



BLUEBOOK CITATION IN SCHOLARLY LEGAL WRITING*

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The writing assignments you receive in 1L Legal Research and Writing or Legal Practice are primarily practice-based documents such as memoranda and briefs, so your experience using the Bluebook as a first year student has likely been limited to the practitioner style of legal writing. When writing scholarly papers and for your law journal, however, you will need to use the Bluebook's typeface conventions for law review articles. Although answers to all your citation questions can be found in the Bluebook itself, there are some key, but subtle differences between practitioner writing and scholarly writing you should be careful not to overlook.

Your first encounter with law review-style citations will probably be the journal Write-On competition at the end of your first year. This guide may help you in the transition from providing Bluebook citations in court documents to doing the same for law review articles, with a focus on the sources that you are likely to encounter in the Write-On competition.

1. Typeface (Rule 2)

Most law reviews use the same typeface style, which includes Ordinary Times New Roman, *Italics*, and SMALL CAPITALS. In court documents, use Ordinary Roman, *Italics*, and Underlining.

Scholarly Writing

In scholarly writing footnotes, use Ordinary Roman type for case names in full citations, including in citation sentences contained in footnotes. This typeface is also used in the main text of a document.

Use *Italics* for the short form of case citations. Use *Italics* for article titles, introductory signals, procedural phrases in case names, and explanatory signals in citations. Italicize punctuation only when it falls within italicized material in a citation. In the main text, italicize case names; procedural phrases; and titles of publications (including statutory compilations), speeches, or articles. You also can use italics for emphasis.

* Revised by Alie Kolbe and Karl Bock. Originally drafted by Kristen Murray and Karin Scherner-Kim, with revisions by Eric Nitz.

Use SMALL CAPITALS for the author and title of a book and the name of a periodical (such as a law review) in a scholarly writing citation.

Practice-based Documents

In practice-based and court documents, use Ordinary Roman type for the reporter volume number, the reporter abbreviation, the first page of the case in case citations; for authors’ names and periodical titles in publication citations; and for introductory signals when they appear as part of a textual sentence.

Use Underlining or *Italics* in practice-based and court documents for case names in citations, including the “v.” and any procedural phrase; for introductory signals in citations; for explanatory phrases introducing prior or subsequent history and related authority in a citation; for cross-references and short forms of citations; for the title of a publication in a citation; and for names of publications in a textual sentence.

The following sections illustrate the types of authority that you will encounter most frequently in your scholarly legal writing. For each type of authority, the table compares the typeface conventions used for citations to particular documents in court documents and legal memoranda to those used in law review footnotes.

Case Names (Rule 10)

<u>Deciding Court</u>	<u>Court Document Typefaces</u>	<u>Law Review Footnote Typefaces</u>
Federal Court (Rule 10)	<p><u>Fitzpatrick v. Bitzer</u>, 427 U.S. 445 (1976).</p> <p><i>Fitzpatrick v. Bitzer</i>, 427 U.S. 445 (1976).</p> <p><u>Fitzpatrick</u>, 427 U.S. at 452.</p> <p><i>Fitzpatrick</i>, 427 U.S. at 452.</p>	<p>Fitzpatrick v. Bitzer, 427 U.S. 445 (1976).</p> <p><i>Fitzpatrick</i>, 427 U.S. at 452.</p>
State Court (Rule 10)	<p><u>Michaels v. Doe</u>, 444 S.E.2d 1223 (Va. 2001) (per curiam).</p> <p><i>Michaels v. Doe</i>, 444 S.E.2d 1223 (Va. 2001) (per curiam).</p>	<p>Michaels v. Doe, 444 S.E.2d 1223 (Va. 2001) (per curiam).</p>

Constitutions and Statutes

<u>Type of Source</u>	<u>Court Document Typefaces</u>	<u>Law Review Footnote Typefaces</u>
Constitutions (Rule 11)	U.S. Const. art. 1, § 9, cl. 2.	U.S. CONST. art. 1, § 9, cl. 2.
Statutes (Rule 12)	28 U.S.C. § 2255 (1994 & Supp. 1997). Cal. Educ. Code § 48,215 (West Supp. 1999).	28 U.S.C. § 2255 (1994 & Supp. 1997). CAL. EDUC. CODE § 48,215 (West Supp. 1999).

Books and Articles

<u>Type of Document</u>	<u>Court Document Typefaces</u>	<u>Law Review Footnote Typefaces</u>
Books (Rule 15)	Peter H. Schuck, <i>Citizens, Strangers, and In-Betweens</i> (1998).	PETER H. SCHUCK, <i>CITIZENS, STRANGERS, AND IN-BETWEENS</i> (1998).
Periodical Article (Rule 16)	Jill J. Ramsfield & Christopher Rideout, <i>Legal Writing: A Revised View</i> , 69 Wash. L. Rev. 35 (1994).	Jill J. Ramsfield & Christopher Rideout, <i>Legal Writing: A Revised View</i> , 69 WASH. L. REV. 35 (1994).

Legal Encyclopedias, Restatements, etc.

<u>Type of Source</u>	<u>Court Document Typefaces</u>	<u>Law Review Footnote Typefaces</u>
American Law Reports (Rule 16.7.6)	Martin Roe, Annotation, <u>Interpretation of the Terry Doctrine</u> , 111 A.L.R. Fed. 1111 (2001). Martin Roe, Annotation, <i>Interpretation of the Terry Doctrine</i> , 111 A.L.R. Fed. 1111 (2001).	Martin Roe, Annotation, <i>Interpretation of the Terry Doctrine</i> , 111 A.L.R. FED. 1111 (2001).
American Jurisprudence & Corpus Juris Secundum (Rule 15.8)	123 Am. Jur. 3d <u>Property</u> § 123 (2005). 123 Am. Jur. 3d <i>Property</i> § 123 (2005).	123 AM. JUR. 3D <i>Property</i> § 123 (2005).
Restatements (Rule 12.9.5)	Restatement (Third) of Contracts § 1111 (2005).	RESTATEMENT (THIRD) OF CONTRACTS § 1111 (2005).

Internet Sources

<u>Type of Source</u>	<u>Court Document Typefaces</u>	<u>Law Review Footnote Typefaces</u>
Internet Documents (Rule 18.2.2) (B18.1.1)	David Weigel, <u>You're Under Arrest</u> , Slate (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/ . David Weigel, <i>You're Under Arrest</i> , Slate (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/ .	David Weigel, <i>You're Under Arrest</i> , SLATE (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/ .

Ellipses (Rule 5.3)

Put a space before and after each period in an ellipse (“ . . . ”). Do not use ellipses to begin a quotation. Where the beginning of a quoted sentence is being omitted, capitalize the first letter of the quoted language and place it in brackets if it is not already capitalized. Do not use ellipses when individual words merely are altered—use brackets. If the ellipse indicates the omission of the last word in a sentence, insert an ellipsis between the last word being quoted and the final punctuation of the sentence being quoted: “National borders are less of a barrier to economic exchange now than at almost any other time”

Signals (Rules 1.2, 1.3, 1.4)

Whether inserting signals as a writer in a scholarly paper or checking use of an author’s signals in a journal article, use of the proper signal is important to convey the writer’s point to the reader. As in other types of legal writing, no signal is necessary if the cited authority directly states the proposition, identifies the source of the quotation, or identifies an authority referred to in the text. Use *see* if the proposition is not directly stated by the authority but obviously follows from it.