ALWD Citation Manual: A Grammar Guide to the Language of Legal Citation

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I. INTRODUCTION

In 2000, when the ALWD Citation Manual: A Professional System of Citation was released, the battle with The Bluebook: A Uniform System of Citation for sovereignty over the world of legal citation began. The battle polarized the legal writing community. Lines were drawn in the sand. Sides were taken—revolutionaries supported the adoption of this new citation manual, and loyalists remained true to the Bluebook.

While many legal writing professionals stood by the Bluebook, some did so not because they believed it to be a better citation manual, but because they had adopted a “wait and see approach.” The fear was that the ALWD Manual would go the way of the Maroonbook or the dinosaur. True Bluebook loyalists, however, loudly criticized the new manual for certain
relatively minor citation differences and, apparently, because it simply was not the Bluebook.

On the other hand, the revolutionaries supporting the ALWD Manual pointed out that the Bluebook had been repeatedly criticized for being cumbersome to use; lacking uniformity; requiring different typeface conventions for law review footnotes, as opposed to the text of other legal documents; failing to address common concerns expressed by members of the legal community; and altering the rules and meanings for signals. Furthermore, they voiced dissatisfaction with the fact "that students at select law reviews have the ability to dictate, often arbitrarily, the citation format to be used by practitioners and academicians without input from these critically affected groups." This reaction was similar to the principle of "no

5. These loyalists seemed to employ the "if it's not broken, don't fix it" approach of which Collins warns her reader. Maureen B. Collins, Blueblood's Bluebook, http://www.law.com (July 25, 2002) (article is on file with the author).

6. In addition to the more specific criticisms discussed later, many individuals have voiced general dissatisfaction with the Bluebook. See e.g., Robert Berring, The Bluebook: A Sixty-five Year Retrospective, vol. 2 intro. A, V (William S. Hein & Co., Inc. 1998) ("The Uniform System of Citation has inflicted more pain on more law students than any other publication in legal history.").

7. James D. Gordon Ill, Oh No! A New Bluebook?, 90 Mich. L. Rev. 1698, 1698 (1992) (book review) ("The title, A Uniform System of Citation, has always been somewhat odd. The system is hardly uniform, and the book governs style as well as citations.").

8. See A. Darby Dickerson, An Un-Uniform System of Citation: Surviving With the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form), 26 Stetson L. Rev. 53, 95–96 (1996) (The Bluebook provides two separate citation forms—one form for citations in academic publications and another form for citations in office memoranda and court documents).


10. Weresh, supra n. 3, at 784. As one commentator complained, [Editors of the Bluebook are] mere neophytes to the world they are regulating. Although very intelligent and capable, these students have, at most, a summer or two of clerking with a legal employer. Yet, these students provide the rules that will govern the most experienced lawyers, judges and law professors. As a result, often times the rules that appear in new editions are shunned and ignored by the profession as technical details ignorant of the workings of legal practice.

Hurt, supra n. 2, at 1264; see also Peter Phillips, Book Note, 32 N.Y.L. Sch. L. Rev. 199, 202 (1987) ("I shudder to think that we are all kowtowing to a group of law students who apparently really do get out of bed in the morning and say to themselves, 'I think I'll set down an arbitrary rule and change American jurisprudence—and actually proceed to do so!'"). Another critic of the Bluebook aptly articulated the level of dissatisfaction when she referred to
taxation without representation" that the American colonists espoused prior to the American Revolution.¹¹

Those supporting the ALWD Manual noted that it was more visually appealing than the Bluebook¹² and was authored by Darby Dickerson, "a noted expert on legal citation,"¹³ in conjunction with the Association of Legal Writing Directors.¹⁴ The revolutionaries cheered that the new manual was geared toward practitioners rather than law review editors.¹⁵ These individuals also explained that the ALWD Manual retained the traditional signals as well as the traditional meanings attributed to those signals.¹⁶ Additionally, the proponents of the new manual trumpeted that it was a "teaching tool" in ways that the Bluebook was not.¹⁷

The ALWD Manual certainly is easier on the eyes than the Bluebook. Furthermore, a legal citation manual that is to be used by practitioners should be geared toward practitioners. However, do the features added to the new citation manual truly make it a better tool for teaching legal citation to law students? Do those features make a noticeable difference when trying to make citation more accessible to students?

In late 2002, the second edition of the ALWD Manual was released.¹⁸ The fact that the new manual has flourished for three years and has gone

the Bluebook citation system as "a cruel form of torture perpetrated on unsuspecting lawyers by Ivy Leaguers with a twisted sense of humor." Collins, supra n. 5.

11. Alex Glashausser, Citation and Representation, 55 Vand. L. Rev. 59, 70 (2002).


13. Wayne Schiess, Meet ALWD: The New Citation Manual, 64 Tex. B. J. 911, 913 (2001). Dickerson is the director of the legal writing program, as well as the dean, at Stetson University College of Law. Dickerson to Lead Stetson, 31 Fla. B. News 17, 17 (March 1, 2004).

14. The Association of Legal Writing Directors, otherwise known as ALWD, is a group that "has more than 200 members from approximately 150 law schools and is a 'professional association of program directors for legal research, writing, analysis, and advocacy curricula from law schools throughout the United States, Canada, and Australia.'" Schiess, supra n. 13, at 913 n.1.

15. Carol M. Bast & Susan Harell, Has the Bluebook Met Its Match? The ALWD Citation Manual, 92 Law Lib. J. 337, 348 (2000); see also Collins, supra n. 5; Steven D. Jamar, The ALWD Citation Manual: A Professional Citation System for the Law, 8 Persp. 65, 65 (2000) (available at http://www.law.howard.edu/faculty/pages/jamar/scholarship/alwdciterev.htm); Kaufman, supra n. 12, at 675.


17. Bast & Harell, supra n. 15, at 348–49.

18. Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Man-
into another edition indicates that it is not likely to disappear into the vast wasteland of dusty bookshelves. The questions, therefore, concerning whether, how, and why the *ALWD Manual* makes the process of learning citation easier remains a legitimate concern. Thus, this article examines the differences between the two manuals, the goals of legal citation, the usefulness of each manual as a tool for teaching legal citation, and whether its usefulness as a teaching tool affects the *Bluebook*'s or the would-be usurper's ability to meet the goals of legal citation.

This article concludes that citations are more than simply a means of attributing a proposition to its source, allowing the reader to locate that source, and indicating the weight to be attributed to that source. Legal citation is also a language—it can be used to communicate ideas to the reader, and it also has its own grammar that must be mastered in order to communicate effectively.\(^\text{19}\) A legal citation manual, therefore, must do more than provide a standard for citation and catalogue accepted citation practices. A citation manual must serve as a tool for teaching law students the language of legal citation—it must act as a sort of grammar book for that language.\(^\text{20}\) The student editors of the *Bluebook* fail to recognize the language-like aspects of citation; thus, the *Bluebook* was not designed to serve as a “grammar book” to citation.\(^\text{21}\) The authors of the *ALWD Manual*, on the other hand, appear to recognize the communicative aspects of legal citation and also recognize that law students tend to view citation as a foreign language. Thus, the authors of the new manual designed it as a tool for teaching the language of legal citation to law students.\(^\text{22}\) Consequently, the *ALWD Manual* has many characteristics of a grammar book and can be used to teach students to communicate in the language of legal citation.

\(\text{ual: A Professional System of Citation (2d ed. Aspen Law & Bus. 2002). Unless otherwise stated, all references to the *ALWD Manual* will address the second edition rather than the first.}\)

19. *Infra* pt. II (discussing the similarities between legal citation and English, German, and French).

