*See*ing Blue: Ten Notable Changes in the New *Bluebook*[*]

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It's time to discard the Fifteenth Edition of *The Bluebook: A Uniform System of Citation* and learn how to use the Sixteenth Edition. Since hitting the shelves in August 1996, the new *Bluebook* has largely been ignored by practicing lawyers. But it contains many notable changes that lawyers should learn and follow.

At first glance, the Sixteenth Edition appears to be a clone of the Fifteenth. The covers are virtually identical; the books are about the same size (with about 20 more pages in the Sixteenth Edition); and the color scheme for internal pages is the same (blue for Practitioners' Notes and tables, white for the rest). The Quick Reference guides in the front and back of each edition look very similar. Despite these outward appearances, the new *Bluebook* is replete with changes — some good, some bad.[1] This article critiques the ten most notable changes in the new *Bluebook*.

1. Introductory Signals

The editors substantially revised rule 1.2 on introductory signals. Revising the introductory-signal section appears to be a rite of passage for *Bluebook* editors: the signals have been changed in each edition since the Seventh.[2]

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[1] For a comprehensive review of changes in the new *Bluebook*, and for a history of the *Bluebook*, see A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New* Bluebook, 26 STETSON L. REV. 53 (1996).

[2] *See id.* apps. C-1 & C-2 (identifying changes in signals from the Seventh Edition through the Fourteenth Edition).

As the Preface notes, "[t]he number of signals has been reduced and the distinction between signals has been simplified."[3] Specifically, the "*contra*" signal, and arguably the "*e.g.*" signal,[4] have been deleted.[5] In addition, the definitions of "[no signal]," "*see*," "*accord*," and "*but see*" have been altered. To assist readers, the following table compares the introductory signals in the Fifteenth and Sixteenth Editions.

Signal	Fifteenth Edition	Sixteenth Edition
[no signal]	Cited authority (i) *clearly states* the proposition, (ii) identifies the source of a quotation, or (iii) identifies an authority referred to in text.	Cited authority (i) identifies the source of a quotation, or (ii) identifies an authority referred to in text.
E.g.	Cited authority *states* the proposition; other authorities also state the proposition, but citation to them would not be helpful or is not necessary. "*E.g.*," may also be used in combination with other signals, preceded by a comma: *See, e.g.,* *But see, e.g.,*	"*E.g.*" can be combined with any signal, including "[no signal]," to indicate that other authorities also state, support, or contradict the proposition but that citation to them would not be helpful or is not necessary. *E.g.,* *See, e.g.,* *But see, e.g.,*

[3] SIXTEENTH EDITION at v.

[4] *Compare id.* ("Under the modified rule, 'e.g.' no longer appears as a separate signal but may still be used in conjunction with other signals.") *with id.* rule 1.2(e) (listing "*E.g.*" as a stand-alone signal).

[5] *Compare* FIFTEENTH EDITION rule 1.2(a) & (c) *with* SIXTEENTH EDITION rule 1.2(a) & (c).

Signal	Fifteenth Edition	Sixteenth Edition
Accord	"*Accord*" is commonly used when two or more cases *state or clearly support* the proposition but the text quotes or refers to only one; the others are then introduced by "*accord*." Similarly, the law of one jurisdiction may be cited as being in accord with that of another.	"*Accord*" is commonly used when two or more cases *clearly support* the proposition but the text quotes only one; the others are then introduced by "*accord*." Similarly, the law of one jurisdiction may be cited as being in accord with that of another.
See	Cited authority *clearly supports* the proposition. "*See*" is used instead of "[no signal]" when the proposition is not directly stated by the cited authority but obviously follows from it; there is an inferential step between the authority cited and the proposition it supports.	Cited authority *directly states or clearly supports* the proposition.
See also	Cited authority *constitutes additional source material that supports* the proposition. "*See also*" is commonly used to cite an authority supporting a proposition when authorities that state or directly support the proposition already have been cited or discussed.	[No change.]
Cf.	Cited authority *supports a proposition different from the main proposition but sufficiently analogous to lend support.* Literally, "*cf.*" means "compare." The citation's relevance will usually be clear to the reader only if it is explained.	[No change.]

