

# Citation Style Is a Cruel Mistress: A Review of the 21st Edition of *The Bluebook*

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I live in Washington, D.C., a city famously thick with lawyers. I used to ride the train to work, and most days, I distracted myself with a book. In the summer of 2015, one of those books was *The Bluebook: A Uniform System of Citation*, then in its 20th edition. Readers of this journal will know the book by sight: bright blue cover (hence the name), white lettering, spiral binding — it is, if nothing else, unmistakable to anyone with a semester’s experience of law school.

One evening, as I was reading, a young woman approached me to talk. For those unfamiliar with D.C.’s Metro system, this is an unusual occurrence: strangers rarely strike up conversations in midtransit. The woman asked me, with more than a hint of skepticism, whether I was reading *The Bluebook*. When I confirmed that I was, she paused for a long beat. Then she asked, “Why?”

“The new edition just came out,” I said, as if that were enough explanation.

It wasn’t. She backed away, eyes wide, as if I’d told her that I had rabies and was feeling a bit peckish. She asked no more questions.

This, dear readers, is the type of horror that *The Bluebook* inspires among members of our profession. First published in 1926, when it weighed in at a mere 26 pages (and bore a green

cover),<sup>1</sup> the blue behemoth sets out what it markets as a comprehensive system for legal citations. While its comprehensiveness is debatable, it is inarguably the most widely adopted system of its kind. Most law schools and federal courts abide by its dictates,<sup>2</sup> and copies can be found in almost every law office in the country.

While this widespread adoption has, for generations of lawyers, made *The Bluebook* a professional obligation, it has not made the book popular. To the contrary, criticisms abound. When lawyers, scholars, or commentators bother to mention *The Bluebook* at all, they almost always pillory it. They have called it too complicated, too inconsistent, too long.<sup>3</sup> They have called for a shorter system, a more rational system, a more usable system — any other system.<sup>4</sup> Some have even called for drastic measures. Judge Richard Posner, for one, has suggested that we burn every copy.<sup>5</sup>

Yet none of these criticisms seem to have penetrated the offices of *The Bluebook*'s editors. In May 2020, they published the book's 21st edition — a volume retaining almost everything

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<sup>1</sup> See Mark Garibyan, Comment, *Old Habits Die Hard: Disengaging from the Bluebook*, 46 J. Law Reform Online 71, 72 (2012) (discussing book's publication history).

<sup>2</sup> See, e.g., 11th Cir. R. 28-1(k) (requiring citations to conform to *Bluebook* or *ALWD* style); D. Del. R. 7.1.3(a)(5) (requiring citations to conform to *Bluebook* style); Marie Leary, Fed. Judicial Ctr., *Analysis of Briefing Requirements in the United States Courts of Appeals* 14 (2004) (discussing rules in federal court requiring citations to conform to *Bluebook* style); Fred R. Shapiro & Julie Graves Krishnaswami, *The Secret History of the Bluebook*, 100 Minn. L. Rev. 1563, 1587–88 (2016) (quoting Yale Law School President Joan Wexler, who described *The Bluebook* as the “standard legal citation guide for law reviews and federal courts”). State courts more often follow their own rules. See Susie Salmon, *Shedding the Uniform: Beyond a “Uniform System of Citation” to a More Efficient Fit*, 99 Marq. L. Rev. 762, 792–93 (2016) (surveying the approaches followed in several jurisdictions).

<sup>3</sup> See Salmon, 99 Marq. L. Rev. at 778 (surveying attacks on *The Bluebook*).

<sup>4</sup> See *id.*

<sup>5</sup> Richard Posner, *What Is Obviously Wrong with the Federal Judiciary, Yet Eminently Curable*, Part I, 19 Green Bag 2d 187, 189 (2016).

people hated about past versions. At first glance, the new book does look shorter: it has shrunk from more than 500 pages in its 20th edition to only 365 pages here. But those savings are illusory. Most come from the decision to drop Table 2 — an exhaustive (and exhausting) survey of citation forms for foreign jurisdictions. Table 2 isn't gone for good; it's only moved online. And while that move saves some paper, it saves the reader no time or effort. The total content is just as voluminous as before — more so, in fact, because the editors added one jurisdiction and expanded others. The distension continues unabated, only now in partially digital form.

Nor is the 21st edition any simpler than its predecessors. It retains two separate citation systems: one for practicing lawyers, another for legal scholars. These systems are divided between the “Bluepages” (for legal practice) and the “white pages” (for law reviews). The need for two systems remains unexplained. While it makes some intuitive sense to have a streamlined system for practitioners — whose clients may be unwilling to pay for the time it takes to master the white pages' intricacies — it makes no sense for that system to conflict with the more robust one for academics. Why, one wonders, should case names be italicized in briefs, but not in law-review footnotes? One can search *The Bluebook's* 42 rules and 18 tables in vain for an answer.

