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ADDRESSING EMPLOYERS' CITATION SYSTEMS CONFUSION

By Maria Comas and Jan Levine

Legal citation practices have been developed so that lawyers and judges can find cited authorities in a law library or a database, and as a shorthand method of demonstrating the importance and relevance of cited authorities. In most law school first-year legal research and writing courses, the faculty teach legal citation for practitioners because the students are learning legal citation in the context of drafting legal memoranda and appellate briefs, not law journal articles.

There are two citation books in common use in U.S. law schools. The traditional source is the *Bluebook* (*A Uniform System of Citation*), which was prepared by the students at the *Harvard Law Review* primarily for use with the

preparation of law review articles using footnotes, and it has a separate smaller section for practitioner document formatting. Since 2000, however, the *ALWD Guide to Legal Citation*, which has been written by legal writing professors under the auspices of the Association of Legal Writing Directors and Wolters Kluwer Law & Business, has been adopted by many legal research and writing programs at U.S. law schools. The *ALWD Guide* focuses on the types of documents practitioners prepare, and it integrates “Academic Formatting” (used for law journal articles) within the appropriate citation rules.

(Note: The author of the *ALWD Guide* has prepared charts of “Rule Correlations” going

from the Sixth Edition of the *ALWD Guide* to the *Bluebook* and vice-versa, for use at work and to help students who are completing a law review tryout or working on a law review article. These charts and other materials are available online at the ALWD website at www.alwd.org/publications/citation-manual.)

Many legal writing professors believe the *ALWD Guide* is the best citation guide for teaching students, and that the student-drafted *Bluebook* is much more difficult to use and contains far fewer explanations and examples

than the *ALWD Guide*. Career Services Office staff should be aware that there are absolutely no resulting citation format differences based upon whether a writer uses the current edition of the *ALWD Guide* or the current edition of the *Bluebook*, although the rule numbers from each source leading to those results will differ. The quality of citations produced by a summer law clerk are based upon how well the student learned citation in the first-year of law school, not upon which tool the professor used to teach that student.



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“Bluebooking” is a generic term, just like saying “Xerox this” for making a photocopy or referring to a small bandage as a “Band-Aid” regardless of the manufacturer’s name for the product.

When students are at work in a summer clerkship, they may be asked to “Bluebook” a document. We should remember, and remind employers, that “Bluebooking” is a generic term, just like saying “Xerox this” for making a photocopy or referring to a small bandage as a “Band-Aid” regardless of the manufacturer’s name for the product.

All it means is that students have been asked to review the citations within the document for proper format and for accuracy and veracity. Most lawyers and judges rely on their fading memories of the now-ancient citation book that they used when they were first-year students or members of a law journal, typically going back many decades (and several now-obsolete editions).

Legal writing faculty teaching from the *ALWD Guide* do explain this to their students, but sometimes students are not in the best position to explain that citations in a document will look the same regardless of the book from which the

students were taught. Faculty using the *ALWD Guide* believe that their students are better able to produce quality citations than students taught using the *Bluebook* because of the superior nature of the *Guide* as a tool for teaching, and they would not have adopted the *Guide* if students were disadvantaged in the quality of citations they can produce.

We all should remember, too, that many state courts have their own unique and idiosyncratic citation rules, that local practice can differ from official court rules, and each lawyer and law office is likely to have idiosyncratic expectations for citations. (The sources for official state law citation rules are all compiled in Appendix 2 of the Sixth Edition of the *ALWD Guide*. The *Bluebook* does not offer such assistance.) Because of this complicated

environment in which they will be working, law students need to understand formal legal citation rules and principles in general, but also must consult local rules and practices for the specific requirements for proper legal citation. Some law schools teach local rules and practice in their first-year legal writing programs, but many do not. +

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