Signal	Fifteenth Edition	Sixteenth Edition
Compare . . . with . . .	*Comparison of the authorities cited will offer support for or illustrate* the proposition. The relevance of the comparison will usually be clear to the reader only if it is explained.	[No change.]
Contra	Cited authority *directly states the contrary* of the proposition. "*Contra*" is used where "[no signal]" would be used for support.	[No longer listed as an available introductory signal.]
But see	Cited authority *clearly supports a proposition contrary* to the main proposition. "*But see*" is used where "*see*" would be used for support.	Cited authority *directly states* or *clearly supports a proposition contrary* to the main proposition. "*But see*" is used where "*see*" would be used for support.
But cf.	Cited authority *supports a proposition analogous to the contrary* of the main proposition.	[No change.]
See generally	Cited authority *presents helpful background material related to the proposition.*	[No change.]

For most lawyers, revised rule 1.2 means that the "*see*" signal will be used more often than in the past. Indeed, in briefs and office memos, when the primary purpose is to identify sources that directly state or clearly support a proposition, the "*see*" signal will be used before almost every citation that does not identify the source of a quotation. While the Fifteenth Edition directed writers to use "[no signal]" when the authority clearly states the proposition, the Sixteenth Edition dictates that "[no signal]" should be used only when the authority identifies the source of a quotation or identifies an authority referred to in the text. Thus, under the Sixteenth Edition, "[no signal]" and "*see*" would be used as follows:

Authority identifies the source of a quotation:

> "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic." *Schenck v. United States*, 249 U.S. 47, 52 (1919).

Authority directly states the proposition:

> Even the most stringent free-speech guarantee would not protect someone who falsely shouts "Fire!" in a crowded theater. *See Schenck v. United States*, 249 U.S. 47, 52 (1919).

The signal change has caused a furor in academic circles. At the 1997 Annual Meeting of the American Association of Law Schools, the House of Representatives passed a resolution encouraging the *Bluebook* editors to reinstate the Fifteenth Edition's introductory signals and urging law reviews "to continue . . . to follow the previous edition's rule on signals."[6]

The impetus for this resolution was threefold. First, the resolution's drafter, Professor Gregory C. Sisk of Drake University Law School, believed that new rule 1.2 redefined signals "in a manner that unnecessarily multiplies use of signals, creates confusion, and impairs clear communication."[7] As noted above, the "*see*" signal must now be inserted when authority "directly states" or "clearly supports" the proposition. Under the Fifteenth Edition, "[no signal]" was used to show that the authority clearly states the proposition. Therefore, the Sixteenth Edition increases the number of times when the "*see*" signal must be used and, in the process, "unduly extends the length of legal documents."[8]

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[6] Resolution Concerning Promulgation of Rules of Citation 2 (Jan. 4, 1997) [hereinafter AALS Resolution] (copy available from the Association of American Law Schools, 1201 Connecticut Ave., N.W., Suite 800, Washington, D.C. 20036-2605).

[7] *Id.* at 1.

[8] *Id.*

Second, according to the resolution, the *Bluebook* editors' redefinition of the signal will create confusion:

> [B]ecause the signal "*See*" previously meant only that the cited authority indirectly supported the proposition, the re-definition of an existing term creates confusion. Readers of legal documents will be unable to readily determine whether the use of the signal "*See*" indicates direct support or only indirect support, without determining if possible whether the document was written under the prior or new rules.[9]

Third, the resolution suggests that the new rule spoils the Fifteenth Edition's "carefully calibrated series of signals," which included "[no signal]" for direct support, "*see*" for indirect support, and "*cf.*" for analogous support.[10] The new rule's definition of "*see*" "leaves no useful middle signal between direct statement support and the weakly analogous signaled by *cf.*"[11]

