



**SOME OF THE MOST OBSCURE BLUEBOOK RULES  
OR  
HOW TO REALLY IMPRESS EVEN THE MOST EXACTING BLUEBOOKER\***

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By now, you have probably spent more time Bluebooking than you ever wanted to . . . . But write-on, interview season, job and clerkship applications, and summer jobs are coming up, and you know from Legal Research and Writing that proper Bluebooking may be important to creating a good first impression. For example, if you choose to participate in write-on, you will be partially judged on the accuracy of your Bluebooking. Similarly, Bluebooking can provide anybody reviewing a writing sample an easy way to make a “first cut” and divide applications between those that will get a closer look and those that will not.

With that in mind, here is a list of some of the more obscure Bluebook rules. As their presence on this list indicates, these rules are hard to find, sometimes only by actually leafing through and scanning the Bluebook. Furthermore, these rules are not necessarily intuitive—after all, why, for example, do prepositions with five letters have to be capitalized in headings, but not those with only four? However, errors in the application of these (and other) Bluebook rules are apparent to experienced Bluebookers such as editors, judges and their law clerks, and law firm recruiters and partners. Thus, it may be worthwhile to familiarize yourself with—and, if necessary, simply memorize—some of these rules.

You may want to examine this list in conjunction with the Bluebook, which contains additional examples and citations tips. And note that these rules were chosen based on personal editing and writing experience. As you spend more time looking through the Bluebook, you may come up with your own “top ten” list of particularly obscure Bluebook rules – ordered, as ours is, based on the time it took you to find the rule and your relief at having done so.

**1. Capitalization (Rule 8).**

In headings, capitalize the initial word, any word that immediately follows a colon, and all other words except articles, conjunctions, and prepositions of four or fewer letters. However, in all text, capitalize nouns referring to people or groups only when they refer to specific persons, offices, or bodies. The same applies to words such as “act,” “circuit,” or “court”: capitalize them only when they refer to a specific act, circuit, etc., not when they are used as a generic

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reference. Thus, you would write that “on February 19, 2001, the District Court ruled in this case . . .,” but that “district courts are bound by the rulings of the circuit court of the circuit to which they belong.”

## **2. The Appearance of “quoted in” versus “quoting” (Rule 1.6(c)).**

Often, you want to indicate that a particular case or authority either is quoted in or quotes another authority. If you use “quoted in,” the phrase follows the cite, is separated from it by a comma, and is underlined (memo) or italicized (law review): Doe v. Johnson, 1111 F.3d 111 (14th Cir. 2001), quoted in Smith v. Roe, 1112 F.3d 222 (14th Cir. 2002). If, however, you use “quoting,” the phrase is used in a parenthetical in plain type, i.e., not underlined or italicized: Smith v. Roe, 1112 F.3d 222 (14th Cir. 2002) (quoting Doe v. Johnson, 1111 F.3d 111 (14th Cir. 2001)).

## **3. Memorandum and Per Curiam Decisions (Rule 10.6.1(b)).**

A memorandum decision indicates that the court has disposed of an appeal without issuing an opinion. A per curiam opinion is an unsigned opinion issued on behalf of the entire court, i.e., an opinion the writer of which cannot be identified. When you cite to cases, it is important to indicate whether they were disposed of in memorandum or per curiam decisions because this information affects the precedential weight given to the opinions. Both pieces of information can be included in a parenthetical after the one identifying the court that rendered the decision and the year in which the case was decided. Note that there is a space between the two parentheticals, as indicated in the following example: Michaels v. Smith, 999 F.3d 7777 (14th Cir. 2003) (per curiam).

## **4. Order of Signals (Rule 1.3).**

When you use more than one signal in a citation string, the signals should be listed in the order in which they appear in Rule 1.2, so that see would precede see also, etc. Additionally, signals of the same type (i.e., all signals indicating support, all those indicating comparison, contradiction, or the provision of background information) should be strung together in a single citation sentence, using semicolons to separate them. However, different types of signals (i.e., contradictory authority cited after supporting authority) must be grouped in separate citation sentences.

Of course, every good rule has an exception: if the authorities you cite support only a part of your sentence and are, in accordance with Rule 1.1, cited in a citation clause following that part and set off by commas, the citation clause can contain signals of different groups without the need for separate sentences. Thus, citation clauses can contain both supporting and contradictory authority, separated only by a semicolon.

## **5. Order of Authorities Within Each Signal (Rule 1.4).**

Rule 1.4 states the hierarchical order in which different authorities should be listed within one signal. For example, constitutions are listed before statutes, which are listed before cases, and so forth. Additionally, within each class of authority, Rule 1.4 indicates how different subclasses should be ordered: federal cases before state cases, the U.S. Constitution before state constitutions, etc.

