

THE SCRIVENER

Out of the Blue: Changes in the Twentieth Edition of The Bluebook

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“The operating principle of the Bluebook is that ‘NATURE ABHORRETH A VACUUM’ so the Bluebook has provided a way to cite every single source since the invention of papyrus.”

James D. Gordon III, *How Not to Succeed in Law School*, 100 YALE L.J. 1679, 1692 (1991).

Sensing a vacuum in legal citation rules, Erwin N. Griswold, editor in chief of the 1926 *Harvard Law Review* (and he later became dean of the law school), decided to fill it by publishing the first edition of *The Bluebook*: a tiny pamphlet measuring 3¼-by-5¼ inches and consisting of only twenty-six pages. See A. Darby Dickerson, *An Un-Uniform System of Citation: Surviving with the New Bluebook*, 26 STETSON L. REV. 53, 57-59 (1996). The first Bluebook was not even blue. It was gray. See *id.*; see also Photograph of the First Edition of A Uniform System of Citation, <https://web.archive.org/web/20120426094336/https://www.legalbluebook.com/img/PastVersions/USC01.pdf>.

The next editions had brown covers and were called the “Brown Book.” See Christine Hurt, *The Bluebook at Eighteen: Reflecting and Ratifying Current Trends in Legal Scholarship*, INDIANA LAW JOURNAL 49, 52 (2007). Covers were changed to blue in 1938, possibly because brown was associated with Adolph Hitler, and blue was considered more patriotic. Dickerson, *supra*, at 59, 59 n.20.

In keeping with the times, editors went radical in 1967 and used a white cover, with a thin blue border to mock the old ways. See *id.* at 59, 59 n.21 (“[I]t has been suggested

that the color white was chosen to symbolize the intellectual purity of virgin thought, and ‘bluebook’ was chosen as a moniker in remembrance of the blood sweat by countless Ivy Leaguers to give it birth.”). That edition was called the White Book, but it returned to blue in the Twelfth Edition in 1976. *Id.* Blue it has remained ever since.

NOTABLE BLUEBOOK CHANGES IN THE TWENTIETH EDITION

Dean Griswold would be shocked to see the new Twentieth Edition with its 562 pages and updated layout. Some of the changes in this new edition clarify existing rules, others change the rules entirely, and other still changes add new rules to account for evolving technology and other vacuums. Some notable changes are summarized below.

Books and periodicals. (Bluepages at 2.) Practitioners finally have the option of using large and small capitals in court documents for: (1) authors and titles of books and (2) titles of periodicals. Until now, large and small capitals were reserved only for academic writing and were not to be used in legal documents such as motions and briefs.

- Vordman Carlisle Traywick, III, *The South Carolina Primary Debacle: The Impact of Anderson v. South Carolina State Election Commission and Vague State Election Laws on the 2012 Election*, 64 S.C. L. REV. 931, 934 (2013).
- RUTH WILLIAMS CUPP, PORTIA STEPS UP TO THE BAR, FIRST SOUTH CAROLINA WOMEN LAWYERS 58 (2003).
Regular font is still fine, of

course, if you prefer to use that.

“Available at” parentheticals. (Rules 1.5(b), 5.2(d)(1)). Say goodbye to “available at” parentheticals. Instead of using the “available at” as a parenthetical, just cite directly to the electronic source without putting it in a parenthetical or stating “available at,” as shown below.

Remember that the order for multiple parentheticals is as follows: <Name of authority> (date) [hereinafter (provide a short name for the authority)] (judge’s last name, J., concurring, dissenting) (plurality opinion) (per curiam) (alteration in original) (emphasis added) (footnote omitted) (citations omitted) (quoting another source) (citing another source), <http://www.domainname.com> (explanatory parenthetical), prior or subsequent history.

Internal quotation marks (Rule 5.2(f), 1.5(b)). A new subsection has been added concerning internal quotation marks.

- Omit internal quotation marks in the quotation when citing only the entire internal quotation. The omission of internal quotes does not need to be noted in a parenthetical.
 - Original quotation: “I was sworn in as the first woman to serve as a justice of the South Carolina Supreme Court on St. Patrick’s Day, 1988. Shortly before the historic event began, a large leprechaun in a trench coat and fedora worn low mounted the steps of the S.C. Supreme Court and affixed a big pink bow with a sign ‘It’s A Girl’ on

the columns.” *The Alex I Know*, THE STATE, Feb. 26, 2011, www.thestate.com/news/state/south-carolina/article14391767.html (quoting South Carolina Chief Justice Jean Hoefler Toal, who noted that witnesses reported the leprechaun’s striking resemblance to Alex Sanders, Chief Justice of the South Carolina Court of Appeals).

- CORRECT: The first woman to serve on the South Carolina Supreme Court was welcomed with a big pink bow and a sign declaring “It’s A Girl.”
- INCORRECT: The first woman elected to the South Carolina Supreme Court was welcomed with a big pink bow and a sign declaring, “It’s A Girl.”
- Do not omit internal quotation marks except as allowed above.
- Use “quoting” parentheticals except when Rule 10.6.2 allows them to be omitted. Note that “quoting” is not italicized in the parenthetical.

Citing a range of pages and a single footnote within those pages.

(Rule 3.2(b)). Rule 3.2(b) already contained many rules for citing footnotes. The new edition added yet another. To cite both a range of pages in a document—and also a single footnote that appears within the page range—cite the page range, followed by a comma, and then cite the footnote in the typical manner.

