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THE ALWD CITATION MANUAL—A PROFESSIONAL CITATION SYSTEM FOR THE LAW

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About three years ago, the Association of Legal Writing Directors (ALWD), an organization of more than 200 members representing approximately 150 law schools, undertook the ambitious project of developing and publishing a new legal citation manual. In early 2000 the years of work came to fruition when the *ALWD Citation Manual*² was published by Aspen Law & Business, a leading publisher of legal writing texts. This book, prepared by professionals for professionals, will, I believe, eventually displace *The Bluebook*.³

ALWD Citation Manual and The Bluebook

One of the guiding ideas for the new manual was that it would be, for the most part, a restatement of the rules of citation based on the citation form actually used by experts. As a result of this conservative approach, citation done in the ALWD format will be familiar to practitioners and scholars alike. As shown in the accompanying table of sample citations, there are a number of small changes, but the citations will be instantly understood by any lawyer who learned any one (or more) of the 16 different versions of citation promulgated by the 16 different editions of *The Bluebook*.⁴

¹ I wish to thank my colleagues for their extremely prompt and insightful comments and suggestions for this piece: Darby Dickerson, Jan M. Levine, Susan P. Liemer, and Pamela Lysaght. Responsibility for any errors that remain is solely my own.

² Darby Dickerson, Ass'n of Legal Writing Directors, *ALWD Citation Manual: A Professional System of Citation* (2000).

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

Because the learning (and unlearning) to be done is minimal, it will be easy to adapt to either system and to move between them. Those who know *The Bluebook* will be able to adapt to the *ALWD Citation Manual* easily; those who learn the *ALWD Citation Manual* will be able to conform ALWD-compliant work to *Bluebook* requirements with relatively little additional specialized learning, especially for practitioner documents. Tables like the one below highlighting the changes will help make the transition even easier than the transition from one edition of *The Bluebook* to another has been in the past.

Sample Citations ⁵	
ALWD FORMAT	BLUEBOOK FORMAT (assume court document format)
<i>Brown v. Bd. of Educ.</i> , 349 U.S. 294, 297 (1955).	<i>Brown v. Board of Educ.</i> , 349 U.S. 294, 297 (1955).
18 U.S.C. § 1965 (1994).	18 U.S.C. § 1965 (1994).
Michael J. Gerhardt, <i>The Federal Impeachment Process: A Constitutional and Historical Analysis</i> 19 (Princeton U. Press 1996).	Michael J. Gerhardt, <i>The Federal Impeachment Process: A Constitutional and Historical Analysis</i> 19 (1996).
L. Ray Patterson, <i>Legal Ethics and the Lawyer's Duty of Loyalty</i> , 29 Emory L.J. 909, 915 (1980).	L. Ray Patterson, <i>Legal Ethics and the Lawyer's Duty of Loyalty</i> , 29 Emory L.J. 909, 915 (1980).
Hope Viner Samborn, <i>Navigating Murky Waters</i> , 85 A.B.A. J. 28 (July 1998)	Hope Viner Samborn, <i>Navigating Murky Waters</i> , A.B.A.J., July 1998, at 28.

A Teaching Tool

The *ALWD Citation Manual* is not merely a reference book; it is also a teaching book. The attention paid to making the book much easier to teach from and learn from will make it particularly attractive to those who teach legal citation. Key features furthering this aim are the explicit articulation of a general rule of citation, numerous

⁴ The first edition of what is now *The Bluebook* was published by the Harvard Law Review Association in 1926 under the title *A Uniform System of Citation: Abbreviations and Form of Citation*. Unfortunately, over the succeeding years *The Bluebook* undermined the very standardization it sought to impose on legal citation by changing fundamental aspects of citation (such as the meaning of signals like *see*) with each new edition. See *infra* note 6 and accompanying text.

⁵ This table was provided by Darby Dickerson, lead author of the *ALWD Citation Manual*.

user-friendly examples of citations of each type of work, and design features that facilitate ease of reading and parsing rules. The book features two-color printing; “Sidebars” to explain matters related to citation that are not rules per se; and “Fast Formats,” a collection of pages illustrating proper citation form for most types of works. This latter feature will be very useful for someone who knows the citation forms already but needs to double-check some detail. These fast formats will also provide students and teachers with a rich source of examples of how to apply the rules. Teaching of citation using local rules should be made easier by the extensive coverage of state sources. In addition, a Web site will be maintained to provide answers to frequently asked questions.

Goals and Features of the *ALWD Citation Manual*

ALWD had a number of aims in creating this citation manual: to simplify some of the rules, to reduce inconsistencies, to make the rules responsive to the needs of lawyers as well as scholars, and, over the long term, to provide stability and uniformity of citation rules.

Among the simplifications, two stand out most prominently. First, *how* you cite a source does not depend on *where* you cite it. Gone are the arcane differences that depended upon whether the case was cited in a brief to the court, in a footnote to the text in an academic journal, or in the text proper of a law review article. The citation form in each setting is now the same. The second major simplification is the elimination of the use of small caps in citations. There are now only two type styles: italics and regular type. If the portion of the citation is not in italics (such as signals and titles), then it is to be in regular type. The *ALWD Citation Manual* contains a simple list of what to set in italics; everything else is to be set in regular type.

The aim of reducing inconsistencies was largely accomplished. As noted, the inconsistency resulting from requiring different citation rules for citing sources in different types of legal documents has been eliminated. Another example is that the form for citing consecutively paginated journals and nonconsecutively paginated journals is now the same. Furthermore, abbreviations for journals are more consistent with each other and differences

in abbreviations across categories (e.g., case titles, journal names) have, in general, been reduced.

