

Just Enough *Bluebook*:
A Legal Citation Primer

By
Terry Conaway
Assistant Professor of Legal Studies
Utah Valley University

Copy Editor
Kay Green

Spring 2016 Version
©2016

[This Page Intentionally Blank]

Just Enough *Bluebook*:
A Legal Citation Primer

*“The Uniform System of Citation has
inflicted more pain on more law students
than any other publication in legal history.”*

Robert Berring, *The Bluebook: A Sixty-Five Year
Retrospective*

[Page Intentionally Blank]

Table of Contents

1.	Introduction	2
a.	What is <i>The Bluebook</i> ?	2
b.	Why <i>The Bluebook</i> ?	2
c.	Why <i>Just Enough Bluebook</i> ?	4
2.	Preliminary Matters You Must Know	6
a.	The Abbreviation Spacing Rule	6
b.	Textual v. Non-Textual Cites	8
3.	Statutes	10
a.	Federal	10
b.	State (Utah)	12
c.	Online Codes	12
4.	Regulations	16
a.	Federal	16
b.	State	16
5.	Cases	18
a.	Basics of Case Citing	18
b.	Case Names	19
c.	Pinpoint Citing	23
d.	Parallel Citing	24
e.	Utah Public Domain Citing	25
6.	Secondary Sources	26
a.	Legal Encyclopedias	26
b.	American Law Reports	26
c.	Legal Periodicals.....	26
d.	Treatises	28
e.	Litigation Aids	29
7.	Citing Internet Sources	29
8.	Charts	30

[Page Intentionally Blank]

Chapter 1: Introduction

a. What is *The Bluebook*?

What we call *The Bluebook* is actually titled, *The Bluebook: A Uniform System of Citation*. It is compiled by the editors of the *Columbia Law Review*, the *Harvard Law Review*, the *University of Pennsylvania Law Review*, and the *Yale Law Journal*, and is published and distributed by the Harvard Law Review Association. So, yes, the book you use to learn how to cite the law is written by law students.

The Bluebook's original and primary purpose was to provide a standard for citing in law review articles. Practitioners used it because...well, they had to use something.

This created some problems over the years. For example, law reviews are printed by printers, and I don't mean the little beige boxes on your desk. When *The Bluebook* was first created, printers were men in leather aprons who were covered in ink, and who ran the printing presses. Fortunately, it's a much cleaner profession now. However, back in the day, these printers had many font options that legal secretaries using standard typewriters didn't have. For example, old-time typewriters couldn't do italics or small capital letters (as opposed to large capital letters).

Because of these limitations, practicing lawyers made adjustments to the rules. For example, instead of italicizing a case name, they would underline it. Underlining came to be the equivalent of italicizing. They also just ignored *The Bluebook* rules about small capital letters because their typewriters couldn't make small capital letters.

Nowdays, of course, our computers and printers can do all of these things. But practitioners still tend to follow the simplified rules created back in the day. In fact, *The Bluebook* even started including "Practitioners' Pages" for lawyers to use. They were shorter and simpler, but the lawyers could still consult the main pages of *The Bluebook* if they needed to.

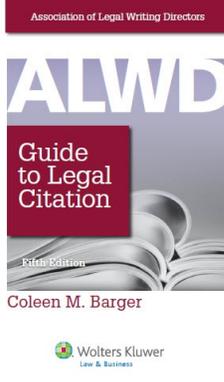
b. Why *The Bluebook*?

The easiest answer to this question is . . . ***Because.***

If there were no standard for citation, citing would be all over the map. No one would be sure what source you were referring to. You wouldn't know what source someone else was citing to. To ensure that we can find the sources being cited, we need a system in place.

Does that system have to be *The Bluebook*? No. In fact, there are several other systems to choose from.

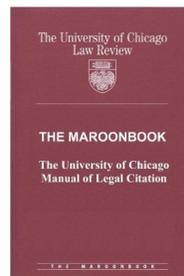
For example, the *ALWD Guide to Legal Citation*:



The *ALWD Guide to Legal Citation* is published by the Association of Legal Writing Directors. ALWD wanted to create a citation manual that was easier to use than *The Bluebook*. The result is a manual that is just as big and not really any easier to use.

Another alternative is *The Maroonbook*, published by the University of Chicago Law Review. Why? Well, because Chicago always has to be different.

I can't tell you anything about *The Maroonbook* because I haven't used it. I didn't attend law school at the University of Chicago.



Some states have state-specific citation manuals. For example, both Texas and California have manuals that basically start with "use *The Bluebook*" and then add or revise some of the rules for use in that state.



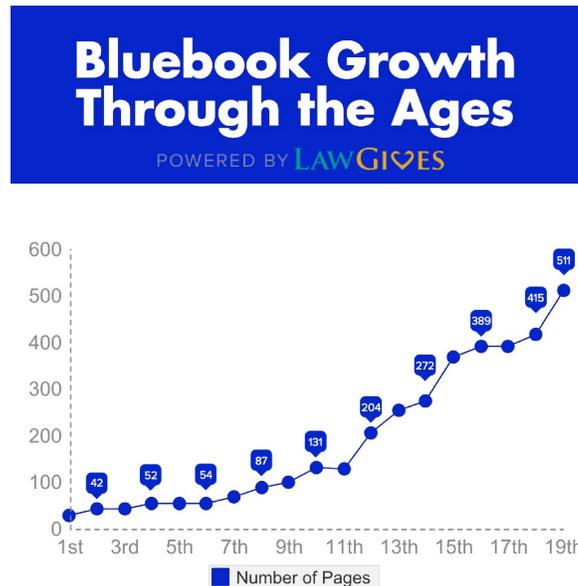
So how do you know which one to use? Use whichever one is required at your school.

