

intention to “fit the plaintiff’s insurance claim into one of the pre-ordained diagnostic categories considered compensable by her insurance carrier.” Fitzgerald v. Caplan, 362 S.E.2d 103, 104-05 (Ga. Ct. App. 1987). The court

found that although the physician inserted the words “Determine Nature of Malignancy” in the space on the form designated “Diagnosis of nature of illness or injury,” id. at 104, the doctor’s act did not fall into the category of misconduct, and the doctor’s “tragic but not egregious nature,” id. at 105.

In applying the rules, the court reviewed and then rejected Stafford v. Neurological Medical, Inc., 811 F.2d 470 (8th Cir. 1987), a non-binding decision, where the doctor’s misconduct was virtually identical to the Fitzgerald case, but the nature of the claims was different. In Stafford, the plaintiff stated an additional claim based upon negligence and recovered on that basis, id. at 475, while the present case was founded solely on a claim of intentional infliction of emotional distress, Fitzgerald, 362 S.E.2d at 105. The court concluded that claiming

Second Edition intentional distress based on Revised Printing mere “negligent information” is a contradiction in terms. Id.

Case 1: First mention of Fitzgerald; use full cite.

Case 1: No intervening cite, new page; use id. with new pinpoint page number.

Case 1: No intervening cite, new page; use id. with new page number.

Case 2: First mention of Stafford; use full cite.

Case 2: No intervening cite, new page number; use id. with new page number. Note how the case name is incorporated into text sentence.

Case 1: Intervening cite to Stafford; use case name short form with pinpoint page number.

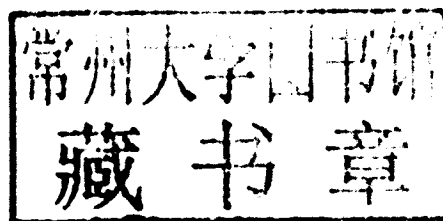
Case 1: No intervening cite, same page; use id. without a page number.

Understanding and Mastering *The Bluebook*

A Guide for Students and Practitioners

SECOND EDITION

Linda J. Barris



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Understanding and Mastering ***The Bluebook***

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Understanding and Mastering ***The Bluebook***

1. Getting Started

If you have cracked open *The Bluebook*, you already know that it presents a bewildering assortment of rules, rules, and more rules for legal citation. If you are new to legal citation, or a little rusty at it, the task of deciphering and applying those rules can seem overwhelming. This book is designed to help you learn basic *Bluebook* citation form and how to use *The Bluebook* manual. By breaking citations down into individual steps and pulling together rules scattered throughout *The Bluebook*, the task of preparing citations in correct *Bluebook* form is much easier to understand—and master.

Before embarking on a study of *The Bluebook*, it is important to understand the purpose behind the citation rules. The purpose is threefold: (1) to indicate to the reader that you are relying upon authority; (2) the weight or persuasiveness of that authority; and (3) to provide a quick way for the reader to locate the original source of that authority.

For example, if you make a statement about the law, your reader will want to know if this statement is based on *authority*, or is just your assertion without backup. If the statement is a legal rule, the reader will want to know how that rule fits in with all the other rules of law in the United States. Did it come from a case from your jurisdiction, and if so, which one? Did it come from a statute, and if so, which one? Or did you simply pull that rule of law out of thin air? If you do not provide a citation indicating that this statement is based upon authority, the reader will have no choice but to assume the latter—that you pulled it out of thin air. Of course this is the last thing you want your reader to assume since the law and legal arguments are based on authority, not wishful thinking.

There are literally millions of different authorities that a legal writer can rely upon, including cases, statutes, treatises, and legal articles, to name just a few. Law libraries are stuffed with volume after volume of legal authorities. Legal citations point the reader straight to the original source, fulfilling the second purpose of legal citation. But pity the poor lawyer or judge trying to find a copy of the authority cited in a document if each writer adopts his or her own citation method. That's where *The Bluebook* comes in. The abbreviations and style conventions mandated by *The Bluebook* are intended to help the reader quickly locate the entire text of the original authority you are citing. *The Bluebook* is designed to provide a system of citation so that each writer's citations are the same, and each reader can follow the citation to the source material. Note that *The Bluebook's* subtitle is "A Uniform System of Citation." While *The Bluebook* may seem confusing at first, just keep in mind the confusion that would result if there was no "uniform system."