The reasoning behind the AALS resolution is sound. Authors use signals to indicate why an authority is cited and how much weight the authority carries. Therefore, changing what the signals mean effectively changes the substance of our common law.[12] As one commentator explained, "A signal gives a writer's analysis of

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[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *See* Richard L. Bowler, Book Review, 44 U. CHI. L. REV. 695, 701 (1977) (reviewing the Twelfth Edition) ("[Although signal] changes are subtle and some are arguably of little substance, . . . any change in the longstanding rules for a highly technical and specific system of signals means that signals in one generation of law reviews denote a set of significations that could be inconsistent with the usages known to a later generation. Since the purpose of a signal system is to facilitate an orderly presentation of authority which gives readers the opportunity to reproduce the author's research and the significance he assigns to his conclusions and authorities, changes in the signals could bring an accurate author's credibility into question.").

the law. Change the signals and a later reader may misinterpret the meaning of the citation."[13]

But while the reasoning of the AALS resolution is sound, the proposed action is not. Hardly anyone keeps old editions of the *Bluebook* lying around, and bookstores typically don't sell them. Soon, the Fifteenth Edition won't be available and many new students and lawyers won't know or remember its rules. Thus, the effect of the AALS resolution will be to compound the confusion and un-uniformity created by the Sixteenth Edition's editors.

If some follow the AALS resolution and others don't, how will anyone know whether a law review or court opinion issued between 1996 and 2001 (when the Seventeenth Edition is due) used the Fifteenth Edition rules or the Sixteenth Edition rules? If readers don't know this information, how will they evaluate the degree of support the cited authority gives the textual proposition? A better solution is to accept the Sixteenth Edition changes and urge the Seventeenth Edition editors not to change the signals again.[14] No citation system will ever be perfect. The editors simply need to select one uniform signal system and stick to it.

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[13] Donald H. Gjerdingen, *A Uniform System of Citation*, 4 WM. MITCHELL L. REV. 499, 508 (1978) (reviewing the Twelfth Edition); *see also* Peter Lushing, Book Review, 67 COLUM. L. REV. 599, 601 (1967) (reviewing the Eleventh Edition) ("Use *no signal* when you've got the guts. Use *e.g.* when there are other examples you are too lazy to find or are skeptical of unearthing. Use *accord* when one court has cribbed from the other's opinion. Use *see* when the case is on all three's. Use *cf.* when you've wasted your time reading the case. Insert *but* in front of these last two when a frown instead of a smile is indicated. *See generally* and *see also* are retained with an apparent acknowledgment that there is no difference between the two."); *cf.* Mary I. Coombs, *Lowering One's Cites: A (Sort of) Review of the University of Chicago Manual of Legal Citation*, 76 VA. L. REV. 1099, 1108–11 & n.60 (1990) (proposing the following signals: "*will not see in*," "*trust me, I've looked for it*," "*see, sort of*," "*see, randomly*," "*really should see*," "*pretend to have seen*," "*don't you wish you could see*," and "*feel, e.g.*").

[14] *Cf.* AALS Resolution, *supra* note 6, at 2 (encouraging the *Bluebook* editors to involve legal professionals in the revision process and to publish advance notice of proposed changes).