- “The various types of political conduct the Court has recognized as speech include: flag burning; wearing black arm-bands; refusing to salute the flag or say the Pledge of Allegiance; displaying a red flag; wearing military uniforms; sit-ins and sleep-ins; marching or parading; and draft-card burning.” Leigh Ellen Gray, *Thumb War: The Facebook “Like” Button and Free Speech in the Era of Social Networking*, 7 CHARLESTON L. REV. 447, 476-77, 477 n.161 (2013).
- Cite multiple footnotes by using “nn.”

Geographical terms in case names. (Rule 10.2.1(f)). As with footnotes, Rule 10.2.1 already had a large number of rules for citing case names that included geographical terms. The new edition added one: omit any geographical terms that follow a comma.

- CORRECT: *Eudy v. Town of Sullivan’s Island*
- INCORRECT: *Eudy v. Town of Sullivan’s Island, South Carolina*

Dictionaries. (Rule 15.8(a)).

Formerly, when citing to a dictionary like *Black’s*, the citation consisted of only the name of the dictionary, edition, and year. Now, the citation begins with the word being defined.

- *Nunc pro tunc*, BLACK’S LAW DICTIONARY (10th ed. 2014).

Tables.

- Abbreviations for citations to case names: Table 6, which provides abbreviations for case names in citations, has changed the abbreviation for two words, added ten new words and their abbreviations, expanded the words for some existing abbreviations, and dropped one word (Gender).
- “Advertising” has changed from *Adver.* to *Advert.*
- “County” has changed from *Cnty.* to *Cty.*

Academ[ic, y]	Acad.
Alliance	All. (new)
Broadcast[er, ing]	Broad.
Computer	Comput. (new)
Corporat[e, ion]	Corp.
Defen[der, se]	Def.
Digital	Dig. (new)
Econom	Econ.
[ic, ical, ics, y]	
Enforcement	Enf’t (new)
Explorat[ion, ory]	Expl. (new)
Global	Glob. (new)
Hospital[ity]	Hosp.
Independen[ce, t]	Indep.
Investor	Inv’r (new)
Natural	Nat. (new)
Parish	Par. (new)
Probat[e, ion]	Prob.
Rehabilitat[ion, ive]	Rehab.
Scien[ce, tific]	Sci.
Solution	Sol. (new)

Techn	Tech.
[ical, ological, ology]	
Trust[ee]	Tr.

The Bluebook has always called for adding an “s” to the end of an abbreviation for plural words (Pls. for Plaintiffs). This edition also states that possessives of singular words may be noted by adding an apostrophe + “s” to the end of the abbreviation (Grp.’s for Group’s).

- Abbreviations for citations to court documents: Table BT1 in the Bluepages now states that words of seven or more letters (formerly six or more letters) may be abbreviated so long as the abbreviation is unambiguous. Table BT1 also added seven new kinds of documents.

Docket	Docket
Evidence	Evid.
Instruction	Instr.
Limine	Lim.
Objecion	Obj.
Report and Recommendation	R. & R.
Supplement[al]	Suppl.

- Other tables: In addition to the table for case name abbreviations, other important tables for case citations are the following: State’s rules, cases, and statutes (T1.3) Court names (T7) Explanatory phrases (T8) Legislative documents (T9) Geographical terms (T10) Judges and officials (T11) Months (T12) Periodicals (T13) Publishing terms (T14) Services (T15) Subdivisions (T16).

The Internet and electronic media.

This edition makes many changes to address Internet citations and electronic media. Rule 18, which will be covered in detail in another Scrivener column, has been updated in a number of areas to account for the increasing use and varied forms of Internet sources. For example, the rule no longer separately categorizes Internet citations as either direct or

parallel; all citations are treated as direct. Other changes, as summarized in the introduction to the new edition, include the following:

- **Rule 18.2.1(b)(ii)** provides for the direct citation of Internet sources that share the characteristics of a print source, whether or not the source is in print.
- **Rule 18.2.1(d)** encourages the use of archival Internet sources when a reliable source is available (for example, perma.cc or web.archive.org).
- **Rule 18.2.2(a)** provides guidance on citing author information on social media platforms.
- **Rules 18.2.2(b)(iii)** and **18.2.2(b)(v)** detail how to cite titles for blogs contained within a larger website and social media posts, respectively.
- **Rule 18.3** now catalogs *The Bluebook* rules on citation for sources found in commercial electronic databases.

CONCLUSION

The Twentieth Edition of *The Bluebook* contains many more changes and updates than those discussed here, helping practitioners cite a broader range of authorities, improving cross-references, and providing more local court citation rules. Although the new edition has rules for issues that you probably did not even know existed, the new layout and renumbering of the Bluepages will make the information easier to access. For a complete list of rule changes, see the preface to *The Bluebook* or one of the excellent online summaries, such as the one compiled by Cynthia Pittson at the Pace Law Library, http://lawweb.pace.edu/library/bluebook_changes_20th.pdf or check in with Hank Young or Drew Rawl, current editors in chief of the *Charleston Law Review* and *South Carolina Law Review*, respectively. As you tackle your next legal writing assignment, keep your new version of *The Bluebook* nearby. After all, that next tricky citation challenge could arise out of the blue at any moment. Happy citing! ❧