



SOME COMMON AND OBSCURE BLUEBOOK ERRORS, OR HOW TO REALLY IMPRESS EVEN THE MOST EXACTING BLUEBOOKER

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Before you started law school, you had probably never heard of *The Bluebook*. Or even if you had, you probably never imagined you would spend so much time “Bluebooking” as part of legal writing! But as you now know, proper Bluebook citation can help create a good first impression, whether in a writing sample or the Journal write-on competition.

To help you make that strong first impression, here is a list of some of the most common Bluebook rules to make a mistake on—and how to avoid those mistakes! Errors in the application of these (and other) Bluebook rules are apparent to experienced Bluebookers such as journal editors, judges and their law clerks, and law firm recruiters and partners. Thus, it may be worthwhile to familiarize yourself with some of these rules.

You may want to examine this list in conjunction with your Bluebook, which contains additional examples and citation tips. And note that these rules were chosen based on personal editing and writing experience. As you spend more time looking through the Bluebook, you may come up with your own list of particularly difficult Bluebook rules!

1. Capitalization (Rule 8 / B8).

In headings, capitalize the initial word, any word that immediately follows a colon, and all other words except articles, conjunctions, and prepositions of four or fewer letters (unless they begin the heading or title, or immediately follow a colon).

In all text, capitalize nouns referring to people or groups only when they refer to specific persons, offices, or bodies. The same applies to words such as “act,” “circuit,” or “court”: capitalize them only when they refer to a specific act, circuit, etc., but not when they are used as a generic reference. Thus, you would write that “on February 19, 2021, the U.S. District Court for the District of Rhode Island ruled in this case” but that “district courts are bound by the rulings of the circuit court of the circuit to which they belong.” But note—you must always capitalize Court when referring to the U.S. Supreme Court.

Finally, when writing a document for a particular court, per B8, capitalize “Court” when referring to the court you are writing to.

* Revised by Richard Bernache and Halle Edwards in 2021, based on a revision by John Secaras in 2017.

2. The Appearance of “quoted in” versus “quoting” (Rule 1.5, 1.6(c)).

Often, you want to indicate that a particular case or authority either is quoted in or quotes another authority. If you use “quoted in,” per Rule 1.6(c), the phrase follows the citation, is separated from it by a comma, and is underlined (memo) or italicized (memo or law review): Catlin v. United States, 324 U.S. 229, 233 (1945), quoted in Gelboim v. Bank of Am. Corp., 574 U.S. 405, 409 (2015).

If, however, you use “quoting,” the phrase is used in a parenthetical in plain type per Rule 1.5, and is not underlined or italicized: Gelboim v. Bank of Am. Corp., 574 U.S. 405, 409 (2015) (quoting Catlin v. United States, 324 U.S. 229, 233 (1945)).

For more guidance, consult the Writing Center handout Parentheticals.

3. Memorandum and Per Curiam Decisions (Rule 10.6.1(b)).

A memorandum decision indicates that the court has disposed of an appeal without issuing an opinion. A per curiam opinion is an unsigned opinion issued on behalf of the entire court. Memorandum decisions and per curiam opinions generally carry less precedential weight, hence the importance of including this information in citations. Use a parenthetical if you are citing a memorandum decision or per curiam opinion: Wearry v. Cain, 577 U.S. 385 (2016) (per curiam).

4. Order of Signals (Rule 1.3).

When you use more than one signal in a citation string, the signals should be listed in the order in which they appear in Rule 1.2, so that *see* would precede *see also*, etc. Additionally, signals come in four different flavors—supportive, comparative, contradictory, and background (Rule 1.2(a)–(d)). Signals of the same type (such as *accord* and *see*) should be used together in a single citation sentence. For example: *See* Gelboim v. Bank of America Corp., 574 U.S. 405, 414; *accord* Hall v. Hall, 138 S.Ct. 1118, 1131.

Different types of signals (for example, contradictory authority after supporting authority) must be grouped in separate citation sentences. For example: *See* Gelboim v. Bank of America Corp., 574 U.S. 405, 414. *But see* McCullough v. World Wrestling Ent., Inc., 838 F.3d 210 (2d Cir. 2016) (declining to extend Gelboim’s holding to cases consolidated for all purposes).

Note this rule does not apply to signals within a citation clause. Within a citation clause, you can include citation strings with different signal types.

For more guidance on signals, consult the Writing Center’s handout Bluebook Signals Explained.

5. Order of Authorities Within Each Signal (Rule 1.4).

In the 21st Edition of *The Bluebook*, Rule 1.4 only counsels you to order authorities “in a logical manner.” However, previous editions of the Bluebook provided stricter guidance, and provided the following hierarchical order:

1. Constitutions, in the following order –
 - a. U.S. Federal Constitution
 - b. U.S. State Constitutions, alphabetically by state
 - c. Foreign, alphabetically by jurisdiction
 - d. Foundational documents of the U.N., League of Nations, and E.U.
2. Statutes, in the following order –
 - a. Federal
 - b. State
 - c. Foreign
3. Treaties and other international agreements
4. Cases, in the following order –
 - a. Federal (Supreme Court first, then Courts of Appeals, then District Courts)
 - b. State (courts alphabetical by state then ranked by state)
 - c. Foreign
 - d. International
5. Legislative Materials
6. Administrative and Executive Materials
7. Intergovernmental organizations’ resolutions, decisions, regulations
8. Records, briefs, and petitions
9. Secondary sources
10. Cross-references to authors’ own material

Note that the above list is simplified. The full text of the older Rule 1.4 is available here: https://www.law.cornell.edu/wex/order_of_authorities.