Some schools have picked *The Bluebook*. Some have picked *ALWD*. Guess which one the University of Chicago uses?

UVU now follows *The Bluebook*. We used *ALWD* for a while, but the word from law librarians is that *ALWD* is dying out. Why? Because the law reviews use *The Bluebook*. Imagine the torture of being taught *ALWD* as a first-year law student, and THEN having to learn *The Bluebook* when you become a member of the school's law review. For that reason, many law schools have switched back to *The Bluebook*.

c. Why *Just Enough* Bluebook?

The Bluebook has grown huge over the years. When I was a law student I could carry *The Bluebook* in the back pocket of my jeans. If you don't believe me, look at this analysis of *The Bluebook's* growth over the years:



Credit: <http://www.lawgives.net/blog/the-end-of-bluebook-or-a-new-beginning>.

The Dirty Little Secret of Legal Citing

Although it is important to learn the basic rules of legal citing, the dirty little secret is that in practice, most people don't much care if your cites are *Bluebook* perfect.

You should obsess over *Bluebooking* if:

- a. You're on your law school's law review; or
- b. Your boss or the judges you appear before expect impeccable *Bluebooking*; or
- c. You're writing a brief for the Supreme Court.

If any of the above applies to you, then buy a copy of *The Bluebook* to refer to as you learn the basics.

The rest of you probably don't need to lose a lot of sleep over having everything exactly right. In your typical practice, what is most important is that your cite is proper enough that the reader knows what you mean and can find the source.

This is where *Just Enough* Bluebook comes into play. If you learn the basics taught here, you'll probably be fine in most practices.

[Page Intentionally Blank]

Chapter 2: Preliminary Matters You Must Know

a. The Abbreviation Spacing Rule

Probably half the citation mistakes students make has to do with the spacing of abbreviations. The Abbreviation Spacing Rule isn't difficult—you just have know *how* to apply it and then remember *to* apply it.

Bluebook Rule 6.1: In general, close up all adjacent single capitals. But do not close up single capitals with longer abbreviations.

That's not very clear, but that's the language in *The Bluebook*.

Here's a clearer statement of the rule:

Single-letter abbreviations: no spaces

Multiple-letter abbreviations: space before and space after.

Special Rule for Ordinals: Before we look at some examples, you need to know the special rule for ordinals. Ordinals are numbers (like 2d, 3d, 4th, 5th, 6th, etc.) that define a thing's position in a series. *The Bluebook* treats ordinals as though they are single-letter abbreviations.

Now let's apply these rules.

Here's the relevant part of a case cite: **88 F. Supp. 2d 94**

88 is the volume number.

F. Supp. 2d is the abbreviation for the name of the book.

94 is the page number.

The abbreviation spacing rule applies to the middle part of the cite , the abbreviation of the title of the book.

There is always a space after the volume number and before the page number. What we're interested in is the spacing inside the abbreviation for the book.

Here's how it works:

"F. Supp. 2d" consists of three abbreviations:

F.	=	Federal
Supp.	=	Supplement
2d	=	second series

F.	--	is a single-letter abbreviation
Supp.	--	is a multiple-letter abbreviation
2d	--	is an ordinal, and therefore a single-letter abbreviation

If you have two single-letter abbreviations back to back, there would be no space between them.

Example: A.L.R.

These are three single-letter abbreviations, so no spaces.

"F. Supp. 2d," however, has a multiple-letter abbreviation in the middle. The multiple-letter abbreviation has to have a space before it (between it and "F.") and one after it (between it and "2d"). That's why it is spaced this way:

F. Supp. 2d

However, look at this case cite: **88 F.2d 99**

F.	=	Federal (the abbreviation for <i>Federal Reporter</i>)
2d	=	Second Series

"F." and "2d" are both single-letter abbreviations, so no spaces between them. That's why it is spaced this way:

F.2d

The abbreviation for *American Law Reports - Federal* is **A.L.R. Fed.**

"A.L.R." consists of three single-letter abbreviations, so no spaces between them. But "Fed." is a multiple-letter abbreviation, so there must be a space both before it and after it. It automatically has a space after it because there's always going to be a space before the page number. Don't double up the spaces. Just one before the page number is enough, thus:

77 A.L.R. Fed. 88

But the abbreviation for *American Law Reports - Federal, Second Series* is:

A.L.R. Fed. 2d

so the cite with volume and page becomes:

33 A.L.R. Fed. 2d 50

The abbreviation for *Pacific Reporter* is "P." No spaces to worry about. But for *Pacific Reporter, Second Series* it is "P.2d" No spaces because both "P." and "2d" are single-letter abbreviations.

(There is one exception to this rule, but it applies only to periodical titles, so we'll cover it when we cover periodicals.)

b. Textual versus Non-Textual Citations

First, you need to know the difference between a textual cite and a non-textual cite.

A textual cite is a cite that is part of a sentence.

A non-textual cite is a cite that follows the end of a sentence.

Look at this example from a memo or brief:

Most cases are similar to NLRB v. Monsanto Chemical Co., 225 F.2d 16, 22 (9th Cir. 1995), in which the court held that a non-solicitation rule was valid. This is the most common application of the rule. However, one court reached a contrary result. Hutzler Bros. Constr. Co. v. NLRB, 630 F.2d 1012, 1017 (4th Cir. 1980).

