



## ARTICLE

# Reconsidering How We Present and Grade Bluebook Citation

Christopher Anderson

*Deputy Director for Library Services*

*St. John's University School of Law – Rittenberg Law Library*

Published: October 2024

It is no secret that law students face high levels of stress that can manifest in challenging mental and physical outcomes.<sup>1</sup> The rigors of undergraduate study do not necessarily prepare students for the challenges they will face in law school. The Socratic method, briefing cases, preparing course outlines, curved grades, class rankings, and competition for jobs are just some factors that combine to create a difficult environment for law student well-being.<sup>2</sup> While law schools have become more proactive in addressing law student well-being,<sup>3</sup> there is still substantial room for improvement.

As a law librarian and adjunct professor for a required one-credit legal research course taught in the second year of law school, I often think about ways to improve my instruction with the goal of teaching with compassion, empathy, kindness, and understanding. In speaking with law students, a repeated source of

---

<sup>1</sup> See Kathryn M. Young, *Understanding the Social and Cognitive Processes in Law School That Create Unhealthy Lawyers*, 89 *FORDHAM L. REV.* 2575 (2021).

<sup>2</sup> See Abigail Loftus DeBlasis & Elizabeth Adamo Usman, *Unrealized Potential: How Shifting the Focus to Student Learning Outcomes Could Reduce Law Student Distress*, 95 *U. DET. MERCY L. REV.* 179, 188-91 (2018).

<sup>3</sup> See generally Katelyn Albrecht, Lauren Cotton, Michelle Oberman, Katherine Rabago & Tim Zunich, *Wellness as Practice, Not Product: A Collaborative Approach to Fostering a Healthier, Happier Law School Community*, 59 *SANTA CLARA L. REV.* 369 (2019) (addressing a renewed focus and approach to law student well-being).

their frustration is The Bluebook and its unending maze of seemingly arbitrary and confusing rules.

Originally published in 1926, The Bluebook consisted of twenty-six pages.<sup>4</sup> The Bluebook's current edition (Twenty-First) has 365 pages.<sup>5</sup> While the number of resources available to cite has burgeoned since The Bluebook was first published, the current iteration is still vast. Its fast approaching 100-year anniversary allows educators an opportunity to reconsider The Bluebook's place in the modern law school curriculum and how legal citation is presented to law students. What can legal research and writing professors do to compassionately advance the objective of learning to create citations that lead the reader to the cited materials while still impressing upon law students the need to provide precise and professional citations?

## I. Purpose of Legal Citation

While *The Bluebook* has expanded in size, its essential purpose remains “to lead the reader directly to the specific items cited.”<sup>6</sup> There are additional benefits to proper citation, which have been eloquently identified and examined by legal scholars and practitioners. Learning and refining proper citation skills reinforce the need for precision in the practice of law and help law students develop efficient research techniques and devise solutions when no clear answer exists.<sup>7</sup> Citation literacy is an important skill that allows law students to retrieve and understand information contained in citations as well as convey information in their own citations.<sup>8</sup> A uniform citation system is particularly beneficial in a journal setting where numerous editors need to apply similar rules across a wide array of articles and notes.<sup>9</sup> As a law student, I was told that precisely following citation rules was the sign of a good lawyer who paid attention to the small details, while careless citations would cause others (i.e., professors or judges) to question my professionalism.<sup>10</sup> Each of us can likely recall a law professor who would deduct points for

---

<sup>4</sup> James W. Paulsen, *An Uninformed System of Citation*, 105 HARV. L. REV. 1780, 1780 (1992).

<sup>5</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia L. Rev. Ass'n et al. eds, 21st ed. 2020) [hereinafter *Bluebook*].

<sup>6</sup> *Id.* at 1.

<sup>7</sup> Nyla E. Millar, *Everything I Know About Lawyering I Learned from The Bluebook: Teaching Legal Skills by Teaching Citation*, 29 PERSPS. 1, 2 (2021).

<sup>8</sup> Alexa Z. Chew, *Citation Literacy*, 70 ARKANSAS L. REV. 869, 873 (2018).

<sup>9</sup> David J.S. Ziff, *The Worst System of Citation Except for All the Others*, 66 J. OF LEGAL EDUC. 668, 676 (2017).

<sup>10</sup> See Carol M. Bast & Susan Harrell, *Has the Bluebook Met Its Match? The ALWD Citation Manual*, 92 LAW LIBR. J. 337, 338 (2000).

even the slightest deviation from Bluebook citation rules, such as faults in signals, spacing, abbreviations, or typeface conventions.

## 2. Critiques of The Bluebook

The virtues espoused in favor of *The Bluebook* have merit and arguments can be made in support of strict compliance with Bluebook citation rules. Nevertheless, there are critics questioning *The Bluebook's* lofty position. Judge Posner famously criticized *The Bluebook* for being “elaborate but not purposive. Form is prescribed for the sake of form, not function: a large structure is built up, all unconsciously, by accretion; the superficial dominates the substantive.”<sup>11</sup> The large and often confusing structure can complicate citation, thus decreasing *The Bluebook's* effectiveness.

