

# *The ALWD Guide to Legal Citation, Seventh Edition: One Small Step Toward Wellness in Legal Education*

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As I sat down to write this review of the seventh edition of the *ALWD Guide to Legal Citation*, posters throughout the law school were promoting events relating to Law Student Mental Health Week, an annual event sponsored by the ABA Commission on Lawyer Assistance Programs, Law School Committee, and the ABA Law Student Division. The free online events offered during the week are designed to help students deal with “the many challenges and stresses” they encounter while in law school and to help them “recommit to [their] personal well-being.”<sup>1</sup>

Recognizing that mental-health issues among law students are acute, the Association of American Law Schools recently formed the Section on Balance in Legal Education, which offers courses and programs in anxiety, stress management, and well-being, including well-being teaching strategies.<sup>2</sup> Many law schools offer an array of mental-health and wellness services to students, from counseling to yoga classes.<sup>3</sup>

Why bring up law students’ mental health in a review of a legal-citation manual? Because learning how to craft the perfect legal citation has contributed to the stress and anxiety of generations of

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<sup>1</sup> ABA For Law Students, <https://abaforlawstudents.com/event/2021-mental-health-week/> (last visited Nov. 19, 2021, site since updated).

<sup>2</sup> AALS Section on Balance in Legal Education, <https://www.aals.org/sections/list/balance-in-legal-education/> (last visited Nov. 19, 2021) [<https://perma.cc/22WX-J6WY>].

<sup>3</sup> Brooklyn Law School, <https://www.brooklaw.edu/Student-Life/Health-and-Wellness> (last visited Nov. 21, 2021) [<https://perma.cc/826G-YLGC>].

law students and continues to do so today. The reason: *A Uniform System of Citation*, a/k/a *The Bluebook*.

“[A] Uniform System of Citation has inflicted more pain on more law students than any other publication in legal history,” noted Robert Berring, former director of the Berkeley Law Library and a prolific scholar on legal research and the law publishing industry.<sup>4</sup> In the nineties, a former colleague of mine coauthored *The Citation Workbook: How to Beat the Citation Blues*.<sup>5</sup> Other resources created to demystify traditional legal citation include *A Bluebook Survival Guide for Students, Editors, Instructors, and Practitioners*<sup>6</sup> and *User’s Guide to a Uniform System of Citation: The Cure for the Bluebook Blues*.<sup>7</sup> While the titles of these publications are a play on the nickname given to the ubiquitous *Uniform System of Citation*, they accurately reflect what many law students experience when required to use it.

In the more than 30 years I have taught first-year legal research and writing courses, I have tried to alleviate students’ anxiety and fixation over *The Bluebook* by

- not requiring conforming citations in the first few assignments;
- weighing citation form nominally when grading students’ later memos and briefs;

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<sup>4</sup> 2 *The Bluebook: A Sixty-Five Year Retrospective*, app. A, v (William S. Hein & Co. 1998).

<sup>5</sup> Maria Ciampi et al., *The Citation Workbook: How to Beat the Citation Blues* (Anderson Publ’g Co. 1993).

<sup>6</sup> J. Reid Mowrer, *A Bluebook Survival Guide for Students, Editors, Instructors, and Practitioners* (Maria Delgado Publ’g 1997).

<sup>7</sup> Alan L. Dworsky, *User’s Guide to a Uniform System of Citation: The Cure for the Bluebook Blues* (Fred B. Rothman & Co. 1988).

- repeatedly emphasizing that the course is meant to merely *introduce* legal citation form and this “thing” called *The Bluebook*;
- reminding students that when they become summer associates, interns, and practitioners, their research, writing, drafting, negotiating, advocacy, and communications skills will be far more important to their success than their ability to craft the perfect citation; and
- conveying to students what I have been told by dozens of attorneys and judges: few are wedded to *The Bluebook* for how they cite or in what they expect in others’ citations.

Still, my students invariably become stressed when required to *Bluebook* their 1L assignments, and they describe their anxiety during individual conferences and in course evaluations.<sup>8</sup>

Most students waste an inordinate amount of time trying to decipher the indecipherable. Among the nicer things written about *The Bluebook* is that it is inconsistent, arbitrarily revised by its student editors, poorly organized, and lacking in examples of proper citation form.<sup>9</sup> As difficult as it is to work with in print, it is even more so in its electronic form, especially for novice users who have no grounding in *The Bluebook*’s overall organization.<sup>10</sup>

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<sup>8</sup> “We didn’t spend enough time on *The Bluebook*” was a comment on one of my evaluations last year, despite two teaching assistant–led classes on citation format, two required written citation exercises, an additional class I taught to ease the students’ anxiousness about *The Bluebook*, and a cheat sheet I created with examples of the very basic types of citations they needed to craft for their writing assignments: federal and New York cases and statutes.

<sup>9</sup> Melissa H. Weresh, *The ALWD Citation Manual: A Coup de Grace*, 23 U. Ark. Little Rock L. Rev. 775, 779–80, 793, 796 (2001).

