Preparing for the Urban Lawyer Write-On Competition – Bluebook, Law Review Style
Preliminary Points

- Look it up -- even if you **THINK** you know the answer. Guessing can be dangerous.
  - Use the detailed index.
  - Start with very specific terms.
  - Move to more general terms and synonyms.
  - Do not assume the rule is the same as in The Bluepages.
Endnotes and Footnotes
Footnotes v. Endnotes

Footnotes appear at the bottom of the page on which the corresponding portion of the main text appears. Endnotes appear at the end of the entire paper, after the “conclusion.” Other than where they appear, endnotes are prepared in the same way footnotes are prepared.
Why Use Footnotes?

In scholarly legal writing, footnotes serve three primary functions:

- **Authority.**
- **Attribution.**
- **Continue the discussion.**
Preliminary Example

Police must inform suspects in custody of their constitutional rights before questioning them.

- This is a generally-known legal proposition.
- But the conventions of legal scholarship require writers to document this proposition with an AUTHORITY footnote.

Lower courts have taken different approaches to *Miranda* in the prison context.
- Another legal assertion.
- Need to cite authority on this point as well.

You might cite several cases that illustrate this split.
- *Compare ... with.*
- Textual sentences in footnote.
The best solution to this problem is to require warnings only for inmates upon whom official suspicion has focused.

- Assume you adopted this solution from another writer.
- You *paraphrased* his solution.

You need to give *ATTRIBUTION* to that other author by citing his work in a footnote.
Preliminary Example

Now, let’s assume you wish to further comment on the other author’s solution, but that the comment is incidental or marginal to the subject under discussion in the text.

- You might discuss whether the author’s proposal was so vague as to invite abuse from over-zealous prison authorities.
- You might put your comments in a TEXTUAL footnote.
Legal scholarship is characterized by extensive documentation.

You must include an authority footnote to support virtually every proposition of law or fact in the text.

Exceptions: Sentences of pure, original argument; common knowledge; and conclusions.
Attribution Footnotes

Like new law, which is constantly being fashioned out of existing rules, scholarly papers often build upon and advance ongoing legal debates.

Thus, reliance on others’ ideas is common and indeed expected.
Proper Attribution

- Provide a footnote for ANY borrowed language or ideas, whether quoted or paraphrased.
- When you borrow four or more consecutive words, use quotation marks.
  - Where the wording is distinctive, use quotation marks for phrases of less than four words.
Proper Attribution

- Put borrowed text of less than 50 words in *quotation marks*.
- Put borrowed text of 50 words or more in a *block quote*.
  - BB Rule 5.1.
Textual Footnotes

Textual footnotes contain textual sentences that supplement what you’ve said in the text.
Purposes of Textual Footnotes

- Provide an example or illustration of a point made in the text.
- Define a term used in the text.
- Clarify or qualify an assertion made in the text.
- Raise a potential complication.
Additional Purposes

- Quote language paraphrased in the text.
- Give additional, interesting information that is tangential to the main text.
  - Main plot v. sub-plot.
Hybrid: The Parenthetical

You might combine an authority or attribution function with a “textual” function by using parentheticals.

- Do this by citing the authority, and then briefly describing the authority.

Example: Smith v. Jones, 100 U.S. 97, 100 (1933) (examining the historical roots of the First Amendment’s free press clause).
Much of the substantive material in this part of the presentation was derived from:

- **Elisabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students** (West 1995).
- Available in the library.
Bluebook Format
Organization

- Introduction
- The Bluepages: An Introduction to Basic Legal Citation *(Not used in Law Review)*
- Rules 1-9: General Rules that apply to all other rules
- Rule 10: Cases
- Rules 11-14: Constitutions & Statutes
- Rules 15-18: Secondary Sources
Tables

T-1: United States Jurisdictions
T-2: Foreign Jurisdictions
T-3: Intergovernmental Organization
T-4: Treaty Sources
Abbreviations

T-6: Case Names
T-7: Court Names
T-10: Geographical Terms
T-13: Periodicals
T-15: Services
Tip

- Read the rule.
- Then look at the examples – all are in law review format.
- Quick reference - Inside front cover
Typeface: BB 2

Regular, *italics* (underlining) or **LARGE AND SMALL CAPITALS**.
Italicize

- Signals
- Case names
  - short cite
  - text
- History (e.g., aff’d)
- *Id.* & *supra*
- Punctuation within, but not after, italicized material
- Title of Periodical Article
LARGE AND SMALL CAPITALS
Font

- Statutes
- Constitutions
- Periodical name
- Book/Treatises authors and titles
General Spacing Rules

- In general, close up consecutive capital letters. *Example:* N.W.2d

- DO NOT close up capital letters combined with longer abbreviations. *Example:* D.#Mass.

