

## Primer #3: Basic Rules of Legal Citation\*

This handout contains an abbreviated set of rules established by *The Bluebook: A Uniform System of Citation*. The *Bluebook* is the “industry standard” for citations, although the legal profession is beginning to embrace other competing standards. Legal citations use a complex set of rules, exceptions, abbreviations, and nuances that are only necessary for lawyers and law students to learn and apply and you will not be expected to learn and apply the rules to the same extent. You are expected, however, to provide citations in your course work according to the abbreviated set of rules found in this handout.

Keep in mind that legal citations are measured by both their form and their usage. The rules governing the form of citations are fairly objective and straightforward. The rules governing the proper usage of citations are more subjective and often depend on the best judgment of the writer. I will provide some guidelines, but perhaps the best rule regarding the usage of citations is this: when in doubt, cite.

If you read a court opinion, you will notice that there are citations seemingly after every sentence. In general, every time a legal source is quoted, referred to, summarized, inferred, paraphrased, etc., a citation to that authority is required. In this course, we have some flexibility in applying that requirement, but I want you to get in the habit of providing ample citations. Some of the rules below are geared toward making the task of providing citations relatively easy.

Finally, legal citations differ from citations in academic citation systems (*e.g.*, the MLA or APA systems). The standard among academic citations is to use a brief parenthetical citation in the text along with a list of works cited at the end of the paper. Legal citations for the type of legal work that we’re doing are to be provided almost entirely in the text of the work and not in footnotes, although footnote citations are widely used in scholarly articles and treatises. Endnotes are almost never used. In this course, all citations are to be provided in the text of the work and not in footnotes. If necessary, you may use footnotes for other literary purposes, but not for legal citations.

### I. Proper Forms of Citation

It might be helpful to start with the purposes of proper legal citation. The following quote appears in Peter Martin’s online legal citation site, *Introduction to Basic Legal Citation*. It is a very useful resource, so feel free to use it if you’re motivated to go even deeper on this subject.

What is “legal citation”? It is a standard language that allows one writer to refer to legal authorities with sufficient precision and generality that others can follow the references. Because writing by lawyers and judges is so dependent on such references, it is a language of abbreviations and special terms. While this encryption creates difficulty for lay readers, it achieves a dramatic reduction in the space consumed by the, often numerous, references. As you become an experienced reader of law writing, you will learn to follow a line of argument straight through the many citations embedded in it. Even so, citations are a bother until the reader wishes to follow one. The fundamental tradeoff that underlies any citation scheme is one between providing full information about the referenced work and keeping the text as uncluttered as possible. Standard abbreviations and codes help achieve a reasonable compromise of these competing interests.

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\* Borrowed heavily from the following sources:

- William P. Logan, *How to Cite to Legal Sources*, S.J. Quinney Law Library at the University of Utah (August 28, 2004) (retrieved on June 25, 2014 from [http://www.cc.utah.edu/~u0384504/universal\\_content/research\\_tools/HowtoCiteLegalSources.pdf](http://www.cc.utah.edu/~u0384504/universal_content/research_tools/HowtoCiteLegalSources.pdf)).
- Peter W. Martin, *Introduction to Basic Legal Citation* (online ed. 2013) (retrieved on June 27, 2014 from <http://www.law.cornell.edu/citation/>).

A reference properly written in “legal citation” strives to do at least three things, within limited space:

- identify the document and document part to which the writer is referring
- provide the reader with sufficient information to find the document or document part in the sources the *reader* has available (which may or may not be the same sources as those used by the writer), and
- furnish important additional information about the referenced material and its connection to the writer's argument to assist readers in deciding whether or not to pursue the reference.

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The task of "legal citation" in short is to provide sufficient information to the reader of a brief or memorandum to aid a decision about which authorities to check as well as in what order to consult them and to permit efficient and precise retrieval – all of that, without consuming any more space or creating any more distraction than is absolutely necessary.

Peter W. Martin, *Introduction to Basic Legal Citation*, § 1-200 Purposes of Legal Citation (<http://www.law.cornell.edu/citation/index.htm>, retrieved on June 27, 2014). Martin's guide is also available here, in PDF format: [http://www.access-to-law.com/citation/basic\\_legal\\_citation.pdf](http://www.access-to-law.com/citation/basic_legal_citation.pdf).

Remember the purposes above as you strive to provide the best legal citations in your work.

## A. CITING TO CONSTITUTIONS

### 1. Two Elements

Generally, there are two elements to each constitutional citation, as follows:

- a. The title of the constitution
  - i. Abbreviate “Constitution” to “Const.”
  - ii. Abbreviate “United States” to “U.S.”
  - iii. Abbreviate state name (“Washington” to “Wash.”)
- b. The part cited
  - i. Abbreviate “Article” to “art.”, “Amendment” to “amend.”, “Section” to “sec.” or “§”, and “Clause” to “cl.”
  - ii. A comma separates each part cited. No punctuation between the title of the constitution and the part cited.

