



DIFFERENCES IN CITATION IN SCHOLARLY AND PRACTITIONER LEGAL WRITING*

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The Bluebook is divided into two main sections; the “Bluepages” and the “Whitepages.” The writing assignments you receive in 1L Legal Practice are primarily practice-based documents such as memoranda and briefs, so your experience using *The Bluebook* as a first-year student has likely been limited to the Bluepages, which is used for practitioner documents. When writing scholarly papers and for your law journal, however, you will need to use *The Bluebook’s* Whitepages. Although answers to all your citation questions can be found in *The Bluebook* itself, there are some key, but subtle differences between practitioner writing and scholarly writing you should be careful not to overlook. This handout focuses primarily on notable differences between the Blue and Whitepages of *The Bluebook*.

Your first encounter with law review-style citations will probably be the journal Write-On competition at the end of your first year. This guide may help you in the transition from providing Bluebook citations in court documents to doing the same for law review articles, with a focus on the sources that you are likely to encounter in the Write-On competition.

I. Typeface (Rule R2)

Most law reviews use the same typeface style, which includes Ordinary Times New Roman, Italics, and SMALL CAPITALS. In court documents, use Ordinary Roman, Italics, and Underlining.

A. Scholarly Writing

In scholarly writing footnotes, use Ordinary Roman type for case names in full citations, including in citation sentences contained in footnotes. This typeface is also used in the main text of a document.

Use Italics for the short form of case citations. Use Italics for article titles, introductory signals, procedural phrases in case names, and explanatory phrases in citations. Italicize punctuation only when it falls within italicized material in a citation. In the main text, italicize case names; procedural phrases; and titles of publications (including statutory compilations), speeches, or articles. You also can use italics for emphasis.

* Revised in 2021 by Richard Bernache and Halle Edwards. Previous revisions by Eric Nitz, Alie Kolbe and Karl Bock. Originally drafted by Kristen Murray and Karin Scherner-Kim.

Use SMALL CAPITALS for the author and title of a book and the name of a periodical (such as a law review) in a scholarly writing citation.

B. Practice-based Documents

In practice-based and court documents, use Ordinary Roman type for the reporter volume number, the reporter abbreviation, the first page of the case in case citations; for authors’ names and periodical titles in publication citations; and for introductory signals when they appear as part of a textual sentence.

Use Underlining or Italics in practice-based and court documents for case names in citations, including the “v.” and any procedural phrase; for introductory signals in citations; for explanatory phrases introducing prior or subsequent history and related authority in a citation; for cross-references and short forms of citations; for the title of a publication in a citation; and for names of publications in a textual sentence.

The following sections illustrate the types of authority that you will encounter most frequently in your scholarly legal writing. For each type of authority, the table compares the typeface conventions used for citations to particular documents in court documents and legal memoranda to those used in law review footnotes.

Case Names

Deciding Court	Court Document Typefaces	Law Review Footnote Typefaces
Federal Court (Rules B10 & R10)	<u>Fitzpatrick v. Bitzer</u> , 427 U.S. 445, 452 (1976). <i>Fitzpatrick v. Bitzer</i> , 427 U.S. 445, 452 (1976). <u>Fitzpatrick</u> , 427 U.S. at 452. <i>Fitzpatrick</i> , 427 U.S. at 452.	Fitzpatrick v. Bitzer, 427 U.S. 445, 452 (1976). <i>Fitzpatrick</i> , 427 U.S. at 452.
State Court (Rules B10 & R10)	<u>Michaels v. Doe</u> , 444 S.E.2d 1223, 1225 (Va. 2001) (per curium) <i>Michaels v. Doe</i> , 444 S.E.2d 1223, 1225 (Va. 2001) (per curium)	Michaels v. Doe, 444 S.E.2d 1223, 1225 (Va. 2001) (per curium)

Constitutions and Statutes

Type of Source	Court Document Typefaces	Law Review Footnote Typefaces
Constitutions (Rules B11& R11)	U.S. Const. art. 1, § 9, cl. 2.	U.S. CONST. art. 1, § 9, cl. 2.
Statutes (Rules B12 & R12)	28 U.S.C § 2255.	28 U.S.C. § 2255. CAL. EDUC. CODE § 48,215, (2015)

Books and Articles

Type of Document	Court Document Typefaces	Law Review Footnote Typefaces
Books (Rules B15 & R15)	Peter H. Shuck, <u>Citizens, Strangers, and In Betweens</u> 115 (1998) Peter H. Shuck, <i>Citizens, Strangers, and In Betweens</i> 115 (1998)	PETER H. SHUCK, CITIZENS, STRANGERS, AND IN BETWEEN_115 (1998)
Periodical Article (Rules B16 & R16)	Jill J. Ramsfield & Christopher Rideout, <u>Legal Writing: A Revised View</u> , 69 Wash. L. Rev. 35, 40 (1994) Jill J. Ramsfield & Christopher Rideout, <i>Legal Writing: A Revised View</i> , 69 Wash. L. Rev. 35, 40 (1994)	Jill J. Ramsfield & Christopher Rideout, <i>Legal Writing: A Revised View</i> , 69 WASH. L. REV. 35, 40 (1994)

Legal Encyclopedias, Restatements, etc.