2. Public-Domain Citations

The Sixteenth Edition added a section on public-domain citations — those that can be used "without requiring reference to the proprietary products of any particular publisher."[15] Rule 10.3.1 now includes the following instructions:

> If the decision is available as an official public domain citation (also referred to as a medium neutral citation), that citation should be provided instead [of the regional reporter]. A parallel citation to the regional reporter may be provided as well. When citing a decision available in public domain format, provide the case name, the year of decision, the name of the court issuing the decision, and the sequential number of the decision. When referencing specific material within the decision, a pinpoint citation should be made to the paragraph number at which the material appears in the public domain citation. The following fictitious examples are representative of the recommended public domain citation format:
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> Stevens v. State, 1996 S.D. 1, ¶ 217.
>
> Jenkins v. Patterson, 1997 Wis. Ct. App. 45, ¶ 157, 600 N.W.2d 435.[16]

This rule comes just in time. The ABA and the American Association of Law Librarians have issued reports urging adoption of public-domain citation formats.[17] In addition, many courts are adopting public-domain citation formats — or are at least studying the matter. In January 1994, the Sixth Circuit "adopted an optional

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[15] *See* American Association of Law Librarians Task Force on Citation Formats, March 1, 1995 Report, at 5 [hereinafter AALL Report] (available on the Internet: <http://lawlib.wuacc.edu/aallnet/citeform.html>).

[16] SIXTEENTH EDITION rule 10.3.1(b), at 62.

[17] *See* ABA Special Committee on Citation Issues, Report and Recommendations (May 23, 1996); AALL Report, *supra* note 15.

parallel electronic citation form."[18] That same month, Louisiana's public-domain citation format took effect.[19] In May 1994, the Colorado Supreme Court ordered that its decisions be numbered by paragraph, stating that the paragraph numbers were acceptable alternative pinpoint citations to West's *Pacific Reporter* page numbers.[20] South Dakota switched to a public-domain citation format effective January 1996.[21] A year later, Maine adopted a public-domain citation system that uses paragraph numbers to identify material in cases.[22]

At least two other states are considering a switch. In May 1995, Wisconsin's Supreme Court decided to archive its opinions electronically for one year and then reconsider a petition by the State Bar and the Wisconsin Judicial Council to adopt a public-domain citation system.[23] California is also considering a public-domain citation format.[24]

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[18] Kelly Browne, *The Ins and Outs of a Uniform Citation System*, NAT'L L.J., July 17, 1995, at C5, C5.

[19] *See* Carol D. Billings, *Adoption of New Public Domain Citation Format Promotes Access to Legal Information*, 41 LA. B.J. 557, 557 (1994).

[20] *See* Browne, *supra* note 18, at C5.

[21] *See* Jill Schachner Chanen, *In the Matter of Cites*, A.B.A. J., Feb. 1996, at 87, 87; *see also* Dana Coleman, . . . *Other States Battling over Universal Citations*, N.J. LAW., July 31, 1995, *available in* LEXIS, Nexis Library, LREV File (detailing South Dakota's switch to the public-domain format).

[22] *See* State of Maine Judicial Branch, *Supreme Court Opinions* (visited Apr. 25, 1997) <http://www.courts.state.me.us>.

[23] *See* Chanen, *supra* note 21, at 87; *see also* John J. Oslund, *Wisconsin High Court Delays Decision on Case Citation Plan; West Publishing Opposes Proposed Change*, STAR TRIB., May 26, 1995, at 1D, 1D (tracing Wisconsin's debate over public-domain citations).

[24] *See* Robert C. Berring, *California's Rush to Be in the Vanguard of Uniform Citation Might Be Jumping the Gun*, RECORDER, May 15, 1996, at 4, 4 ("A proposal on this issue has been reported on favorably by the California State Bar and is heading for the state supreme court, which will hold hearings on adopting it.").

In light of these changes and proposals, the *Bluebook* editors wisely included a new rule on public-domain citations.[25] They made a good start that future editors will need to build on. In the not-so-distant future, the editors will inevitably need to develop public-domain citations for all types of legal authorities — not just cases — and may eventually need to replace citations for print sources with public-domain citations.

3. Subsequent History

Rule 10.7 now provides that references to denials of certiorari or other discretionary appeals should not be included "unless the decision is less than two years old or the denial is particularly relevant."[26] This change is especially welcome because such denials carry no precedential value and do not indicate that the higher court agreed with the lower court's decision.[27] The exception that denials should be included if the case is less than two years old is a good one because it informs readers that the lower court's decision has become final.