- Ordinals are treated as capital letters. *Example:* F.3d

- In law review abbreviations, separate L. REV. from geographic designations. *Example:* N.Y.U.#L.#REV.
Capitalization: BB 8

- Conform titles to this rule.
- Use spelling in original.
- Capitalize first letter of:
  - First word in title
  - First word in subtitle
  - First word after colon or dash
  - All other words except articles, conjunctions of four or fewer letters, and prepositions of four or fewer letters.
Page Numbers: BB 3.2

- Use a pinpoint whenever possible.
- Page spans. Retain last two digits, but drop other repetitious digits:
  100-11
Multiple Sections and Paragraphs: BB 3.3

- Do not use *et seq.*
- Put a space between the section symbol and the number.
- Use **TWO** section symbols when citing multiple sections and retain all digits. (§§ 237-299)
- Use **ONE** section symbol when citing multiple SUBSECTIONS within a statute. (§ 237(a)-(g))
Internal Cross-References: BB 3.5

- Internal cross-references refer to other parts of the paper.
- You can refer to parts of main text, to endnotes, or to both (read page 63 for examples).
- **Supra** = material that appears BEFORE the current citation.
- **Infra** = material that appears AFTER the current citation.
Short Citations: BB 4

4.1: *Id.* rule

4.2: *Supra* (as a short citation) rule.
Id.

May be used as a short cite for any kind of authority, except internal cross-references (and appellate record cites).
Id.

In endnotes, use id. when:

- Referring to the immediately preceding authority in the SAME endnote, OR
- Referring to the preceding endnote when the preceding endnote cites only ONE authority.

Can not use unless readily found in one of the preceding five footnotes -- BB 10.9(a)
*Id.*

- If *id.* is appropriate, use *id.* instead of another short form.
- The period in *id.* is underlined/italicized.
- *Id.* used after a signal is not capitalized.
Id.

Sources identified in explanatory parentheticals are IGNORED for purposes of the *id.* rule.

8*Id.* at 2 (citing Jones v. Smith, 555 F. Supp. 927 (N.D. Cal. 1977)).

9*Id.* at 4.
Supra as a Short Form

Use *supra* as a form of short cite for certain types of previously-cited sources. Most commonly used for books and law review articles.


100. **HOLMES, supra n. 5**, at 93.
Supra and Hereinafter

- Use hereinafter to shorten a long title, when you have more than one piece (of the same type) by the same author within the same footnote, or if the short cite reference would be very long.
- Make sure you are going to use the new reference.

8War in Bosnia Ends Only after Lengthy Negotiations Force Sides into Reality, 78 WALL ST. J. 3 (Oct. 2, 1996) [hereinafter War in Bosnia].
Hereinafter

Use *supra* to refer to the prior hereinafter reference.

\(^{33}\) *War in Bosnia*, *supra* n.8, at 3.
Note Placement

- Endnote numbers should be appended to the portions of text to which they refer.
  - Superscript (above regular text).
- You need a separate endnote for each separate idea.
- Endnotes are placed after the punctuation.
Endnote Placement

If the sentence contains only one thought, you need only one endnote -- after the punctuation.

Incorrect:
The court held for the landlord¹.

Correct:
The court held for the landlord.¹
Endnote Placement

If the sentence contains several separate thoughts, you need an endnote for each thought -- after the pertinent punctuation.

Correct:
All states require the plaintiff to prove offer,\(^1\) acceptance,\(^2\) and consideration.\(^3\)
Endnote Placement

Typically insert an endnote number when citing a case for the first time in the text.

In *Smith v. Jones*, the court held that the defendant bears the burden of self defense.

145 F.3d 975 (2d Cir. 1996).

*Id.* at 978.
Citations within Endnotes

- You may include textual sentences in your endnotes. Indeed, most authors do.
- You must support textual material in the endnotes with citations.
- Within endnotes, citations may appear as clauses or citation sentences.
Citation Sentence

If an authority supports or contradicts the ENTIRE sentence in the endnote, the citation should appear in its own sentence -- a citation sentence.