In my experience, law students often express confusion over the separate sections for practitioners (blue pages) and academic publications (white pages)<sup>12</sup> as well as the difference in citation typeface conventions for law review text and law review citations.<sup>13</sup> As a result of *The Bluebook's* structure and focus on minutiae, “[m]any lawyers recall their first law-school encounter with legal citation as a form of intellectual hazing perpetrated by teachers of legal research and writing.”<sup>14</sup> Do we want to be seen as gatekeepers to the profession subjecting law students to some type of frustrating rite of passage?

## 3. Options for Presenting Legal Citation in Legal Research Classes

To believe *The Bluebook* will be replaced anytime soon is likely just wishful thinking. Over the years, other citation manuals have been presented as potential alternatives,<sup>15</sup> many with a great deal of fanfare, but none have seen *The Bluebook's* level of adoption in the legal academy. Outside of legal academia, however, *The Bluebook* is not quite as dominant. Instead, jurisdictions across the country have

---

<sup>11</sup> Richard A. Posner, Goodbye to the Bluebook, 53 U. CHI. L. REV. 1343, 1343-44 (1986).

<sup>12</sup> See BLUEBOOK, *supra* note 5, at 1.

<sup>13</sup> *Id.* at 68 (R2).

<sup>14</sup> Pamela Lysaght & Grace C. Tonner, Bye-bye Bluebook?, 79 MICH. B. J. 1058, 1058 (2000).

<sup>15</sup> See Mary I. Coombs, Lowering One's Cites: A (Sort of) Review of The University of Chicago Manual of Legal Citation, 76 VA. L. REV. 1099 (1990); Bast & Harrell, *supra* note 10; see also Carolyn V. Williams, ALWD, ALWD Guide to Legal Citation (7th ed. 2021); THE INDIGO BOOK: A MANUAL OF LEGAL CITATION, (Christopher Sprigman & Jennifer Romig et al. eds., Public.Resource.Org 2d ed. 2021).

adopted an array of local rules and style manuals that govern citation conventions.<sup>16</sup> Law school graduates who will work for, or practice in, these court systems will need to become familiar with the local rules and style manuals. While there is overlap in content and skill building between *The Bluebook* and jurisdictional style manuals, there are significant differences that law students will need to learn and understand when practicing law.

As professors, how do we reconcile the differing academic viewpoints regarding *The Bluebook's* effectiveness, prepare law students for the various rules and style manuals they will encounter in local practice, teach effective citation techniques, and make sure law school is a positive experience in which detail and rigor are balanced with the practical nature of the work lawyers undertake? We can go a long way towards achieving these goals by presenting law students with as much information as possible regarding why *The Bluebook* exists, the debates surrounding its effectiveness, the potential alternatives, and the importance of jurisdictional style manuals. Furthermore, professors can accomplish these goals while teaching citation in an environment that focuses on learning essential citation skills without a dogmatic focus on a single citation system.

### 3.1. *Learning and Practicing Are More Important Than Grading*

I try to impart upon law students that practicing law is a lifetime of learning, and citation skills are no different. With this framework in mind, my goal is to provide the information needed to succeed in law school, summer jobs or internships, and eventually in practice.

To help students practice their citation skills, the first exercise in my legal research course is an ungraded discussion board post where students write a two-paragraph summary of a New York specific legal issue. I direct students to include primary sources in their response and to follow Bluebook citing conventions. We then review some of the very good, though usually not perfect, responses in class. This gives students the opportunity to practice their writing and citation skills, reflect on some examples of very good responses, and do so without the added stress of a graded assignment.

Several elements comprise a very good response and focusing on these elements allows students to think holistically about citations rather than simply following Bluebook guidelines. First, since the fact pattern is set in a controlled universe, the students should identify specific cases and statutes. Second, students must cite each time they state a case's holding or discuss a statute's elements, not

---

<sup>16</sup> See BLUEBOOK, *supra* note 5, at 30 (BT2).

simply the first time a case or statute is introduced in their response. Third, citations should contain all the information a reader requires to find the relevant information, and students must consider if there is any missing information that would help the reader. Fourth, citation style should remain consistent throughout the answer. Finally, students must make every effort to follow *The Bluebook* and be prepared to explain, if asked, how they created the citations. Being able to explain the decision-making process helps students more fully grasp citation concepts. An answer that contains each of these elements generally demonstrates a good understanding of citation purpose and structure.

### 3.2. Grading with a Focus on Positive Reinforcement

For the first graded assignment, I again instruct the class to make every effort to follow Bluebook format and reiterate the elements set forth in the ungraded assignment. If students are not sure how to cite a source, they should use their best judgment. My hope is that this information will emphasize the importance of proper citations while also relieving some stress for the first graded assignment. In addition, I reiterate that the main purpose of a citation is to allow the reader to easily locate the cited source. This is also a suitable time for me to again highlight the importance of keeping citations uniform throughout the assignment and encourage students to make an informed decision on how to cite a source and consistently apply that decision. The main difference between this assignment and the ungraded discussion board post is that points may be deducted for failure to follow the stated instructions.