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[25] *See* SIXTEENTH EDITION rule 10.3.1(b).

[26] SIXTEENTH EDITION rule 10.7.

[27] *See* Darr v. Burford, 339 U.S. 200, 227 (1950) (Frankfurter, J., dissenting on denial of *cert.*) ("Nothing is more basic to the functioning of this Court than an understanding that denial of certiorari is occasioned by a variety of reasons which precludes the implication that were the case here the merits would go against the petitioner."); United States v. Carver, 260 U.S. 482, 490 (1923) ("The denial of a writ of certiorari imports no expression upon the merits of the case, as the bar has been told many times."). *See generally* ROBERT L. STERN ET AL., SUPREME COURT PRACTICE § 5.7 (7th ed. 1993).

Sixteenth Edition Format:

United States v. Billingsley, 978 F.2d 861 (5th Cir. 1992).

Fifteenth Edition Format:

United States v. Billingsley, 978 F.2d 861 (5th Cir. 1992), *cert. denied*, 507 U.S. 1010 (1993).

4. Authors' Names

The Sixteenth Edition's editors rewrote the rules about how to cite authors' names.[28] This change was prompted by a Fifteenth Edition change that was both widely applauded[29] and roundly criticized.[30] Traditionally, the *Bluebook* provided that a citation should include only the author's last name and a single first initial.[31] The Fifteenth Edition's editors finally recognized that this convention didn't give authors fair credit for their work[32] and could confuse readers when several authors shared a surname.[33]

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[28] *See* SIXTEENTH EDITION rules 15.1.1, 16.1 & 16.5.1(a).

[29] *See, e.g.*, James D. Gordon III, *Oh No! A New Bluebook!*, 90 MICH. L. REV. 1698, 1700 (1992) (reviewing the Fifteenth Edition); James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1792 (1992) (reviewing the Fifteenth Edition).

[30] *See, e.g.*, Paulsen, *supra* note 29, at 1792–93 (calling the rule "a little too rigid" and wondering if we are "really supposed to provide a first name and middle initial any time we cite a source, even if the author does not provide that information"); David E.B. Smith, *Just When You Thought It Was Safe to Go Back into the Bluebook: Notes on the Fifteenth Edition*, 67 CHI.-KENT L. REV. 275, 277–78 (1991) ("Authors should be able to get proper credit for their efforts without having editors mangle their names.").

[31] *See, e.g.*, FOURTEENTH EDITION rule 15.1.

[32] *See, e.g.*, Smith, *supra* note 30, at 278.

[33] *See* Gordon, *supra* note 29, at 1700 (calling the change an improvement because there are "more than forty law professors named Smith, and of course nonacademics also write articles"); Richard A. Posner, *Goodbye to the Bluebook*, U. CHI. L. REV. 1343,

And some commentators found the convention especially unfair to women.[34]

The Fifteenth Edition therefore provided that citations should generally include the first name, middle initial, and last name of those who authored books, articles, student works, and A.L.R. annotations.[35] This change was applauded. Yet the Fifteenth Edition also instructed users to shorten any middle name to a middle initial "unless the author uses an initial in place of his or her first name, in which case retain the first initial and the full middle name."[36] This change was criticized. If users followed this rule, they were forced to refer to Oliver Wendell Holmes as Oliver W. Holmes.[37] And some construed the middle-initial-only rule as antifeminist.[38]

On this point, the Sixteenth Edition's editors listened to those who suggested that the next edition should "simply state the rule as 'Cite the author's name as the author wants it.'"[39] The Sixteenth Edition now instructs users, when citing a book, periodical, student work, or A.L.R. annotation, to "always give the author's full name

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1345 (1986) (urging that an author's full name be given — especially "in an era of multiple Ackermans, Dworkins, Epsteins, Whites, [and] Schwartzes" — "so that the reader will be in no doubt who the author is — a bit of information that may tell him how much weight he wants to give the citation and whether he wants to look it up").