20. *Id.* (discussing the importance of grammar to written communication in a particular language and explaining that a citation manual serves as a grammar book to the language of legal citation).

21. *Infra* pt. II(A) (discussing the fact that the *Bluebook* serves as a repository for accepted citation practices and sets forth a standard for accepted citation practices, but falls short of functioning as a grammar book for legal citation because the editors of the *Bluebook* do not view legal citation as a language).

II. DIFFERENCES BETWEEN THE ALWD MANUAL AND THE BLUEBOOK

The Association of Legal Writing Directors intended for the ALWD Manual to serve as a "restatement of the rules of citation based on the citation form used by experts." Furthermore, the manual "was specifically designed for teaching law students how to do legal research." Thus, given that the Bluebook was not created as a tool for teaching law students citation, but rather as a repository for standard citation rules, several differences exist between the Bluebook and the ALWD Manual. These differences fall into three categories: presentation of material, concepts underlying the citation system, and citation form itself.

A. Presentation of Material

The Bluebook and the ALWD Manual present material to the reader in very different ways. While each manual organizes information in parts, sections and subsections, and provides a Table of Contents and a comprehensive index, the differences in presentation concern an area far more basic and fundamental than organization. The major difference in the presentation of the two manuals is visual. Upon opening each manual, the differences jump off the page. The ALWD Manual uses a larger font size and has larger margins than the Bluebook. The new manual also utilizes a dual color scheme for better emphasis of information. Furthermore, rather than presenting information in dense paragraphs, the ALWD Manual presents information in a "tabulated style." This tabulated style offers the reader a sort of check list for each type of citation. Due to these differences, the ALWD Manual is much easier to read than the Bluebook. By using larger print, tabulating information, and adding more white space, the reader is free to

24. See Aarons, supra n. 22.
25. The ALWD Manual's index "appears as thorough as the legendary Bluebook one." Jones, supra n. 16, at 221.
26. The ALWD Manual uses a twelve-point font, Weresh, supra n. 3, at 792, whereas the Bluebook utilizes a font smaller than 11 point. Kaufman, supra n. 12, at 2.
27. The ALWD Manual has "standard margins . . . in contrast to one-fourth inch margins at the top and bottom of each Bluebook page." Weresh, supra n. 3, at 792.
28. The ALWD Manual uses black and green ink.
29. For example, the ALWD Manual utilizes a green dot to separate the different component within a citation and a green triangle to designate a space in a citation. ALWD Manual, supra n. 18, at I(B). Only recently, in the seventeenth edition, has the Bluebook included dots to indicate when one space must be inserted between the components of a citation. Bluebook, supra n. 2, at R. 1.4.
30. Bast & Harell, supra n. 15, at 348.
concentrate on what the manual is saying rather than struggling with how the manual is saying it.\textsuperscript{31}

B. Concepts Underlying the Citation System

There are also conceptual differences between the two citation manuals. One such difference is the audience targeted by the editors. While the \textit{Bluebook} is primarily concerned with the citation form used by editors when writing law review footnotes,\textsuperscript{32} the new manual targets practitioners. The \textit{ALWD Manual} provides a single citation system that is applicable to any type of legal document, not just to footnotes in law review articles.\textsuperscript{33}

Another conceptual difference between the \textit{ALWD Manual} and the \textit{Bluebook} concerns the importance attributed to local court citation rules. The \textit{Bluebook}'s Table 1 contains citation information about reporters, statutory compilations, session laws, and administrative materials for state jurisdictions. Table 1 and the practitioners' notes also inform the reader that such citation conventions may be different from state to state, but fail to identify which states have their own citation rules.\textsuperscript{34} Instead, the \textit{Bluebook} advises the reader to "consult with the clerk of the court or with someone who is familiar with the court's rules."\textsuperscript{35} Appendix 1 in the \textit{ALWD Manual}, on the other hand, provides this information and more. Appendix 1 not only contains information about reporters, statutory compilations, etc., by state, but it also contains information concerning which states have their own citation requirements.\textsuperscript{36} Appendix 2 then sets out the text of citation rules that must be followed in each state jurisdiction.\textsuperscript{37}

\textsuperscript{31} Tabulating information is a visual technique that is "helpful in making a document readable and easy to use." Thomas R. Haggard, \textit{Contract Law from a Drafting Perspective—An Introduction to Contract Drafting for Law Students} 32 (West 2003). Furthermore, creating more white space in a document is helpful to the reader because "[t]o the modern eye, densely printed pages are a turnoff. Readers find them discouraging." The white space around text is what makes a page look inviting and roomy. The lack of it makes the page look imposing and cramped." Bryan A. Garner, \textit{Legal Writing in Plain English: A Text With Exercises} 124 (U. of Chi. Press 2001).

\textsuperscript{32} The \textit{Bluebook} was originally designed as a citation guide for law reviews and slowly morphed into a "complete citation system" that applied to all legal writing. Glashauser, \textit{supra} n. 11, at 63 (tracing the rise of the \textit{Bluebook} from its inaugural edition to the most recent edition). While the \textit{Bluebook} has expanded its domain, the practitioners' notes span only ten of the \textit{Bluebook}'s 391 pages. \textit{Bluebook}, \textit{supra} n. 2, at 10–19. These "notes show how to adapt the examples in the \textit{Bluebook}, which conform to the conventions for law review footnotes, to the simpler style used in court documents and legal memoranda." \textit{Id.} at 11.

\textsuperscript{33} \textit{ALWD Manual}, \textit{supra} n. 18, at I(B).

\textsuperscript{34} \textit{Bluebook}, \textit{supra} n. 2, at 11, tbl. 1.

\textsuperscript{35} \textit{Id.} at 11.

\textsuperscript{36} \textit{ALWD Manual, supra} n. 188, at app. 1.

\textsuperscript{37} \textit{Id.} at app. 2. Appendix 2, which contains the local citation rules for states that have
C. Citation Form

As expected, the editors of the ALWD Manual changed some aspects of citation form. While the examples discussed infra are not all-inclusive, they are representative of the types of alterations to citation form made by the editors. For instance, the ALWD Manual uses abbreviations with only periods rather than with periods and apostrophes, allows for the abbreviation of the first word in a party's name in a citation, and also allows for the abbreviation of "United States" when it is a named party to a case. The fact that the first edition of the ALWD Manual abbreviated the Southern Reporter as "S." caused much hostility in the legal community. The second edition of the manual, however, has eliminated this difference; just as required by the Bluebook, the Southern Reporter is now abbreviated "So."

Other differences exist between the citation form required by the ALWD Manual and that required by the Bluebook. One example is that when citing to a student-written article in a law review, the ALWD Manual requires that the words "Student Author" follow the author's name. The Bluebook, on the other hand, has a complex set of rules regarding how to identify a student author. Rather than simply identifying the author as a student, the Bluebook identifies a student author in several different ways promulgated such rules also "identifies those courts that have adopted a neutral citation format." Id. at 377.

38. For a complete listing of the differences in citation form required by the second edition of the ALWD Manual and the seventeenth edition of the Bluebook, see the Comparison Chart offered by the Association of Legal Writing Directors. ALWD Citation Manual, http://www.alwd.org/cm (accessed Apr. 27, 2004).

39. Compare ALWD Manual, supra n. 18, at app. 3 with Bluebook, supra n. 2, at tbl. 6. For example, the ALWD Manual abbreviates "International" as "Intl.," while the Bluebook abbreviates it as "Int'l." Bluebook, supra n. 2, at tbl. 6, 303.

