

Andrew Associate enters Pete Partner's office. Pete is surrounded by mounds of memos to be read and letters to be signed; there is not a clear space on his desk.

Andrew sits in the chair across from Pete and hands him the brief he has been working on for two weeks. Pete adjusts his glasses and begins skimming the document. He nods as he reaches the end of the brief, obviously pleased with the first-year associate's efforts.

"Good," he says. "Only a few edits to make, and this brief will be ready to file by tomorrow's deadline. Have you Bluebooked this yet?"

Andrew shifts uncomfortably to the edge of his chair. "Well," he responds, "I used the ALWD manual."

Pete adjusts his glasses again. "Hmm. I've never heard of that. Is it new? What is the ALWD manual?"

With the growth of the ALWD (Association of Legal Writing Directors) Citation Manual as the manual of choice for law school legal writing programs, this scene may soon be more fact than fiction. As former practitioners in large law firms, we posed the same questions that the fictional Pete Partner had when we first previewed the syllabus for the required legal writing course on our first day as legal writing professors.

"What is the ALWD manual?" we wondered. "What does it have to offer?"

We soon learned that the ALWD manual offers many benefits to students—and to practitioners.

WHAT IS THE ALWD CITATION MANUAL?

The ALWD (pronounced "All-wid") Citation Manual is not a new system of citation. According to the manual itself, it "codifies the most commonly followed rules for legal citation."

In other words, the ALWD manual is a citation "restatement" that reflects current citation customs in practice.

While there are a few minor citation differences between the ALWD manual and the Bluebook, the primary difference is that the ALWD manual makes citation easier to learn for law students and easier to do for lawyers.

WHY WAS THE ALWD MANUAL WRITTEN?

Briefly put, a significant change to a signal rule in the Bluebook proved to be the catalyst for the ALWD manual.

The ALWD manual was authored partially in response to the release of the 16th edition of Bluebook. The authors were the Association of Legal Writing Directors (the professional organization for those who teach and direct legal writing programs in law schools nationwide) and Darby Dickerson, former Director of the Legal Research and Writing Program and current Dean at Stetson University College of Law. The authors acted in response to a radical change in the meaning of the signal "see" in that Bluebook edition.

The new Bluebook rule mandated that the "see" signal be used not only to indicate that an authority provides indirect support of a proposition but also to indicate that an authority provides direct sup-

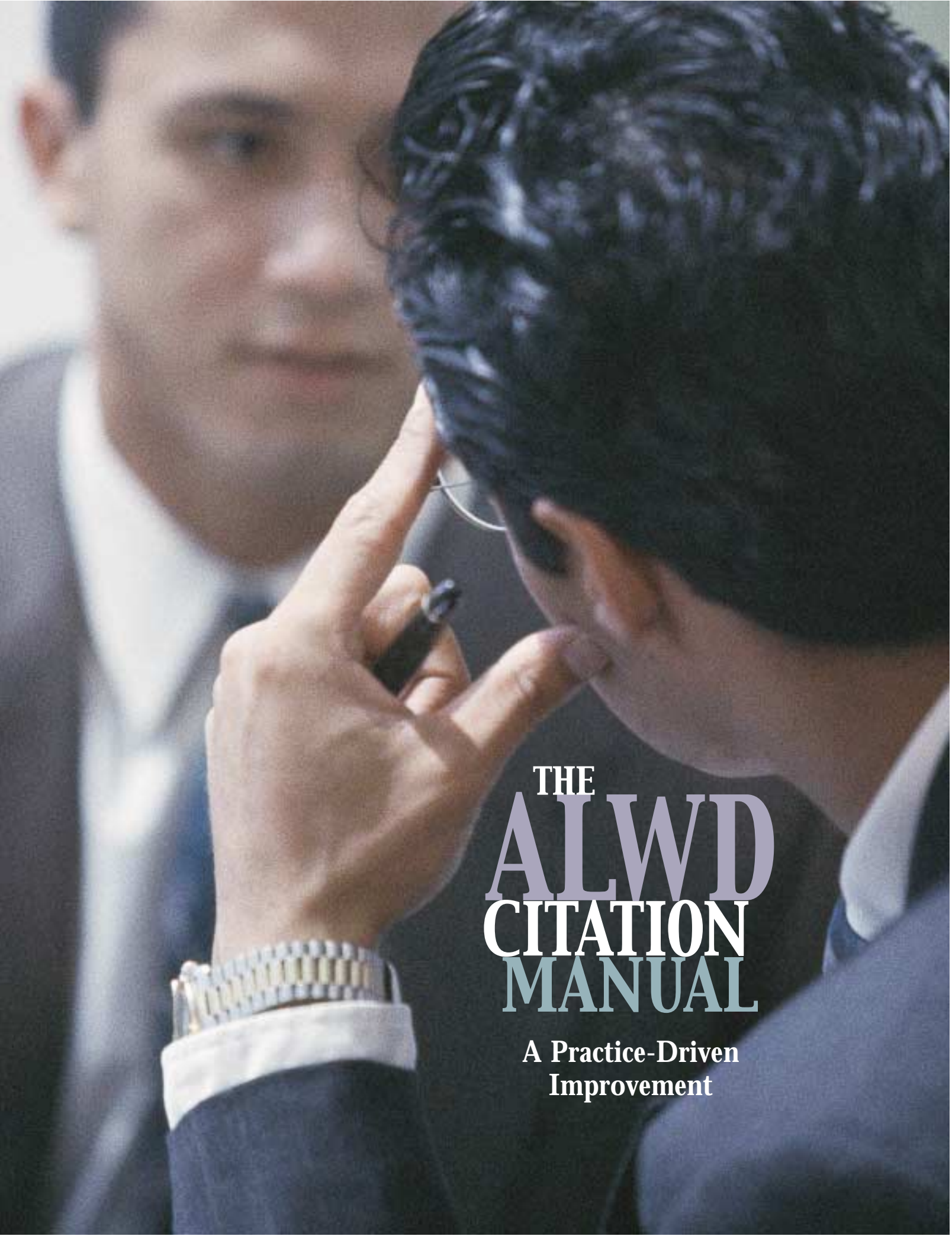
port for a proposition—a change that was directly contradictory to the previous definition and use of the signal. In response to the change, the Association of American Law Schools acted by plenary resolution to reject the new meaning of "see."