Type of Source	Court Document Typefaces	Law Review Footnote Typefaces
American Law Reports (Rule 16.7.6)	<p>Jason B. Binimow, Annotation, 2018 to 2019 United States Supreme Court Review, 42 A.L.R. Fed. 3d § 37 (2019)</p> <p>Jason B. Binimow, Annotation, 2018 to 2019 United States Supreme Court Review, 42 A.L.R. Fed. 3d § 37 (2019).</p>	<p>Jason B. Binimow, Annotation, <u>2018 to 2019 United States Supreme Court Review</u>, 42 A.L.R. Fed. 3d § 37 (2019).</p> <p>*Note that unlike other reporters, the A.L.R. reporter is not written in SMALLCAPS.</p>
American Jurisprudence & Corpus Juris Secundum (Rules B15.1 & R 15.8)	<p>123 Am.Jur. 3d <u>Property</u> § 123 (2005)</p> <p>123 Am.Jur. 3d <i>Property</i> § 123 (2005)</p>	<p>123 AM.JUR. 3D <i>Property</i> § 123 (2005)</p>
Restatements (Rules B12.1.3 & R12.9.4)	<p>Restatement (Third) of Unfair Competition § 3 (Am. L. Inst. 2005)</p>	<p>RESTATEMENT (THIRD) OF UNFAIR COMPETITION § 3 (AM. L. INST. 2005)</p>

Internet Sources

Type of Source	Court Document Typefaces	Law Review Footnote Typefaces
Internet Documents (Rules B18.1.1 & R18.2.2)	<p>David Weigel, <u>You're Under Arrest</u>, Slate (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/.</p> <p>David Weigel, <i>You're Under Arrest</i>, Slate (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/.</p>	<p>David Weigel, <i>You're Under Arrest</i>, SLATE (Apr. 12, 2011 10:59 AM), http://www.slate.com/id/2291028/.</p>

II. Signals (Rule R1.2)

You are much more likely to use some of *The Bluebook's* more obscure signals in academic writing than in practitioner writing. For guidance on how to use each signal, see the Writing Center's Handout entitled Bluebook Signals Explained.

III. Short Citation

A. Supra and Hereinafter (Rule B4 and R4.2)

Supra and hereinafter may be used as short citation forms for legislative hearings, court filings, books, pamphlets, reports, unpublished materials, nonprint resources, periodicals, services, treaties, international agreements, and internal cross-references in both practitioner and scholarly legal writing. However, you are much more likely to use both these forms in scholarly writing. *Supra* and hereinafter should not be used for cases, statutes, constitutions, legislative materials (except hearings), restatements, model codes, or regulations.

Use *supra* to refer to an authority that has been previously cited in full, unless *id.* would be appropriate. The *supra* form generally consists of the author's last name, the word *supra*, the footnote in which the full citation can be found, and any way the *supra* citation varies from the full citation, such as the page or subsection referenced.

Example:

²⁷ Reich, *supra* note 16, at 6.

If the author is an institutional author, use the full institutional name. If no author is listed, use the title of the work.

When an authority would be cumbersome to cite with the *supra* form, such as authorities with unusually long titles, you may use "hereinafter" to establish a specific short form citation. After the first citation of the authority but before any parenthetical information, include "hereinafter" and the shortened form in brackets.

Example:

³⁵ *Proposed Amendments to the Federal Rules of Criminal Procedure: Hearings Before the Subcomm. on Crim. Just. of the H. Comm. on the Judiciary, 95th Cong. 92–93 (1997)* [hereinafter *Hearings*] (statement of Prof. Wayne La Fave)

After establishing your specific short form citation, use the short form as you would in a typical *supra* citation.

Example:

⁴⁰ *Hearings, supra* note 35, at 33.

B. Specific Short Form Citations

For cases (R10.9), statutes (R12.10), legislative materials (R13.8), restatements (R12.10), model codes (R12.10), or regulations (R14.5), follow the specific short form citation rules for each. In scholarly writing, only use the short form citation if the full citation appears in either the same footnote or one of the five preceding footnotes. Otherwise, use the full citation form.

IV. Ellipses (Rule R5.3)

Put a space before and after each period in an ellipse (“ . . . ”). Do not use ellipses to begin a quotation. Where the beginning of a quoted sentence is being omitted, capitalize the first letter of the quoted language and place it in brackets if it is not already capitalized. Do not use ellipses when individual words merely are altered—use brackets. If the ellipse indicates the omission of the last word in a sentence, insert an ellipsis between the last word being quoted and the final punctuation of the sentence being quoted: “National borders are less of a barrier to economic exchange now than at almost any other time”