40. Compare ALWD Manual, supra n. 18, at R. 12.2(e)(3) with Bluebook, supra n. 2, at R. 10.2.2. The editors of the Bluebook cannot make up their minds regarding the abbreviation of the first word in a party's name. While the seventeenth edition currently requires the abbreviation of the first word in a party's name, the sixteenth edition prohibited such abbreviation. The Bluebook: A Uniform System of Citation R. 10.2.1(c) (Columbia L. Rev. et al. eds. 16th ed. Harvard L. Rev. Assn. 1996).

41. Compare ALWD Manual, supra n. 18, at R. 12.2(g) with Bluebook, supra n. 2, at R. 10.2.2. The Bluebook prohibits the abbreviation of United States. Bluebook, supra n. 2, at R. 10.2.2.

42. ALWD Manual, supra n. 1, at Chart 12.1.

43. ALWD Manual, supra n. 18, at xxiv. By returning to the West abbreviation for the Southern Reporter, Dickerson and the Association of Legal Writing Directors eliminated the difference between the two citation manuals that the legal community seemed to view as most troublesome.

44. Id. at R. 23.1(a)(2).

depending on whether the article is signed or attributed to the student and titled, simply signed, or unsigned but titled.\textsuperscript{46}

An additional difference between the two manuals concerns pinpoint references. The \textit{ALWD Manual} permits pinpoint references to material on consecutive pages to be presented by dropping the repetitious digits or by retaining all digits on both sides of the hyphen.\textsuperscript{47} Finally, the new manual utilizes the signals and the traditional meaning attributed to those signals by members of academia and by practitioners.\textsuperscript{48}

While it is true that the editors of the \textit{ALWD Manual} made some changes to citation forms,\textsuperscript{49} it is important to note that such changes are relatively few and insignificant in the overall scheme of legal citation.\textsuperscript{50} The Association of Legal Writing Directors did not intend for the manual to be a break from traditional citation form.\textsuperscript{51} Rather, the changes were made only to promote consistency or "flexibility on matters that do not affect the reader’s ability to locate the cited material."\textsuperscript{52} "In short, students will be learning not the \textit{ALWD Manual} form, but will be learning standard form—from the \textit{ALWD Manual}.”\textsuperscript{53} "Generally, most practitioners and judges will not be able to tell whether a document as a whole, much less a particular citation, was done under the \textit{Bluebook} or the \textit{ALWD Manual}.”\textsuperscript{54}

\begin{itemize}
\item \textsuperscript{46} Id.
\item \textsuperscript{47} The \textit{ALWD Manual} permits a pinpoint reference to material beginning on page 451 and spanning pages 452 and 453 to be written as either 451–453 or 451–53 whereas the \textit{Bluebook} permits only the latter option. Compare \textit{ALWD Manual}, supra n. 18, at R. 5.3(b) with \textit{Bluebook}, supra n. 2, at R. 3.3(d).
\item \textsuperscript{48} This change is not surprising given the furor of the academic community regarding the changes to signals in the sixteenth edition of the \textit{Bluebook}. Dickerson, \textit{supra} n. 9, at 79. It is also interesting to note that the editors of the seventeenth edition of the \textit{Bluebook} reverted to the signals (and their meaning) from the fifteenth edition. \textit{Bluebook}, supra n. 2, at v.
\item \textsuperscript{49} In addition to the changes discussed \textit{supra}, the \textit{ALWD Manual} also requires that the publisher be included in a citation to a book or treatise, \textit{ALWD Manual}, supra n. 18, at R. 22.1, and provides the same citation form for periodicals, whether they are consecutively or nonconsecutively paginated. \textit{Id.} at R. 23.1. While many of these alterations promote internal consistency between citation forms, they do not affect a reader’s ability to locate the cited source.
\item \textsuperscript{50} Schiess, \textit{supra} n. 13, at 915. When comparing the citation forms required by the \textit{ALWD Manual} and the \textit{Bluebook}, Schiess elaborated, "Most citation forms are the same, and the rest are close, so it won’t be like an English speaker learning Japanese; it will be more like an easterner learning a Texas dialect.” \textit{Id.}
\item \textsuperscript{51} Bast & Harrell, \textit{supra} n. 15, at 346.
\item \textsuperscript{52} Kaufman, \textit{supra} n. 102, at 675 (quoting Darby Dickerson).
\item \textsuperscript{53} Schiess, \textit{supra} n. 13, at 914. The \textit{ALWD Manual} is "a restatement with modest refinements, not a new system of citation.” \textit{Id.} at 913.
\item \textsuperscript{54} \textit{Id.} at 915. "[N]inety-something percent of attorneys and judges will not be able to tell whether a person used the \textit{ALWD Citation Manual} or the \textit{Bluebook.” Association of Legal Writing Directors and Darby Dickerson, \textit{ALWD Citation Manual: A Professional System of Citation, Instructor’s Guide} 14 (1st ed. Aspen Law & Bus. 2000).
III. Are the Goals of Legal Citation Better Served by the Bluebook or the ALWD Manual?

In order to determine whether the Bluebook or the ALWD Manual better serves the goals of legal citation, one must first know what citations attempt to accomplish. Citations provide at least three fundamental types of information: "(1) an identification of the source for which attribution is given [in regard to a statement or idea]; (2) sufficient information to allow the reader to [locate] that source"; and (3) information concerning the manner in which the source supports the text for which it is cited.\(^{55}\) Thus, it is important to note that legal citation is more than just a means of locating authority. Similar to English or German or French, legal citation is a language in and of itself. Just as languages have their own grammar that students must master in order to learn to communicate in those languages, the language of legal citation also has a grammar that law students must master in order to communicate effectively. Furthermore, the language of legal citation has the ability to communicate ideas to the reader and provides the reader with substance and meaning by offering information regarding the weight of an authority and how much consideration a reader should attribute to that authority. For example, when a citation to a case identifies the deciding court, the citation is telling the reader whether that case is mandatory or persuasive authority. The inclusion of an explanatory parenthetical at the end of a citation also communicates ideas to the reader. A parenthetical can help the reader understand the significance of the cited authority or identify the facts and holdings of cases that are used to synthesize a rule.\(^ {56}\) Furthermore, it is important to note that the "rule for signals . . . is not a rule of form, but a rule of substance."\(^ {57}\) Signals can inform the reader of the type or degree of support or contradiction that the authority has to offer; demonstrate that a cited authority either directly or implicitly supports or contradicts a proposition; provide background material; or show that the cited authority is only one example of many.\(^ {58}\) Therefore, "introductory citation signals are essential to effective legal discourse. The choice of signals can influence not only the interpretation of cited cases, but also the path of the law."\(^ {59}\)

\(^{55}\) Weresh, supra n. 3, at 805. See also Bast & Harrell, supra n. 15, at 338.

\(^{56}\) ALWD Manual, supra n. 18, at R. 46.1.

\(^{57}\) Hurt, supra n. 2, at 1269. "Signals express in shorthand to the reader the authority of the citation and the relationship between the citation and the proposition it supports." Id.

\(^{58}\) ALWD Manual, supra n. 18, at R. 44.1, 44.2, 44.3.

