

PERSPECTIVES

Teaching Legal Research and Writing

VOL. 8

NO. 2

WINTER

2000

INTRODUCING THE AALL UNIFORM CITATION GUIDE

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Technology has vastly expanded access to legal information. Court decisions are available not only through commercial services such as Westlaw®, LEXIS-NEXIS®, and Loislaw.com, but also through Web sites operated by courts and law schools. The publication of both statutory materials and administrative codes through the Internet and other online services has made legislative and regulatory information available to people who previously had little or no access to it.

Citing primary materials that are consulted in diverse formats is a challenge for users of legal information. The rules for citation of these materials have not kept pace with the enhanced access made possible by technology. At least that was the case until 1999 when the American Association of Law Libraries (AALL) published its *Universal Citation Guide* (UCG).¹ The UCG sets forth rules for citing court decisions, statutory materials, constitutions, and administrative regulations whether the materials are found in a print source or in electronic form, such as an online service or a Web site. Accompanying the

¹ Comm. on Citation Formats, Am. Ass'n of Law Libraries, *Universal Citation Guide* (1999). The UCG is distributed for AALL by the State Bar of Wisconsin. The cost is \$15 plus shipping and handling. It may be ordered by calling (800) 728-7788.

² *Wisconsin Opinions*, June 2, 1999, at 7.

³ *The Bluebook: A Uniform System of Citation* (16th ed. 1996).

rules are explanatory materials describing the citation issues presented by each type of authority and how they are resolved by the UCG. In addition, each rule is followed by numerous examples illustrating its use. An extensive appendix includes a state-by-state set of model citations.

Already referred to in one review as the "Bluebook's new buddy,"² the UCG was developed to supplement to *The Bluebook*.³ It

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PERSPECTIVES: Teaching Legal Research and Writing

is published in the fall, winter, and spring of each year by West Group

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identifies the format used in states that have already adopted a universal citation system and recommends a format for states considering such a system. It provides guidance to researchers for problems created by new sources that are not resolved by current *Bluebook* rules. Following a brief history of the citation reform movement, this article describes the UCG's rules for citing cases, statutes, and administrative codes to illustrate their utility and importance in an environment increasingly dominated by the publication of legal information in electronic form.

Brief History of Universal Legal Citation

The need for citation forms that were independent of the vendor ("vendor-neutral") or the format ("medium-neutral") first became apparent as vendors disputed copyright claims to pagination of court opinions. If citations were dependent upon page numbers and page numbers were dependent upon a particular vendor's publication, then how could readers using different sources—particularly those online—make meaningful references to the cited authority?⁴

The history of the debate on the citation of court decisions is too long (and too dry) to be set forth here. Suffice it to say, the conclusion of debates by the American Bar Association (ABA), AALL,⁵ and various state courts studying the issue was that a new citation method was needed. AALL appointed a Committee on Citation Formats in 1995. After four years of drafts,⁶ comment periods, and revisions, the committee finally issued the UCG in the summer of 1999.

⁴ For a discussion of "The Problem of Legal Citation in the Electronic Age," see *AALL Task Force on Citation Formats Report*, March 1, 1995, ¶¶ 27-44 (1995), reprinted in 87 L. Libr. J. 577, 590-95 (1995).

⁵ See *Minutes of the AALL Executive Board*, July 13, 14, 18 and 20, at 2107-08 (on file at American Association of Law Libraries Headquarters, Chicago).

⁶ See *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Case Citation*, 89 L. Libr. J. 7 (1997); *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Statutory Citation*, 90 L. Libr. J. 91 (1998); *The Universal Legal Citation Project: A Draft User Guide to the AALL Universal Regulatory Citation*, 90 L. Libr. J. 509 (1998).

To date, 12 jurisdictions have adopted some form of universal citation.⁷ Other states have added paragraph numbers to their opinions. The ABA House of Delegates approved its committee's report on universal citation, which had "recommended all jurisdictions adopt a system for citation to case reports that would be equally effective for printed case reports and for case reports electronically published on computer discs or network services."⁸ And the Conference of Chief Justices issued a *Report of the Committee on Opinion Citations* that identifies a number of issues and options for states considering the adoption of universal citation.

UCG Rules for Citing Cases

Following the recommendation of the various organizations that studied judicial opinions, the UCG established the following format for citing cases: the name of the case, the year of its decision, an identifier for the jurisdiction, and a sequential number assigned to the decision. Pinpoint, or jump, citations are made to paragraph numbers. The portion of the citation that designates the court is constructed from separate elements. First is the two-letter abbreviation for the state (or the postal code). If it is a court of last resort, this abbreviation is all that is needed. However, for all other courts an additional abbreviation, based on the name of the specific court, is added. The UCG Appendix provides a table of abbreviations for all state and federal jurisdictions. The resultant citation eliminates the need to refer to any specific publication, volume number, or page number. The following examples illustrate the application of the UCG format for court decisions.

