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CITATION MYTH-BUSTERS: THE TRUTH ABOUT CHOICE, SIMPLICITY, AND SUPPORT

CAROLYN WILLIAMS¹

MODERATOR: Welcome! We are happy to have an opportunity to speak to this diverse group of law professors, law firm partners, and law students. We are the *ALWD Guide* Task Force, and we have some very important information to share. Of course, we welcome your questions and comments at any time.

First, some background: As you know, the *ALWD Guide to Legal Citation* is a textbook that teaches law students how to cite legal and non-legal sources, both in documents written by practitioners and in articles and books written for academic purposes. The *ALWD Guide* was conceived of by legal writing professors, and it has been written and edited by numerous legal writing professors, all of whom are recognized in the acknowledgements for all seven editions. The authors have been Darby Dickerson, Coleen Barger, and Carolyn Williams. The *Guide* was first published in April 2000, and... Oh, I see we have a law firm partner with an urgent question.

LAW FIRM PARTNER: I need a new summer intern to write a short memo, but I saw her using some book other than the *Bluebook* to format her citations. I've never heard of this *ALWD Guide to Legal Citation*—all we had when I was in law school was the *Bluebook*. What is that law school teaching these students? The memo's citations are going to be so terrible that I'll have to redo them when I use the memo to draft a motion.

¹ Carolyn Williams is an Assistant Professor at the University of North Dakota School of Law. This essay was presented as a skit by the *ALWD Guide* Task Force at the biennial conference of the Association of Legal Writing Directors in July 2023 at the University of California—Irvine School of Law. Other members of the *ALWD Guide* Task Force—Brooke Bowman, Laura Graham, Katherine Kelly, and Suzanne Rowe—contributed to creation and performance of the skit. Also collaborating as “impromptu” questioners in the audience were Sylvia Lett, Jessica Gunder, Katy Boling, Brenda Gibson, Katrina Robinson, Melissa Henke, and Megan McAlpin.

MODERATOR: Thank you for raising that concern, but the legal citation format taught using the *ALWD Guide* is the same as the legal citations drafted using a *Bluebook*. You won't have to make any change to that memo's citations. You can verify the consistency of *ALWD* and *Bluebook* citation by using the callouts (they look like footnotes) that are after sentences throughout the *ALWD Guide*. Those callouts cross-reference the information in the text of the *Guide* to the corresponding rule in the 21st edition of the *Bluebook*.²

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ALWD Guide to Legal Citation, Seventh Edition
Rule 12: Cases

12.2(a) Typeface for case name

12.2(a)(1) Typeface alternatives

Present the case name, the "v." abbreviation, and any internal punctuation *within* the case name in *italics* (or underlining, if you have been directed by a court rule or other instruction to use that formatting; see **Rule 1.3(a)**).³ Use this typeface regardless whether the citation appears in a full citation or a short citation (**Rule 12.16**), whether it appears in a citation sentence, a citation clause, or an embedded citation (**Rule 34.1**), and whether it appears as simply a case name in main text sentence or a footnote sentence.⁴ Use ordinary type for the comma that separates the case name from the remainder of the citation.⁵

Examples

Singh v. Ashcroft, 393 F.3d 903, 905 (9th Cir. 2004).

Singh, 393 F.3d at 904.

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ALWD Guide to Legal Citation, Seventh Edition
Appendix 8. Cross-References for Law Reviews

Rule 12

¹ B10.1, 10.
² 10.2.1.
³ See B10.
⁴ B10, 2.2(a)(i), 2.2(b)(i).
5 10.1.1(v).
⁶ 2.1(a).
⁷ 2.1(a).
⁸ B10.1.1(v).
⁹ 10.2.1(a).
¹⁰ 10.2.1(a).
...

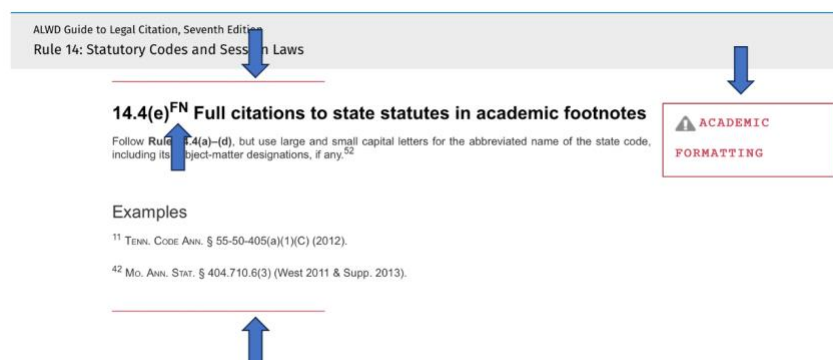
MODERATOR: And we have another question—from a law review applicant.

