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HEADLINE: The Internet Guide to Legal Citation

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HIGHLIGHT: Cite it right! Since the first click of a hyperlink, legal professionals have been perplexed by how to cite to electronic materials. Any number of entities, including the editors of the august Harvard Bluebook, are trying to set down a uniform rule so there is no ambiguity over where a given resource lives. Melanie Putnam points us in the right direction.

The Internet Guide to Near- and Far-Cited

The law is not written up in neatly stacked volumes in the library anymore. Instead, legal professionals need to cite to a variety of media, including Web services and databases. We round up the best places to brush up your citation skills.

BODY:

Learning legal citation is tricky. And once embedded in habit, it's hard to get accustomed to changes once the basics have been mastered. Going to press or to court typically changes the light in which proper citation form is viewed, and in a hurry! Commercial citation checking software can sometimes lend an assist, but there is nothing like knowing the right tools to use and when. Familiarity with the craft is one thing. Monitoring the evolving situation is another matter.

The practitioner needs to be concerned about legal citation on several other fronts. The increasing availability of unreported decisions in electronic format is pressuring

the judiciary to accept their use. Along with court rules that provide for citation to electronically available case law, rules governing citation of unreported decisions also abound; unfortunately there is no uniformity in the application of these court rules across jurisdictions. That's why lawyers should always check the court rules and possibly use the court's own style manual before filing with that court. Rule 18 of the latest edition of the Harvard Bluebook--and by the way, throw away that tenth edition, the seventeenth is the most recent one--has been created to exclusively cover citation to electronic documents. The Bluebook, long the citation standard, might be showing the first signs of obsolescence, however. It has a genuine competitor in the legal citation world, in the form of the ALWD Citation Manual. The Maroon Book (from the University of Chicago) did not catch on. And now a Universal Citation Guide is on deck.

The Internet is home to many resources that can help the legal researcher remain up-to-date on legal citation trends. Helpful people are posting traditional guides, comparative tables, bibliographies, articles, and phantom decisions on the Internet. Online access to court rules and citation manuals make it easier to comply with the obligation as needed. The Internet will be especially useful in assisting the legal practitioner keep up with the debate and the evolution of legal citation practices to come.

PRIMARY SOURCES

The Bluebook

<http://www.legalbluebook.com/>

The Bluebook, a Uniform System of Citation, has been the standard for legal citation format for decades. The Bluebook (produced by the Ivy League law school law reviews of Harvard, Columbia, Yale, and the University of Pennsylvania) has its own domain name and basic Web page. By tuning in to the Bluebook Web site, the legal writer can keep current with the publication of and changes in a new edition of the Bluebook. The site does not post the text of the citation guide itself, but does publish selected excerpts in their entirety. The introductory paragraphs include the "Introduction to Legal Citation and the 17th edition of the Bluebook," "Structure of the Bluebook," "General Principles of Citation," and "Use of Citations Generally." The "what has changed" from the last edition link is a reprint of the Preface to the Seventeenth Edition, which summarizes the noteworthy changes that occurred in the revision. The Web site makes it easier to communicate comments, make suggestions,

and report errors to the editors of the Bluebook. It is also possible to place orders for the Bluebook through the site. The site also supports a discussion group centering on citation issues, but most of the threaded discussion dates from more than a year ago.

Introduction to Basic Legal Citation (2000-2001 ed.)

<http://www.law.cornell.edu/citation/citation.table.html>

There are two ways to dive into the Basic Legal Citation Web at **Cornell's Legal Information Institute**. The easiest way is to start with the citation primer at <http://www.law.cornell.edu/citation/citation.table.html>, because it lays out the contents as a one-page HTML document. Yet this page, curiously, does not match the contents page of the Folio Infobase. The frames format of the Folio Infobase of the guide (<http://www2.law.cornell.edu/cgi-bin/foliocgi.exe/citation?>) takes some practice to use. Once inside the Folio Infobase, the guide peels itself open into layers of information via hyperlink. Each click leads to more illustrations and functions, as well as a teaching tool.

The electronic Introduction to Basic Legal Citation, 2000-2001 edition, has been updated to match the latest edition of the Bluebook. The commentary and advice offered in the guide is very useful, not only for the student but for the teacher and librarian. The author, points out, for example, that legal researchers should not to import legal citations from earlier works without updating the citation to the rules governed by the 17th edition. (Librarian alert! Good ammo for the reference desk!)