Jones v Smith, 1998 WI 453 ¶ 82: In this example, the decision in *Smith versus Jones* was issued in 1998 by the highest court in Wisconsin, the Wisconsin Supreme Court. The opinion is the 453rd decision handed down

⁷ Louisiana, Maine, Mississippi, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, Wisconsin, the Superior Court of Pennsylvania, and Puerto Rico.

⁸ *ABA Legal Technology Resource Center, Citations: History* (visited Feb. 1, 2000) <<http://www.abanet.org/citation/history.html>>. See also *ABA Legal Technology Resource Center, Citations: ABA Official Citation Resolutions* (Aug. 6, 1996) <<http://www.abanet.org/citation/resolution.html>>.

by that court in 1998. A specific reference is made to the 82nd paragraph of the opinion.

1999 CO App 100: This example represents the 100th decision issued in 1999 by the Court of Appeals in Colorado.

1999 US Dist (W MI) 57: This example represents the 57th decision issued by the federal district court for the Western District of Michigan.

In all jurisdictions, the use of the universal case citation has been adopted as a parallel citation. Nonetheless, pinpoint citations are generally to the paragraph, not the page number. As mentioned earlier, a paragraph number is used to cite specific text within the body of the court opinion. Because the court itself provides the paragraph numbers, the numbers will remain consistent regardless of how the opinion is “published”: in print, online, on CD-ROM, or on the Internet. Obviously, the court provides the opinion number, so that number also remains constant.

The use of the UCG for case law is generally considered to be prospective only. However, in Oklahoma the official archive of court opinions is now what resides on the Oklahoma Supreme Court Network Web site.⁹ Oklahoma has been successfully adding paragraph and opinion numbers retrospectively to all opinions on the site. It currently contains case decisions back to 1980.

UCG Rules for Citing Statutes

The standard elements in a statutory citation are already “universal.” Title and section numbers are consistent, regardless of the source being used. References to particular publishers are not necessary (except for Michigan, which has different numbering schemes depending on the codifier).

The date used, however, is a problem for current statutory citation rules. Unlike court decisions that are generally static once they are issued, statutory codes are continually updated. Thus, the important date is not the date of issuance, but rather the date of the most recent codification of information into the source being used. *The Bluebook* uses the date of publication of the printed source whether it is a bound volume

or another paper-based product such as a pocket part.¹⁰ However, this date is not available in the online versions of statutory information. Moreover, the online version is often updated more frequently than the printed version. Consequently, *The Bluebook’s* rule does not work in the electronic environment.

The UCG has resolved this problem by adopting the use of a “current through” date, rather than a publication date. The currentness of a particular statute is better indicated by the most recent legislative event that could have affected it. Therefore, it makes sense for a citation to indicate the last legislative event covered by the source being used. Using a date such as “through 1998” tells the reader that the source consulted by the author incorporates all legislative activity through 1998.

How detailed the date must be depends upon the specific source used and how current it is. For instance, “IN Code §35-35-1-2 (1996 through Reg Sess)” indicates to the reader that the version being used by the writer included all legislative activity through the 1996 regular legislative session. A citation to “SD Codified L § 7-16-6 (through 1997)” incorporates all legislative activity through the calendar year 1997.

For the name of the statutory code itself, the UCG again uses the two-letter state abbreviation. The balance of the name of the code is abbreviated only to the point that it continues to be recognizable. The UCG Appendix provides a comprehensive list of abbreviations and examples for the user.

UCG Rules for Citing Administrative Regulations

Administrative regulations provide unique problems for law students and lawyers attempting to cite them. *The Bluebook* provides examples for federal regulations and indicates that the model should be used for all state administrative codes and regulations as well.¹¹ But the writer who sees a clear date printed on the spine of the *Code of Federal Regulations* is not provided the same type

¹⁰ *The Bluebook*, *supra* note 3, at 78 (Rule 12.3.2).

¹¹ *Id.* at 93 (Rule 14) (“Cite state materials by analogy to the federal examples given in this rule. For additional information regarding citation of the administrative and executive materials of the various states, see table T.1.”).

“The UCG sets forth rules for citing court decisions, statutory materials, constitutions, and administrative regulations whether the materials are found in a print source or in electronic form.”

⁹ *The Oklahoma Supreme Court Network* (visited Jan. 25, 2000) <<http://www.oscn.net>>.

“The resultant citation eliminates the need to refer to any specific publication, volume number, or page number.”

of information when using a state administrative code.

The publication of state administrative codes is extraordinarily diverse. While the 50 state jurisdictions have remarkable similarity when it comes to publishing case decisions and statutory materials, there is little similarity among the states in either format or frequency for administrative codes and regulations. Some states publish them in looseleaf format while others only in pamphlets or bound volumes. Some states only maintain complete sets in the offices of the issuing state agency. And some states that had never previously published a formal printed code have now begun to publish codes and regulations online.