² Most images in this essay are from the electronic version of the *ALWD Guide*, which is available on Casebook Connect. They are reprinted with permission of the author.

LAW REVIEW APPLICANT: I just logged on to get the assignment for the law review write-on competition, and a big part of it is fixing footnotes for some law review article. The editors were very clear about getting every citation detail perfect, but I have no idea how to create citations for law review footnotes.

MODERATOR: Don't worry! The *ALWD Guide* has you covered. While it prioritizes the forms of citation used by legal practitioners by showing students how to compose those citations first in each rule (unlike the *Bluebook*, which prioritizes law review footnotes), the *ALWD Guide* also provides instructions on creating footnotes for law reviews. At the end of each rule or subrule in the *ALWD Guide*, you will find any changes to a citation that would need to be made for an academic citation. You can recognize the subrules in *ALWD Guide* that address academic formatting in three ways:

- The subrule number has an FN as a superscript.
- On the left side of the subrule (in the print version) there is a red line down the side of the text that explains the academic formatting for that source.
On Casebook Connect, the red lines are above and below the academic citation subrule.
- On the right-hand side at the beginning of the subrule, there is a box with an exclamation mark and the words "Academic Formatting."



Additionally, all the Fast Formats on the first page of each rule have an example of academic formatting for the sources covered in that

rule. Lastly, Chart 1.3 in the *ALWD Guide* lists all the sources' components that need to be in large and small capital letters for academic footnotes and references the specific subrule that applies to those sources.

CHART 1.3 | Components Using LARGE AND SMALL CAPITAL LETTERS in Academic Footnotes

Abbreviated titles of constitutions	13.2(e) ^{FN}
Abbreviated titles of statutory codes	14.2(i) ^{FN} , 14.4(d) ^{FN} , 14.5(b) ^{FN}
Names of authors, titles, and abbreviated titles of numbered congressional reports, documents, and prints	15.7(h) ^{FN} , 15.8(b) ^{FN} , 15.9(b) ^{FN} , 15.9(c)(2) ^{FN} , 15.10(a)(7) ^{FN} , 15.10(b)(2) ^{FN} , 15.10(c)(2) ^{FN} , 15.10(d)(2) ^{FN} , 15.11(b) ^{FN} , 15.11(c)(2) ^{FN} , 15.12(b) ^{FN} , 15.17(h) ^{FN} , 15.17(j) ^{FN} , 15.18(g) ^{FN} , 15.19(b) ^{FN} , 15.20(b) ^{FN} , 15.20(d) ^{FN}
Abbreviated titles of court rules, jury instructions	16.1(f) ^{FN} , 16.3(b) ^{FN} , 16.3(d) ^{FN} , 16.3(f) ^{FN}

MODERATOR: And I see a question over here – you're a law review editor, right?

LAW REVIEW EDITOR: Yes, and what a nightmare! I am working with an author who's a famous professor at a fancy school, and I have to figure out how to reference a *Bluebook* rule for every single correction I make. I can't find some stuff in the *Bluebook*—but I know that information has to be there. I mean, I learned it using the *ALWD Guide*, but surely, it's in the *Bluebook*, too, right?

MODERATOR: Most likely yes, but maybe not. To reference portions of the *Bluebook*, just locate the correct rule in the *ALWD Guide* and then use Appendix 8 to find the corresponding *Bluebook* rule. Note that if a sentence in the *Guide* does not have a callout after it, that means that the information in the sentence does not appear in the *Bluebook*. This happens for three main reasons:

1. The *Bluebook* does not cover as many sources as the *ALWD Guide* does. For example, the *Bluebook* assumes that

interviews will only be conducted in person or over the telephone. So, it doesn't show how to cite an interview via Zoom or other online tool.

2. Because the *ALWD Guide* is a textbook, it has a lot of helpful background information about the law that a student new to the legal world may not know but will need to know in order to craft a citation. For example, the *Guide* explains what docket numbers and ECF numbers are so that students understand where to find them when crafting citations for documents filed in court. The *Bluebook* does not discuss this background. As two more examples, the *ALWD Guide* explains what "cleaned-up citations" are as well as court rules that prohibit or limit citation to unreported cases. Neither topic is covered in the *Bluebook*.
3. Many of the *ALWD Guide*'s sidebars have information that isn't necessary to complete a citation but may be helpful reminders for students. For example, Sidebar 3.1 lists common prepositions that are not capitalized in a source's title.