[34] *See* Katharine T. Bartlett, *Feminist Legal Methods*, 103 HARV. L. REV. 829, 829 n.* (1990) (complaining that omitting first names eliminated "one dignified way in which women could distinguish themselves from their fathers and their husbands"); *see also* Paulsen, *supra* note 29, at 1792.

[35] *See* FIFTEENTH EDITION rules 15.1.1, 16.1, 16.5.1(a) & 16.5.5.

[36] *Id.* rule 15.1.1.

[37] *See id.* rule 15.5.1(b) (using this very example).

[38] *See, e.g.*, Ruth Colker, *An Equal Protection Analysis of United States Reproductive Health Policy: Gender, Race, Age, and Class*, 1991 DUKE L.J. 324, 324 n.*.

[39] Smith, *supra* note 30, at 278.

as it appears on the publication."[40] Now we may refer to Oliver Wendell Holmes, John Hart Ely, Charles Alan Wright, Ruth Bader Ginsburg, and many others as we have come to know them and as they wish to be known.

A comparison of the old and new rules follows:

Sixteenth Edition Format:

OLIVER WENDELL HOLMES, THE COMMON LAW 1 (1881).

Fifteenth Edition Format:

OLIVER W. HOLMES, THE COMMON LAW 1 (1881).

5. Legislative Materials

The editors revised and expanded rule 13 concerning legislative materials. Under new rule 13, users can omit the session number for federal legislative materials when the reader can infer the session from the remainder of the citation.[41] As a result, citations to federal legislative materials will be shorter than before:

Sixteenth Edition Format:

H.R. 3055, 94th Cong. § 2 (1976).
S. REP. NO. 84-2, at 7 (1955).

Fifteenth Edition Format:

H.R. 3055, 94th Cong., 2d Sess. § 2 (1976).
S. REP. NO. 2, 84th Cong., 1st Sess. 7 (1955).

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[40] *See* SIXTEENTH EDITION rules 15.1.1, 16.1, 16.5.1 & 16.5.5; *see also id.* rule 15.1.2 (instructing users to "always give the full name of an editor or translator according to rule 15.1.1").

[41] *See id.* rule 13.

In addition, the editors augmented narrative instructions for citing state legislative materials and added examples illustrating the rules.[42] Unfortunately, citations to state legislative materials must include a session number,[43] thus making state and federal citation forms inconsistent and more difficult to remember.[44]

6. Internet Materials

New rule 17.3.3 instructs users how to cite Internet sources.[45] Because many Internet sources are transient, the rule begins by urging users to cite printed materials, unless the printed materials are unavailable or not easily obtainable.[46] The rule then specifies the components of an Internet citation:

> When citing to materials found on the Internet, provide the name of the author (if any), the title or top-level heading of the material being cited, and the Uniform Resource Locator (URL). The Uniform Resource Locator is the electronic address of the information and should be given in angled brackets. For electronic journals and publications, the actual date of publication should be given. Otherwise, provide the most recent modification date of the source preceded by the term "last modified" or the date of access preceded by the term "visited" if the modification date is unavailable.[47]

Therefore, Internet sources should be cited as follows:

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[42] *See id.* rules 13.2(c) & 13.4(d).

[43] *See id.* rules 13.2(c) & 13.4(d).

[44] *See id.* rule 13.7(c) (showing complete citation forms and short citation forms for both federal and state legislative materials).

[45] *See id.* rule 17.3.3.

[46] *See id.*

[47] *Id.*

> Mark Israel, *The alt.usage.english FAQ File* (last modified Nov. 17, 1995) <ftp://rtfm.mit.edu/pub/usenet/alt.usage/english/alt.usage.english_FAQ>.
>
> Scott Adams, *The Dilbert Zone* (visited Jan. 20, 1996) <http://www.unitedmedia.com/comics/dilbert>.