Also built into the introductory material is a little history of Bluebook changes, to provide the researcher with some perspective on the application of Bluebook citation practices. There is also a reminder that Cornell's citation guide is not a substitute for the Bluebook, but is a handy tool to be used in tandem with the classic.

The author of the electronic citation guide makes it easy for the student to drill down into citation examples. The table of contents is first organized by type of citation, such as Electronic Resources, then Cases. Selecting the Cases, for example, displays the elements of a case citation described by phrase. By selecting the phrase, e.g. the parties' names, the student will next see illustrations a case name citation in proper format. Red arrows serve as pointers. A third section of the citation guide provides lists of example proper citations in plain text, without the red arrows surrounding each part of the citation. These narrative and illustrative sections of the electronic guide do not discuss the information in terms of Bluebook rule numbers.

There are seven sections of the guide. The seventh section of the electronic guide is organized by Bluebook rule number. These numbers, however, do not precisely match the topics in the current 17th edition of the Bluebook. Rule 18, for instance now covers Electronic Media and Other Nonprint Resources. This section of the Cornell citation guide still lists Rule 18 coverage as Services, (e.g. loose-leaf services) the topic from the 16th edition of the Bluebook. This could cause some confusion to the newbie, even though other sections of the electronic guide incorporate references to 17th edition changes. The Folio Infobase table of contents also contains links to summaries of significant changes of the 15th, 16th and 17th editions of the Bluebook.

ALWD Citation Manual

<http://www.alwd.org/cm/index.htm>

If you're not in a blue mood, an alternative legal citation guide to the Harvard Bluebook is the ALWD Citation Manual. Created by the Association of Legal Writing Directors (ALWD) (<http://www.alwd.org/>), the citation manual was published in the year 2000 and has already been adopted by eighty-six law schools and other institutions. The Web site does not post a complete electronic version of the manual but instead serves as an informational Web site, provides updates, and acts as a showcase for a successful turn in the legal citation format challenge. The site answers questions about the publication of the manual and its future. Anyone may download the table of contents and appendices of the manual, available in PDF format. The updates and the appendices can be downloaded as a single compressed file.

In the Resources section of the Web page, students and legal writing instructors will appreciate the helpful PowerPoint presentations, exercises, and checklists. Resources include such handy items as a comparison of key rules of the ALWD Manual and Bluebook, a head-to-head list of abbreviations from each citation manual and a number of exercises that are good for the classroom or for law review orientation.

Universal Citation

<http://www.abanet.org/tech/ltrc/research/citation/>

In an effort to move away from a citation system that relies on proprietary systems, the ABA Legal Technology Resource Center has developed a Web page devoted to the cause of Universal Citation. The ABA House of Delegates adopted a resolution in 1996 encouraging the implementation of a uniform citation system for all

jurisdictions, a copy of which can be found in the ABA Citation Action section of the Web page. The US Courts Action section of the Web page tracks developments in universal citation practices recognized by a court. A court may choose to adopt the practice, like Arizona, or may choose not to recognize vendor-neutral citations, like Arkansas. This section retains an archive of these activities, so the practitioner will find recent changes as well as changes that went into effect some years ago.

The ABA site also covers international citation practices for other English-speaking countries such as Australia, New Zealand, Canada, and the British Isles. Links are made to their citation committee work, conferences, publications, and associations. A selective collection of links to articles concerning universal citation has been gathered on the site as well. "Universal Citation Form," the Fall 2000 article reprinted from the Judges Journal, offers a good overview of the goals of universal citation, pros and cons, and how far along the concept has come.

ABA House of Delegates Report 115

<http://www.abanet.org/leadership/2001/115.pdf>

The American Bar Association is now becoming more vocal in protesting the prohibition of citation to and reliance upon unpublished opinions in the federal courts. The ABA House of Delegates in Report 115 during the 2001 Annual Meeting in Chicago urges the federal courts to make their published opinions more widely available, either through print or electronic format. The ABA's Section of Litigation charged the Federal Practice Task Force with the duty to take a look at practices involving unpublished opinions,

(See <http://www.abanet.org/litigation/periodicals/docket/v6n3/unpublished.html>)

Other sections of the ABA supporting this report are the Tort and Insurance Practice Section, the Criminal Justice Section, and the Senior Lawyer Division. Report 115 in draft form, dated March 20, 2001 is seventeen pages in length, and comes in PDF format. Warning: the document doesn't always load properly and it may take several tries. It is worth trying to access if the researcher wants an overview and summary of federal courts of appeals rules for citing unpublished opinions. A search of the ABA site using the phrase "unpublished opinions," will pull up many results showing the organization's official activities concerning this topic.