In the first sentence, NLRB v. Monsanto Chemical Co. is cited in the middle of the sentence. The writer intends that you read it (at least the name of the case) as you read the sentence. This is a "textual cite."

There is no cite in the second sentence. However, after the sentence ended, the writer cited Hutzler Brothers Constr. Co. v. NLRB. The writer does not intend you to read it as part of the sentence, and, in fact, most people just skip over it when reading. If they need to see what case was cited, they'll come back to it later. This is a "non-textual cite."

Notice that more of the words in the second cite have been abbreviated than in the first cite.

Here's the essence of the rule:

Textual Cites: Use the light abbreviation method.

Non-Textual Cites: Use the heavy abbreviation method.

Now let's see what those two abbreviation methods require or permit.

The light abbreviation method:

In a textual cite, you may abbreviate only certain words:

Widely Known Acronyms (like NLRB, NASA, CIA, FBI, IBM)	
Association	(Ass'n)
Brothers	(Bros.)
Company	(Co.)
Corporation	(Corp.)
Incorporated	(Inc.)
Limited	(Ltd.)
Number	(No.)
and	(&)

Do not, however, abbreviate any of these words if they are the first word in the party's name. Under the light abbreviation method, these are the only words you're permitted to abbreviate.

The heavy abbreviation method:

You can abbreviate all the words from the light abbreviation method

AND

You can abbreviate any words in Table 6 in *The Bluebook*, provided you abbreviate them the way the table says to.

You can also abbreviate long words that aren't in Table 6, provided you can do it in a way that saves substantial space (more than one or two letters) AND in a way that is not confusing. I recommend just ignoring this part of the rule for now. Stick to the listed words and Table 6 and you'll do just fine. You'll never get in trouble for not abbreviating a word that's not listed and not in Table 6!

Summary:

Textual Cites: Don't abbreviate anything not on the list!

Non-Textual Cites: Abbreviate anything on the list and in Table 6.

Chapter 3: Statutes

Bluebook rules 12 & B5

Statutes are published in three ways—slip laws, session laws, and codes—so there are three different ways to cite them. There are also some combination cites you need to know about.

a. Federal

A full citation to a federal statute has three parts:

1. The official name of the act;
2. The published source where the act can be found; and
3. A parenthetical.

This applies whether you're citing to a slip law, session law, code, or a combination.

If the act has no official name, identify the act with a full date: "Act of [date of enactment]" or "Act of [date of effectiveness]." For Example:

"Act of July 1, 2004"

After the first full cite, you can drop the name of the Act.

Slip Laws:

Cite to slip laws only when the statute is so new it hasn't been published in the session laws yet.

Voting Rights Act, Pub. L. No. 101-130 (2015).

Session Laws:

Cite to the session laws (*Statutes at Large*) when the act hasn't been codified yet. You would also cite to the session laws when discussing the law historically. For example, if the law has been changed since the original enactment, you could cite to the session laws to show the original language.

Federal Advisory Committee Act, Pub. L. No. 92-463, 86 Stat. 770 (1972).

If the Act has a date in its title, don't include the year in a parenthetical. For example:

Federal Advisory Committee Act of 1972, Pub. L. No. 92-463, 86 Stat. 770.

Codes - Print

The Bluebook requires you to cite to U.S.C. when the law has been published there. If it hasn't, then cite to U.S.C.A. or U.S.C.S. In reality, almost no one really cares which version of the code you cite to.

Eastern Utah Conservation Act, 16 U.S.C. § 3401 (2006).
Eastern Utah Conservation Act, 16 U.S.C.A. § 3401 (West 2013).
Eastern Utah Conservation Act, 16 U.S.C.S. § 3401 (LexisNexis 2012).

You're probably wondering why the dates in the parentheses are different.

The date for the U.S.C. is the date of the Code. The U.S.C. is published only every six years, so the date is going to fall on one of those six year sets (1988, 1994, 2000, 2006, 2012, etc.).

The dates for the U.S.C.A. and U.S.C.S. are the copyright dates of the volumes. Each publisher produces replacement volumes according to its own schedule, so the dates will differ. The volume dates will even differ significantly within the set.

If the section you're citing to is new and has been codified but hasn't yet made it into the main volume, you have to tell the reader where to find it.

New law codified but not yet in the main volume:

47 U.S.C. § 303 (Supp. II 2008).
47 U.S.C.A. § 303 (West Supp. 2012).
47 U.S.C.S. § 303 (LexisNexis Supp. 2011).

Sometimes you want to cite to something that is partly in the main volume and partly in the supplement. Again, you have to tell the reader everywhere to look to find it:

47 U.S.C. § 303(a)-(d) (2006 & Supp. II 2008).
47 U.S.C.A. § 303(a)-(d) (West 2008 & Supp. 2012).
47 U.S.C.S. § 303(a)-(d) (LexisNexis 2011 & Supp. 2012).

Sometimes the law has recently been amended and the new language hasn't been codified yet. In that case you cite to both the code and to the slip law or session law so the reader can find it all:

47 U.S.C. § 303 (2006), *as amended by* National Cable TV Act of 2014, Pub. L. No. 107-465, 109 Stat. 111.

(Notice that "as amended by" is italicized, or could be underlined.)