The new rule also provides the following information about citing electronic journals:

> Citations to journals that appear only on the Internet should include the volume number, the title of the journal, and the sequential article number. Pinpoint citations should refer to the paragraph number, if available:
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> Dan L. Burk, *Trademarks Along the Infobahn: A First Look at the Emerging Law of Cybermarks*, 1 RICH. J.L. & TECH. 1, ¶ 12 (Apr. 10, 1995) <http://www.urich.edu/~jolt/vlil/burk.html>.[48]

Although rule 17.3.3 provides an admirable start, it is fairly limited. The next *Bluebook* editors need to go further by providing rules and examples for other Internet materials, such as Web sites and e-mail.[49] The editors might also consider adding a rule for parallel electronic and hard-copy citations.

7. Textual Material in Footnotes

The Sixteenth Edition clarifies how certain material should be treated when it appears as text in footnotes. First, rule 2 has been

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[48] *Id.*

[49] *See* Andrew Harnack & Gene Kleppinger, *Beyond the MLA Handbook: Documenting Electronic Sources on the Internet* (visited Oct. 20, 1996) <http://falcon.eku.edu/honors/beyond-mla>. *See generally* Michael A. Arnzen, *Cyber Citations*, INTERNET WORLD, Sept. 1996, at 72, 74 (describing several electronic citation manuals and providing the Internet address for each).

reworked.[50] It now expressly distinguishes between textual material in the main text of a law-review article and textual material in the footnotes.[51] The Fifteenth Edition instructed users to italicize case names that appeared in footnote text when "only one of the two adversary parties is named or when no citation is given"[52] — meaning that regular roman typeface would be used when both parties' names appeared within a citation. The Sixteenth Edition, however, calls for italics "[w]hen a case name is grammatically part of the sentence in which it appears."[53] The new rule is easier to remember and eliminates an unnecessary distinction.[54]

Sixteenth Edition Format:

In *Loving v. Virginia*, the Court invalidated Virginia's miscegenation statute.

In *Loving v. Virginia*, 388 U.S. 1 (1967), the Court invalidated Virginia's miscegenation statute.

In *Loving*, 388 U.S. at 12, the Court invalidated Virginia's miscegenation statute.

Fifteenth Edition Format:

In *Loving v. Virginia*, the Court invalidated Virginia's miscegenation statute.

In Loving v. Virginia, 388 U.S. 1 (1967), the Court invalidated Virginia's miscegenation statute.

In *Loving*, 388 U.S. at 12, the Court invalidated Virginia's miscegenation statute.

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[50] *See* SIXTEENTH EDITION rule 2.

[51] *See id.* rule 2.2.

[52] FIFTEENTH EDITION rule 2.2(b).

[53] SIXTEENTH EDITION rule 2.2(b)(i).

[54] *Cf. id.* rules 12.9 & 13.7 (other rules that conform to the new "main text" and "footnote text" division).

In addition, rule 6.2(b) now instructs users to spell out the words "section" and "paragraph" in the text, "whether main text or footnote text," unless referring to the U.S. Code, a state code, or a federal regulation.[55] This change also eliminates unnecessary distinctions between the text and footnotes of a law-review article.

8. Endnotes and Graphical Materials

Recognizing that some publications use endnotes as opposed to footnotes and that many authors now append graphical material to papers, the *Bluebook* editors expanded the scope of rule 3.3, which is now entitled "Pages, Footnotes, Endnotes, and Graphical Materials."[56] The endnote-citation rule is straightforward: "give the page on which the endnote appears (not the page on which the call number appears), 'n.,' and the endnote number, with no space between 'n.' and the number."[57] Thus, a citation for an endnote will look just like a citation for a footnote.[58]

The new rule on citing graphical materials is likewise clear: "When citing tables, figures, charts, graphs, or other graphical materials, give the page number on which the graphical material appears and the designation, if any, provided in the source. Use the abbreviations in table T.16."[59] Table 16 contains abbreviations such as "fig." for "figure"; "fol." for "folio"; "illus." for "illustration"; and "tbl." for "table."[60] Thus, a table might be cited:

> Kevin M. Clermont & Theodore Eisenberg, *Xenophilia in American Courts*, 109 HARV. L. REV. 1120, 1131 tbl.2 (1996).