Indeed, at times, the book's complexity seems to serve no point but to haze initiates to the profession. Consider its dictates on italicizing punctuation. It instructs readers to italicize (or underline) all punctuation appearing as part of otherwise italicized material. But deciding what counts as part of the italicized material can be tricky, particularly when paired with other punctuation. For example, for the signal “*see, e.g.*,” *The Bluebook* considers the first comma part of the italicized material, but not the second. That's true even though a comma always follows *e.g.*

in that locution. Or look at what happens when you use quotation marks in an article title. Here's *The Bluebook's* example:

Nancy Reagan, Editorial, *Just Say "Whoa,"* WALL ST. J.,  
Jan. 23, 1996, at A14.

Look closely. The quotation marks appear in italics, but the intervening comma (after *Whoa*) does not. One pities the poor law student who must internalize such quibbles while also slogging through *Pennoyer v. Neff*.

*The Bluebook's* proponents — surely there must be some — might defend this Byzantine complexity as necessary to cover the playing field. After all, lawyers cite a lot of authorities. Don't we need a comprehensive, consistent system for cataloguing them all?

Perhaps. But *The Bluebook* fails in that mission as well. Its treatment of some relatively common authorities is laughably parsimonious, particularly when compared with its exhaustive treatment of more obscure sources. Administrative adjudications, for example, receive less than half a page, while international authorities receive more than a dozen pages and their own massive (now online) table. Do American lawyers really cite agency decisions less often than decisions of the courts of Peru and Brazil?

Nor is what the editors have chosen to include consistent. One cannot get past even the "simplified" Bluepages without tripping over contradictory instructions. For example, Rule B4 tells the reader that it is permissible to use "*supra*" short-form citations for intergovernmental regulations. Then, in the very next sentence, it prohibits "*supra*" short forms for regulations. Do the editors mean to carve out an exception? Or have they perpetuated a misprint across multiple editions? Again, one searches the book in vain for an answer.

Rather than smooth out these contradictions, the 21st edition adds a few of its own. For example, it now allows writers to

dispense with date parentheticals when citing the current edition of the U.S. Code. But it continues to require date parentheticals for state statutes. No reason for the different treatment is given; perhaps none exists. The reader is left to guess.

The new edition makes a few other changes as well. It adds instructions for citing unnumbered “flush” language, Treasury regulations, and court docket numbers. It also offers guidance on when to use a judge’s first name (generally, don’t). These changes add little (additional) complexity, and in some cases may offer a (modest) dose of certainty. But for the average user, none will prove revolutionary, or even necessary. More likely, they will serve only to expand an already bloated book.

More useful is the updated online version. Users can now buy the book in digital form and access it through a web portal. And while the online version mostly reproduces the print version, flaws and all, it does introduce some convenient quality-of-life features. For one, it automatically collects the rules you looked at most recently — a welcome feature for those who find themselves returning to the same rules again and again. It also hyperlinks internal references, reducing the pain of chasing down multiple rules. It even lets you pin rules to your online dashboard. Lawyers who cite a limited number of recondite authorities will appreciate that particular innovation.

Yet is that enough to justify a purchase? Should you buy the new edition, despite its shortcomings? The choice is more significant than you might think. Some influential voices, including Judge Posner and Professor Ilya Somin, have urged the legal community to boycott *The Bluebook*.<sup>6</sup> The book has perpetuated itself largely through the community’s supine acquiescence; it survives only because we do not force its obsolescence. But with

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<sup>6</sup> *Id.*; Ilya Somin, *The Case for Abolishing the Blue Book*, Volokh Conspiracy (May 2, 2006), <http://volokh.com/2006/05/02/the-case-for-abolishing-the-blue-book/>.

collective action, they say — a show of mass citational disobedience — we can purge the legal body of this metastasizing monstrosity. (Judge Posner once directly compared *The Bluebook* to cancer.<sup>7</sup>)

And alternatives do exist. For decades, the University of Chicago has published the *Maroonbook*, a flexible system that, at a comparatively slim 90 pages, commands much less of the legal writer's time and energy. The Association of Legal Writing Directors also publishes an alternative, the *ALWD Guide to Legal Citation*. The *Guide* offers a plain-language approach to legal citations with copious examples, and it promises to produce citations identical to *The Bluebook*'s system.

*The Bluebook*, however, has become something like the Microsoft Word of the legal profession: its utility stems not from its inherent merits, but from its ubiquity. Every lawyer knows *The Bluebook*; many lawyers use *The Bluebook*; so most lawyers accede to *The Bluebook*. Never once has a partner or judge asked me to check a draft for *Maroonbook* style. *The Bluebook* has long been, and still remains, the path of least professional resistance.

It gives me no pride to say that I will follow this path yet again. I have purchased the 21st edition; I have read the 21st edition; and I have spent more time than I care to admit reading about (and now writing about) the 21st edition. Familiarity with its dictates remains an occupational necessity. I will therefore once again submit myself to its authority; I will internalize its absurdities, new and old, and reproduce them as faithfully and consistently as I can. I will be, once again, a reluctant carrier of its contagions. But I have learned, at least, not to read it in public.

[*Editor's note:* The author's manuscript arrived with spotless *Bluebook*-compliant citations. But we've altered some to fit our

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<sup>7</sup> See Richard Posner, *The Bluebook Blues*, 120 Yale L.J. 850, 852 (2011).

house style, which discards *Bluebook* conventions that seem puzzling or overwrought.]