Don't let these complicated-looking cites scare you. Most of your citing will be done to online sources that are updated almost immediately, so you're unlikely to need these. However, just in case, I'm showing you the basic formats so you'll be able to do it if you have to. The same basic updating format will apply to state statutes as well.

b. States

Every state is different. Use the jurisdictional tables to see how to cite statutes from other states. Here we'll look specifically at **Utah** statutes.

Session Laws

New statutes are compiled in a publication called *Laws of Utah*.

<Act Name>, <year> Utah Laws <page no.>

Example:

Utah Public Pamphletting Act, 2011 Utah Laws 3202.

Code

Print Format

<Act name>, Utah Code Ann. § x-x-x (<publisher> <year>)

West: Utah Public Pamphletting Act, Utah Code Ann. § 17-2-304 (West 2012).

Lexis: Utah Public Pamphletting Act, Utah Code Ann. § 17-2-304 (LexisNexis 2013).

c. Online Codes (Federal & State)

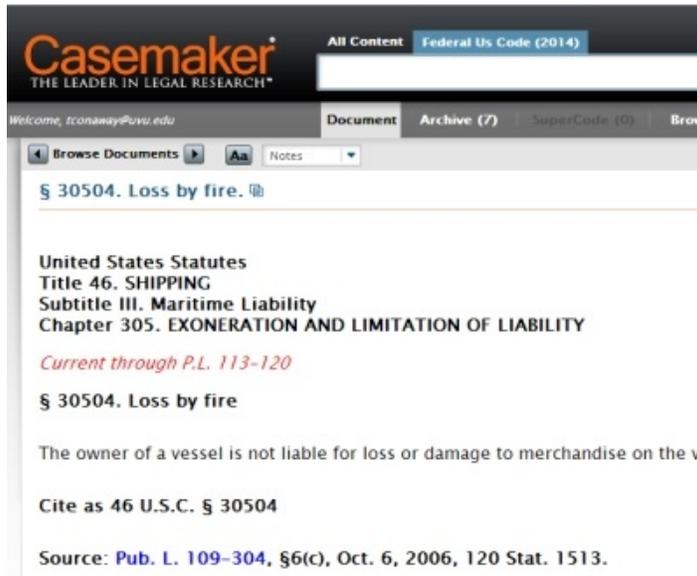
A special rule applies when you're using online sources to do your research. Rule 12.5(a) says in part:

When citing a code contained in an electronic database, give parenthetically the name of the database and information regarding the currency of the database as provided by the database itself (rather than the year of the code according to rule 12.3.2). In accordance with rule 12.3.1(d), also give the name of the publisher, editor, or compiler unless the code is published, edited, compiled by, or under the supervision of, federal or state officials.

This rule affects only the parenthetical in your citation. Whatever source you're using (Casemaker, Westlaw, etc.) will give you "currentness" information.

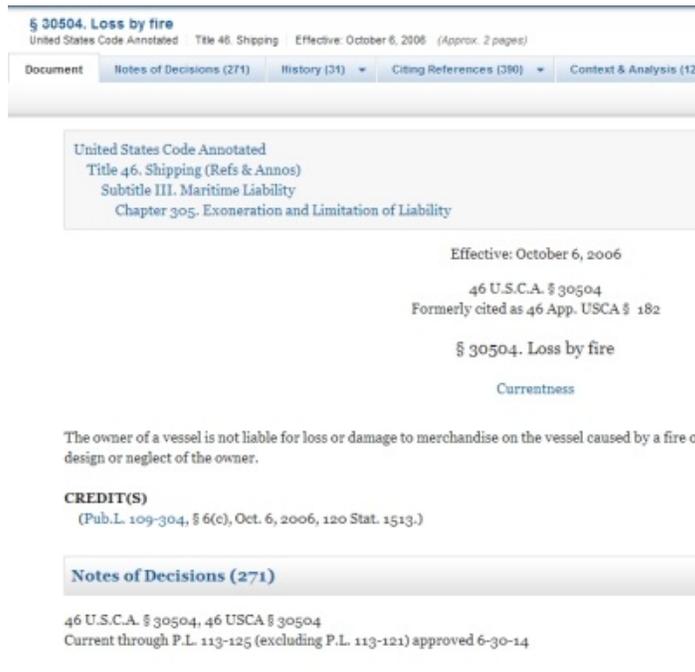
Here's how it works. Imagine that a statute was enacted in 2010 and put in the database. Today is September 1, 2015, and you find the statute. You want to know when the database was last updated. If it hasn't been updated since 2010, how do you know whether the statute you're reading is still correct? Maybe it's been amended.

When you read a section of the U.S. Code on Casemaker, it will look like this:



See where it says "Current through P.L. 113-120"? That's telling you that any changes made to this section up through Public Law Number 113-120 are reflected in the database. To be completely up-to-date, you would need to check other sources to see whether there are any slip laws newer than 113-120 and, if so, read them to see if they affect this section of the code.

Here is what the same section looks like on Westlaw:



Notice where it says "Currentness"? If this were a long section, you'd want to click on that, and it would take you to the currentness info. This is a short section so all you have to do is look at the bottom of the page. It says "Current through PL 113-125." So Westlaw is a little more up-to-date than Casemaker.

However you get the currentness information, you use it to write your cite. Here's what the cites would look like:

46 U.S.C. § 30540 (Casemaker through P.L. 113-120).

46 U.S.C.A. § 30540 (West, Westlaw through P.L. 113-125).

46 U.S.C.S. § 30540 (Lexis through P.L. 113-115).

Without the currentness information, the reader won't know how up-to-date your information is.