\(^{59}\) Ira P. Robbins, Semiotics, Analogical Legal Reasoning, and the Cf Citation: Getting Our Signals Crossed, 48 Duke L.J. 1043, 1043 (1999).
In light of the substantive aspects served by citations, and signals in particular, it is important to note that language has no intrinsic meaning.\textsuperscript{60}

Language is not a vessel that holds meaning; it is a tool to convey meaning. At its core, language is a social practice that has meaning only within a group that engages in the practice. It is the practices surrounding language that allow it to have meaning, not vice versa.\textsuperscript{61}

Shared usage allows people to communicate and understand each other.\textsuperscript{62} Therefore, when different groups who speak a common language use words in different ways, it interferes with their ability to communicate effectively. For example, if the definition of a signal is changed, or if a signal is “defined incorrectly or used imprecisely, [it] affect[s] the analogical reasoning process that is at the foundation of common law jurisprudence.”\textsuperscript{63} Thus, a writer who incorrectly defines a signal will be unable to effectively convey the idea in his or her head because the writer will unwittingly be communicating a concept or idea to the reader that he or she did not intend to convey. Furthermore, a reader who does not understand the proper use of signals will not be privy to the idea that the writer was attempting to communicate. Therefore, “a modern system of citation ought to insulate writers from accidental misinterpretations and inoculate judges from accidental departures from previous judgments” due to the meaning of signals.\textsuperscript{64}

Just as with any language, legal citation has rules that govern the proper use of grammar, punctuation, spacing, capitalization, and abbreviations. Each type of citation has rules governing syntax, or the arrangement of the elements necessary to form citation clauses and sentences.\textsuperscript{65} Rules also exist governing the use and placement of citation clauses and sentences within a document.\textsuperscript{66} Furthermore, legal citation has rules governing alterations to and omissions from quotations\textsuperscript{67} and requiring the use of quotation marks in some instances and block quotes in others.\textsuperscript{68} Thus, a legal citation manual that functions as a grammar book for the language of legal citation is advantageous because it allows law students the opportunity to be better prepared for practice.

61. Id.
62. Id.
63. Robbins, \textit{supra} n. 59, at 1044–45.
64. Id. at 1051.
65. \textit{ALWD Manual}, \textit{supra} n. 18, at pt. 3.
66. Id. at R. 43.1(a)-(b), 43.2.
67. Id. at R. 48, 49.
68. Id. at R. 47.4(a).
Because knowledge of proper citation form is a sign of excellence in the legal community, a citation manual is a necessary tool in the research and writing process. In light of the goals of legal citation, a citation manual must serve several purposes. First, a citation manual provides a standard for legal citation. It also serves as a repository for accepted citation practices. Additionally, given that citation is a sort of written language, and "[g]rammar is important to communicating by written word" because it enables one to say what one means, a citation manual is also a sort of grammar book. Not only should it set forth the basic rules of citation, but it should clearly and completely explain the rules governing the language of legal citation, identify exceptions to those rules, and forewarn the student of common pitfalls. By clearly addressing the grammar, punctuation, spacing, capitalization, quotation, and abbreviation rules governing legal citation, a citation manual should lead law students through the process of learning to communicate effectively through citations.

A. Bluebook

The Bluebook fulfills some of the goals of a legal citation manual, but not all of those goals. It clearly serves as a repository for accepted citation practices and sets forth a standard for legal citation. However, the Bluebook fails to clearly and completely explain those practices. This failure makes it difficult for the novice to learn to communicate in the language of legal

69. Bast & Harell, supra n. 15, at 338.
   The reader compares and notes any citation that differs in any great respect from the standard, much as one would note a misspelling or a grammar mistake.
   Correct grammar usage distinguishes someone with a certain degree of education from those without. Similarly, knowledge of correct legal citation distinguishes those who have legal education from those who do not. Precision in legal citation form is good training for someone in the legal profession, where attention to detail is important. Sloppiness in citation form may mean the loss of credibility.
   
   Id.

70. Id.

71. Id. Given that a citation manual catalogues citation practices, [a] writer consults this repository to determine if legal citations in a document conform to the standard. The writer’s compliance with the standard ensures that the knowledgeable reader will understand citations incomprehensible to the layperson. The reader compares and notes any citation that differs in any great respect from the standard, much as one would note a misspelling or a grammar mistake. And, the [use of] citation components required by the manual give the reader information.

   Id.

72. McGreal, supra n. 60, at 2447.

73. See Jacobson, supra n. 12, at 151 (“In addition to meeting the goals of citation form, a good citation manual would also meet the goals of a citation manual—that is, it would be easy to use, clear, and complete.”).
citation. The novice's difficulty is further compounded by the fact that the definitions of signals are in an eternal state of flux due to the fact that the editors alter the definitions in each new edition of the Bluebook; the substance of the language is constantly shifting and prior statements are being viewed in light of these changes.\(^\text{74}\)

The Bluebook clearly serves as a repository for accepted citation practices. The manual presents the rules of citation for many types of authority. It also advises the reader who is citing a source not discussed in the manual to find an analogous authority and to use that citation form as a guideline.\(^\text{75}\)

Thus, the Bluebook is merely a reference tool.\(^\text{76}\) Additionally, the catalogued citation rules provide a standard against which to measure an author's mastery of citation form.\(^\text{77}\) Given that the Bluebook merely provides the rules for citation and sets a standard for citation, it is like a dictionary, which sets forth the definition of words, provides a standard for the spelling of words and offers meager examples regarding other uses of the words, rather than a grammar book. The Bluebook does not serve as a grammar book for teaching law students how to communicate in the language of legal citation because the editors of the manual fail to recognize that legal citation is, in fact, a language. This failure prevents the editors from offering the level of assistance required by law students to enable them to quickly and efficiently learn proper citation form.

1. General Introductory Materials

Although the Bluebook provides the rules of citation, it does a poor job of explaining those rules to a novice. The most notable shortcoming of this manual is that it fails to define or to explain to the novice what a citation is. Furthermore, while the Bluebook explains that the purpose of a citation is "to allow the reader to locate a cited source accurately and efficiently,"\(^\text{78}\) and identifies certain general circumstances in which it is customary to cite an authority,\(^\text{79}\) the explanation is abstract and does not employ concrete exam-

\(^{74}\) Robbins, supra n. 59, at 1051.
\(^{75}\) Bluebook, supra n. 2, at R. I.2.
\(^{76}\) Schiess, supra n. 13, at 913.
\(^{77}\) At least one federal court of appeals uses the "Bluebook standard" when examining citation form used by the U.S. Supreme Court. The appellate court was once bold enough to criticize the U.S. Supreme Court for what it considered to be a stray comma in a citation. Glashauser, supra note 11, at 61.
\(^{78}\) Bluebook, supra n. 2, at R. I.2.
\(^{79}\) The Bluebook explains to the novice that

[an] author may cite authority that directly states [or clearly supports] the author's legal or factual proposition; . . . authority that less directly supports the author's proposition but from which one can infer the proposition; authority that
samples of when a citation is required. Additionally, while the *Bluebook* defines citation clauses and citation sentences and explains how to present them in the document, it fails to provide discrete examples of each. Instead, a sample paragraph is presented which incorporates both citation clauses and sentences; the examples are difficult for a novice to grasp given that each clause cites multiple authorities. It is apparent from examining these basic areas that the editors of the *Bluebook* assume a degree of familiarity with citation systems that not all first-year students possess upon entry into law school. Given that the editors of the *Bluebook* assume such familiarity, the manual fails to begin the discussion of citation in the most rudimentary manner. Thus, many beginning law students needlessly flounder early on in the process of learning legal citation.

2. *Citations to Specific Sources*

In addition to the failure to begin a discussion of legal citation in the most basic manner, the *Bluebook* fails to begin the discussion of citation to specific sources in the most basic manner—by verbally identifying the components of the citations. Rather, the manual begins each discussion by providing a diagrammed citation. Although the components of the citation are marked, the reader has not yet been given the information necessary to comprehend the diagram. It is only after the diagram is presented that the manual turns to basic citation form and identifies the components of the citation in dense narrative paragraphs. Just as it makes little sense for a grammar book to show children a diagrammed sentence before they have learned the syntax of a sentence (i.e., a subject, verb, object, etc.), it makes little sense for a citation manual to present a diagrammed citation to law students before they understand the various components of a citation and the functions served by those components.

