7 GEO. J. LEGAL ETHICS 1139, 1162 n.155 (1994). Omit the author if the work is unsigned: Note, *The Death of a Lawyer*, 56 COLUM. L. REV. 606 (1956).
7. Use "*supra*" for short cites to journal articles: Ballman, *supra*, at 1164. Use an abbreviated reference to the title if there are multiple sources by the same author: Feinberg, *Mediation*, *supra*, at 15.

8. I suggest an alternative short cite for journal articles: omit “*supra*” and repeat the volume and journal name, e.g., Ballman, 7 GEO. J. LEGAL ETHICS at 1164.

D. Internet Resources

1. Cite as if to the original print version *if* the digital copy is authenticated, official, or an exact copy of the printed source. BB 18.2.1. Add “*available at*” and the URL if it will substantially improve access to the source: *Am. Mining Cong. V. U.S. Army Corps of Eng’rs*, No. CIV.A.93-1754 SSH(D.D.C. Jan. 23, 1997), *available at* <http://www.welands.com/fed/tulloch1.htm>.
2. A direct citation to an internet source should include the following if available: [author’s name], [*title of specific webpage*], [title of main webpage], ([date and time if updated multiple times in a day]), [URL for specific webpage]. *E.g.*, Eric Posner, *More on Section 7 of the Torture Convention, The Volokh Conspiracy* (Jan. 29, 2009, 10:04 AM), <http://www.volokh.com/posts/1233241458.shtml>.
3. Newspapers: John M. Broder, *Geography is Dividing Democrats Over Energy*, N.Y. TIMES, Jan. 27, 2009, <http://www.nytimes.com/2009/01/27/science/earth/27coal.html>.
4. Tips: Do not full justify text with URLs because it usually results in badly spaced text. *E.g.*:
 - a. Packerland Progressive, *How is Sec 115 Constitutional Under INS v. Chadha?*, Comment to *This Week in Congress*, DAILY KOS (Jan. 19, 2009, 9:20 AM), <http://www.dailykos.com/storyonly/2009/1/18/235223/489/683/685802>. [full justified]
 - b. Packerland Progressive, *How is Sec 115 Constitutional Under INS v. Chadha?*, Comment to *This Week in Congress*, DAILY KOS (Jan. 19, 2009, 9:20 AM), <http://www.dailykos.com/storyonly/2009/1/18/235223/489/683/685802>. [left justified]
5. Omit information that is not readily available, such as author or time. If the date is not available, use “last updated” or “last

modified” date parentheticals if available. If not, use a “last visited” date parenthetical. BB B10.1.1, 18.2.2.

¹David M. Tobias: Graduate of Baylor Law School (J.D. 1986) and Texas Tech University (B. Music Ed. 1982). Research and solo attorney for Justice Jim Moseley of the Dallas Court of Appeals since 2002. Before coming to the Court, David was in private practice and has worked for Winstead, Payne & Vendig, and Moore & Peterson in Dallas. Co-author *Internet Basics for the Texas Attorney* (National Business Institute Conference 2000) and *Finding the Smoking Guns in Cyberspace: A Discourse on Discovery in the Electronic Era* (Advanced Personal Injury Law Course 1999).