### 2. Examples:

Below are a few examples of proper forms of citation to the United States Constitution and the Washington state constitution:

- a. U.S. Const. art. IV, § 1. (This is a reference to the "Full Faith and Credit" clause of the Constitution.)
- b. U.S. Const. art. III, § 2, cl. 2. (This is a reference to the provision establishing the Supreme Court's original jurisdiction.)
- c. U.S. Const. amend. XXVI, § 1. (This is a reference to Section 1 of the 26th Amendment to the Constitution, allowing 18-year-olds the right to vote.)
- d. Wash. Const. art. VIII, § 5. (This is a reference to the provision in the state constitution prohibiting the “lending of credit” by the state.)

### 3. Short Citations

There are no short citation forms for references to constitutional provisions, other than “*Id.*” and the other generally applicable short citation forms, which will be covered below.

## B. CITING TO JUDICIAL OPINIONS

1. Full Citation. The first time a judicial opinion is cited in your work, it must be cited in full, with the following six elements:

a. Full case name, followed by comma

- i. Full name of each party, as abbreviated in the caption
- ii. Parties separated by “v.” (abbreviation for “*versus*”)
- iii. Case name either underlined or in *italics*

b. Volume number of reporter

c. Reporter

- i. Cite only one reporter
  - (a) Most, if not all, opinions are published in multiple reporters
  - (b) First preference is the official reporter from that jurisdiction (i.e., “U.S.,” “F.2d,” “Wn.2d,” “Wn.App.,” etc.)
  - (c) Second preference is the regional reporter (i.e., “Sup.Ct.,” “P.3d”)
- ii. Case reporters are always abbreviated according to the convention provided in the reporter itself.

d. Page number

- i. First, provide the first page of the reporter on which the opinion appears
- ii. If, in this first citation to this particular opinion, you are citing a specific page in the opinion, provide that page with a comma immediately after the first page.
  - (a) Examples: Smith v. Doe, 538 U.S. 84, 86 (2003); Yelle v. Kramer, 83 Wn.2d 464, 466-69 (1974).

e. Year decided, in parentheses

f. Court

- i. If the opinion was issued by an appellate court with multiple circuits or divisions, the particular court must be identified in the same parentheses as the year.
  - (a) Example: Olpin v. Commissioner of Internal Revenue, 270 F.3d 1297 (10th Cir. 2001).
  - (b) Example: Smith v. Smith, 13 Wn. App. 381 (Div. I 1975)
- ii. Citations to opinions of the federal District Courts always include a reference to the district, as follows: Burch v. Regents of University of California, 433 F. Supp. 2d 1110 (E.D. Cal. 2006). (This opinion was reported out of the Eastern District of California.)

2. Examples:

- a. West Coast Hotel, Co. v. Parrish, 300 U.S. 379 (1937). (Do not cite to either of the other two Supreme Court reporters (“Sup.Crt.” or “L.Rev.Ed.”) if the U.S. Reporter (“U.S.”) is available.)
- b. Olpin v. Commissioner of Internal Revenue, 270 F.3d 1297 (10th Cir. 2001). (same as above)

- c. Morrison v. Heckler, 582 F. Supp. 321 (W.D. Wash. 1983). (This is a citation to a case decided in Federal District Court for the Western District of Washington.)
- d. Czapinski v. St. Peter Hosp., Inc., 236 Wn. 2d 316 (1993). (Obviously an opinion out of the Washington Supreme Court because that's the only court that is reported in the Washington Reports.)
- e. Puget Sound Envtl. Alliance, Inc. v. Seattle Yacht Club, Inc., 671 P.2d 1085 (Wash. 1983). (Here, because the Pacific Reporter is used, the court is not obvious so it must be identified in the parentheses.)
- f. Smith v. Smith, 13 Wn. App. 381 (Div. I 1975). (Court of Appeals Division requires identification in the parentheses, as explained above)
- g. Smith v. Smith, 534 P.2d 1033 (Wash. Ct. App., Div. I 1975). (Here, because the Pacific Reporter is used, and because the Court of Appeals has three divisions, both the court and the division must be identified in the parentheses.)