This introductory chapter focuses on the citation rules and principles applying to all (or at least most) citations, no matter what type of authority is cited. Subsequent chapters of this

guide have in depth discussions of specific types of legal materials that practitioners cite most frequently (Chapters 2-8), along with selected styles mandated by *The Bluebook* (Chapters 9-12). For a broad view of the citation principles covered by this guide, take a peek at the Table of Contents. This introductory chapter includes discussions of the following:

- A. A review of *Bluebook* organization, beginning on page 5;
- B. An introduction to Practitioner's Style, and local rules, beginning on page 7;
- C. Rules governing the placement of citations in a document, beginning on page 12;
- D. An introduction to citing electronic resources, including Westlaw and LexisNexis, beginning on page 21;
- E. Rules governing pinpoint citation to specific pages, sections, supplements, or footnotes of a single authority, beginning on page 24;
- F. An introduction to short form citations, beginning on page 31; and
- G. Rules governing spacing in citation abbreviations, beginning on page 34.

About This Guide


This guidebook is designed to help you learn how to use *The Bluebook*, but it is not—and is not meant to be—a substitute for *The Bluebook* itself. The citation forms described in this guide are basic forms only. As you will learn, there are many exceptions to the basic rules, and many less-common rules and sources that this guide is not designed to cover. Cross references in this guide point to the *Bluebook* rules pertaining to the topic under discussion. Be sure to use those cross references because there is simply no substitute for digging into *The Bluebook* and learning to decipher its rules.


This guide follows the 19th edition of *The Bluebook*. Make sure your copy of *The Bluebook* is the 19th edition.

Throughout this guide certain conventions have been employed:

- Indicates a Basic Rule.
- ✕ Indicates an Exception to the Basic Rule.
- ☞ Points to a tip, example, or helpful information about a particular rule.
- ◆ Indicates that *The Bluebook* allows alternatives, or that customary practice may deviate from *Bluebook* rules. Always follow your instructor's or supervisor's preferred style or practice.

About This Guide *continued*

 *The Bluebook* itself has a citation form: *The Bluebook: A Uniform System of Citation* R. 15.8(c)(v), at 145 (Columbia Law Review Ass'n et al. eds., 19th ed. 2010). Throughout this guide you will see references to *Bluebook* rules using a short form citation method. Look for: *Bluebook* R. 15.8 or simply Rule 15.8.

 Many of the examples in this guide use **boldface type** to help illustrate rules. **DO NOT USE BOLDFACE IN ANY PART OF YOUR CITATIONS.**

A. *Bluebook* Organization

To better understand its organization, it is important to first understand *The Bluebook's* original purpose. *The Bluebook* was first published in 1926 to provide rules for writers of law review articles. These articles are authored by upper division law students, law professors, and practicing attorneys writing on specialized topics. The articles are accumulated and published in volumes called law reviews. In the modern version of *The Bluebook* these citation rules are contained in the middle section of *The Bluebook* in what is commonly known as the Whitepages.


Practicing lawyers—practitioners—found that they also needed uniform rules of citation, and they began using *The Bluebook*. But some of the rules had to be adapted to fit the needs of practitioners; law offices, even those equipped with the most modern equipment (manual typewriters), could not produce all of the typefaces called for in the Whitepages. *The Bluebook* publishers responded by developing the Bluepages, found in the front of *The Bluebook*, to specifically address the needs of practitioners.

Take a few minutes to familiarize yourself with the type of information in the nineteenth edition of *The Bluebook* and how that information is organized. The two charts below show (1) the general organization of *The Bluebook* rules, and (2) the tools available to help you find the specific rules governing your citation.