Note that Rule 1.4 does not put you into a straightjacket. It specifically allows you to break the indicated order of authorities if one authority is considerably more helpful than the other or if you have some other substance-related reason to break the Rule's order. Therefore, if you find an older state case that is much more helpful to your point than a more recent one, you can list the older case first. Similarly, if the state case is more helpful and perhaps even more recent than a federal case that addresses the same point, you can list the state case first, notwithstanding Rule 1.4(d).

## **6. Abbreviations for Periodical Names (T.13).**

T.13 lists the names of periodicals and law journals and the proper abbreviation for them. Sometimes, however, you will need to cite to a periodical or law journal that is not listed in T.13. In that case, you can determine the proper abbreviation for the journal's title by finding the individual words and their respective abbreviations in T.13 and T.10. If the title contains a word that is listed in neither table, you can use the entire word. Additionally, you should omit "a," "at," "in," "of," and "the" from all abbreviated titles. Do not, however, omit "on." Furthermore, if any of these omissions reduces the title to a single word, that word should not be abbreviated even if it is contained in T.13 or T.10. Finally, see Rule 6.1(a) for the spacing of abbreviations.

## **7. General Format for Parenthetical Information (Rule 1.5).**

You have probably been told repeatedly that it is important to include parenthetical information when you cite to cases or other authority to allow the reader to understand why and how the authority is relevant to the point you are making. And, of course, the Bluebook provides you with detailed rules about how to format your parentheticals.

The general rule is that parentheticals should start with a lower-case present participle such as "holding," or "finding" and end without punctuation, such as: (holding that defendant should have been given Miranda warnings). This general rule, however, has two exceptions:

- (a) If your parenthetical directly quotes at least one full sentence, it should begin with a capital letter and contain the appropriate closing punctuation, i.e., in most cases, a period.
- (b) You can use a shorter parenthetical where a complete phrase starting with a present participle is unnecessarily complex. This applies, for example, where you list a

number of situations in which courts have addressed various permutations of the same point, as in the following example: See also Smith v. Doe, 999 F.3d 9999 (14th Cir. 2002) (direct review); Jones v. Doe, 888 F.3d 8888 (14th Cir. 2002) (collateral review).

When a single citation contains multiple parentheticals, place them in this order:

(date) [hereinafter short name] (en banc) (Lastname, J., concurring) (plurality opinion) (per curiam) (alternation in original) (emphasis added) (footnote omitted) (citations omitted) (quoting another source) (internal quotation marks omitted) (citing another source), *available at* <http://www.domainname.com> (explanatory parenthetical), prior or subsequent history.

## **8. Formatting of Signals and Accompanying Punctuation (Rule 1.2, B3.4).**

Depending on whether you use memo or law review format, signals in citation sentences are underlined (memo) or italicized (law review). According to B3.4, you can underline the space between, for example, “see” and “also,” i.e., you can write see also. However, the punctuation following the last element of the signal is neither underlined nor italicized, so that you would write, for example, “see also, e.g.”

On the other hand, if you use signals as verbs in sentences, they are neither underlined nor italicized. This happens frequently in law review footnotes, where you may refer your reader to additional information as follows: For additional information, see Jones v. Smith, 999 F.3d 999 (14th Cir. 2002).

## **9. Citations to Footnotes and Endnotes (Rules 3.3(b) and 3.3(c)).**

Sometimes, you need to cite to information contained in a footnote or endnote. In that case, it is not enough simply to refer the reader to the page number on which the footnote or endnote appears. Instead, in the case of footnotes, indicate the page number on which the footnote is found, followed first by a space and then by “n.” and the footnote number. Note that there is no comma between the page number and the “n.” and no space between the “n.” and the footnote number. Thus, you would cite to Justice Stone’s famous footnote four as follows: United States v. Carolene Prods. Co., 304 U.S. 144, 153 n.4 (1938).

The same principle applies to endnotes. The only additional consideration for endnotes is that you need to indicate the page on which the endnote appears, not the page in the text that contains the reference to the endnote.

## 10. Use of “supra” and “infra” in Court Documents.

You have probably heard that “supra” (above) and “infra” (below) should not be used in court documents. That is true—with exceptions. Because you always need to provide a full citation the first time you refer to an authority, “infra” indeed is never used to refer to cited authority. You would use “infra” only to refer to a point that is made in a later section of your document, as in the following example: “Even if this Court were to disagree, the District Court nonetheless erred because, as discussed in Part B.2 infra, the Defendant’s right to counsel had already attached.”

“Supra,” on the other hand, can be used to refer to some previously cited authorities. It is not used with cases, statutes, or constitutions. Instead, you use the regular short forms indicated in B4.2 and B5.2. to reference these authorities after you have cited them in full. Under Rules B8.2, B9.2, and B10.2, you can use “supra” for references to books, pamphlets, other nonperiodic materials, periodical materials, the internet, unpublished works, forthcoming works, and nonprint materials—in short, for any authority that is somewhat “literary” and not a case, a statute or statute-like material such as an administrative regulation, or a constitution.