



# Official Blue Book Updates & Tips

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## **Bluebook Updates**

### **T13 W-X**

**Date Revised:** 10/24/2008

**Corrected To:**

Updated Washington Law Review abbreviation to WASH. U. L. REV.

**Corrected From:**

Updated Washington Law Review abbreviation from .

### **T.15 Services**

**Date Revised:** 10/24/2008

**Corrected To:**

Updated alphabetical location of IRS Positions below International Trade Reporter.

**Corrected From:**

Incorrect alphabetization.

### **T.15 Services**

**Date Revised:** 10/24/2008

**Corrected To:**

Updated alphabetical location of SEC Accounting Rules above Secured Transactions Guide.

**Corrected From:**

Incorrect alphabetization.

### **R14.9 Patents**

**Date Revised:** 10/24/2008

**Corrected To:**

Updated spacing in fourth example to col. 2.

**Corrected From:**

Replaced incorrect spacing in fourth example from .

### **R20.5.1 Statutes in Common Law Systems**

**Date Revised:** 10/24/2008

**Corrected To:**

Updated first example to 8 L.S.I. 144.

**Corrected From:**

Deleted erroneous comma in first example from .

## T.1 Wisconsin (WI)

**Date Revised:** 10/24/2008

**Corrected To:**

Updated spacing in first example to N.W.2d 72.

**Corrected From:**

Replaced incorrect spacing in first example from .

## **Bluebook Tips**

### **Cases**

#### 1. “United States” and “U.S.”

**Date Revised:** 1/2/2008 (Related Sections: R10.2.2, T.6)

“United States” is never abbreviated when the United States is a party in a case name. However, it may be abbreviated as part of another party’s name, like any other word in T.11. In textual sentences, “U.S.” may be used as an adjective, but it should never be used as a noun.

**For example:** United States v. Church of Scientology W. U.S., 973 F.2d 715 (9th Cir. 1992).

#### 2. Citing to Two Cases That Share a Single Citation.

**Date Revised:** 1/2/2008 (Related Section: R10.2.2)

When citing two cases with the same citation that have not been consolidated cite as X v. Y and A v. B. For an example of this relatively rare phenomenon, see The Supreme Court: 1996 Term — Leading Cases, 111 HARV. L. REV. 197, 243 n.65.

#### 3. Dates of pre-1882 U.S. Supreme Court Cases

**Date Revised:** 1/2/2008 (Related Sections: R10.5, T.1)

Before Volume 108 of the U.S. Reports (1882), opinions do not list their date of decision but list only the Term in which they were decided. For the dates of these opinions, you must refer to the Librarian of the Supreme Court’s list of dates, which is found at <http://www.supremecourtus.gov/opinions/datesofdecisions.pdf>.

#### 4. Nonprofit Parties in Case Names

**Date Revised:** 1/2/2008 (Related Section: R10.2.1)

The names of nonprofit corporations as parties should be treated like any other business name, such that references to geographic location should not be dropped and business firm designations should generally be retained.

**For example:** See *Hurley v. Irish-Am. Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995).

#### 5. Plurality Opinions

**Date Revised:** 1/2/2008 (Related Sections: R10.6.1, R10.7.1)

Carefully scan the beginning of opinions to determine if any part of the principal opinion has been endorsed by less than a majority of the court. If so, be sure that any pincite to a portion of the opinion enjoying less-than-majority support is designated as “(plurality opinion).” (The header in recent volumes of the U.S. Reports will change from page to page depending on whether the principal opinion is endorsed by a majority of the Court.) Treat the “(plurality opinion)” designation as identical to a “concurring” or “dissenting” parenthetical both for purposes of full and short citations. Therefore, “(plurality opinion)” should be included in all short citations other than “*id.*” when the plurality opinion was also cited in the previous footnote. Similarly, “(plurality opinion)” should not be included when the case is cited in full without a pincite.

**These two examples are wrong:**

- The Court was badly splintered in *Troxel v. Granville*, 530 U.S. 57 (2000) (plurality opinion), with no opinion commanding a majority of the Court;
- <sup>1</sup> See *Troxel*, 530 U.S. at 65 (noting the longstanding nature of the liberty interest in rearing one’s child).

**This example is correct:** <sup>1</sup> See *Troxel*, 530 U.S. at 65 (plurality opinion) (noting the longstanding nature of the liberty interest in rearing one’s child).

#### 6. Seriatim Opinions of the Early U.S. Supreme Court

**Date Revised:** 2/8/2008 (Related Section: T.1)

Prior to the Marshall Court, the Supreme Court followed the traditional British practice of each Justice writing his own opinion rather than producing a majority opinion for the Court. To cite such an opinion, include the parenthetical “(opinion of Lastname, J).”