Now, who has the next question?

RESEARCH ASSISTANT: I need help! I'm a research assistant, and the professor I'm working for this summer just sent me her article with very specific instructions to *Bluebook* the footnotes. But she's citing journals and law review articles I've never heard of. It's going to take me forever to figure out how to piece those stupid abbreviations together.

MODERATOR: Actually, it won't take long if you use the *ALWD Guide*. The *Bluebook* merely tells the user the rules for creating abbreviations to law reviews and single words, forcing users to piece together words and remember the spacing rules in order to create the entire law review citation. But the *ALWD Guide* goes beyond listing the single words that should be abbreviated. Appendix 5 in the *Guide* also lists hundreds of abbreviations for the entire law review name.

Best of all, Appendix 5 is available on Aspen's website for free. So, even if your professor wants you to "*Bluebook*" the article, you can use

Appendix 5 of the *ALWD Guide* instead of piecing together the law review name's abbreviation yourself.

5.28	5(A)	Appendix 5 = Periodicals and Looseleaf Service
Periodical Name	Abbreviation	
Law, Social Justice & Global Development Journal	Law, Soc. Just. & Glob. Dev. J.	
★Law/Technology	Law/tech.	
• Was: Law and Computer Technology (Vol. 1–Vol. 13, no. 1/2)	Law & Comput. Tech.	
Law Text Culture	Law Text Culture	
Lawyer	Law.	
Lawyer of the Americas—see University of Miami Inter-American Law Review		
★Lawyers USA	Laws USA	
• Was: ★Lawyers Weekly USA (Issue 93–1 through Issue 2006–8)	Laws Wkly USA	
Lawyer's Reports Annotated	L.R.A.	
Legal	Legal	
Legal Communication & Rhetoric: JALWD	Legal Comm'n & Rhetoric	
• Was: Journal of the Association of Legal Writing Directors (Vols. 1–7)	J. ALWD	
★Legal Management	Legal Mgmt.	
• Was: ★Legal Administrator (Vols. 1–7)	Legal Adm'r	
Legal Medicine	Legal Med.	
• Was: Legal Medicine Annual (1972–1975)	Legal Med. Ann.	
★Legal Reference Services Quarterly	Legal Reference Servs. Q.	
Legal Studies	Legal Stud.	
• Was: Journal of the Society of Public Teachers of Law (1924–1938; n.s. Vol. 1 (1947–1951)–Vol. 15 (Mar. 1980))	J. Soc'y Pub. Tchrs. L.	
Legal Studies Forum	Legal Stud. F.	
• Was: American Legal Studies Association: ALSA Forum (Vols. 2–8)	Am. Legal Stud. Ass'n F.	
• Was: ★Newsletter (American Legal Studies Association) (Vol. 1)	Am. Legal Stud. Ass'n Newsl.	
★Legaltech News	Legaltech News	
Legal Theory	Legal Theory	
Legal Writing: The Journal of the Legal Writing Institute	Legal Writing	
Legislat(ion, ve)	Legis.	








MODERATOR: Do we have another question? Over there...

JUDICIAL EXTERN: I'm a judicial extern, and I'm feeling hopeless. The judge's main clerk just told me to draft an opinion. I'm supposed to use the state's court rules for citation. I went to law school in another state, though, and don't know the local court rules of this state. I guess I could Google that, but I wish there was simpler way.

MODERATOR: There is! Appendix 2 in the *ALWD Guide* addresses citation rules promulgated by federal, state, and other United States territorial courts. That appendix indicates whether a jurisdiction has rules governing public domain citation, and it provides URLs and citations to information relevant to legal citation in federal, state, and territorial jurisdictions.

Take Arkansas for example. In *ALWD's* table in Appendix 2, there is the website for the court rules; the rules for public domain citation; a public domain citation example; a list of all the local rules relevant to citation; unwritten, citation practices of local attorneys (vetted by local

practitioners and law professors in that jurisdiction); and a list of other citation resources germane to that particular jurisdiction.

