

Refresher in Legal Citations

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Introduction to Legal Citations

In all types of legal writing, it is necessary to accredit the source or authority that supports any assertions, statements of fact, propositions, positions, or legal arguments. This reference, whether to a case, statute, legal treatise, internet site, or newspaper article, is called a citation. “The central function of a legal citation is to allow the reader to efficiently locate the cited source.”¹ Citations to legal materials follow a standard format that makes it possible for the reader to find cited cases, statutes, regulations, or law review articles. Citations, however, serve additional purposes, including lending authority and credibility to the author’s work. As you write, it is important to develop systematic habits for collecting the necessary information on your source materials.

When searching for an answer to a citation question, you should first turn to the *The Bluebook: A Uniform System of Citation*.² Legal scholars and practitioners rely on the *Bluebook* as the “definitive” source of rules for citation in legal documents and law journals.³ During 2000, an alternative citation reference guide was published by the Association of Legal Writing Directors —*The ALWD Citation Manual*⁴—and has won considerable acceptance in law schools.⁵ The differences between both citation manuals are minor. You may, however, find one manual’s explanations and examples easier to use than the other’s. The editors of *The Army Lawyer* and the *Military Law Review* also publish *The Military Citation Guide (MCG)*, which is a citation guide consistent with the rules set forth in the *Bluebook* that provides citation formats for military-specific sources.⁶ Both *The Army Lawyer* and the *Military Law Review* follow the *Bluebook*’s and the *MCG*’s rules.

At times, trying to decipher a legal authority may feel as if it takes longer than writing the article itself. This article outlines the basic principles of legal citation, including the structure of the *Bluebook*, and provides examples for some of the most frequently cited sources in legal writing.

To Cite or Not to Cite

All submitted articles must be the author’s individual work. An author cannot present facts, propositions, positions, or legal arguments from another person’s work without properly attributing that work. Knowing when to cite, however, can be difficult at times. The George Washington University Law School’s writing policy, *Citing Responsibly: A Guide to Avoiding Plagiarism*, relies upon six basic rules first identified by legal scholar Robert Bills for determining when a citation should be included:

1. Cite sources for all direct quotations.
2. Cite sources for paraphrased or summarized language or ideas.
3. Cite sources for ideas or information that are common knowledge if: (a) the information or idea was not known to the author, or (b) the reader may find the information or idea unfamiliar.
4. Cite sources when they add relevant information to your particular topic or argument.
5. Cite sources for all specialized materials, such as letters, interviews, recordings, etc.
6. Cite only to the sources that *you* relied upon.⁷

¹ THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION 2 (Columbia Law Review Ass’n et al. eds., 18th ed. 2005) [hereinafter THE BLUEBOOK].

² *Id.*

³ *Id.* at 1.

⁴ ASS’N OF LEGAL WRITING DIRECTORS & DARBY DICKERSON, ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION (2d ed. 2003).

⁵ See Ass’n of Legal Writing Directors, ALWD Citation Manual Adoptions, <http://www.alwd.org/cm/cmAdoptions.htm> (last visited Sept. 2, 2005) (listing over ninety law schools that have adopted the *ALWD Citation Manual*).

⁶ MILITARY CITATION GUIDE (10th ed. 2005) [hereinafter MCG].

⁷ THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL’S COMMITTEE ON ACADEMIC INTEGRITY, CITING RESPONSIBLY: A GUIDE TO AVOIDING PLAGIARISM 3 (2002) (citing Robert D. Bills, *Plagiarism: Close Resemblance of the Worst Kind?*, 31 SANTA CLARA L. REV. 103, 126-130 (1990) (outlining the six basic rules for when to cite sources)).

Authors should follow these rules when writing an article for publication in either *The Army Lawyer* or the *Military Law Review*.

Structure of the *Bluebook*

The *Bluebook* is composed of three distinct parts.⁸ The first part (rules 1 to 9) sets out the rules for basic structure and use of citations throughout all legal writing. The second part (rules 10 to 21) sets out specific citation formats for various sources and authorities. The final part (tables T.1 to T.17) includes tables to use when drafting a citation. A quick reference guide, which includes citation examples to a number of sources, is on the inside front and back covers.