Consequently, the student editors of the Bluebook soon restored the previous Bluebook rules in the 17th edition.

However, the sequence of events had demonstrated the shortcomings of the Bluebook's approach. Dean Dickerson, a leading expert on citation, and the members of ALWD decided to design a different kind of citation manual. They aimed to get rid of complex and dogmatic rules, reduce inconsistencies, provide uniformity in citation, and make the citation rules and manual structure responsive to student and practitioner needs.

WHY DO WE TEACH CITATION FROM THE ALWD MANUAL IN ADDITION TO BLUEBOOK?

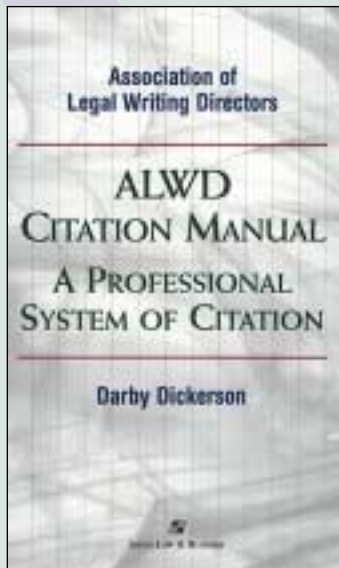
Because it was written by those who teach citation, the ALWD manual makes standard legal citation easier to learn. The ALWD manual logically organizes

A photograph of two men in business suits. The man in the foreground is seen from the side, with his hand pointing towards the temple of the man in the background. The background man is looking towards the camera with a slight smile. The overall tone is professional and thoughtful.

THE ALWD CITATION MANUAL

A Practice-Driven
Improvement

WHERE DO I GET AN ALWD CITATION MANUAL?



The ALWD manual is available through Amazon.com, bn.com (Barnes & Noble's Web site) or aspenpublishers.com for approximately \$25. Copies of the ALWD manual also can be found at the law libraries of Arizona State University or the University of Arizona.

and provides clear explanations of citation rules, gives many examples of how to apply each rule in practice, has a "fast formats" page at the beginning of each section to give concrete examples of the most common citation formats, and provides all of this information in easily readable typeface.

The ALWD manual also emphasizes the substantive components of citation that can confuse a novice legal writer and result in improper citation. For example, the ALWD manual thoroughly and concisely explains the purpose of citations, highlighting that citation is important because citations show that a document has been thoroughly researched. It also demonstrates that

citations show the positions in the document are supported by authority of different weight, persuasiveness and type.

Moreover, the ALWD manual:

- describes the various forms for citation and explains when to use each form.
- emphasizes the importance of following local court rules and provides an appendix that lists state court local rules on citation. (The ALWD Web site—www.ALWD.org—provides federal court local rules.)
- gives guidance on the proper frequency of citation, the number of sources to cite and the kinds of sources to cite in a court document.
- explains how to format an explanatory parenthetical and tells the new legal writer how to use the parenthetical effectively.
- explains the meaning

of commonly used phrases found in citation such as "in re" and "ex rel.," explains the relevance of information in a citation about the denial of certiorari, and makes students aware of the potential dangers of citing unpublished opinions.

For these reasons, we teach from the ALWD manual in the fall semester and introduce students to Bluebook in the spring semester. Because they are learning the "why" and "how" of citations first and can more easily grasp basic citation form, use and frequency, the students find the conversion to Bluebook, and any other citation system (e.g., states with vendor-neutral citation rules), much easier.

WHAT ARE THE ALWD MANUAL'S BENEFITS FOR A PRACTITIONER?