AALL Citation Formats Committee

<http://www.aallnet.org/committee/citation/>

Like the ABA, the American Association of Law Libraries is weighing in on developments concerning legal citation. The organization created the AALL Citation Formats Committee charged with monitoring the impact of electronic citation formats, work with the legal community in promoting uniform citation formats, and to serve as a resource of information. The Web site maintains a list of the states that have adopted a medium or vendor-neutral citation system. The list is similar to the one maintained by the ABA, differing by several states.

Before there was the Citation Formats Committee, there was AALL's Task Force on Citation Formats. The report of the Task Force (1995) and the more recent reports are all posted on the Committee Web site. The Committee issued drafts of its Universal Citation Guide, which were published in the Law Library Journal. These drafts are available in full on the Web site. The Universal Citation Guide was completed in 1999 and is currently available for purchase. The Law Library Journal itself follows Universal Citation Guide practices. LLJ articles posted on the AALL Web site and the print LLJ now provide paragraph markers to facilitate citation of the material using the universal standard.

OTHER RESOURCES

Legal Writing Institute

<http://www.lwionline.org/>

The Legal Writing Institute Web site overflows with all the kinds of resources needed by its membership. Non-members of the Institute can benefit by visiting the site's publication section. The Second Draft is a newsletter, covering a variety of current awareness information. Issues from 1994 to now are online in PDF format, searchable by author and title indexes. The Journal of the Legal Writing Institute is not posted on the site, but the complete table of contents for all seven volumes can be viewed on the site. The organization shares some of its conference material through the Web site. Click on Conference Bibliographies to have access to the dozens of topics covered in the Legal Writing Institute's 2000 Conference. Some of the gems found here include: The Future of Legal Citation: The ALWD Citation Manual, Integrating Legal Research with a Subject-Based Upper Level Course, and What Do You Say After "Good Morning"? Effective Classroom Teaching Strategies.

Nonpublication.com

<http://www.nonpublication.com/>

The controversy concerning the citation of unpublished or unreported decisions has swirled in legal circles for years. Nonpublication.com monitors the non-publication of decisions in California's state courts and federal courts. (Other jurisdictions are also covered, but not in as much detail.) The Committee for the Rule of Law, a group of concerned lawyers, academics, jurists, and citizens, sponsors the Nonpublication.com Web site. Visitors to the site will find statistics, law review articles, quotes, press releases, text of key court opinions, and pros and cons about publishing all court decisions. More than forty-five law review citations have been collected in the list of articles. About one quarter of these references are linked to the full text of the article on the Web. The site also maintains a continually updated survey of state and federal court rules concerning the use of or, prohibition to use, unpublished decisions.

Vacatur Center

http://www.andersonkill.com/Vacatur_Center/

The Vacatur Center has been continuously maintained by the law firm of Anderson, Kill and Olick since 1996. The Center tracks those court decisions that have disappeared from the books, or have been vacated. The author of the site strongly expresses some views as to why decisions are de-published. These views are backed up by a separate page showing several examples of vacated decisions. Despite the strong point of view aired in the introduction, the text of disappeared decisions is nonetheless supplied on the Web site. Over twenty decisions are now listed. A short selective bibliography about disappearing case law has also been compiled. The site welcomes e-mail about the discovery of other vacated decisions.

Depublication of California Court of Appeals Decisions

<http://www.law.ucla.edu/Library/ResearchTools/guides/GuideC6.pdf>

A research guide prepared by the law library staff of the UCLA School of Law describing the unique process and how to update the status of California appellate decisions.

The Facts About Depublication

<http://www.appellate-counsellor.com/memos/depublish.htm>

Australian Legal Citation Guide

<http://www.law.unimelb.edu.au/mulr/aglc.htm>

Available for purchase, users may download a copy for personal use.

U.S. Government Printing Office Style Manual (2000)

<http://www.access.gpo.gov/styleman/2000/browse-sm-00.html>

Did you ever wonder where the pungent flavor of the Federal Register comes from? This will answer the question. The full text of the manual is on the Web. Parts of the document can be opened individually in HTML or PDF format.

Canadian Legal Citation

<http://qsilver.queensu.ca/law/lrm/legalcit.htm>

A how to guide.

Citation of Legal and Non-Legal Electronic Database Information

<http://www.michbar.org/publications/citation.htm>

This great site offers one-of-a-kind advice on citing to sometimes ephemeral resources.