In addition to its failure to begin the discussion of citation to specific sources in the most rudimentary manner, the *Bluebook's* explanation of the differences between example citations is quite cursory. While examples of particular types of citations are provided, the *Bluebook* does not provide a detailed explanation of the differences between the examples. Rather, the

contradicts the author's proposition; and authority that provides background material that the reader might find useful in considering the proposition.

*Id.* at R. 1.3.

80. *Id.* at practitioners' note 2. While the *Bluebook's* examples of how to use citation clauses and sentences are somewhat more basic when discussing law review articles, the discussion centers on the use of footnotes and does not provide a novice with a clear view of how to use citation clauses and sentences in the text of a legal document. *Id.* at R. 1.1.

81. *Id.* at R. 10.

82. *Id.* at R. 10.1.
examples are labeled with a few words that are intended to differentiate between them. For example, *Bluebook* Rule 10 provides examples of citations to a case and labels one as a “petition for certiorari granted,” and the other as an “unpublished decision.” However, the editors of the *Bluebook* fail to explain to a reader what the term certiorari means or what precedential value is associated with a denial of certiorari. They also fail to explain to the reader why one might cite to an unpublished opinion, why such a citation would include the words “slip op.,” what a slip opinion is, and the precedential value of such a document. Thus, the *Bluebook* uses examples in an “almost Socratic” manner to teach unstated citation rules. The editors assume a certain degree of knowledge regarding legal terms and procedure and leave it to the student to fill in the gaps in his or her knowledge.

3. **Spacing and Capitalization**

While the *Bluebook*’s guidance on the more general aspects of citation is somewhat lacking, the manual’s guidance on more specific aspects of citation, such as spacing and capitalization, is also incomplete. With regard to the spacing of citations, the diagrams contain dots to designate a space between the components of a citation but do not identify when a space is necessary within those components. When discussing ordinal numbers, the manual assumes that every reader remembers what an ordinal is, understands how they might come into play in the legal arena, and intuits that “2d” and “3d” represent “second” and “third,” respectively. Concerning capitalization, the *Bluebook* offers guidance with regard to titles and headings, people and groups, and specific words like act, circuit, court, and judge. It fails, however, to offer guidance with regard to other commonly capitalized words such as holidays, events, proper nouns, adjectives formed from proper nouns, numeric designations, and hyphenated words. Instead, the manual refers the reader to another source, the preferred style manual.

4. **Signals**

As discussed supra, citations serve a substantive purpose in addition to simply enabling a reader to locate a source. Despite the substantive purpose of signals, “the editors of the *Bluebook* love to tinker with the signals with

83. *Id.* Furthermore, Table 9, titled “Explanatory Phrases,” sets out the various phrases that may be used in setting forth subsequent history, but fails to explain what these “explanatory phrases” mean. *Id.* at tbl. 9.
84. Hurt, supra n. 2, at 1285.
86. *Id.* at R. 8.
87. *Id.*
each new edition." The result of this "tinkering" is that a particular signal, take for example "see," means something different to different individuals depending on when those individuals attended law school. If those individuals attended law school when different editions of the Bluebook were in effect, they will likely define and use the signal differently. Thus, because these individuals do not share a common usage for the signal, their ability to communicate effectively and to understand each other is destroyed.

Given that signals guide the path of the law, changing the meaning of signals from one edition of the Bluebook to the next affects the substance of the law. "[T]inkering with the meaning of signals] makes the use of signals before that edition [of the Bluebook] obsolete or, at best, confusing. Each time the meaning of a signal is changed, the meaning of previous legal writing is thrown into doubt." By changing the meaning of a signal, the editors effectively alter the substance of a citation that was drafted using a prior definition. The substance of a previously drafted citation is altered because current legal professionals apply contemporary signal definitions when construing older cases that employ signals whose definitions have changed.

88. Hurt, supra n. 2, at 1269. The seventh through the seventeenth editions of the Bluebook contained changes in the introductory signals. See Dickerson, supra n. 9, at 75.

89. The academic community revolted against the changes to the signals, particularly the "see" signal, instituted by the sixteenth edition of the Bluebook. Dickerson, supra n. 9, at 79; Bast & Harell, supra n. 15, at 341–42. "While the Fifteenth Edition directed writers to use '[no signal]' when the authority clearly states the proposition, the Sixteenth Edition dictates that '[no signal]' should be used only when the authority identifies the source of a quotation or identifies an authority referred to in the text." Dickerson, supra n. 9, at 78. This revision resulted in the much more frequent use of the "see" signal. In fact, in briefs and office memoraanda, where the primary purpose of citations is "to identify sources that directly state or clearly support a proposition, the 'see' signal [was required] before almost every citation that [did not] identify the source of a quotation." Id. at 78. This revision of the "see" signal, which resulted in the signal’s more frequent use, was not a "codification of the common practice of lawyers," but was rather a "codification of the common practice of most law reviews." Hurt, supra n. 2, at 1271. In light of the furor created by this revision, the seventeenth edition of the Bluebook reinstated the fifteenth edition’s version of Rule 1.2 on signals. Bluebook, supra n. 2, at v.

90. Hurt, supra n. 2, at 1269.

91. Robbins, supra n. 59, at 1051. Thus, an individual taught legal citation from the sixteenth edition of the Bluebook will read a signal differently than the person who wrote the citation and had learned legal citation under the fifteenth edition of the Bluebook. In order to avoid this problem, "[a] reader [would be] forced to determine the meaning of signals [in an older document] by associating the date of the document with the particular edition of the Bluebook in effect at that time." Bast & Harell, supra n. 15, at 342. However, due to the resolution of the American Association of Law Schools, which disregarded the changes concerning signals made in the sixteenth edition of the Bluebook and encouraged its members and law reviews to retain the signals from the fifteenth edition, see Pamela Lysaght & Grace Tonner, Bye-Bye Bluebook?, 79 Mich. B.J. 1058, 1058 (2000); Dickerson, supra n. 9, at 79, "it may not be clear whether a writer is following the fifteenth or sixteenth edition . . . concerning signals." Bast & Harell, supra n. 15, at 342.
Unfortunately, the person who drafted the citation does so under the assumption that the signal will mean the same thing to him as it does to those to whom the citation is addressed. Thus, by changing the meaning of signals, the editors of the *Bluebook* prevent past and present attorneys from effectively communicating through citations and muddy the path of the law.

Although the *Bluebook* is a reference source because it catalogues the rules of legal citation and thus serves as a standard for citation much as a dictionary serves as a standard for spelling, the manual is no more a tool for teaching first-year law students citation than a dictionary is a tool for teaching children English, German, or French. Initially, because the *Bluebook* assumes a familiarity with citation systems that not all first-year law students possess, the manual fails to take a rudimentary approach to citation. It fails to explain what a citation is, provides an abstract explanation for when a citation is needed, and offers poor examples of citation clauses and sentences. Furthermore, because the goal of the *Bluebook* is to simply serve as a repository for the rules of citation, and not as a tool for teaching law students how to cite, it fails to identify common errors or to explain how to avoid those errors, leaves too many questions unanswered, provides poorly distinguished examples of specific types of citations, leaves many rules completely unstated, and lacks satisfactory explanations of many rules. Due to these shortcomings, a novice is not able to use the manual in order to learn to communicate effectively in the citation language.