[Page intentionally blank]

Chapter 4: Regulations

Citing administrative material can be very complicated if only because of the number of different types of material that can be cited. However, for *Just Enough Bluebook*, it's sufficient to know the basic formats of two types of cites: (1) the administrative register (where proposed and final regulations are published); and (2) the codified rules and regulations.

For detailed information about citing administrative and executive materials, consult Rule 14 in *The Bluebook*.

a. Federal

1. Federal Register

- a. Sample for final rule or regulation that will later appear in the *Code of Federal Regulations*:

Importation of Fruits and Vegetables, 60 Fed. Reg. 50,379 (September 29, 1995) (to be codified at 7 C.F.R. pt. 300).

- b. Sample for proposed rule or regulation:

Control of Air Pollution from New Motor Vehicles and New Motor Vehicle Engines, 56 Fed. Reg. 9754 (proposed Mar. 7, 1991) (to be codified at 40 C.F.R. pt. 86).

- c. Sample for material that will not appear later in the *Code of Federal Regulations*:

Meeting Notice, 65 Fed. Reg. 3415 (Jan. 1, 2000).

2. Code of Federal Regulations

Once a rule or regulation has been published in C.F.R., you should cite to C.F.R.

17 C.F.R. § 319.76 (2012).

b. States

Every state is different. Consult each state's individual table to see how to cite that state's sources. Another good source (for both state and federal material) is Cornell's website: <https://www.law.cornell.edu/citation/3-400.htm>

Citing Utah Administrative Material

a. *Utah State Bulletin*

<iss. no.> Utah Bull. <page no.> (<month day, year>).

2012 Utah Bull. 84 (June 3, 2012).

b. *Utah Administrative Code*

Utah Admin. Code r. x-x-x (<year>).

Utah Admin. Code r. 15-34-6 (2012).

Chapter 5: Cases

a. Basics of Case Citing

The basic case cite consists of three parts:

1. Case Name
2. Location Information
3. Parenthetical

Look at this case cite: Smith v. Jones, 88 P.3d 44 (Utah 2001)

Case name: Smith v. Jones
Location Info: 88 P.3d 44
Parenthetical: (Utah 2001)

We're going to start with parts 2 and 3. We'll come back to part 1 later.

Location Information

Location information is the **name of the reporter** (as abbreviated), **the volume of the reporter**, and the **page number** where the case begins. It follows this format:

<volume number> <abbreviation for reporter> <page number>

There's always going to be a space between each part. The Abbreviation Spacing Rule governs the spacing within the book's abbreviation.

The Parenthetical

The parenthetical contains two things:

1. **Identification of the court (if it is necessary).**
2. **Date the case was decided.**

The "if it is necessary" part can be confusing.

When is it necessary?

Whenever the name of the reporter doesn't tell you what court decided the case.

For example:

If the reporter is "U.S.," you know that is the abbreviation for *United States Reports*. You know that the only court whose opinions are published in "U.S." is the U.S. Supreme Court. Thus, you don't need to put an abbreviation for the court in the parenthetical because the reporter tells you what court it is.

However, suppose the reporter was "P.2d"? You know that the opinions of many courts are published in P.2d, so you must have an abbreviation for the court in the parenthetical.

What if the reporter is "F. Supp. 2d"? You know it's the U.S. District Court, but you don't know which one, so you must include the court in the parenthetical.

What if the reporter is "F.3d"? You know it's the U.S. Court of Appeals, but you don't know which circuit, so you must include the court in the parenthetical.

These rules are very straightforward; it's just a matter of remembering them and applying them correctly.

b. Case Names

There are many, many rules about how to cite case names. We're going to cover the most basic. If you find something beyond the scope of these basic rules, do the best you can and if perfect *Bluebook* cites are important to whatever you're doing, don't hesitate to call a law librarian at the U of U or BYU to ask for help. Sometimes even the law librarians have to make an educated guess.

(Another trick if you're not sure is to see if any law review articles have cited the case. Cite it the way a law review article does and you'll be fairly safe.)

CASE NAMES ARE ALWAYS ITALICIZED OR UNDERLINED. Whichever method you decide to use (italics or underlining), do it consistently throughout the paper. Don't combine methods!

- 1. Individuals:** Use the surname of the **first party** on each side. Drop designations such as Jr., Sr., or III, and descriptive terms like Defendant, Trustee, President of the United States, etc.

Tom Smith v. Joe Jones	becomes	<u>Smith v. Jones</u>
Tom Smith, Jr. v. Joe Jones	becomes	<u>Smith v. Jones</u>
Tom Smith-Brown v. Joe Jones	becomes	<u>Smith-Brown v. Jones</u>
Tom Smith & Al Scott v. Joe Jones	becomes	<u>Smith v. Jones</u>
Tom Smith, et al. v. Joe Jones	becomes	<u>Smith v. Jones</u>
Tom Smith, plaintiff v. Joe Jones, defendant	becomes	<u>Smith v. Jones</u>

- 2. Businesses:** Use the business's full name and its business designation. However, if it has more than one business designation, drop the second one.

Orem Window Company	becomes	Orem Window Co.
Orem Window Company, Inc.	becomes	Orem Window Co.
John Smith, Inc.	becomes	John Smith, Inc.
John Smith d/b/a Orem Window Co.	becomes	Smith

3. Consolidated Cases: Use just the first action.

Tom Smith v. Joe Jones
&
Orem Window Co. v. Fred Brown becomes Smith v. Jones

4. Procedural Phrases: Include procedural phrases and abbreviate them as indicated, and underline the abbreviation.

"on the relation of"
"for the use of"
"on behalf of"
"as next friend of" are abbreviated as ex rel.