Citations: The Basics

Citations are preceded by introductory signals.⁹ Introductory signals are divided into five types: (1) signals that indicate support; (2) signals that suggest a useful comparison; (3) signals that indicate contradiction; (4) signals that indicate background material; and (5) signals that act as verbs.¹⁰ In footnotes with multiple authorities, signals are separated according to type.¹¹ Cited authorities of the same signal type are separated by semicolons.¹² Introductory signals, when used within citation sentences¹³ or clauses,¹⁴ are italicized.¹⁵

When providing a citation, it is often useful to include additional information about the source or authority cited such as the source's relevance. Generally, this information can be enclosed in parenthesis and added to the basic citation.¹⁶ Explanatory parentheticals must begin with a present participle—arguing, explaining, holding, deciding—that is not capitalized.¹⁷

When writing a citation or listing a source in the text, you must pay particular attention to the typeface. Rules 2.1 and 2.2 of the *Bluebook* explain the different typefaces and when each are used.¹⁸ For example, case names are written in ordinary Roman type in full citations, but are italicized in the main text or short citation form.¹⁹ The *Bluebook* also contains rules for the use of typefaces for stylistic purposes—Rule 7.²⁰

Although the *Bluebook* is not intended to be a grammatical guide, it contains several rules governing a few basic writing principles (Rules 5 through 9).²¹ The *MCG* contains a brief section on basic grammatical rules for military writing and covers military-specific issues—abbreviations of military rank and use of the military date format.²² One unique style convention is the use of the word “Soldier,” which must be capitalized in text and footnotes.²³

⁸ See THE BLUEBOOK, *supra* note 1, I.1.

⁹ *Id.* R. 1.

¹⁰ *Id.* R. 1.2.

¹¹ *Id.* R. 1.3.

¹² *Id.* R. 1.3, 1.4.

¹³ See *id.* R. 1.1 (explaining that “authorities that support (or contradict) an entire footnote sentence are cited in a separate citation sentence immediately after the sentence they support (or contradict)”).

¹⁴ See *id.* (explaining that “authorities that support (or contradict) only part of a sentence within a footnote are cited in clauses, set off by commas, that immediately follow the proposition they support (or contradict)”).

¹⁵ *Id.* R. 2.1(d).

¹⁶ *Id.* R. 1.5.

¹⁷ *Id.*

¹⁸ *Id.* R. 2.1, 2.2.

¹⁹ *Id.* R. 2.1(a), 2.2(a).

²⁰ *Id.* R. 7 (providing that the following text may be italicized: words and phrases for emphasis, foreign words and phrases, letters representing hypothetical parties or places, the lowercase letter “I”, and equations).

²¹ *Id.* R. 5-9.

²² *MCG*, *supra* note 5, at 1.

²³ *Id.*

Basic Citation Forms

A basic citation to a case must include the name of the case,²⁴ the reporter or source where the case may be found,²⁵ a parenthetical indicating the court and jurisdiction,²⁶ the year or date of the decision,²⁷ and the subsequent history of the case, if any.²⁸ For example:

Haywood v. N. Am. Van Lines, 121 F.3d 1066 (7th Cir. 1997).

The case name must be abbreviated according to Rule 10.2.²⁹ The rules for abbreviation of case names in footnotes are more substantial than the rules for case names in text.³⁰ Rule 10 also contains rules for pending and unreported cases.³¹ The *MCG* provides numerous examples of the citation of military justice cases (including unreported or pending cases) and various administrative agency decisions such as Comptroller General decisions.³²

In addition to the *Bluebook's* rules covering the citation of constitutions³³ and statutes,³⁴ the *MCG* provides citation formats, including short form citations, for the Uniform Code of Military Justice, the Rules for Courts-Martial, and the Military Rules of Evidence.³⁵ The *MCG* also states how these documents should be referred to in the text of a document. For example: in the text, *Manual for Courts-Martial* should be italicized.³⁶ In a footnote, however, *Manual for Courts-Martial* is listed in large and small capitals.³⁷

MANUAL FOR COURTS-MARTIAL, UNITED STATES, MIL. R. EVID. 315 (2005) [hereinafter MCM].