The Rules

Bluepages Pages 3-51 <ul style="list-style-type: none"> Also known as Practitioners' Notes. Bluepages rules are identified by the "B" prefix. Example: B5.1. 	<p>This section translates the rules found in the Whitepages into the citation form used by practicing lawyers, commonly known as Practitioners' Style, as well as presenting rules addressing specific practitioners' needs, such as citing documents in a court file. Tables in the back of the Bluepages list common abbreviations and sources for local rules affecting practitioners' citations.</p>
Rules Pages 53-214 <ul style="list-style-type: none"> Also known as the Whitepages. Whitepages rules have no prefix. Example: 5.1. 	<p>This section gives the general rules that are applicable to all citations, but are intended for writers of law review articles. <i>The Bluebook</i> sometimes refers to these rules as Academic Style. Practitioners must translate these rules into Practitioners' Style by using the Bluepages.</p>
Tables Pages 215-473 <ul style="list-style-type: none"> Table rules are identified by the "T" prefix. Example: T6. 	<p>This section provides information about form and abbreviations for authorities from specific jurisdictions (e.g., Table 1), and terms frequently encountered in legal citation (e.g., Tables 6 and 12). The tables are used in conjunction with the Whitepages and Bluepages.</p>

The Tools to Find the Rules

Table of Contents <i>In the front</i>	<p>To find general rules about citing specific authorities, start here.</p> <p>Example: "How do I cite a case?"</p>
Index <i>In the back</i>	<p>For a specific rule, start here.</p> <p>Example: "How do I cite a footnote in a case?"</p>
Quick Reference: Law Review Footnotes <i>Inside front cover</i>	<p>Use this reference only if you are writing a law review article.</p> <p> Practitioners do not use this reference.</p>
Quick Reference: Court Documents and Legal Memoranda <i>Inside back cover</i>	<p>Use this reference to quickly find the general form for citations using Practitioners' Style, and to cross-reference Whitepages rules.</p>
Quick Index <i>Outside back cover</i>	<p>The quickest way to find the general rules. Also contains a helpful list of the Tables.</p>

B. Practitioners' Style and Local Rules

Practicing lawyers writing legal memoranda or briefs must adapt some *Bluebook* rules from the Academic Style, found in the Whitepages, to a style suitable for use in a law office or court. These adaptations are described in the Bluepages found at the beginning of *The Bluebook*. This section discusses the following adaptations practitioners must make:

1. Conforming typefaces to Practitioners' Style, beginning on this page; and
2. Conforming citations to local rules or customs, beginning on page 11.

☞ The guide pulls together the Whitepages and Bluepages rules so that all practitioners' adaptations are discussed with the general rule. But this guide does not cover every rule or citation situation you will encounter, so always check the Bluepages, Whitepages, and tables.

1. Typeface Conventions: Practitioners' Style

Rule B1

The Bluebook uses several typefaces for different kinds of authorities. In the Rules section of *The Bluebook* (Whitepages), you will see citations in ordinary roman type, *italics*, and LARGE AND SMALL CAPITALS. As a practitioner, you will only use ordinary type (also called ordinary roman type or plain text), and either ♦ underlining or *italics* for specific parts of citations.

Traditionally, all italics shown in *Bluebook* rules were converted to underlining in practitioners' citations. *The Bluebook* now permits the use of either. Some practitioners prefer the use of underlining; others prefer italics. Ask your instructor or supervisor which typeface he or she prefers. **Do not mix typefaces.** Once you have decided to use italics or underlining, use that style consistently throughout the document.

Note About Ordinary Roman Type

Do not confuse "ordinary roman type" with the font called "Times New Roman." The ordinary roman typeface refers to the upright counterpart of italicized (slanted) type, and is a term that applies to any font. It is the default typeface on your computer—unless you tell your computer to do something different (italicize, bold, underline, etc.), you will get ordinary roman type. This paragraph is printed in ordinary roman type.

Times New Roman is a font. The term "font" refers to "styles" for type. Think of a font as the decorative part of the printed page. Fonts may be highly ornamental or very plain, resemble handwriting or block printing. Some font styles you may be familiar with are Arial, Garamond, Copperplate, Calibri, and yes, Times New Roman. Any of these font styles can be printed in either ordinary roman type (upright type) or *italics* (slanted type).

This guide uses the term "ordinary type" to refer to ordinary "roman" type.