<sup>10</sup> John Passmore, *Buying the Bluebook: Spiral-Bound or Online*, Law School Toolbox (Oct. 6, 2017), <https://lawschooltoolbox.com/buying-the-bluebook-spiral-bound-or-online/>.

As Judge Richard Posner observed, “the Bluebook is elaborate but not purposive. Form is prescribed for the sake of form, not of function; a large structure is built up, all unconsciously, by accretion; the superficial dominates the substantive.”<sup>11</sup>

Over the years, challengers to *The Bluebook* emerged, but none came close to displacing it as the gold standard for legal citation.<sup>12</sup> Given *The Bluebook*’s entrenchment in the legal academy and profession, it is a wonder that anyone would even attempt to take it on, but the publication of the sixteenth edition in 1996 was the last straw for legal educators, scholars, and practitioners. In that edition, editors unilaterally decided to change the meanings of the widely used signals *See* and *Contra*, ostensibly to reduce the number of signals and to simplify the distinction between signals. As Professor Wanda Temm noted in her review of the original *ALWD Guide*, “law students who have never practiced law for a single day decided for the entire legal community to change the meanings of essential terms of art. . . . Attorneys and judges had no way of knowing which ‘see’ counsel used — the old meaning . . . or the new.”<sup>13</sup>

These changes prompted members of the Association of American Law Schools to overwhelmingly pass a 1997 resolution condemning these “unnecessary” and “confusing” revisions and criticizing *Bluebook* editors for failing to seek input from the legal community.<sup>14</sup> Editors reversed the rule on signals in the seventeenth

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<sup>11</sup> Richard A. Posner, *Goodbye to the Bluebook*, 53 U. Chi. L. Rev. 1343, 1343–44 (1986).

<sup>12</sup> Nancy A. Wanderer, *Citation Excitement: Two Recent Manuals Burst on the Scene*, 20 Me. B.J. 42, 44 (2005) (discussing the development and demise of the *University of Chicago Manual of Legal Citation*, known as the *Maroonbook*, and the *Uniform Citation Guide*, published by the Association of American Law Libraries).

<sup>13</sup> Wanda Temm, *New Kid on the Block: The ALWD Citation Manual*, 59 J. Mo. B. 16, 16 (Jan.–Feb. 2003).

<sup>14</sup> Wanderer, *Citation Excitement* at 44.

edition, but this episode served as the impetus for the first edition of the *ALWD Guide*, written by Darby Dickerson, then director of legal writing at Stetson Law School and now president, dean, and professor of law at Southwestern Law School. Dickerson wrote the *ALWD Guide* with extensive input from the legal profession.

From its first edition to the new seventh edition, authored by Carolyn Williams, associate professor of legal writing and assistant clinical professor of law at the University of Arizona's James E. Rogers College of Law, the *ALWD Guide* has been praised for being what *The Bluebook* is not: clear, concise, and consistent.<sup>15</sup> Even a review of *The Bluebook* acknowledged that the *ALWD Guide* “does an excellent job of teaching and explaining legal citation. . . . [It] is much easier to use than the *Bluebook*.”<sup>16</sup>

Yet despite its strengths, the *ALWD Guide* still lags behind *The Bluebook* in adoption by legal-writing professors, programs, and practitioners. This can be traced, in large part, back to the *ALWD Guide*'s first four editions, which, in an attempt to simplify things, changed how some legal sources were cited, creating an alternative form of citation to that of *The Bluebook*. One colleague, an early adopter of the *ALWD Guide*, was horrified when a student told her that although an interviewer had complimented her on the content of her writing sample (a memo from 1L Legal Research & Writing), he criticized her “Bluebooking.” When she told him that she had been taught the *ALWD Guide*'s citation form, not *The Bluebook*'s, he, of course, had no idea what she was talking about. Given *The Bluebook*'s entrenchment in the profession, the professor reluctantly switched back to teaching it.

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<sup>15</sup> Stephen Paskey, *Conveying Titles Clearly: Thoughts on the Fifth Edition of the ALWD Guide to Legal Citation*, 15 J. App. Prac. & Process 273, 278 (2014); Steven K. Homer, *Hierarchies of Elitism and Gender: The Bluebook and The ALWD Guide*, 41 Pace L. Rev. 1, 28–31, 46, 50 (2020).

<sup>16</sup> C. Edward Goode, *Will the Bluebook Sing the Blues?*, 37 Trial 78, 79 (Jan. 2001).

With its fifth edition, the *ALWD Guide* underwent significant revision to conform all citations to *Bluebook* rules, thus removing the major obstacle to its widespread adoption. While “thousands of law students and practitioners . . . have chosen to take the ‘sigh’ out of citation”<sup>17</sup> by using the *ALWD Guide* to, in effect, *Bluebook* their citations,<sup>18</sup> inertia on the part of faculty members and lingering misconceptions about the *ALWD Guide* allow *The Bluebook* to dominate citation instruction and continue to make life miserable for many law students.