In order for the *Bluebook* to satisfy all of the goals of a legal citation manual, it must do more than simply catalogue the rules of citation—it must function as a grammar book for the language of legal citation. A grammar book is an essential tool for teaching a language because it not only catalogues the standard for grammar, but it expressly sets forth the rules governing grammar, clearly and completely explains those rules, illustrates those rules with numerous examples, and helps one learn to communicate with others who are fluent in the language. The *Bluebook* is not a grammar book for the language of legal citation. Rather, the *Bluebook*'s methods of instruction are like identifying the parts of a sentence in a diagram for a young child, giving the child some instruction regarding punctuation and capitalization, showing the child a couple sentences so he can see what they look like, and then expecting him to write a paragraph. The child's progress is

92. See Jeremy Waldron, *Legislators' Intentional and Unintentional Legislation*, in *Law and Interpretation: Essays in Legal Philosophy* 329, 339 (Andrei Marmor, ed., Clarendon 1995) ("A legislator who votes for (or against) a provision like 'No vehicle shall be permitted to enter any state or municipal park' does so on the assumption that—to put it crudely—what the words mean to him is identical to what they will mean to those to whom they are addressed . . . ").

93. Another commentator stated that "[l]earning citation form from the *Bluebook* is like learning a language from a bilingual dictionary," Bast & Harell, supra n. 15, at 339 (quoting
further impeded by changing the definitions of substantive words every five years. That is not how children are taught English or German or French, and it is not how law students should be taught legal citation.

Learning a written language is a process. First, the child is taught the alphabet, or the individual components of which words consist. After the child knows how to form words, he is introduced to basic sentence grammar, such as the various components of sentences (subject, verb, object, etc.) and receives instruction on the parts of speech (such as nouns, verbs, adjectives, adverbs, etc.). After the child understands basic components of sentences and how the parts of speech relate to those components, the child is introduced to more complex components of sentences like phrases and clauses. When the child has mastered sentences, he is taught how to write paragraphs and documents consisting of multiple paragraphs. It is a long process that begins in kindergarten and continues into high school.

In fairness to the *Bluebook*, law students do not have twelve years in which to learn legal citation. The average law student only has three years of law school and only one year to devote to learning basic citation format. And while the *Bluebook* offers more guidance than alluded to in the analogy discussed supra, learning legal citation is more difficult than it should be because *Bluebook* editors assume a greater degree of familiarity with citation systems, legal terms, and procedure than many incoming law students actually possess; the editors frequently alter the meaning of signals; and the manual fails to clearly explain the citation rules for which it serves as a repository.

B. *ALWD Manual*

The *ALWD Manual*, on the other hand, was designed not only to serve as a repository for citation practices and to provide a standard for citation, but also to teach first year law students the rules of the legal citation language. This manual provides the same general information as the *Bluebook*, but expands its coverage in order to successfully lead law students through the process of learning legal citation. To facilitate learning, the *ALWD Manual* incorporates several features not found in the *Bluebook*, presents information in the tabulated style discussed previously, and includes many more examples of citations, which are clearly explained. Thus, the *ALWD Manual* makes great strides towards satisfying all of the goals of a citation manual.

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1. General Introductory Materials

The ALWD Manual provides the reader with in-depth guidance regarding the purpose of citations, their use, and their placement. Suspecting that some readers lack experience with citation systems in general, the introductory material begins by explaining to the novice that a "'citation' is a reference to a specific legal authority or other source."\(^{94}\) The ALWD Manual also articulates the purposes served by citations. It explains that a citation should "give credit to those who originated an idea that [the writer is] presenting," enable the reader to locate the cited source, inform the reader of "the weight and persuasiveness of that source," "convey the type and degree of support that [the citation] provides for a particular proposition," and "demonstrate that [the writer’s] positions are well researched and well supported."\(^{95}\) While these goals are only slightly less abstract than the Bluebook’s articulation of the circumstances in which it is customary to cite an authority,\(^{96}\) the ALWD Manual provides more concrete examples of when a citation is necessary and where the citation should be placed.\(^{97}\) The manual advises the reader to "[p]lace a citation immediately after each sentence, or part of a sentence, that contains a statement of legal principle, a reference to or description of a legal authority, or an idea, a thought, or an expression borrowed from another source."\(^{98}\)

Just as a grammar book teaches basic sentence grammar, the ALWD Manual instructs the reader on basic citation grammar. The manual provides instruction regarding the types of sentence patterns available for citing an authority. The ALWD Manual not only explains citation clauses and sentences,\(^{99}\) but informs the novice of embedded citations\(^{100}\) and textual references to authority.\(^{101}\) Discrete examples are provided for each placement

\(^{94}\) ALWD Manual, supra n. 18, at I(D).

\(^{95}\) Id. at I(A).

\(^{96}\) Bluebook, supra n. 2, at 61; see supra note 79.

\(^{97}\) The ALWD Manual does not cross-reference the admonition to give credit to the originator of an idea, ALWD Manual, supra n. 18, at 4, and the rules regarding when to provide a citation. Id. at R. 43.2(a). Given that those materials are related and are separated by almost 300 pages, the editors should more clearly connect these two sections. Jacobson, supra n. 12, at 141.

\(^{98}\) See ALWD Manual, supra n. 18, at R. 43.2(a).

\(^{99}\) A citation clause is used within the text of a sentence and set off with commas when a source relates to only part of the sentence. Id. at R. 43.1(a), (b).

\(^{100}\) When an authority is mentioned within a sentence, an embedded citation may be included within the textual sentence. Id. at R. 43.1(c). An embedded citation would be as follows: "In International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945), the Court held that if the defendant was not present in the forum, due process required that he have certain minimum contacts with that forum." Id. at R. 43.1(c).

\(^{101}\) A textual reference is a reference to an authority within the text of a sentence that is not followed with either a full or short citation. Id. at R. 43.1(d). A textual reference is ap-
option, along with advice regarding when a particular option must or may be utilized. The sample memorandum offered in Appendix 6 demonstrates how citation clauses, citation sentences, embedded citations, and textual references to authorities function together in a document.

2. Citation to Specific Sources

Instead of identifying the components of a sentence (i.e., subject, verb, object, clause, etc.) as does a grammar book, the *ALWD Manual* begins the discussion of citation to specific sources by identifying the components of each type of citation via a feature known as "templates." Templates generically identify the components for each type of citation, use a green dot to visually separate the different components, include the required punctuation, and italicize or enclose in parentheses all components that require such treatment. The *ALWD Manual* has also instituted "a more consistent 'grammar' [for citation to periodicals] with all citations having the same basic parts and being in the same order," regardless of the whether the source is a legal periodical, a magazine, or a newspaper.

Like a grammar book, the manual also diagrams each type of citation. The diagrammed citation immediately follows the corresponding template.

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102. *Id.* at R. 43.1(a)–(d).
103. *Id.* at app. 6.
104. For an example of a template see *ALWD Manual*, supra n. 18, at R. 12.1 (template of a case citation).
105. Hurt, *supra* n. 2, at 1285–86. For example, while the *Bluebook* provides different citation forms for consecutively and nonconsecutively paginated journals and magazines, the *ALWD Manual* does not differentiate between the two types of periodicals. Under the *Bluebook*’s system of citation, the components of a citation to a consecutively paginated journal or magazine include the name of the author, the title of the article, the volume number, the periodical name, the initial page of the work, the pinpoint page, and the year of publication. Thus, citation to a consecutively paginated journal would be as follows: Patricia J. Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. REV. 401, 407 (1987). *Bluebook, supra* n. 2, at R. 16.3. The components of a citation to a nonconsecutively paginated journal include the name of the author, the title of the article, the periodical name, date of the issue as it appears on the cover, and the initial page of the article, as well as any pinpoint pages, following the word "at." Thus, a citation to a nonconsecutively paginated journal would be as follows: "Barbara Ward, *Progress for a Small Planet*, HARV. BUS. REV., Sept.–Oct. 1979, at 89, 90." *Id.* at R. 16.4. The *ALWD Manual* requires citations to articles in any journal, law review, newspaper, newsletter, or periodical to contain the following information in the following order: the name of the author, the title of the article, the periodical abbreviation, the volume number, the date, the pinpoint page, and the date. *ALWD Manual*, supra n. 18, at R. 23.1. Thus, a citation to a newspaper or a nonconsecutively paginated journal would be as follows: "Eric Lichtblau, *Phone Tape Reveals Flight 11 Attendant Yelled, “Oh My God!”* Star-Legder (Newark, N.J.) 003 (Sept. 20, 2001)." *Id.* at R. 23.1(b)(4).
Thus, an example of a citation is provided and each of the components identified in the template is clearly marked in the diagram. Just as diagramming sentences enables a child to visually identify each component of a sentence, diagramming citations enables a law student to visually identify each component of a citation. However, before the diagram can aid in learning, the student must first possess knowledge regarding the components of the citation.

