By Pamela Lysaght and Grace Tonner

In March 2000, Aspen Law & Business published a new citation manual, the ALWD Citation Manual—A Professional System of Citation.1 Developed mostly as a "restatement of citation," the ALWD Citation Manual not only provides the legal academy with a text that simplifies teaching legal citation, but also provides judges and lawyers with a helpful desktop reference book. This article explains why a new citation manual was created and highlights some of its significant features.2

The Need for a New Citation Manual

Many lawyers recall their first law-school encounter with legal citation as a form of intellectual hazing perpetrated by teachers of legal research and writing. At a time when students are trying to master legal concepts such as personal jurisdiction, consideration, future interests, and proximate cause, they are required to learn what seems to be a foreign language or secret code—legal citation.

Legal citation is typically taught in first-year legal-writing courses and is often a frustrating experience for students and professors alike. The students' frustration stems in part from the variety, complexity, and quantity of information they have to master. They must learn the methodology of citation formats and abbreviations in order to tell the reader both where to find the supporting authorities and the persuasive value of each authority.

Legal-writing professors often lament that the time spent explaining the intricacies of citation intrudes on teaching such fundamental skills as legal research, legal analysis, problem solving, and effective writing. This difficulty is especially true in the modern legal-research-and-writing course, which most often is taught by legal-writing professors who integrate legal research with legal analysis and problem solving. Learning these skills takes time and requires many diverse writing assignments. The principal cause of these frustrations has been The Bluebook, the dominant system of legal citation taught in American law schools. The first edition, published in 1926,3 was a mere 26-page pamphlet drafted by Erwin N. Griswold, then a second-year law student at Harvard.4 The pamphlet was an expanded version of an eight-page manual originally prepared as an internal guide to teach Harvard Law Review members how to prepare footnotes for their own law review.5 Eventually, it evolved into a citation guide widely adopted by other law-review editors.6 And in the absence of another comprehensive system of citation, some state and federal courts adopted it for most legal documents.7

The difficulties with The Bluebook are legion. The rules are unnecessarily intricate, arbitrary, and inconsistent. Furthermore, the text and examples are confusing for students. Consequently, The Bluebook is hard to learn and hard to teach.

Long-standing dissatisfaction with The Bluebook, especially among legal-writing professors, intensified in 1996 with the publication of the Sixteenth Edition. At present, The Bluebook is published by law-review students at four law schools.8 In recent years, it has been published at five-year intervals, which has required an ever-changing group of editors for each new edition. But instead of striving for consistency and stability when adding citation formats for new sources, successive editorial boards seemingly sought to put their imprint on new editions and made pointless, frivolous changes—such as changing the meaning of key introductory signals in the Sixteenth Edition. Changing the meaning of the signals creates confusion and uncertainty about the purpose, and therefore the value, of the cited authority, because the reader does not know which edition of The Bluebook the author of the brief, opinion, or article used.

The Sixteenth Edition also engendered the wrath of law professors, causing the House of Representatives of the Association of American Law Schools to pass a resolution condemning the editors' changes and encouraging law professors and law reviews to continue to use the signal rules in the Fifteenth Edition.9 Implicit in this resolution was disapproval with the authoritative value placed on a student-authored text for proper legal-citation format.10

The challenge to bring stability to legal-citation formats—to create a restatement of legal citation—was taken up by two founding members of the Association of Legal Writing Directors, Professor Jan Levine of Temple University, who was then president of the Association, and Professor Richard Neumann of Hofstra University, a member of the Board of Directors. After receiving approval from the Board of Directors, they recruited Professor and Associate Dean Darby Dickerson of Stetson University to draft the new manual. Dean Dickerson is recognized among legal-writing professors as the leading authority on United States legal citation. Additionally, the ALWD Citation Manual Oversight Committee was created.11 This committee reviewed drafts and recommended changes after seeking comments from many legal-writing professionals. Thus, the ALWD Citation Manual represents a consensus on professional legal-citation format.
Advantages and Features of the ALWD Citation Manual

Uniformity and simplicity were among the main goals of the new citation manual. As a result, the ALWD Citation Manual is an internally consistent, uniform system of citation for all legal documents. Unlike The Bluebook, it makes no distinction between citation formats for court documents and journal articles—an especially welcome feature.

The ALWD Citation Manual greatly simplifies the learning of legal citation. It is a clear, precise, and user-friendly manual. For example:

- Introductory sections explain the purposes of legal citation and provide details about the effect of word processors on citations.
- "Fast Format" sections provide quick guides for the most commonly cited sources.
- "Side bar" pages provide background information, advice on how to avoid common problems, and additional information on how to locate and cite related sources.
- Detailed diagrams illustrate the various components of citations.
- Definitions, instructions, and examples are provided throughout the manual.
- Appendix 6 provides a full-text memorandum that demonstrates how and where to place the most commonly used citations.
- A website [<www.alwd.org>] provides, among other things, appendixes to the manual, answers to frequently asked questions, and updates.