Legal-writing professors and program directors owe it to their students (and themselves) to become familiar with the seventh edition of the *ALWD Guide*. Even a cursory review makes clear its superiority as a teaching tool and reference for students with no background in or understanding of legal citation. While learning legal citation can probably never be made completely stress-free, the *ALWD Guide* is so user-friendly that it will almost certainly reduce students’ anxiety and leave them with more time to devote to substance: researching and writing their assignments.

The *ALWD Guide* looks nothing like *The Bluebook*. Each primary- and secondary-source rule has a “Fast Formats” page that explains the essential components of both the long and short forms of the citation. In crafting citation examples, Professor Williams ensured that they were inclusive and diverse in terms of authors, subject matter, and sources. This is evident in the examples used to demonstrate law-review and periodical citations, for example, as well as throughout the book.

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<sup>17</sup> Association of Legal Writing Directors, *Guide to Legal Citation*, <https://www.alwd.org/about-guide> (last visited Nov. 21, 2021) [<https://perma.cc/BF4R-FHUU>].

<sup>18</sup> One of the most important features in the *ALWD Guide* is Appendix 8, which correlates *Bluebook* rules with the *ALWD Guide*. This is especially important for law students and faculty engaged in legal scholarship.

The book is filled with visual aids that will appeal to today's students. For example, red triangles are used to illustrate required spacing between a citation's components, taking the guesswork out of one of the most frustrating aspects of citation work. Examples of academic formatting are clearly labeled as such because, unlike *The Bluebook*, which emphasizes citation in academic writing, the *ALWD Guide* focuses on citations that practitioners use in court documents and that law students use in class assignments. Numerous sidebars explain the reasons behind citation rules and point out common errors in crafting citations. "Snapshots" — illustrations of pages from legal sources such as the *Restatements* — direct users to where in the publication they can find the information needed to create a citation, including title, edition or series, publication date, and pinpoint references. Charts appear throughout. One of the most helpful charts not only provides a complete list of signals, but *explains* what signals are and why they are used. And it groups similar signals together, such as signals indicating support, signals drawing a comparison, signals indicating contradiction, and signals indicating background material. The chapter on signals also includes passages from real legal documents in which they are used, so that students can see how they effectively convey important information about a cited source to the reader.

During a recent book talk on the *ALWD Guide*'s seventh edition, sponsored by her law school's Daniel F. Cracchiolo Law Library, Professor Williams explained that like all previous editions, the seventh reflects input from the legal community, including legal-writing professors, law librarians, and practitioners.<sup>19</sup> In speaking with practitioners, she learned of the COVID pandemic's impact on what practitioners, working remotely and

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<sup>19</sup> Carolyn Williams et al., *Book Talk on the ALWD Guide to Legal Citation, Seventh Edition*, YouTube (Sept. 22, 2021), [https://www.youtube.com/watch?v=3\\_b-biRXw2Q](https://www.youtube.com/watch?v=3_b-biRXw2Q) [<https://perma.cc/TVB9-AWP8>].

filing documents electronically, needed in a citation manual. According to Professor Williams, practitioner input led to extensive revision of the *ALWD Guide*'s treatment of citing court documents filed in cases presently being litigated (Rule 25) and citing court documents in published or pending cases (Rule 12.15).

The seventh edition recognizes that the pandemic has led to structural changes in how lawyers work. Given the work-from-home movement, many of today's students may practice law virtually, working for firms, corporations, or even courts based thousands of miles from their location. Because these lawyers are working remotely, they rely almost exclusively on electronic resources when doing legal research. The *ALWD Guide* thus provides guidance on citing a myriad of commercial databases other than LEXIS and Westlaw (Rule 32); electronic sources such as speeches or presentations at online conferences (Rule 26); virtual interviews conducted via Zoom; and materials such as letters posted online but not appearing in newspapers' print editions (Rule 27). It also covers texts, emails, chats, and documents in shared drives (Rule 33).

The *ALWD Guide* concludes with eight appendixes, two of which are also fully online and made available to any user by the publisher, Wolters Kluwer — even users who have not purchased the bound volume.<sup>20</sup> These are Appendix 2, which covers local court rules, and Appendix 5, which contains the full citation format for law reviews and journals. No longer will legal writers have to flip between sections of *The Bluebook* to ascertain the proper citation format when citing an academic publication.

That the *ALWD Guide* is superior to *The Bluebook* as both a teaching tool and a reference on proper legal-citation form is not open for debate. Professor Williams took an excellent resource

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<sup>20</sup> *ALWD Guide to Legal Citation*, <https://www.wklegaledu.com/Williams-ALWDGuideLegalCitation7> (last visited Nov. 20, 2021) [<https://perma.cc/K6TY-RHDF>].

and made it even better, in large part because she sought input from the people who teach and use legal citation daily and incorporated their suggestions into the seventh edition. As a result, the newly added material and revisions to existing rules are anything but “obscure to the legal community at large,” as many changes to *The Bluebook* have been described.<sup>21</sup> The *ALWD Guide, Seventh Edition* will certainly make the process of learning to craft legal citations a far less time-consuming, anxiety-inducing experience for law students. And it deserves to be adopted by all 1L Research & Writing programs for that reason alone.

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<sup>21</sup> Temm, *New Kid on the Block* at 16.