Arkansas	
 Court website:	https://www.arcourts.gov
 Court rules online:	https://www.arcourts.gov/content/rules-supreme-court-and-court-appeals-state-arkansas
 Public domain citation:	Ark. R. Sup. Ct. & Ct. App. 5-2(d) (for published decisions between Feb. 14, 2009, and July 1, 2009, and all decisions issued after July 1, 2009, and available on the Arkansas Judiciary website).
 Public domain citation example:	<i>White v. Green</i> , 2010 Ark. 171, at 3, 2010 WL 3109899, at *2. <i>White v. Green</i> , 2012 Ark. App. 214, at 6, 2012 WL 230129, at *2.
 Local rules relevant to citation:	<ul style="list-style-type: none"> ▪ Ark. Code Ann. § 1-2-113(c) (abbreviation “A.C.A.”) ▪ Ark. R. Civ. P. 85 (abbreviation “ARCP”) ▪ Ark. R. Crim. P. 1.1 (may cite as “Arkansas Rules of Criminal Procedure ___”) ▪ Ark. R. Evid. 1102 (abbreviation “A.R.E. Rule ___”) ▪ Ark. R. Sup. Ct. & Ct. App. 4-2(a)(7) (parallel citations) ▪ Ark. R. Sup. Ct. & Ct. App. 5-2 (public domain citations)
 Local practice:	Statutes: A.C.A. § section number .
 Other resources:	<ul style="list-style-type: none"> ▪ Susan P. Williams & Tina Huddleson, <i>House Style Guide</i> (2010), https://www.arcourts.gov/sites/default/files/House%20Style%20Guide%20September2010.pdf. ▪ Colleen Williams, <i>AALL LISPSIS Public Libraries Toolkit Suggested State Information (Arkansas)</i>, AALL, https://www.aallnet.org/lispsis/wp-content/uploads/sites/11/2018/01/LISPSIS-PLToolkit-Arkansas.pdf (last visited Oct. 20, 2020).

MODERATOR: Next question?

MOOT COURT COMPETITOR: Our moot court team is writing an appellate brief, and in the statement of facts and in the argument, we have to cite the record. We just learned that means the trial record—the complaint, depositions, interrogatories, exhibits—and the appellate record. That stuff isn’t in the *Bluebook*! What are we going to do?

MODERATOR: You’re going to use the *ALWD Guide*! Because the *ALWD Guide* focuses on sources practitioners cite to, it goes into much more depth than the *Bluebook* on citing to court documents filed in a previous case or an attorney’s own case. In the *ALWD Guide*, Rule 12.15, Court Documents in Published or Pending Cases, and Rule 25, Court Documents, Transcripts, and Appellate Records were completely updated in the 7th edition. Moreover, on the advice of practitioners in multiple jurisdictions, the emphasis for citations to documents in a lawyer’s own case is on keeping the citations as short as possible while still communicating the source and its location accurately and clearly. In other words, it memorializes what thoughtful practitioners actually do.

We have time for one more question...

FIRST GENERATION LAW STUDENT: I'm the first person in my family to go to law school, and I was afraid I wouldn't fit in. Almost every lawyer I see in the media does not appear to have much in common with me. My professor requires us to use the *Bluebook*, and in looking through its examples, I noticed the authors of the sources didn't have names like mine and the topics of the sources covered weren't very diverse—one source was called “A Bad Man Is Hard to Find.” I started looking up the examples online, just out of curiosity—the authors cited are not a very diverse bunch. And the things they are writing are pretty dull. So, citation is one more way I feel excluded from law school. I wonder if all citation manuals are like this.

MODERATOR: No! Many of the examples in the 7th edition of the *ALWD Guide* have been changed to be more representative of law schools, legal scholars, the legal profession, and the world.

- Authors cited include LGBTQIA+ people and people of color.
- Movies, songs, and media examples reflect current, diverse lifestyles.
- Progressive legislation is included in examples.
- Triggering themes in citation examples such as rape or terrorism were replaced.

Diversity is an ongoing mission and if you have any suggestions of sources for the next edition or think an example needs to be replaced, email me.³ Final note—some professors let their students choose which citation manual to use. Since the citations are the same, it really doesn't matter which guide you use, and it gives students some agency.

I see that our time is almost up, but we want to thank everyone who raised questions or concerns. One final note: The proceeds from the *ALWD Guide* support legal writing education—supporting national conferences for legal writing professors and providing teaching and scholarship grants for legal writing faculty, for example.

³ Contact Carolyn Williams, the current author of the *ALWD Guide*, at carolyn.williams2@und.edu. If you have questions, or if you want to assist with the next edition of the *ALWD Guide* (scheduled to come out in 2026), please contact her directly.