## 7. Short Forms and Concurring and Dissenting Opinions

**Date Revised:** 1/2/2008 (Related Sections: R4.1, R10.9)

As indicated in Bluebook Rule 10.9(b)(i), when citing a decision other than the majority opinion of the court, include a parenthetical identifying the author and the status of the opinion. Immediate subsequent citations to the same case (using *id.*) are presumed to be citing to the same nonmajority opinion. To switch from one nonmajority opinion to another nonmajority opinion, you need only insert a different parenthetical. If a citation to the majority opinion is immediately subsequent to a citation to a nonmajority opinion, you must include “(majority opinion)” after the *id.* citation.

**For example:** <sup>10</sup>Kiowa Tribe, 118 S. Ct. at 1706 (Stevens, J., dissenting).

<sup>11</sup>*Id.* at 1707.

<sup>12</sup>*Id.* at 1705 (O’Connor, J., concurring).

<sup>13</sup>*Id.* at 1707 (Stevens, J., dissenting).

<sup>14</sup>*Id.* at 1702 (majority opinion).

## 8. The “(mem.)” Designation

**Date Revised:** 1/2/2008 (Related Section: R10.6.1)

As stated at Rule 10.6.1(b), a decision is designated “(mem.)” only when it is issued without opinion. It should be included each time the full citation to the decision is given, even when the decision has been cited earlier in the piece but not within five footnotes. Typically, this designation will only be used for stand-alone (i.e., not as part of a subsequent history phrase) citations to denials of certiorari. Citations to written dissents from or concurrences with decisions issued without an opinion should not include the “(mem.)” designation. District court or other opinions denominated “memorandum decision” are not designated “(mem.)”

## Citation Structure

### 1. Citations Within Parentheticals

**Date Revised:** 1/30/2008 (Related Sections: R4, R10.6, R10.9)

When citations occur within parentheticals, special attention must be paid to formatting and punctuation. In addition, the following points must be observed:

- First, a chain of *id.*-based short citations is not broken by a parenthetical citation to a different source.
- Second, and for the same reason, where an *id.* citation follows a citation with a parenthetical citation to another source, the *id.* refers to the main citation, not the parenthetical citation.

- Third, a parenthetical citation does count as a citation for purposes of the five-footnote rule for determining whether to use a short form citation for cases (Rule 10.9(a)). Finally, when a parenthetical citation is the first of several cites to a source for which the *supra* form may be used, the *supra* citations should generally relate back to the first nonparenthetical citation, for the ease of the reader.

## 2. Order of Articles and Student-Written Pieces

**Date Revised:** 2/15/2008 (Related Section: R1.4)

For articles and student written pieces, two or more works by the same author are ordered first by type (e.g., books before articles), then alphabetically by title (excluding “A,” “An,” and “The”); unsigned articles or notes are alphabetized as though the first word in the title (excluding “A,” “An,” and “The”) were the author’s name; and if works by author X are cited in the same string citation as works by authors X & Y (i.e., the same author and a collaborator), the works by X & Y follow the works by X alone.

## 3. Order of Parentheticals in a Single Citation

**Date Revised:** 1/2/2008 (Related Section: R1.5)

When a citation requires multiple parentheticals, place them in the following order: (date) [hereinafter some short name] (en banc) (Lastname, J., concurring) (plurality opinion) (per curiam) (alteration in original) (emphasis added) (footnote omitted) (citations omitted) (quoting another source) (internal quotation marks omitted) (citing another source), *available at* <http://www.domainname.com> (explanatory parenthetical). In direct citations to internet sources, the “hereinafter” parenthetical should immediately follow the URL or, if there is one, the “last visited” parenthetical.

## 4. Related Authority Follows Explanatory Parentheticals

**Date Revised:** 1/8/2008 (Related Sections: R1.5, R1.6)

Explanatory parentheticals precede all related authority. For example: Louis Loss, *The Conflict of Laws and the Blue Sky Laws*, 71 Harv. L. Rev. 209 (1957) (discussing the bewildering array of state laws then governing interstate securities transactions), *reprinted in* LOUIS LOSS & EDWARD M. COWETT, *BLUE SKY LAW* 180 (1958).

## 5. Unpublished Opinions Cited with Published Opinions

1/2/2008 (Related Section: R1.4)

Unpublished opinions have the same status as published opinions for purposes of order within a signal.