### 3. Short Citations:

The above examples are all examples of full citations. The first time a case is cited in your work you must provide the full citation. After citing the case the first time, use short citations to that case throughout the remainder of your work. However, I expect consistent short citations throughout:

- a. Use a consistent convention for case name—either underlined or *italics*—throughout.
- b. Id. and Ibid., may be used as follows:
  - i. Id. is used when referring to the exact same case as in the immediately previous citation, but not the same page number.
  - ii. Ibid. is used when referring to the exact same page in the exact same case as in the immediately previous citation
  - iii. Use the same convention for Id. and Ibid.—either underlined or *italics*—as you are using for case names, including the period
- c. When citing to a particular page or pages in a case (a quote or a very specific citation), you may use a pinpoint citation as follows:
  - i. Shorten the case to one or two of the first words in the case (*eg*, Grutter or Korematsu or Burlington Industries or New York Times).
  - ii. Use the same convention—underline or *italics*—as you are using for full case names.
  - iii. If you've already provided a full citation (including the first page of the case), then use "at" and the specific page or pages you are referring to, without punctuation (Grutter at 101. New York Times at 98-109. Korematsu at 55, 56).
  - iv. If using Id., you may use Id. with a specific page number (Id. at 101. Id. at 98-109. Id. at 55, 56.)
  - v. No need for any citation—short or full—if you've already provided a full citation to the case and you're simply referring to the case broadly in a discussion: "We might look to the Court's holding in Grutter for the proposition that . . ."

### C. CITING TO STATUTES

Statutes are laws passed by legislatures. They are generally printed in a "code," which is a collection of statutes arranged by subject. Although a few guidelines are provided below, there are no hard-and-fast, uniform rules of citation for statutory codes simply because there are so many different titles and configurations. If citing to a particular state or foreign code, do your best to find the citation convention for that particular code. If citing to a federal statute or the Revised Code of Washington, the conventions for those two codes are provided below.

## 1. Full Citations: Federal Statutory Law

Full citations to federal statutes should contain the following four elements:

- a. Title number: the United States Code is divided into 50 different "titles", each covering a different subject.
- b. Abbreviation for the code: "U.S.C.", for United States Code.
- c. Section symbol: §
- d. Section, subsection, paragraph, and subparagraph numbers.

## 2. Full Citations: Washington State Statutory Law

Washington State's statutory code is the Revised Code of Washington and it is abbreviated as "RCW". Full citations to the RCW should contain the following two elements:

- a. Title of code: "RCW", with no punctuation.
- b. Code title, chapter, section, etc. numbers, separated by periods.

## 3. Examples

- a. 42 U.S.C. § 405(c)(2)(C)(ii)
- b. RCW 42.52.010

## 4. Short Citations

Other than "Id.", there are no rules allowing for short citations of statutes. If using Id. as a short citation to the same title as the immediately previous citation, but a different section number, you may use Id. and the new section number: Id. at § 405(c)(3).

## D. CITING TO REGULATIONS

### 1. Full citations: three elements

- a. Title number
- b. Name of regulation or administrative code
- c. Section number, including subsections, paragraphs, subparagraphs, etc.

### 2. Examples

- a. 49 C.F.R. § 236.403.
- b. WAC 417-01-140 (Citations to Washington regulations are an exception.)

### 3. No short citation forms.

## E. CITING TO LAW REVIEW ARTICLES

Law reviews are scholarly, academic journals of the law. When citing to a law review article for the first time in your work, you must provide a full citation to the article. The elements of a full citation to a law review article are as follows:

### 1. Full citations: seven elements

- a. Full name of the author or authors, followed by a comma
- b. Article title in full, italicized or underlined, followed by a comma
- c. Volume number of the journal where the article appears

- d. Name of the journal, abbreviated
- e. Page number on which the article begins
- f. Specific page number to which the citation refers, if at all, preceded by a comma
- g. Year of publication

2. Examples

- a. James Wilson Harshaw III, *Not Enough Time?: The Constitutionality of Short Statutes of Limitations for Civil Child Abuse Litigation*, 50 Ohio St. L.J. 753 (1989).
- b. Steven G. Calabresi & Kevin H. Rhodes, *The Structural Constitution: Unitary Executive, Plural Judiciary*, 105 Harv. L. Rev. 1155, 1158 (1992).
- c. Frank H. Easterbrook, *Substance and Due Process*, 1982 Sup. Ct. Rev. 85, 114 (1982).
- d. Stephen L. Wasby, *The Supreme Court and Courts of Appeals En Bancs*, 33 McGeorge L. Rev. 17 (2001-2002).