LegalCitation.net

<http://www.legalcitation.net/>

A company that sells software, but also provides some content in the form of citation guides, e.g.. abbreviation lists

LLRX Reviews Citation Checking Software

<http://www.llrx.com/>

There are a number of commercial software products that lend an assist where the final cite-checking process occurs. Each service offers different bells and whistles. In order to make an informed decision about which package to try, it helps to compare the products. LLRX (Law Library Resource Exchange) has posted a variety of articles on these software packages, giving the legal researcher a vendor-neutral viewpoint on these products. By simply doing a quick search using the word "citation," three current articles appear at the top of the search results: "Review of West Group

Citation Tools," "Review of Lexis-Nexis Citation Tools," and "Advanced Citation Tools." This is an easy way to tune into the latest services and to keep up with the evolution of these productions.

ARTICLES

Researching Unpublished Opinions

<http://www.llrx.com/columns/reference26.htm>

An LLRX research guide published June 15, 2001 provides some useful background, resources, and tips on how to locate unreported decisions.

Circuit Sticks to Its Opinion Policy

<http://www.law.com regionals/ca/stories/edt0925a.shtml>

A Sept. 25, 2001 article about federal courts and their differing opinions on unreported decisions, especially heated after the Anastasoff decision.

Practicalities of Unpublished Decisions

<http://www.law.com/>

A December 7, 2000 article in the New Jersey Law Journal. Search for this title at Law.com.

Unpublished Decisions: Routine Cases or Shadow Precedents?

<http://www.wsba.org/barnews/2000/12/berg.htm>

Washington State Bar News, December 2000 article in response to August 2000 Anastasoff decision.

A White Paper on Unpublished Opinions of the Court of Appeals

<http://www.courtinfo.ca.gov/reference/documents/unpub.pdf>

A March 2001 PDF document by the Judicial Council of California Appellate Process Taskforce.

Unpublished Opinions of the California Courts of Appeal

<http://www.courtinfo.ca.gov/opinions/nonpub.htm>

This service started October 1, 2001 according to a San Jose Business Journal on the Web article on October 3, 2001. There is no online archive--and the opinions only appear on the site for 60 days!

Unpublished Opinions as the Bulk of the Iceberg

<http://www.aallnet.org/products/2001-28.pdf>

2001 paper published in the Law Library Journal, about the 8th and 10th Circuit practices

Bibliography of articles

<http://www.schmierforag.com/lawrev.html>

OTHER PUBLICATIONS

Journal of Appellate Process and Practice

<http://www.ualr.edu/-appj/>

The Journal is published at the University of Arkansas at Little Rock. The journal has featured articles on the topic of unpublished decisions, and recently devoted a complete issue to the Anastasoff decision. The Spring 2001 issue (Vol. 3 No. 1) table of contents details the scope of discussion at <http://www.ualr.edu/-appj/TOCvol3-1.html>. There is also a review of the ALWD Citation Manual: a clear improvement over the Bluebook. The full text of articles is not available, not even abstracts. However, the Web site hyperlinks several of the articles to links mentioned in the footnotes of the articles. These sometimes lead to some new and interesting sources.

DISCUSSION GROUPS

TeachLawRes

Teach Law Research List

To subscribe to the Teach Law Research list, use either a Web browser subscription form or send an e-mail to the list processor. The Web browser address is <http://lists.washlaw.edu/mailman/listinfo/teachlawres/>

To subscribe via e-mail, send a "subscribe" message to teachlawresrequest@lists.washlaw.edu. To post a message to the listserv audience, send a message to teachlawres@lists.washlaw.edu.

ABA Citation discussion forum

<http://www.abanet.org/>

The American Bar Association hosts a Citation discussion forum. To subscribe send a message to listserv@abanet.org with the body of the message stating: "subscribe citations your first name and your last name." Or follow the instructions on the Web subscription form at <http://www.abanet.org> to subscribe. This discussion forum is also linked from the Universal Citation page of the ABA Legal Technology Resource Center at <http://www.aallnet.org/committee/citation/>.

LEGWRI

<http://www.lwionline.org/resources/listserv.htm>

The Legal Writing discussion group is a closed listserv limited to those who teach legal writing. The Seattle University School of Law now hosts this listserv. Requests to be added to the discussion group can be sent to the listserv manager, lambl@seattleu.edu. The message should include name, title, institution and e-mail address. Instructions for subscribing to this, and other legal writing discussion groups are available on the Legal Writing Institute Web site.

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