[55] *Id.* rule 6.2(b).

[56] *Id.* rule 3.3.

[57] *Id.* rule 3.3(c).

[58] *Compare id.* rule 3.3(b) example *with id.* rule 3.3(c) example.

[59] *Id.* rule 3.3(e).

[60] *Id.* T.16.

9. Short-Form Citations for Cases

The editors made one completely unnecessary change and one much-needed change regarding short-form case citations. First the unnecessary change. Rule 10.9(a) now provides:

> In law review footnotes, a short form for a case may be used if it clearly identifies a case that is either already cited in the *same* footnote, is cited (in either full or short form, including "*id.*") in *a manner such that it can be readily found in one of the preceding five footnotes*, or is named in the *same general textual discussion* to which the footnote is appended.[61]

The rule is exactly as it appears in the Fifteenth Edition, except that the Fifteenth Edition used the number four instead of five.[62] This is exactly the type of change the editors should have avoided. There is no apparent reason for it; it seems to have been made merely for the sake of change. Many people memorized the "four-footnote" rule and must now unlearn that rule and remember the "five-footnote" rule — and for no reason other than the new *Bluebook* says so.

The editors redeemed themselves one page later. Rule 10.9(a)(ii) now explains how to use short-form citations for cases available on an electronic database. Writers should "use a unique database identifier, if one has been assigned."[63] The examples given are analogous to other short-form citations:

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[61] *Id.* rule 10.9(a); *see also id.* rule 12.9(c) (same rule, but for statutes).

[62] *See* FIFTEENTH EDITION rule 10.9.

[63] SIXTEENTH EDITION rule 10.9(a)(ii).

Clark v. Homrighous, No. CIV.A.90-1380-T, 1991 WL 55402, at *3 (D. Kan. Apr. 10, 1991)
becomes: *Clark*, 1991 WL 55402, at *2.

Albrecht v. Stanczek, No. 87-C9535, 1991 U.S. Dist. LEXIS 5088, at *1 (N.D. Ill. Apr. 18, 1991)
becomes: *Albrecht*, 1991 U.S. Dist. LEXIS 5088, at *2.

Given the increasing number of cases available only in electronic databases, this addition fills an important gap.

10. Foreign Materials

The editors made positive changes in the *Bluebook* sections that cover materials from other countries. They updated the table of countries to reflect newly created sovereigns.[64] They similarly updated the table of foreign jurisdictions.[65] Most important, for many foreign sources, Table 2 now provides citation formats for each individual country, so guessing and discretion should be minimized.[66] As the editors explained, "Rule 19 has been modified and now requires that citations to foreign materials conform as closely as possible to local citation practice of the jurisdictions whose material is being cited."[67] Users can also take comfort in the fact that a group of outside experts assisted the *Bluebook* editors in revising the foreign materials.[68]

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[64] *See id.* T.10.

[65] *See id.* T.2.

[66] *See id.*

[67] *Id.* at vi.

[68] *See id.*

Conclusion

Changes in the Sixteenth Edition are a mixed lot. Some — such as the addition of public-domain citation formats — are evolutionary and beneficial. Others — such as changing the four-footnote rule to the five-footnote rule — serve no apparent purpose and are detrimental. And the most significant change, in the definitions of introductory signals, will lead to confusion and might even affect the substance of the common law.

Despite its flaws, the *Bluebook* is still our most authoritative guide to legal citation. For now, prudent lawyers have no choice but to master the Sixteenth Edition.