Practitioners and judges will be particularly interested in Appendixes 1 and 2, which provide comprehensive coverage of state materials, including the official primary sources for each state and the court-mandated citation rules for every state. The Bluebook has no equivalent to Appendix 2.

In keeping with the guiding principles of uniformity and simplicity, few significant changes were made to citation formats. Therefore, most lawyers will not have to learn entirely new formats. Three minor changes, however, deserve mention.

First, citations to books now require the name of the publisher: Arthur L. Corbin, Corbin on Contracts (Joseph M. Perillo ed., rev. ed., West 1993). This change, advanced by some librarians, makes legal citation more consistent with general rules of citation in other fields that require the publisher’s name and facilitates locating texts and other authorities.

Second, citations to West’s Southern Reporter and Southern Reporter, Second Series, are no longer abbreviated as “So.” and “So. 2d.” Instead, they are abbreviated as “S.” and “S.2d.” These changes provide greater consistency and uniformity with the well-known abbreviations for courts, journals, and geographical directions. For example, “S.D.N.Y” for the United States District Court for the Southern District of New York; “S.C. L. Rev.” for South Carolina Law Review; and “S.,” “S.W.” “S.E.” for south, southwest, and southeast.

Third, the citation format for nonconsecutively paginated journals is now consistent with the format for consecutively paginated journals. The only distinction is that the citation for the nonconsecutively paginated journal must include the exact date. Compare, for example, Gita F. Rothschild, Forum Shopping, 24 Litig. 40 (Spring 1998), with Cass R. Sunstein, Affirmative Action, Caste, and Cultural Comparisons, 97 Mich. L. Rev. 1311 (1999).

There is one temporary drawback to this edition of the ALWD Citation Manual: Those seeking citation formats for foreign and international materials will need to wait until summer or fall of 2001, when those materials should appear on the ALWD website. Experts in international law have been added to the ALWD Citation Manual Oversight Committee, and they will work with Dean Dickerson to ensure that the rules for foreign and international materials will be thoroughly researched and "sensible, workable, and durable."

Conclusion

This fall, many legal-writing professors will use the ALWD Citation Manual rather
than The Bluebook\textsuperscript{14} to teach legal citation to their first-year students. In fact, when this article went to print, more than 80 United States law schools had adopted the ALWD Citation Manual.

Of course, many practicing lawyers use citation systems mandated by court rules or state statutes. Michigan, for example, requires that citations conform to the Michigan Uniform System of Citation.\textsuperscript{15} But rather than focusing on individual state citation systems, most legal-writing professors choose to teach a comprehensive, model system of citation, because once students master the purposes and elements of legal citation for various primary and secondary sources, they can adapt to other systems of citation. Publication of the ALWD Citation Manual gives state and federal courts a real alternative to local citation rules. And as law students taught with the ALWD Citation Manual enter the profession, they may urge courts and legislatures to adopt this improved system of citation. A truly uniform system of legal citation, learned in law schools and used in practice, would promote efficiency and provide stability and consistency in this small but important skill.

Footnotes

1. The new manual is cited as Association of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual (Aspen L. & Bus. 2000). The citations for this article conform to the new manual.
2. The authors gratefully acknowledge liberal use of materials on the ALWD Citation Manual supplied by Professors Sue Liemer, Darby Dickerson, Steven Jamar, Jan Levine, and Richard Neumann. We also thank them for their helpful review of this article.
3. A. Darby Dickinson, An Un-Uniform System of Citation: Surviving with the New Bluebook, 26 Stetson L. Rev. 53, 57 (1996). For an interesting history of The Bluebook, including how the title began as a nickname but became part of the official title, see id. at 57-63.
4. Id. at 57.
5. Id. at 58.
6. Id. at 61.
7. See id. at apps. B-1 & B-3.
8. Harvard University, Yale University, Columbia University, and the University of Pennsylvania.
9. The resolution was passed at the January 1997 meeting of the Association of American Law Schools.
11. This committee was chaired by Professor Steven Jamar of Howard University and Professor Amy Sloan of George Washington University.
12. Steven D. Jamar, The ALWD Citation Manual—A Professional System of Citation for the Law, 8 Persp. 65, 66 (Winter 2000). Professor Jamar’s article provides a detailed discussion of the goals and features of the ALWD Citation Manual.
13. Id. at 67.
14. The Seventeenth Edition is coming out a year earlier than expected, perhaps in part to respond to the new ALWD Citation Manual. For a preview of changes and additions, visit http://www.legalbluebook.com (accessed June 19, 2000).