## Cross-References

### 1. “At” Not Used in Short Citations to Constitutions

**Date Revised:** 1/20/2008 (Related Section: R11)

For citations to constitutions using “*id.*”, do not use an “at” before the pincite. That is, “*See id.* at art. III, § 2” is incorrect, and “*See id.* art. III, § 2” is correct.

### 2. Citation of internal footnotes

**Date Revised:** 1/2/2008 (Related Section: R4.2)

- For clarity, it is best not to refer a reader directly to a footnote (“*See supra* note X”) unless the footnote contains some new material written by the author.
- If the footnote contains only cases, the clearest form is “*See cases cited supra* note X.”
- If the footnote contains other authorities in addition to or in place of cases, use the form: “*See sources cited supra* note X.” If the footnote contains only a single source (and no non-parenthetical commentary by the author), direct citation of that source is preferable.

### 3. Five-Footer Rule

**Date Revised:** 2/15/2008 (Related Section: R4.1)

If the case has been cited (not referred to textually) anywhere in the preceding five footnotes (including in a (citing) or (quoting) parenthetical or a citation of a brief or oral argument from that case), use a short form citation. An *id.* citation within the previous five footnotes does count if it’s referring to the case in question. When counting footnotes for the purposes of this rule, count all five of the preceding footnotes. For example, if the case in question is in note 49, references in notes 44–48 count for purposes of the rule.

## Miscellany

### Photographs

**Date Revised:** 1/2/2008 (Related Sections: R15.8, R16.6)

When citing a photograph that appears on an unnumbered page, use “Photograph of [a description]” and give the full cite to the work, followed by “following p. [whatever numbered page immediately precedes the photo].” If the photograph has a title, it should be in italics (followed by a parenthetical). Include the photographer’s name if significant or relevant.

**For example:** See Photograph of Bill Clinton and President Kennedy, in David Maraniss, *First in His Class* (1994), following p. 134; see also Ansel Adams, Bridal Veil Fall (photograph), in Yogi Berra, *Jellystone Park and Its Rivals* (1960), following p. 21.

## **Periodicals**

### **Opinion Pieces**

**Date Revised:** 1/22/2008 (Related Section: R16.5)

As stated in Rule 16.5(a)(i), note parenthetically when a cited newspaper item is an opinion piece, such as an editorial, or an op-ed. Use “Letter to the Editor” rather than any peculiar form that the periodical may use (such as “Saturday Mailbag” or “20071”).

## **Punctuation**

### **1. Footnote Call and Parenthetical Arrangement**

**Date Revised:** 1/2/2008 (Related Section: R1.1)

Footnote calls always go before parenthetical abbreviations or shorthand notations.

**Here are two examples:**

- Recently, in *In re Walt Disney Co. Derivative Litigation*<sup>1</sup> (*Disney IV*), the Delaware Court of Chancery determined that the officers and directors of the Walt Disney Company did not breach their fiduciary duties;
- The Supreme Court recently held that the Age Discrimination in Employment Act of 1967 (ADEA) creates a disparate impact claim.

### **2. Footnote Call and Punctuation Arrangement**

**Date Revised:** 1/2/2008 (Related Section: R1.1)

Footnote calls always go outside quotation marks. Colons and semicolons also go outside. The proper order is: quotation mark, semicolon, footnote call, colon. Commas, however, go inside quotation marks.

## **Quotations**

### **1. Quotations in Parentheticals**

**Date Revised:** 1/2/2008 (Related Section: R5.1)

The 50+ word rule (R5.1(a)) does not apply to quotations in parentheticals; there is no need to indent such quotations. However, if a quotation in a parenthetical is overly long or cumbersome, consider using a textual sentence.

## 2. Repeated Quotations

**Date Revised:** 1/2/2008 (Related Section: R5.1)

When an author repeatedly uses certain quoted material (such as when, in an article about a specific constitutional provision, the author regularly quotes the provision in question), a footnote generally needs to be included only the first time the quotation is included in the material. If there has been a significant gap since the previous use, however, a repeated citation may be appropriate.

## Signals

### 1. “Compare” Requires “With”

**Date Revised:** 1/2/2008 (Related Section: R1.2)

In “Compare” citations, there must always be a “with.” The “with” (or “and”) is preceded by a comma. For example: *Compare* Tom (blonde), *and* Tina (same), *with* Huey (duck), Dewey (same), *and* Louie (same).