So, for example:

State of Tennessee on behalf of Tom Smith v. Fred Jones

Becomes

Tennessee ex rel. Smith v. Jones

or

State ex rel. Smith v. Jones

(Whether you use "Tennessee" or "State" depends on another rule that we'll cover shortly.)

"In the matter of"
"Petition of"
"Application of" are abbreviated as In re

So, for example:

Petition of Fred Jones becomes In re Jones

"Estate of" depends on whether it is with or without an adverse party.

Estate of Fred Jones becomes In re Estate of Jones
Estate of Fred Jones v. Smith becomes Estate of Jones v. Smith

Ex parte Fred Jones becomes Ex parte Jones

5. Geographical Terms: There are several rules regarding geographical terms in case names. How you use them depends on whether the party is a municipality, state, the U.S. government, or a non-governmental agency. I'll cover states later. Here are the rules for the other three:

a. Municipalities: Omit "County of," "City of," or "Town of" unless it is the beginning of the party's name.

Mayor of the City of Orem becomes Mayor of Orem
City of Orem becomes City of Orem

This part is difficult: Omit all prepositional phrases of location not following one of the municipality designations (City of, County of, etc.) unless omitting it would leave only one word in the name of a party, or the location is part of the full name of a business or similar entity:

Brown v. Board of Overseers of the Port of Baltimore
Becomes....Brown v. Board of Overseers

Planned Parenthood of Salt Lake City v. Brown
Stays the same (Prepositional phrase of location is part of name.)

Bank of Provo v. Brown
Stays the same. (Omitting "of Provo" would leave just "Bank.")

b. National Governments:

1. Drop "America" after "United States."
2. If "United States" is the entire name of the party (after applying 1), do **not** abbreviate it.
3. Include both "United States" and the name of the unit, department, or agency. Abbreviate "United States" to "U.S."

United States of America becomes United States v. Smith
United States Department of Energy becomes U.S. Department of Energy

4. Include designations of national or larger geographical areas except in union names (see rule for union names) or for the USA (see above).

Brown v. Republic of Iran stays the same
Brown v. Aluminum Co. of America stays the same

c. Non-governmental entities: Include the name of the entity but omit any prepositional phrase indicating the geographic location of the entity, except when:

1. Omitting the prepositional phrase would leave only one word in the entity's name; or
2. The location is the full name of the entity.

Archway Campers Society of St. George, Utah
becomes Archway Campers Society

Campers of Utah remains Campers of Utah

Camping Supplies of Utah, Inc. remains Camping Supplies of Utah, Inc.

d. Geographical designations that follow a comma: Omit all geographical designations that follow a comma:

City of Orem, Utah v. Brown becomes City of Orem v. Brown

6. **Unions:** Labor union names can be quite long and often combine local and national union names.

- a. Generally, use the **smallest unit** that accurately describes the union. Include the name of the local union, if applicable.

Plumbers International Brotherhood Local 15, AFL-CIO

becomes Plumbers International Brotherhood Local 15

- b. If the union has several different industries and crafts in the name, include only the **first industry or craft** listed.

Plumbers, Electricians, and Carpenters Brotherhood Local 15, AFL-CIO

becomes Plumbers Brotherhood Local 15

7. **States:** Some states refer to themselves as "State of," some refer to themselves as "Commonwealth of," and some refer to themselves as "The People of."

For Example: The State of Utah
The Commonwealth of Virginia
The People of New Mexico

There are four Commonwealths: Virginia, Pennsylvania, Massachusetts, and Kentucky.

Don't worry. You don't have to guess or memorize which state is which. You'll know which to use because it'll be in the case name.

The hard part is knowing when to refer to the state by its actual name (e.g., Utah), and when to refer to it by its chosen designation (e.g., State).

To know which to use, you have to know what court decided the case.

Federal Courts: If the case was decided by a federal court, use the state's name.

Utah v. Jones
Virginia v. Jones
California v. Jones
Arizona v. California

State Courts: Now it depends on whether the case is from a state court of the state that is a party, or from some other state's court.

- a. **From that state's courts:** If the case was decided by the state courts of the state that is a party, use the state's chosen designation.

For example:

If the case name is State of Utah v. Robert Jones . . .
And the case was decided by a Utah state court . . .
The name of the case for citing purposes is . . .
State v. Jones

If the case name is Commonwealth of Virginia v. Robert Jones . . .
And the case was decided by a Virginia state court . . .
The name of the case for citing purposes is . . .
Commonwealth v. Jones

If the case name is The People of California v. Robert Jones . . .
And the case was decided by a California state court . . .
The name of the case for citing purposes is . . .
People v. Jones

- b. **From some other state's courts:** Suppose the State of Utah had to sue someone in the state courts of Colorado for some reason. Now the case is not in the courts of Utah. In that instance, use the state's name, not its designation.

State of Utah v. Robert Jones
decided by a Colorado state court
becomes
Utah v. Jones

c. Pinpoint Citing

Sometimes you cite to an authority in general (e.g., the entire case). Other times you want to direct your reader to the specific page number, section number, or footnote where he can find the cited material. This is called "pinpoint citing."

How you pinpoint depends on what you're citing to. We'll assume for now that you're citing to pages in cases.

This is what a pinpoint cite to a case would look like:

Smith v. Jones, 88 U.S. 44, 49 (2001)

The case begins on page 44, but the material you're citing the case for is on page 49. Easy peezy.