Additionally, the *ALWD Manual* offers numerous examples of citations and provides detailed explanations regarding the differences between the examples. While the Fast Format page at the start of each rule features examples of citations that are labeled with a few words intended to differentiate between them, the text of the manual sets forth all the rules and exceptions to the rules. The editors illustrate each rule and the exceptions to the rule with examples. Furthermore, several rules offer examples demonstrating common errors so that the reader can visualize the differences between incorrect and correct citations. Thus, much of the guesswork associated with the *Bluebook* is eliminated.

3. Spacing and Capitalization

The *ALWD Manual*'s guidance on the more specific aspects of citation is also more thorough than that offered by the *Bluebook*. In regard to the spacing of citations, the diagrams not only contain dots to separate the components of a citation, but also use a different icon (a green triangle) to designate a space within those components. The manual even notifies the novice of the effect of word processing programs on spacing in citations. The editors explain about margin justification and the fact that the choice of justification may affect the spacing in citations. The editors also tell the reader how to disable default features that affect citations, such as automatic spacing, which inserts two spaces after every period. Furthermore, while the *ALWD Manual* explains spacing when ordinal numbers are used in citations, it also provides the reader with a definition of an ordinal, explains that ordinals are often used in court abbreviations and to designate series of publications, and notifies a novice that “2d” and “3d” are the ordinal contractions for “second” and “third,” respectively.

106. See discussion supra n. 29.
108. Id. The *ALWD Manual* also offers tips on determining whether full justification or left-only justification is appropriate. Id.
109. Id.
110. Id.
111. Id. at R. 2.2(e).
112. Id. at R. 4.3.
Like the Bluebook, the ALWD Manual offers general guidelines regarding capitalization of words in titles of books or law review articles,\textsuperscript{113} professional titles,\textsuperscript{114} and organizations.\textsuperscript{115} The manual also provides guidance regarding the capitalization of specific words such as act, circuit, court, and judge.\textsuperscript{116} However, unlike its predecessor, the ALWD Manual provides guidance regarding the capitalization of holidays, events,\textsuperscript{117} proper nouns,\textsuperscript{118} adjectives formed from proper nouns,\textsuperscript{119} numeric designations\textsuperscript{120} and hyphenated words.\textsuperscript{121} In addition to providing guidance regarding capitalization of specific words and types of words,\textsuperscript{122} the editors also notify the reader that the automatic capitalization default setting can capitalize letters that the writer does not type as capitals.\textsuperscript{123} The editors then tell the reader how to disable this default feature.\textsuperscript{124}

4. Signals

Rather than basing its definitions of signals on any of the former Bluebook rules governing signals, the ALWD Manual modeled its rules on "common practice."\textsuperscript{125} While the first edition of the ALWD Manual reinstated the "contra" signal, it omitted the "accord" and "see also" signals.\textsuperscript{126} The second edition of the manual, however, reinstates the "accord" and "see also" signals without altering the definitions of the other signals.\textsuperscript{127} Fur-

\begin{itemize}
  \item \textsuperscript{113} ALWD Manual, supra n. 18, at R. 3.1.
  \item \textsuperscript{114} Id. at R. 3.2(a).
  \item \textsuperscript{115} Id. at R. 3.2(b).
  \item \textsuperscript{116} Id. at R. 3.3.
  \item \textsuperscript{117} Id. at R. 3.2(e).
  \item \textsuperscript{118} Id. at R. 3.2(c).
  \item \textsuperscript{119} ALWD Manual, supra n. 18, at R. 3.2(d).
  \item \textsuperscript{120} Id. at R. 3.2(f).
  \item \textsuperscript{121} Id. at R. 3.1(c).
  \item \textsuperscript{122} For the capitalization of words not specifically provided for by the ALWD Manual, the editors direct the reader to the general rules for capitalization or to the most recent edition of The Redbook: A Manual on Legal Style, the United States Government Printing Office Style Manual, or The Chicago Style Manual. Id. at R. 3.3.
  \item \textsuperscript{123} Id. at l(D).
  \item \textsuperscript{124} Id.
  \item \textsuperscript{125} Glashausser, supra n. 11, at 82.
  \item \textsuperscript{126} ALWD Manual, supra n. 1, at R. 45.
  \item \textsuperscript{127} ALWD Manual, supra n. 18, at R. 44.3. While it appears that the editors of the ALWD Manual have engaged in the same sort of arbitrary tinkering with signals that the editors of the Bluebook have long engaged in, it is important to note that the editors of the new manual apparently reinstated the "accord" and "see also" signals in response to criticism regarding the omission of those signals from the first edition of the manual. See Glashausser, supra n. 11, at 83 (criticizing the omission of "accord"). Additionally, the editors reinstated the "accord" and "see also" signals without changing the meaning of the previous signals. ALWD Manual, supra n. 18, at xxiv.
\end{itemize}
thermore, the editors of the *ALWD Manual* retained the "common understanding of direct support, for which no signal is necessary, and the "see" signal, which provides implicit, rather than explicit support." Thus, no signal is needed if the cited authority directly supports the proposition, but the "see" signal is utilized when the cited authority implicitly supports the stated proposition or contains dicta that support the proposition. By returning to the definition of signals as commonly understood by many practitioners and refusing to alter those definitions with each new edition of the manual, the *ALWD Manual* will perhaps provide a sense of stability to signals that will eventually improve legal communication. Attorneys will attribute a common meaning to a specific signal that will enable them to interpret a citation in the same manner. Thus, the *ALWD Manual* insulates writers from accidental misinterpretations and inoculates judges from accidental departure from previous judgments due to the meaning of signals.

5. Miscellaneous

The *ALWD Manual* also provides in-depth explanations of several, if not most, of the rules detailed in its pages. For example, the discussion of subsequent history in case citations is extremely detailed. The manual not only tells the reader what actions to include and which to exclude in subsequent history, but demonstrates how to abbreviate each type of action. It further explains that subsequent history is only included in a full case citation, that it is placed after the court and date parenthetical, and that the history designation is italicized, but the punctuation preceding or following it are not italicized. The manual defines a writ of certiorari, recognizing that many individuals are not familiar with the term; explains that a denial of certiorari has no precedential value and that it should not generally be included as subsequent history; identifies the exceptions to this general rule, including the exception for when the denial is particularly important to one's discussion; and defines what "particularly important" means for the purpose of including a denial of appeal or certiorari as subsequent history.