### 2. “E.g.” used with other signals

**Date Revised:** 1/8/2008 (Related Section: R1.2)

“E.g.” may be used alone or attached to any other signal (whether supportive or not), preceded by a comma, and followed by a non-italicized comma. Thus the following are correct: *See, e.g.*; *See also, e.g.*; *Cf., e.g.*; *Compare, e.g.*; *But see, e.g.* “*Also,*” however cannot be added to any signal other than “*see.*”

## Statutes

### 1. Acts Comprising Only Part of a Broader Statute

**Date Revised:** 1/2/2008 (Related Sections: R12.2, R12.3, R12.4)

When a specific act was passed as a subdivision (such as one title or one section) of a broader statute, the session law citation of the specific act should list the subdivision of broad statute in which the specific act is found, but should treat the first page of that subdivision as the page on which the act begins. A pincite to a section of the specific act should both include the subdivision reference to the specific act as a whole and the exact section number in question.

**Both of the following examples are correct:**

- *See* Violence Against Women Act, Pub. L. No. 103-322, tit. IV, 108 Stat. 1902 (1994) (codified as amended in scattered sections of 8, 16, 18, 28, and 42 U.S.C.).
- *See* Violence Against Women Act, Pub. L. No. 103-322, tit. IV, § 40302, 108 Stat. 1902, 1941–42 (1994) (codified at 42 U.S.C. § 13981 (2000)), invalidated by *United States v. Morrison*, 529 U.S. 598 (2000).

## 2. Acts With Dates in Their Official Titles

**Date Revised:** 1/2/2008 (Related Section: R12.3.1)

The first reference to a statute should always use its official title as designated by Congress including the year of the statute if it is in the official title (even if the statute has been subsequently amended in a later year).

**Hint:** The “Popular Name Table” in Westlaw (database identifier “USCA-POP”) and Lexis lists these official titles.

**For example:** Endangered Species Act of 1973, 16 U.S.C. §§ 1533–1544 (2000).

## 3. Using “*Id.*” with Statutes

**Date Revised:** 1/2/2008 (Related Sections: R4.1, R12.9)

*Id.* should be used with statutes only when citing the same title of the same series.

**Thus, this example is wrong:** 42 U.S.C. § 1983 (1988); see also 5 *id.* § 303 (1976).

**The following two examples are right:**

- 42 U.S.C. § 1983 (1988); *see also id.* § 1984. 42 U.S.C. § 1983 (1988);
- *see also* 42 U.S.C.A. § 1984 (West 1985 & Supp. 1990).

**When citing the name and original section numbers of an act, use “*id.*” in the following manner:**

- EPA § 211, 43 U.S.C. § 435 (1976); *see also id.* § 212, 43 U.S.C. § 436. EPA, Pub. L. No. 94-123, § 211, 21 Stat. 65, 66 (1975) (codified as amended at 43 U.S.C. § 435 (1994));
- *see also id.* § 212, 21 Stat. at 67 (codified as amended at 43 U.S.C. § 436).

## **Subdivisions**

### **1. Dropping Repetitious Digits**

**Date Revised:** 1/15/2008 (Related Section: R3.2)

Rule 3.2(a) applies only to consecutive page and note numbers and only when non-repetitious digits appear only in the units or tens position of the number. Do not drop repetitious digits from consecutive section or paragraph numbers, sections of statutes, or years.

**Both of the following examples are incorrect:**

- [1979–1980 Transfer Binder] Fed Sec. L. Rep. (CCH) ¶¶ 578–93;
- Curtis A. Bradley & Jack L. Goldsmith, Congressional Authorization and the War on Terrorism, 118 Harv. L. Rev. 2048, 2096–100 (2005).

Note that while repetitious digits in the units or tens positions may not be dropped from section and paragraph numbers, identical digits or letters preceding any punctuation mark may be omitted, so long as doing so does not create confusion. See Bluebook rules 3.3(b) and 3.3(c).

**This example is correct:** Wash. Rev. Code Ann. §§ 18.51.005–.52.900 (West 1989 & Supp. 1991).

### **2. Pinciting**

**Date Revised:** 1/2/2008 (Related Section: R3.2)

Readers should be able to find and verify the accuracy of a citation rapidly. Use a pincite whenever a subset of the cited authority supports the proposition or contains the quotation mentioned in the text. Generally, cite the smallest subset that supports the relevant proposition. Pincites identifying particular quotations or points should follow rather than precede the quotation or point. If a sentence identifies the authority before it presents the quotation or point from that authority, use two citations.

### **3. Ranges of Star-Paginated Material**

**Date Revised:** 1/2/2008 (Related Section: R3.2)

If a source uses star paging (such as “\*3”), drop the star in the reference to the ending page number (for example, “\*3–5”) but keep the star in all references to nonconsecutive pages (for example, “\*3, \*5”).