

## A Series

By Kathleen Bean, Judith Fischer and Susan Kosse

## How Do I Cite...?

Try Using The ALWD Manual To Find Your Answers

Citation errors such as incomplete and inaccurate case citations, no pinpoint references, or wrong citations can be due to lack of understanding of correct citation form, inaccurate transcription or laziness. No matter what the cause of the error, the result can be frustrating to opposing counsel and the courts. Although courts are sometimes forgiving of the occasional typographical error in citation, more and more courts across the nation are chiding and even sanctioning attorneys who fail to cite properly. In Kentucky, the Supreme Court just recently took up the topic of citation when discussing proposed amendments to the rules of civil procedure. The Justices ultimately decided not to adopt a rule change requiring adherence to one citation manual over another but did change the method of citing to Kentucky cases to more closely mirror the form outlined in the citation manuals. (See sidebar on following page)

One impediment to properly citing is the difficulty of deciphering the *Bluebook*. The good news is you no longer have to rely on the *Bluebook* for citation help. In 2000 Darby Dickerson, Dean of the Stetson University College of Law, authored *The Association of Legal Writing Directors' Citation Manual* (the *ALWD Manual*). Legal writing professors across the country had expressed dissatisfaction with using the *Bluebook* to teach legal citation, along with frustration at recent and frequent changes made by the student-authors of the *Bluebook*. Dean Dickerson, with the help of a number of writing professors, responded with the *ALWD Manual*.

At the University of Louisville Brandeis School of Law we have used the *ALWD Manual* to teach citation in our writing courses for four years and are very pleased with the results. Unlike the *Bluebook*, whose

focus is on citation in scholarly writing, the *ALWD Manual* focuses on citation for the practitioner. Lawyers using the *Bluebook* must constantly refer to a "Practitioners' Notes" section to determine how to adapt *Bluebook* formatted citations for practitioner documents such as briefs. While both citation manuals ultimately require the same basic citation formats, the *ALWD Manual* is much easier to use. It is consistent, flexible when necessary, easy to understand, and filled with examples. In the short time since its publication, over ninety law schools have adopted the *ALWD Manual* as a teaching text, and over sixty of those schools have adopted it as their only teaching text for citation.

Further, citations to statutes and cases, law reviews, books and other authorities look the same using either book. Differences are few and concern only detail rarely noticed by even a demanding taskmaster. When differences do exist, the *ALWD Manual* tends to provide the reader with more information about the source cited, not less. For example, for citations to books, *ALWD* requires that the publisher be included in the parenthetical; the *Bluebook* does not. For cites to Senate and House Resolutions, *ALWD* requires the full date in the parentheses; the *Bluebook* requires only the year. *ALWD* also provides some commonsense flexibility: for example, citations to page spans under *ALWD* can retain all digits or only the last two (125-126 or 125-26), while, the *Bluebook* requires that only the last two digits be retained (125-26). These examples show that citations look the same under both sources:

<i>Bluebook</i> :	18 U.S.C. § 1983 (2000).
<i>ALWD</i> :	18 U.S.C. § 1983 (2000).

Continued

- Bluebook*: *Brown v. Bd. of Educ.*, 349 U.S. 294, 297 (1955).  
*ALWD*: *Brown v. Bd. of Educ.*, 349 U.S. 294, 297 (1955).
- Bluebook*: *MBNA Am. Bank, N.A. v. Cardoso*, 707 N.E.2d 189 (Ill. App. Ct. 1988).  
*ALWD*: *MBNA Am. Bank, N.A. v. Cardoso*, 707 N.E.2d 189 (Ill. App. 1st Dist. 1988).
- Bluebook*: *State v. Jose*, 636 N.W.2d 38 (Iowa 2001).  
*ALWD*: *State v. Jose*, 636 N.W.2d 38 (Iowa 2001).
- Bluebook*: S. Res. 35, 106th Cong. (1999).  
*ALWD*: Sen. Res. 35, 106th Cong. (Feb. 4, 1999).
- Bluebook*: L. Ray Patterson, *Legal Ethics and the Lawyer's Duty of Loyalty*, 29 Emory L.J. 909, 919 (1980).  
*ALWD*: L. Ray Patterson, *Legal Ethics and the Lawyer's Duty of Loy-*

*alty*, 29 Emory L.J. 909, 919 (1980).

*Bluebook*: *Black's Law Dictionary* 101 (7th ed. 1999).

*ALWD*: *Black's Law Dictionary* 101 (Bryan A. Garner, ed., 7th ed., West 1999).

As the citations above show that, without a side-by-side comparison, the differences between *Bluebook* and *ALWD* are not noticeable.

Finally, one of the major benefits of the *ALWD Manual* is that it includes local rules for every U.S. jurisdiction. Easy access to local rules prepares our students well for what they will need to do in practice, that is, make sure they are in compliance with their jurisdictions' citation rules.

The *ALWD Manual* and the *Bluebook* are both codifications of common law citation rules. The only substantive difference between *ALWD* and the *Bluebook* is the ease with which lawyers and future lawyers learn how to write citations. We believe that students who have been taught citation with the *ALWD Manual* know better how to "bluebook" than the students who were taught with the *Bluebook*. We also believe that busy members of the bar will find the *ALWD Manual* a more user-friendly citation reference tool than the *Bluebook*.

To obtain a copy of the *ALWD Manual* contact Aspen Publishers at [www.aspenpublishers.com](http://www.aspenpublishers.com) or call 1-800-638-8437.

## CR 76.12 (4)(g)

### (4) Form and content.

(g) *Form of citations.* All citations of Kentucky Statutes shall be made from the official edition of the Kentucky Revised Statutes and may be abbreviated "KRS." The citation of Kentucky cases reported after January 1, 1951, shall be in the following form for decisions of the Supreme Court and its predecessor court: *Doe v. Roe*, \_\_ S.W.2d \_\_ or \_\_ S.W.3d \_\_ (Ky. [date]), or for reported decisions of the present Court of Appeals, *Doe v. Roe*, \_\_ S.W.2d \_\_ or \_\_ S.W.3d \_\_ (Ky. App. [date]). For cases reported prior thereto both Kentucky Reports and Southwestern citations shall be given.



Susan H. Kosse is an Associate Professor of Law at the Louis D. Brandeis School of Law.



Kathleen S. Bean is a Professor of Law at the Louis D. Brandeis School of Law.



Judith D. Fischer is an Associate Professor of Law at the Louis D. Brandeis School of Law.