Here's how you refer your reader to multiple consecutive pages.

Smith v. Jones, 88 U.S. 44, 49-52 (2001)

And here's how you refer your reader to multiple non-consecutive pages.

Smith v. Jones, 88 U.S. 44, 49, 56 (2001)

Don't pinpoint cite unless you are either quoting from or referring to material on a specific page or pages. If you're just referring to the case in general, leave off the pinpoint.

See the next section for how to pinpoint cite when parallel citing.

d. Parallel Citing

Sometimes you might have to cite to more than one reporter when citing a case.

In the Old Days, *The Bluebook* required you to cite to both the official reporter (if there was one) AND to the regional reporter.

Today, however, *The Bluebook* requires you to cite only to the regional reporter for state cases. That's easy.

You still need to know how to cite to both reporters in one cite, because sometimes the **local rules of court** require it. Or, you might need to parallel cite out of **courtesy** to your judge or the opposing counsel. You know that they have access to the official reporter and not the regional reporter, so to be polite, you parallel cite to both. (Westlaw makes this possible by providing you the pages for both. You'll see how when we start using Westlaw.)

Here's ***The Bluebook* rule** for citing a Tennessee case:

Smith v. Jones, 88 S.W.2d 44 (Tenn. 1944).

If **local court rules** required it, you would parallel cite the same case this way:

Smith v. Jones, 103 Tenn. 320, 88 S.W.2d 44 (1944).

If you were **pinpointing in a parallel cite**, it would look like this:

Smith v. Jones, 103 Tenn. 320, 325, 88 S.W.2d 44, 53 (1944).

Parallel citing isn't an issue for federal cases. However, there is one type of federal cite you should be aware of.

The Bluebook requires that when citing to a U.S. Supreme Court case, you cite to the official reporter:

Smith v. Jones, 99 U.S. 44 (1999).

However, most people don't have the official reporter. Most have the West reporter. If you know the judge or opposing counsel is using the West reporter, you might want to parallel cite. (If you know they have the Lexis reporter, include it instead.)

Smith v. Jones, 99 U.S. 44, 74 S. Ct. 55 (1954).

NOTICE: The official reporter always goes first!

e. Utah Public Domain Citing

Some state court rules require you to use public domain cites for cases in documents submitted to the courts. You should also use them when preparing materials for use in your office so that your lawyer has the public domain citations available when he or she needs them.

In Utah, public domain citing is mandated by Utah Supreme Court Standing Order No. 4 for published opinions released on or after 1/1/1999.

The following are examples of an initial citation to a Utah Supreme Court opinion or a Utah Court of Appeals opinion issued on or after January 1, 1999 (using fictitious decisions):

Before publication in *Utah Advanced Reports*:

Smith v. Jones, 1999 UT 16.
Smith v. Jones, 1999 UT App 16.

Before publication in *Pacific Reporter* but after publication in *Utah Advance Reports*:

Smith v. Jones, 1999 UT 16, 380 Utah Adv. Rep. 24.
Smith v. Jones, 1999 UT App 16, 380 Utah Adv. Rep. 24.

After publication in *Pacific Reporter*:

Smith v. Jones, 1999 UT 16, 998 P.2d 250.
Smith v. Jones, 1999 UT App 16, 998 P.2d 250.

The following are examples of a pinpoint citation to a Utah Supreme Court opinion or a Utah Court of Appeals opinion issued on or after January 1, 1999:

Before publication in *Utah Advance Reports*:

Smith v. Jones, 1999 UT 16, ¶ 21.
Smith v. Jones, 1999 UT App 16, ¶ 21.
Smith v. Jones, 1999 UT App 16, ¶¶ 21-25.

Before publication in *Pacific Reporter* but after publication in *Utah Advance Reports*:

Smith v. Jones, 1999 UT 16, ¶ 21, 380 Utah Adv. Rep. 24.
Smith v. Jones, 1999 UT App 16, ¶ 21, 380 Utah Adv. Rep. 24.

After publication in *Pacific Reporter*:

Smith v. Jones, 1999 UT 16, ¶ 21, 998 P.2d 250.
Smith v. Jones, 1999 UT App 16, ¶ 21, 998 P.2d 250.

If the immediately preceding authority is a post-January 1, 1999, opinion, cite to the paragraph number:

Id. ¶ 15.

Chapter 6: Secondary Sources

a. Legal Encyclopedias

<vol.> <source> <Topic Name> § <sec. #> <(vol. copyright date)>

34 C.J.S. Homicide § 653 (2013)

16 Am. Jur. 2d Homicide § 235 (2012)

b. American Law Reports - Annotations

<author>, Annotation, <Title of Annotation>, <vol.> <source> <page> <(vol. copyright date)>

Thomas Jones, Annotation, Liability of Gas Company for Damage Resulting from Failure to Inspect or Supervise Work of Contractors Digging near Gas Pipelines, 103 A.L.R.6th 305 (2012).

Early annotations did not include authors. In those instances, the cite begins with "Annotation."

c. Legal Periodicals

1. Law Reviews & Law Journals

Law reviews are scholarly law journals. By definition, law reviews are published by law schools. Some call themselves "Journal," like "Yale Law Journal," but generically they are called law reviews. To complicate things further, there are scholarly law journals that aren't law reviews. That is to say, they aren't published by law schools. It doesn't really matter. They're both legal periodicals, and cited the same way.

In law reviews, the manner of citing depends on whether the author is a scholar or a student.