3. Short Citations

The rules applicable to short citations for law review articles are similar to those for judicial opinions. The above examples are all examples of full citations. The first time a law review article is cited in your work you must provide the full citation. Each time the article is cited thereafter, provide a short form citation. The standard short citation includes (a) the last name of the author, without italics or underlining, followed by (b) the word “at”, and (c) the specific page of the article on which the reference is found. The other short citation uses “Id.” The options are explained below:

- a. Easterbrook at 98. This is the standard form of short citation. Use this form after having provided a full citation to the article. The shortened name is necessary where other citations intervene between the full citation to the article and this short citation.
- b. Id. at 100. Use Id. and a page number where the immediately previous cite is the same article referred to here, but to a different page. Id. must be either underlined or italicized, including the period.
- c. Id. Use Id. alone where the immediately previous cite is the same as the citation here in every respect, including the page number.

F. CITING TO BOOKS AND TREATISES

Books and treatises are cited in a manner similar to that of law review articles. Here are the elements that are needed to provide a full citation to a book:

1. Full citations: five elements:

- a. Volume number (if part of a multi-volume work)
- b. Full name of author or authors, followed by a comma
- c. Title of book (in italics or underlined)
- d. Page number or section number referred to, if any
- e. Edition number, if applicable, and edition year, in parentheses

2. Examples:

- a. David A. Thomas and James H. Backman, *Thomas and Backman on Utah Real Property Law* (1999).

- b. David J.F. Gross and Charles F. Webber, *PTM: The Power Trial Method* 67 (2003). (The preceding two citations are examples of single-volume works, so there is no volume number before the authors' names.)
- c. 1C Martin A. Schwartz and John E. Kirklin, *Section 1983 Litigation: Claims and Defenses* 273 (1997).
- d. 2 William Meade Fletcher, *Fletcher Cyclopedia of the Law of Private Corporations* § 438 (1998 & Supp. 2003). (These two citations are examples of multi-volume sets.)

### 3. Short Citations

Provide short citations to books and treatises in the same manner as law review articles, using either the author's last name and page number or "Id." and page number.

## II. Proper Usage of Citations

"In all types of legal writing . . . it is customary to cite an authority or authorities to show support for a legal or factual proposition or argument."

*The Bluebook: A Uniform System of Citation* 4 (17th ed. 2000) (emphasis added).

"The basic purpose of a legal citation is to allow the reader to locate a cited source accurately and efficiently."

*Id.* (emphasis added).

It is important to keep in mind that, when making decisions about the usage of citations, the two primary purposes of using standard, consistent and accurate citations are (a) to show that your work is supported by authoritative sources and (b) to allow the reader to locate the sources if necessary. But there is one additional purpose that I will add: citations help avoid any suspicion of plagiarism.

And from these purposes flow the general rules on usage of citations:

### A. General Rules:

- 1. Provide a proper citation for **every** quote, paraphrase, fact, summary, thought, idea, concept, doctrine, or theory that you use in your work, unless subject to an exception.
- 2. When in doubt about rule #1, **cite!**

### B. Exceptions:

- 1. Where you have written a paragraph or a substantial portion of a paragraph containing nothing but a summary or paraphrasing of facts or statements from a case, you may insert a "catch all" citation at the end of the paragraph or passage rather than individual citations after each sentence. Be sure that the page numbers in your citation cover all references in the paragraph.
- 2. A citation is not necessary when referring to a source in the narrative text of your work, although a citation may be necessary at the end of that sentence or paragraph.

### C. Cross References

Many of the opinions you'll be relying on in your assignments will make reference to and provide a citation to another opinion or other source. You'll be tempted to rely on the citation in the first opinion for the proposition made in the second opinion without even reading the second opinion. You'll also be tempted to skip a citation to the first opinion and cite only the second opinion. **Resist both of these temptations.** Be sure that the citations in your work are accurate and reflect statements and propositions that you have personally verified. There are a few options for dealing with these cross references:

1. If the opinion includes a direct quote of a second opinion, cite the first opinion with a parenthetical note that the first opinion quotes the second opinion: CLEAN v. State of Washington, 101 Wn.2d 101, 109 (1996) (quoting Pratt Electric Supply v. City of Seattle, 52 Wn.App. 100, 115 (1976)).
2. As an alternative, you could find the second opinion, verify the reference to it, and provide a direct quote from and citation to that opinion: Pratt Electric Supply v. City of Seattle, 52 Wn.App. 100, 115 (1976).
3. If the first opinion does not quote the second opinion, but merely paraphrases, summarizes, or refers to the second opinion, then either ignore the second opinion and do not reference or cite to it or, after having read the second opinion, cite to both the first and the second opinion.

#### D. Quotations

1. If the language you select for a quotation fills three lines or less of your text, use a textual quotation and not a block quotation.
2. If your quotation is longer than three lines of text, use a block quote.
3. A block quote is indented .5 from both the left and right margins and is single spaced. Leave an extra line space at the top and bottom of the block quote. The citation for the block quote goes after the space and at the margin. See the above block quotes for the proper form. The U.S. Supreme Court does not follow this convention but they are wrong.