The *MCG* also provides citation formats for various administrative materials, including Army regulations, Department of Defense directives, Army field manuals, memoranda, policy letters, and operations orders. For example, Army regulations are comparable to rules and regulations by an institutional author, which follow *Bluebook* Rule 14.2(d), and should be cited in the following standard format:³⁸

U.S. DEP'T OF ARMY, REG. XX, REGULATION TITLE page (xx date xxxx) [hereinafter AR XX].

The *Bluebook's* guidance for citation of books and periodicals is contained in Rules 15 and 16.³⁹ The *MCG* also contains citation formats for books and military periodicals.⁴⁰

²⁴ THE BLUEBOOK, *supra* note 1, R.10.2.

²⁵ *Id.* R.10.3.

²⁶ *Id.* R.10.4.

²⁷ *Id.* R.10.5.

²⁸ *Id.* R.10.7.

²⁹ *Id.* R.10.2.

³⁰ *See id.* R.10.2.2. Tables T-6 and T-11 in the back of the *Bluebook* list specific abbreviations that must also be used when abbreviating case names in citations. *Id.*

³¹ *Id.* R. 10.8.1.

³² *See, e.g.,* MCG, *supra* note 5, Quick Reference: Military Citation Formats, at inside front cover.

³³ THE BLUEBOOK, *supra* note 1, R. 11.

³⁴ *Id.* R.12.

³⁵ MCG, *supra* note 5, at 4-6.

³⁶ *Id.* at 4.

³⁷ *Id.* at 5.

³⁸ *See id.* at 8-9.

³⁹ THE BLUEBOOK, *supra* note 1, R. 15-16.

⁴⁰ MCG, *supra* note 5, at 11-13.

Citation of Internet Sources

With the rise of the internet and the vast amounts of information available on the World-Wide Web, more and more sources are internet websites. *Bluebook* Rule 18.2⁴¹ and the *MCG*, Section X,⁴² cover citation of on-line sources. *Bluebook* Rule 18.2.1 applies the general rules (1-9) to all internet citations.⁴³ In addition, the typeface applicable to the internet source's closest print analogue should be used.⁴⁴ An internet citation should include the following information: (1) available information about the authority cited⁴⁵ (e.g., author's first and last name and the title of the book); (2) the Uniform Resource Locator⁴⁶ (e.g., web site address); (3) a date;⁴⁷ and, (4) an explanatory parenthetical,⁴⁸ as necessary. Additional information, such as the service responsible for the internet cite, may also be required.⁴⁹ The following is an example of an internet citation (without a printed analogue):

See North Atlantic Treaty Organisation, NATO's Role in Relation to the Conflict in Kosovo,
<http://www.nato.int/kosovo/history.htm> (last visited July 30, 2005) [hereinafter NATO].

Miscellaneous Citation Formats

As military legal practitioners, much of our legal or background information may come from our experiences in the field. Thus, many people are at a loss for citing to information they learned while deployed or on a field exercise. While it is important to find the most authoritative source for your propositions, personal or professional experiences can be cited according to the following example:

This comment is based on the author's recent professional experiences while deployed to Kosovo from February through August, 2004 [hereinafter Professional Experiences].

Alternatively, it is also possible to cite to a specific interview, letter, or e-mail. The *Bluebook* Rules 17.1.4, 17.1.3, and 18.2.9, cover citations to these sources.⁵⁰ The *MCG* also lists several sample citation formats for these sources.⁵¹

Conclusion

The *Bluebook* and the *MCG* provide comprehensive guidance and instruction for citation of source material. Writing an authoritative and professional legal document requires a thorough understanding of these rules. Since legal citation requires thorough legal research, practitioners should record all the necessary information for a citation during the course of their research. This requires, however, an advance understanding of the basic elements of a citation. Armed with this information, practitioners should be able to follow the rules and organize the information into a precise citation.

⁴¹ THE BLUEBOOK, *supra* note 1, R. 18.2.

⁴² MCG, *supra* note 5, at 13-14.

⁴³ THE BLUEBOOK, *supra* note 1, R. 18.2.1.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* R. 17.1.4, 17.1.3, and 18.2.9.

⁵¹ MCG, *supra* note 5, at Quick Reference: Bluebook Citation Formats, at inside back cover.