Additionally, just as a grammar book identifies caveats to rules like "i before e except after c," the *ALWD Manual* offers such guidance via a feature called "sidebars." Sidebars provide the reader with additional information on various concepts, caveats about common mistakes, and tips for cit-

128. Weresh, *supra* n. 3, at 801.
129. *ALWD Manual, supra* n. 18, at R. 44.2(a).
130. Id. at R. 44.3.
131. Id. at R. 12.8(a), (b).
132. Id. at R. 12.8(c)(1), (2).
133. Id. at R. 12.8(c)(2).
134. Id. at Sidebar 12.6.
ing particular sources. For example, Sidebar 5.1 emphasizes the importance of using pinpoint references. Other sidebars offer valuable tips regarding how to distinguish case names from party names in the text of a document, how to use common procedural phrases like *in re*, *ex rel.*, and *ex parte*, how to locate parallel citations, how to refer to statutes in the text of a document, how to determine the date of current Code of Federal Regulations volumes, and how to identify a student author. Sidebar 14.1 explains that the United States Code is published every six years and that the newest edition, published in 2000, should be cited unless doing historical research.

In addition to sidebars, the *ALWD Manual* also provides handy charts that demonstrate how to abbreviate various authorities. For instance, Chart 12.1 shows the reader how to abbreviate the different case reporters and explains that West Group starts a new reporter series when the prior series reaches volume 999. Chart 12.2 identifies the titles for judges and other judicial officers and demonstrates how to abbreviate such titles. Other charts show the reader how to abbreviate the different series of the American Law Reports, the various legal encyclopedias, and publishers of loose-leaf services.

The *ALWD Manual* also provides answers to common citation questions that have remained unanswered for decades. For example, it provides a rule for short citing an entire case. The manual also explains that quotations of fifty words or more that are within a parenthetical are *not* to be block quoted, and shows the reader how to deal with asterisks in electronic sources when pinpoint citing to multiple pages.

The *ALWD Manual* offers additional guidance on word processing programs and citation. It explains how to make a section (§) and a para-

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135. *ALWD Manual*, *supra* n. 18, at 35.
136. *Id.*, at Sidebar 12.1.
137. *Id.* at Sidebar 12.3.
138. *Id.* at Sidebar 12.5.
139. *Id.* at Sidebar 14.2.
140. *Id.* at Sidebar 19.1.
142. *Id.* at Sidebar 14.1.
143. *Id.* at 76.
144. *Id.* at Chart 12.2.
145. *Id.* at Chart 24.1.
146. *Id.* at Chart 26.1.
148. *Id.*, at R. 12.21(b)(2), 12.21(c)(2).
149. *Id.* at R. 47.5(b).
150. *Id.* at R. 12.12(b), 12.21(d); see Glasshausser, *supra* n. 11, at 76–77 (providing more examples of long-unanswered questions to which the *ALWD Manual* provides a solution).
graph (¶) symbol with such a program. In addition to explaining about margin justification, automatic spacing, automatic capitalization, and their effect on citations, the editors also tell the reader how to disable other default features that affect citations, such as automatic replacement of words and symbols, and ordinal superscripts. These default settings can cause the word processing program to convert subsection “(c)” into a copyright symbol or to change “5th” into “5th.”

Unlike the Bluebook, the ALWD Manual provides more than the acceptable citation rules; the new manual goes to great lengths to teach students to communicate in the language of legal citation by mimicking a grammar book. Much like a grammar book, the ALWD Manual begins by introducing students to the most rudimentary aspects of the language, i.e., spacing and capitalization. The authors offer such detailed guidance in this regard that they even thought to include a troubleshooting section concerning spacing and capitalization when using a word-processing program. Furthermore, like a grammar book, the ALWD Manual explains the rules of legal citation in great detail by identifying the components of each type of citation and providing numerous examples and detailed explanations regarding the differences between each example. The manual also aids students in learning citation because it highlights caveats to the rules and explains confusing concepts that often spawn questions or result in errors. Given all of these attributes, the ALWD Manual satisfies all the goals of legal citation: it serves as a repository for accepted citation practices, provides a standard for legal citation, and makes legal citation more accessible to students by including many features that stimulate early mastery of the manual itself and deepen understanding of basic legal citation.

IV. CONCLUSION

While other revolts against the Bluebook’s sovereignty have been easily squelched, the ALWD Manual stands a good chance of surviving, if not winning, the war over legal citation. For those individuals who are riding the fence with a “wait and see” attitude, it is likely that this new citation manual will take hold in the legal community for several reasons. First, the manual has a natural constituency. Because it is authored by an expert on legal citation and the Association of Legal Writing Directors, as opposed to law students, the ALWD Manual satisfies the desire held by many attorneys and academics for professional representation on citation issues. Further-

151. ALWD Manual, supra n. 18, at Sidebar 6.1.
153. ALWD Manual, supra n. 18, at 10.
154. Id. at 9-10.
more, because it is a far better teaching tool than the Bluebook, many legal research and writing professionals have already adopted the ALWD Manual, and more will do so as they become familiar with its positive attributes and realize that it answers many citation questions that consume valuable class time. Additionally, students who learn citation using the ALWD Manual will likely continue to use it as a reference source when they are out in practice.

In addition, professors teaching doctrinal courses should embrace the ALWD Manual, or at the very least support their law school's adoption of the new manual, because its function as a teaching tool promotes and accelerates student mastery of citation. Early mastery of legal citation by students impacts all aspects of the curriculum. If legal research and writing professionals can more effectively and efficiently teach students how to use citations and precedent, then those students will have a better understanding of authority, which will aid them when reading case law in preparation for their other classes.

Another reason the new manual will likely survive is that it does not drastically change citation form, but sets forth rules for citation based on the form currently used by professionals. The system of citation required by the Bluebook and the ALWD Manual are so similar that the vast majority of attorneys will not be able to identify which system is utilized in a document. Furthermore, because most courts prefer "traditional" citation form, which the ALWD Manual has retained,\textsuperscript{155} rather than actual "Bluebook" citation form,\textsuperscript{156} Darby Dickerson and the Association of Legal Writing Directors need not fear backlash from that sector of the legal community. In fact, judges and practitioners should embrace the new manual enthusiastically because it targets practitioners rather than law review editors and is thus easily accessible to those practitioners who were not introduced to the new manual in law school. Furthermore, judges and practitioners should embrace the new manual because it enables students to grasp the fundamentals of legal citation and to master proper citation format earlier in their law school careers. Furthermore, the fact that the ALWD citation format focuses on citations as used by practicing attorneys indicates that law students learning

\begin{footnotes}
\footnote{155. See Association of Legal Writing Directors, \textit{ALWD Citation Manual}, http://www.alwd.org/FAQs (accessed Nov. 18, 2002) (document is on file with the author). "To bluebook" means to conform citations to the format considered acceptable to the bench and bar, regardless of the publication in which those formats are explained. When lawyers and judges expect "bluebooking," they are not interested in conformity to the latest edition of the \textit{Bluebook}. Very few lawyers and judges even know in detail what the latest edition of the \textit{Bluebook} requires.}

\footnote{156. "[O]nly 12 jurisdictions specifically require use of the 'Bluebook.'" Aarons, \textit{supra} n. 22.}
\end{footnotes}
citation from the new manual should be better prepared for practice than those learning it from the Bluebook.

While these factors may work together to ensure the survival of the ALWD Manual, it will likely never completely usurp the Bluebook. There are at least four law schools that will likely never adopt the manual.157 These are the same schools that comprise the Harvard Law Review Association and whose students Maureen Collins accuses of having a twisted sense of humor.158

Darby Dickerson and the Association of Legal Writing Directors recognize that legal citation is a language. The ALWD Manual was designed to quickly teach law students how to effectively communicate in that language. Because the manual adopts traditional citation form and is an effective teaching tool, because legal writing instructors value class time and would prefer to teach analysis rather than citation during this time, and because the manual has a ready-made constituency, it appears that the ALWD Manual will survive where others have failed.

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157. These law schools include Harvard Law School, Yale Law School, Columbia University Law School, and the University of Pennsylvania Law School.
158. Collins, supra n. 5.