Even though the current version of *The Bluebook* does not provide this hierarchy, practitioners, judges, and professors are used to the above list being the “logical” order. So when choosing how to order authorities within a signal, consider using the above list for guidance.

Finally, even the original Rule 1.4 allowed the most important or relevant citation to come first, despite the above list. The current iteration of 1.4 agrees: “If one authority or several authorities together are considerably more helpful or authoritative than the other authorities cited within a signal, they should precede the others.” So when choosing which authority comes first, start with the most helpful or authoritative source, even if it comes later on the list.

6. Numerals and Symbols (Rule 6.2).

Spell out the numbers zero to ninety-nine in text and footnotes. Only use numerals for 100 and higher. But if you are listing a series of numbers with values greater than and less than 100, use

numerals: “the law students read 23, 9, and 120 pages over the weekend, respectively.” Also, any number that begins a sentence must be spelled out, regardless of value.

Do not use superscripts for ordinals: write “1st,” not “1st.” While we are on the subject of ordinals, remember that for citations using ordinals that end in two or three, write 2d and 3d, not 2nd and 3rd.

7. Abbreviations for Periodical Names (T.13).

T.13 lists the names of institutions and their abbreviations (for example, “Geo.” for “Georgetown”), to use when you cite to various law journals. Sometimes, however, you will need to cite to a law journal whose institution is not listed in T.13. If that happens, you can determine the proper abbreviation for the journal’s title by finding the individual words and their respective abbreviations in T.6 and T.10. If the title contains a word that is not listed in either table, you can use the entire word. Additionally, you should omit “a,” “at,” “in,” “of,” and “the” from all abbreviated titles. Do not, however, omit “on.” Furthermore, if any of these omissions reduces the title to a single word, that word should not be abbreviated even if it is contained in T.6 or T.10. Finally, see Rule 6.1(a) for the spacing of abbreviations.

8. General Format for Parenthetical Information (Rule 1.5).

The general rule is that parentheticals should start with a lower-case present participle such as “holding” or “finding,” and end without punctuation, such as: (holding that defendant should have been given Miranda warnings).

This general rule, however, has two exceptions:

First, if your parenthetical directly quotes at least one full sentence, it should begin with a capital letter and end with closing punctuation. But if you are only quoting a short phrase, use a present participle as described above and do not include closing punctuation.

Second, if the parenthetical does not require a full participial phrase to provide necessary context, it can just contain a short statement. For example: *See also* Gelboim v. Bank of America Corp., 574 U.S. 405 (2015) (Section 1407 consolidation); Hall v. Hall, 138 S.Ct. 1118 (2018) (Rule 42(a) consolidation).

When a single citation contains multiple parentheticals, place them in this order: (date) (degree-granting institution) (ProQuest) [hereinafter short name] (en banc) (Last name, J., concurring) (plurality opinion) (per curiam) (alteration in original) (emphasis added) (footnote omitted) (citations omitted) (quoting another source) (citing another source), <http://www.domainname.com> (last visited) (explanatory parenthetical), prior or subsequent history.

9. Formatting of Signals and Accompanying Punctuation (Rule 2.1).

Signals in citation sentences are underlined or italicized (memo) or italicized (law review). Underline or italicize commas, semicolons, and other punctuation marks only when they are part of the italicized material, and not when they are an element of the surrounding sentence. For example, the periods following “*e.g.*” and the first comma are italicized in a *see, e.g.*, citation, but the second comma is not.

On the other hand, if you use signals as verbs in ordinary sentences, they are neither underlined nor italicized. This happens frequently in law review footnotes.

10. Citations to Footnotes and Endnotes (Rules 3.2(b) and 3.2(c)).

To direct your reader to a footnote, indicate the page number on which the footnote is found, followed first by a space and then by “n.” and the footnote number. There is no comma between the page number and the “n.” and no space between the “n.” and the footnote number. Thus, you would cite to Justice Stone’s famous footnote four as follows: United States v. Carolene Prods. Co., 304 U.S. 144, 153 n.4 (1938).

For endnotes, follow the same format but remember to indicate the page on which the endnote appears, not the page in the text that contains the reference to the endnote.

11. Use of “*supra*” and “*infra*” in Court Documents (Rule B4).

You may have heard that “*supra*” (above) and “*infra*” (below) should not be used in court documents. That is true—with exceptions. Because you always need to provide a full citation the first time you refer to an authority, “*infra*” is never used to refer to cited authority. You would use “*infra*” only to refer to a point that is made in a later section of your document, for example: “The district court erred because, as discussed in Part B.2 *infra*, the Defendant’s right to counsel had already attached.”

“*Supra*,” on the other hand, can be used to refer to some previously cited authorities, such as legislative hearings, court filings, books, pamphlets, reports, and periodicals (see Rule B4 for a full list). It cannot be used with cases, statutes, or constitutions.