Although points may be deducted in the first graded assignment, this assignment still provides a valuable opportunity to teach with compassion, empathy, kindness, and understanding. I do not deduct points for minor deviations from Bluebook format. Rather, I explain where an error occurred and help the student understand why the citation format was incorrect, concentrating on making sure that future work will contain correct citations. I can accomplish these teaching goals without deducting points. Law students are motivated by grades, but they are also motivated by a desire to learn, to become good lawyers, and to make a difference in the world. Focusing on deducting points for every Bluebook infraction creates an environment that can stifle motivation.

Anecdotally, this methodology has elicited positive feedback. Law students express frustration with pedantic approaches to teaching and grading legal citation. Focusing primarily on deducting points for Bluebook citation infractions detracts from learning about the purpose of legal citation within the larger context of legal advocacy. Students appreciate an approach that balances grading with constructive feedback and practical insight. Therefore, it is my experience that positive

reinforcement yields the same, or better, results as negative reinforcement does, but it creates a more constructive learning environment.

### 3.3. Introduce Other Style Manuals

The first assignment is also a good opportunity to introduce differing views regarding *The Bluebook*, and law students are often surprised to discover the debates about its efficacy. While I am happy to share my thoughts and opinions regarding *The Bluebook*, I emphasize that other professors, judges, or employers may have a differing view. Therefore, law students must be prepared for instances where strict compliance with Bluebook citation rules is expected.

Law students often have familiarity, from their previous studies, with style manuals such as APA (American Psychology Association), MLA (Modern Language Association), or Chicago (Chicago Manual of Style published by Chicago University Press). In most first-year writing courses, law students gain familiarity with *The Bluebook* and learn its rules and structure; however, they are often unaware of the numerous local rules and style manuals. Although there is not enough time to delve into these rules and manuals in a one-credit course, I introduce the class to a local manual (in my case the *New York Law Reports Style Manual*). Being able to locate and use a local style manual will be particularly useful when working in a local court system.

An additional exercise in reconsidering how we teach legal citation is to introduce an alternative to *The Bluebook* that students may find more user-friendly and intuitive. One potential alternative is the *ALWD Guide to Legal Citation*.<sup>17</sup> The *ALWD Guide* streamlines legal citation because it “applies to all forms of legal writing, both practice-based and scholarly.”<sup>18</sup> This structure does away with the separate sections for practitioners (blue pages) and academic publications (white pages) found in *The Bluebook*. The *ALWD Guide* also contains charts, notes, and illustrations that help users efficiently create citations.

Furthermore, citations created using the seventh edition of the *ALWD Guide* “are identical to legal citations advanced in the twenty-first edition of *The Bluebook*.”<sup>19</sup> The seventh edition of the *ALWD Guide* also contains cross-references to the twenty-first edition of *The Bluebook* so users can easily find corresponding rules between the two publications.<sup>20</sup> Introducing law students to the *ALWD Guide* can help reduce the stress they feel when learning legal citation while still producing

---

<sup>17</sup> Carolyn V. Williams, ALWD, *ALWD Guide to Legal Citation* (7th ed. 2021) [hereinafter ALWD Guide].

<sup>18</sup> Id. at xlvii.

<sup>19</sup> FAQs, ALWD, <https://www.alwd.org/guide-faqs> (last visited Feb. 21, 2024).

<sup>20</sup> ALWD GUIDE, *supra* note 17, at Appendix 8 (p. 519).

citations that are consistent with *The Bluebook*. The *ALWD Guide* especially benefits law students who find themselves in a setting where strict adherence to Bluebook citation conventions is expected.

### 3.4. Contemplate the Future of Legal Citation Conventions

Today's law students will be tomorrow's attorneys, judges, professors, and members of the legal community. It will be up to this generation of the legal community, and the ones that follow, to determine *The Bluebook's* future status. I view it as part of my job to provide law students with information about *The Bluebook's* purpose, history, efficacy, and alternatives so they can make informed decisions about citation rules in their future careers and advocate for the changes they find appropriate.

## 4. Conclusion

Opinions about *The Bluebook* vary greatly throughout the legal community. The purpose of this article is not necessarily to champion the demise of *The Bluebook*, but rather to reconsider how we present legal citation to law students and how to do so in a manner that prepares them for the practice of law while advancing the goal of teaching with compassion, empathy, kindness, and understanding.

Though there is no one correct answer or teaching methodology, we have an opportunity to potentially reduce law student stress levels by incorporating techniques such as ungraded exercises to help students initially develop skills and focus on explaining and correcting citation errors rather than placing the emphasis on deducting points. Further, we can introduce style guides that law students may find easier to navigate or rely on in practice. Hopefully, we will review our current processes and move forward with approaches that effectively balance career preparation and law student well-being.