Citation Clause

When an authority supports or contradicts only part of a sentence in the endnote, then the citation should be included within the “endnote text” and should be set off with commas.

Introductory Signals: BB 1.2

- Signals indicate the purpose for which an authority is cited.
- Signals indicate the degree of support or contradiction the authority cited in the endnote gives the proposition in the text.
Separate signals with a semicolon.

BB 1.3

32Smith v. Jones, 438 F. Supp. 90, 96 (S.D. Fla. 1963); see French v. Williams, 457 F.2d 27, 32 (2d Cir. 1968) (agreeing with Jackson); but see . . . .
Multiple Cases within the Same Signal: BB 1.4

You may have more than one case that gives the same type and degree of support.

If so, do not repeat the signal.

Use BB 1.4 to determine the order of cases within a signal.

93 See Jones v. Smith, 100 F.2d 97, 99 (5th Cir. 1952) (finding the defendant acted in self-defense); Gordon v. Ball, 76 P.2d 588, 599 (Mont. 1934) (finding that the plaintiff used the knife in self-defense).
Order of Authorities: BB 1.4

- The authorities within the *same signal* must be in proper order.
- Start the ordering over when you switch signals.
Overall Order

- Constitutions
- Statutes
- Treaties
- Cases
- Secondary Sources
Order of Federal Cases

- Higher courts come before lower courts.
- **Court of Appeals**: 1st, 2d, 3d . . . D.C., Fed. Cir.
- **District Courts**
- **From same court**: Reverse chronological order (newest first).
Examples: Federal

- 2006 case from 11th Circuit comes before 2003 case from 2d Circuit.
- 1927 case from 3d Circuit comes before 2007 case from M.D. Fla.
- 2006 case from D. Wyo. comes before 1995 from N.D. Ala.
Order of State Cases

- Alphabetically by state name.
- Then, within each state:
  - Higher courts before lower courts.
  - Then, within each court:
    - Reverse chronological order (newest first).
    - If same volume number, put the higher page number first.
Examples: State Cases

- Cases from Alabama come before cases from Idaho.
- Regarding Alabama cases, Alabama Supreme Court cases come before cases from the Alabama Court of Appeals.
- A 1996 Alabama Supreme Court case would come before a 1976 Alabama Supreme Court case.
Cases: BB 10

- May abbreviate first word of a party’s name (if an org.).
- Case name *not* in italics in footnotes, only in text and short cite format.
- Reporter abbreviations the same
- No parallel cites
- In case names, do not abbreviate United States
Common Mistakes with Case Cites

- Do not use *et al.* in a case name.
- Rarely abbreviate parts of a case name in the text. (Rule 10.2.1)
- Make sure you include a pinpoint citation.
- Don’t copy the West abbreviations.
Do not use *supra* for cases or statutes.

Use *id.* if possible.

First party’s name, volume, reporter, at, pinpoint.

- *Jones, 467 F. Supp. 2d at 27.*

If the first party is a government, use the second party’s name.
Case Examples

Footnote: Smith v. Jones, 43 F.3d 97, 98 (2d Cir. 1999).

Text: Smith v. Jones, 43 F.3d 97, 98 (2d Cir. 1999).

Short form: Smith, 43 F.3d at 98.
Constitutions: BB 11

- Remember: Large and small caps for name of constitution, but regular type for parts.
- Separate parts with commas.
  - U.S. Const. amend. XIV, § 2.

No date on current version of a constitution.
Large and Small Capitals

Main volume or supplement?  [BB 12.3.2]


Short cites:

- Use *id.* when possible.
- Otherwise, see page 113.
Statute Examples

KAN. STAT. ANN. § 60-308(b) (1999).
Periodicals: BB 16

- Author’s name – regular type
- Title – italics or underline
- Periodical Name – large and small caps.
- Distinction between consecutively and nonconsecutively paginated journals.
- Student pieces = Note, Comment, etc.
- T.13 table has abbreviations
Books/Treatises

Author & Title in Large and Small Capitals

Detailed rules regarding use of editors instead of author – BB 15.2
Cite-Checking

More than just correcting errors in the citation itself

Must look up every source to verify that the authority does indeed stand for the proposition the writer proposes

Absolutely critical to catch errors in quotes – avoiding misquotes and catching plagiarized text