Providing stability and uniformity of citation over the long term is important so that the scholars of tomorrow can understand the citations of today. Stability of citation form will also mean that what law students learn today will not be obsolete five years out of school. These goals, seemingly inherent in the very underpinnings of a system of citation, do not appear to have been sufficiently appreciated by the publishers of *The Bluebook*. Even as these goals were paid lip service—the subtitle of *The Bluebook* is “*A Uniform System of Citation*” after all—the achievement of both stability and uniformity has been frustrated by frequent changes in citation form wrought by the student publishers of *The Bluebook* over the years.

One of the main forces giving impetus to the creation of a professionally crafted manual was, ironically, the 16th edition of *The Bluebook* itself. As with prior editions, the editors did not content themselves with simply accounting for new technologies and updating statutory numbering schemes and journal lists. Instead, they, as had students before them, changed the meaning of citation signals, in particular the meaning of *see*, probably the most commonly used and important signal. Although, in the large scheme of things, this is truly a tempest in a teapot, the problems created by the changes in the 16th edition led directly to an AALS plenary resolution against *The Bluebook’s* change of the meaning of *see*.⁶ Over the years the meanings of *accord*, *cf.*, *but see*, and other signals have been changed so often that someone reading an article today from a previous decade cannot confidently interpret the extent to which the cited authority supports the material in the text. The meaning of the signals simply is not clear.

Frustrations with these problems were compounded by other problems—prepayment requirements, shipping delays, appearance, quality, teachability, and the like. Delayed shipment adversely affects legal research and writing (LRW) professionals and others who teach citation, as well as students who need to learn and use proper

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⁶ See A. Darby Dickerson, *Seeing Blue: Ten Notable Changes in the New Bluebook*, 6 *Scribes J. Legal Writing* 75 (1996–97) (detailing the AALS action on this matter).

legal citation form. Problems with payment and shipping affect bookstores and students. The design of *The Bluebook* made it difficult to teach from, to learn from, and to use even after it had been learned. This difficulty of use adversely affects all lawyers and law students. These problems should be dramatically reduced and in some cases nearly eliminated (e.g., availability and shipping and bookstore prepayment problems) because the *ALWD Citation Manual* is being published by a reputable law book publisher with a large presence in the industry rather than by a group of law journal editors.

Brief History of the ALWD Citation Manual

These frustrations led to building pressure to do something about them. One of the groups most directly and regularly affected by problems with *The Bluebook*—those charged with teaching citation, LRW professionals—decided to act.

The idea of ALWD publishing a professional citation manual appears to have been first voiced in a conversation between Richard K. Neumann, Jr., and Jan M. Levine at the American Association of Law Schools (AALS) conference in Washington, D.C., in January 1997. The idea was then brought before the board of directors of ALWD in July 1997, and the board approved the project. For the next two years a number of people invested a significant amount of time and energy into working on early drafts of the book (particularly the lead author, Darby Dickerson of Stetson University College of Law), shopping for a publisher (particularly Richard Neumann, Jr.), and doing initial marketing and investigative work on the approach to be taken in the book (including, among others, Jan M. Levine and me in my capacity at the time as president of ALWD's sister organization, the Legal Writing Institute).

ALWD selected Professor Dickerson as the lead author because she is the leading expert on legal citation in the country.⁷ In working on the new guide, she consulted dozens of published sources, including style guides in other disciplines,

⁷ See, e.g., A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook (Including Compendia of State and Federal Court Rules Concerning Citation Form)*, 26 *Stetson L. Rev.* 53 (1996); Dickerson, *supra* note 6.

and she sought feedback from LRW professionals. Not incidentally, she and others involved in the project kept track of the initiative of the American Association of Law Libraries (AALL) to create a vendor-neutral approach to citation.⁸ In summer 1999 the ALWD board of directors created a Citation Manual Oversight Committee⁹ to review the work as it moved to completion and to provide feedback to Dickerson. The Committee considered a variety of issues, including the direction the manual should take (i.e., a restatement of legal citation or a radical reform of it), the balance between its use as a reference book and an instructional book, how the book should be organized, and, in a few instances, particular citation form issues.

Conclusion

The *ALWD Citation Manual* is a welcome step forward. Nonetheless, there remain areas that need work. Foremost among these is the problem of integrating traditional citation rules that cover both older as well as current materials with the forward-looking, universal, vendor-neutral, document-centered citation forms like those developed by AALL.¹⁰ Another significant problem to address is the citation of foreign and international materials in a sensible, uniform way. ALWD is already at work on these issues. As was done for each part of the book at each step along the way, experts in these fields are being consulted so that whatever rules are adopted will be sensible, workable, and durable.

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⁸ ALWD considers the AALL approach to be complementary to its project. ALWD was seeking to create more of a restatement of legal citation in a way that would work for all current and future sources, including universal citation or vendor-neutral citation proposals such as that of AALL. Indeed, the *ALWD Citation Manual* notes that AALL citation forms are permissible forms, especially for parallel citations. As the AALL proposal catches on, the *ALWD Citation Manual* will probably continue to be adapted to it.

⁹ The co-chairs of this committee are Steven D. Jamar and Amy E. Sloan. Other committee members include Colleen M. Barger, Mary Beth Beazley, Maria Ciampi, Eric B. Easton, Jan M. Levine, Ruth Ann McKinney, Richard K. Neumann, Craig T. Smith, Marilyn Walter, Kathleen E. Vinson, and Ursula Weigold.

¹⁰ See Comm. on Citation Formats, Am. Ass'n of Law Libraries, *Universal Citation Guide* (1999).