Scholar author:

<author>, <Title of Article>, <vol.> <source> <page> <(year)>

Thomas Jones, Liability of Gas Company for Damage Resulting from Failure to Inspect or Supervise Work of Contractors Digging near Gas Pipelines, 77 Wyo. L. Rev. 840 (2013).

Student author:

<author>, <type of student article>, <Title of Article>, <vol.> <source> <page>
<(year)>

Thomas Jones, Comment, Liability of Gas Company for Damage Resulting from Failure to Inspect or Supervise Work of Contractors Digging near Gas Pipelines, 77 Utah L. Rev. 840 (2013).

Thomas Jones, Note, Liability of Gas Company for Damage Resulting from Failure to Inspect or Supervise Work of Contractors Digging near Gas Pipelines, 77 Utah L. Rev. 840 (2013).

This can be a little confusing when the author is a student, but not at the law school whose law review is publishing the article, or when the article is published in a law journal that is not a law review.

Suppose, for example, that Thomas Jones is a law student at the University of Utah law school, but publishes an article in the *Wyoming Law Review*. Is he a student or a scholar? Or, he's a law student but publishes an article in the *Journal of College & University Law* (which is a law journal, not a law review).

Take a hint from the journal itself. If it calls the article a "Comment" or a "Note," then follow the student author rule. If it doesn't, then follow the scholar author rule.

Abbreviating the Law Review/Journal Title:

Use Table 13 to construct an abbreviation for the law review or law journal title. If a word in an institutional name is not listed in these tables, use the full word in the title abbreviation. Example: "La Verne" as in the University of La Verne is not listed. The abbreviation for the title would be "La Verne L. Rev."

2. Bar Publications

Here we're interested mainly in the monthly or bi-monthly magazines many bar associations publish. For example, the Utah Bar Association publishes the *Utah Bar Journal*.

Bar journals are not cumulatively paginated, which means that every issue begins with page 1. Here is how they are cited:

Rachel M. Naegeli, *Help your MLM Client Avoid Legal Pitfalls When Expanding Internationally*, Utah Bar Journal, Jan./Feb. 2016, at 10-16.

Remember: If your assignment is to find a law review article, a bar journal article is not one. Learn to recognize the difference.

Abbreviation Spacing Rule Exception: Remember that I mentioned that there is one exception to the Abbreviation Spacing Rule and it applies **only to the titles of periodicals?** Here it is:

When the title contains the name of an “institutional entity,” separate it from the next part of the abbreviation with a space.

Example: Suppose you’re citing an article from the *Boston College Law Review*. Applying the rule as we learned it earlier, the abbreviation would be:

B.C.L. Rev.

But, Boston College is an institutional entity. Thus, the abbreviation should be:

B.C. L. Rev.

Put a space after the abbreviation for the name of the institutional entity (“B.C.”), and before the next part of the abbreviation (“L.”).

Here’s an example for *New York University Law Review*:

Instead of:	N.Y.U.L. Rev.
Use:	N.Y.U. L. Rev.

Note the space after “N.Y.U.” and before “L.” for “Law.”

d. Treatises

Citing treatises is complicated because there are so many different types. There are monographs (single volume books), there are multiple volume sets, there are single-author books and multiple-author books. There are books that have no author but have one or more editors. There are books written by a person long deceased that are now edited by someone else. There are books that are not updated, books that are updated with replacement pages, and books that are updated with supplements. There are books that you cite by page number and books that you cite by section numbers.

So what should you do? If possible, consult Rule 15 in *The Bluebook*. Otherwise, use one of the basic cites below as a foundation and construct an understandable citation.

Here are two basic pinpoint citation formats for treatises:

Susan K. Stone, *Politics & Justice: Reflections on Law* 78 (1999)

21 Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1006 (2d ed. 1987)

[That’s volume 21 of the set, section 1006.]

e. Litigation Aids

I'm cheating here a little bit. I'm going to show you a way to cite three very useful books that technically are treatises. I call them "Litigation Aids" because they are very helpful if you're preparing a case for litigation. Because they're technically treatises, they can be a pain to cite. There's no reason why you would need to cite these in practice, so I'm going to have you cite them a certain way just for me. Let's cite them the same way you would cite American Law Reports. This may not be *Bluebook*, but I don't think anyone will notice or care.

Elizabeth O'Connor Tomlinson, *Proof of Violation of Fair Credit Billing Act Based on Billing Error*, 151 Am. Jur. Proof of Facts 3d 275 (2015).

Theodore Z. Wyman, *Cause of Action for Loss of Sibling Consortium*, 70 Causes of Action 2d 193 (2015).

Adam P. Karp, *Use of Force Against and by Animals*, 141 Am. Jur. Trials 1 (2015).

Just don't put "annotation" after the author!

Chapter 7: Citing Internet Sources

There are so many kinds of internet sources (web pages, blogs, newspapers, etc.) that there are too many rules to include in *JEBB*. The 20th edition of *The Bluebook* is the first edition to include extensive rules. You will need to consult it.

I will address this in the next issue of *JEBB*, after I've had time to digest the new rules.

Chapter 8: Charts

Federal and State Jurisdictional Charts

This is the MOST important of the charts.
(Table 1 in *The Bluebook*)

Approved Abbreviations for Case Names in Non-Textual Cites

(Table 6 in *The Bluebook*)

Approved Abbreviations for Explanatory Phases

(Table 8 in *The Bluebook*)

Periodicals

(Table 13 in *The Bluebook*)