The date information the researcher finds may be the date that the regulation went into effect, the date that the looseleaf page was printed, or the date of an entire reprinted bound volume. Online versions may state that the code was complete as of a particular issue number of the state register. Even within a particular state, the book version and the online version of a code may provide inconsistent date information. The only “consistency” in the publication of state administrative codes is that there is no single type of date (e.g., effective date or date of publication) that is uniformly provided by all codes.

The UCG supplements *The Bluebook* by providing rules that describe the type of date information available and establishing an order of preference among the various types of date information that might be encountered. The key issue for an author is to provide the reader the most accurate information possible about the currentness of the version of the code that was used. Thus, the preferred date for an administrative code is the one that indicates the most recent codification of the code itself. An example of this type of date used in a UCG-recommended citation is “NJ Admin Code 5:30-2.8 (through 5/15/1995).” The least preferable choice, although one that is still frequently found, is the date that the regulation went into effect: “965 MA Admin Code 7.00 (effective 5/5/94).”

Another significant challenge in citing state administrative codes is the actual code abbreviation. Should one use *The Bluebook* format that may or may not accurately abbreviate the name of the

code?¹² Or should the writer follow local custom for a given state? While the latter might seem to make sense, does it provide clear information to the reader? For example, “AAC” is the locally used abbreviation for the administrative codes for both Alaska and Alabama. “CMR” is the designation for the regulatory codes of both Maine and Massachusetts.

Following local rules may have worked when access to administrative codes and regulations was limited to the practitioners in a specific jurisdiction. But the rapid expansion of availability of state regulations, not only through Westlaw, LEXIS-NEXIS, and Loislaw.com, but also on state-sponsored Web sites, has changed the playing field. In creating designations for primary materials, the UCG takes the position that the abbreviation should be as consistent as possible from jurisdiction to jurisdiction, while still allowing for whatever variations are necessary because of differences in code names. Even so, the abbreviation for the code must be something that is identifiable both as an administrative code and as a code of a particular state.

The UCG rejects both local custom citations and *The Bluebook*’s less common abbreviations for the states. Following the pattern used for court and statutory designators, the abbreviation consists of the two-letter postal code for the state name followed by an abbreviated version of the balance of the code name. The name is shortened only to the extent that it can still be identified as an administrative code. The UCG’s use of “AK Admin Code” for the Alaska Code and “AL Admin Code” for Alabama’s code is much clearer than AAC. Users may need to consult the UCG’s table of abbreviations or the Appendix listing examples for each state, but the construction of citations is consistent in its format and use of abbreviations.

Additional Legal Materials

The UCG also provides rules for constitutions, session laws, and administrative registers. Constitutions have always been cited in a medium-neutral form without reference to a particular publication. Session law citations

¹² The abbreviations are indicated in state-by-state listings in Table 1 (United States Jurisdictions) of *The Bluebook*. *Id.* at 165.

generally follow the format for statutory codes, although several additional elements are required to fully identify a complete or partial citation.

Because of rapid changes in administrative publishing, the UCG rules on administrative registers are still somewhat dependent on format. They may require the use of page numbers or issue numbers. Current changes in the publication of administrative regulations have created a moving target that is too unstable to codify by rules at the present time. Discussions with state officials give hope that the confusion identified by the AALL Committee on Citation Formats can be resolved as we work together on future revisions of the UCG.

Using the UCG Today

Today, the UCG has a diversified audience. Students, legal writing instructors, lawyers, and judges can all use it as a reference tool for those states that have already adopted citation requirements incorporating universal citations. In its Appendix, the UCG has included the requirements for these states. The UCG also provides guidance for all users for issues not adequately addressed by *The Bluebook*. These include the troublesome date requirements faced by users attempting to cite statutory and administrative codes.

It is also anticipated that the UCG will be used by courts and legislative agencies as they address the need for citation reform in their jurisdictions. At present, the commendable desire to publish legal materials on the Internet has not been accompanied by an equal commitment for providing consistent information that can be used to construct a citation to the information. As mentioned, this is most evident in the area of administrative regulations. The UCG provides the framework for publishers of this type of information, be they commercial or internal to a state. The UCG clearly delineates the elements that are needed to make citations of these legal resources meaningful and useful to the public.

The UCG is also an excellent tool for teaching students about the issues behind the citations they are constructing. Students generally spend more time figuring out which rule to use than understanding what the rule seeks to accomplish. The UCG can be used to explain and

demonstrate the important elements of a case or code citation. As a supplement to *The Bluebook*, it fills a need to develop a greater awareness of the hows and whys of building clear and usable citations for primary source materials. Finally, the UCG serves as a model for the development of citation guidelines when new sources of legal information appear, be they in print or electronic format.

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