1. *The ALWD manual is pragmatic in its approach and it is not a radical departure from currently accepted citation practices.*

Because the manual was written by legal writing professionals rather than by law students, the manual seeks to reflect actual citation practice. For example, unlike Bluebook, which prohibits the abbreviation of "United States" in cases names, the ALWD manual permits the abbreviation "U.S." The ALWD manual also permits a more extensive use of paragraph and section symbols in textual sentences, not just in citation sentences. And the manual recognizes that the primary purpose of citation is to convey information to the reader about the weight of authority and where to find it; as such, it allows practitioners flexibility in applying citation rules. Finally, the ALWD manual provides a truly uniform system of citation; it makes no differentiation between citations for court documents and citations for other legal publications—separate "practitioners' notes" are not necessary.

2. *The ALWD manual is comprehensive on the rules and sources practitioners use most frequently and provides detailed guidance on important citation-related matters.*

The manual provides excellent "sidebars," text boxes that include real-word examples and explanations of frequent citation questions. It also provides "fast format" pages to get a quick answer to a citation question. It recognizes the importance of local citation rules, and state court local rules are prominently included in the text; practitioners are encouraged to consult them. The ALWD manual also provides a Web site that includes additional guidance (frequently asked questions) and updates: www.ALWD.org.

3. *The ALWD manual is easy to use.*

The ALWD manual is an improvement

on the organization of Bluebook. For example, all rules pertaining to cases are located together. Rules are written in a straightforward style in understandable language. The fast formats pages make it simple to get an answer to a citation question quickly. Using the ALWD manual does not require cross-referencing rules designed for scholarly writing to a separate section of practitioners' notes designed to "convert" citations for writing in practice.

In short, the ALWD manual better meets a practitioner's goals for a professional citation system. The manual provides accurate, comprehensive, matter-of-fact information in an easy-to-use, efficient format.

HOW DO CITATIONS FROM BLUEBOOK AND ALWD DIFFER?

Citations based on the ALWD manual rules vary only slightly from those based on Bluebook. Indeed, most practitioners will not be able to detect any difference between the two citation forms.

Common examples are the following citations to two cases (omitting the proper reference to any relevant subsequent history):

ALWD: *Pierce v. Casas Adobes Baptist Church*, 162 Ariz. 269, 782 P.2d 1162 (1989).

Bluebook: *Pierce v. Casas Adobes Baptist Church*, 162 Ariz. 269, 782 P.2d 1162 (1989).

ALWD: *Wagenseller v. Scottsdale Mem'l Hosp.*, 147 Ariz. 370, 710 P.2d 1025 (1985).

Bluebook: *Wagenseller v. Scottsdale Mem'l Hosp.*, 147 Ariz. 370, 710 P.2d 1025 (1985).

The main difference illustrated above is that the ALWD manual eliminates the apostrophe in abbreviations in case names. This follows common practice, as most practitioners abbreviate the "Memorial" in the case name as "Mem." or some other variation.

Another example highlights that Bluebook does not allow a writer to abbreviate the party name “United States” unlike the ALWD manual, which accepts the common practice:

ALWD: *U.S. v. Rodgers*, 461 U.S. 677 (1983).

Bluebook: *United States v. Rodgers*, 461 U.S. 677 (1983).

Allowable short citation forms are identical between the two manuals. In either manual, the following would be acceptable: *Rodgers*, 461 U.S. at 685 *or Id.* at 685.

As for statutory citations, the two manuals almost always require the same information. Here is an example of how to cite to the annotated code in Arizona using either manual: Ariz. Rev. Stat. Ann. § 12-341.01 (West 2002).

Interestingly, most practitioners follow neither the ALWD manual nor Bluebook rules when citing to Arizona statutes. The common reference is: A.R.S. § 12.341.01 (2002); “A.R.S.” is West Publishing Company’s designation.

These examples show that if the goal of citation is to provide the reader with support for an argument and specific direction as to how to locate a source, it makes little difference which citation manual is used. The ALWD manual, however, more closely tracks how practitioners actually use and form citations in memoranda, briefs and other legal documents.

For those who are particularly concerned about the differences between the ALWD manual and Bluebook, the ALWD manual provides a “conversion” chart on its Web site that highlights the most common differences between the ALWD manual and the 17th edition of Bluebook.

WHO IS TEACHING AND USING THE ALWD MANUAL?

The ALWD manual, now in its second edition, is taught in the first-year research and writing programs at more than 90 law schools. Included in those ranks are the law schools at both

Arizona State University and the University of Arizona. In addition, legal writing faculty at a number of “top-50” schools teach the ALWD manual; they include faculty at the University of Michigan, Northwestern, Fordham, Vanderbilt, Boston University, Wake Forest and the University of Florida.

Courts are beginning to recognize the favorable features of the ALWD manual and are adopting it. The United States District Court for the District of Montana amended its local rules to require ALWD citation form, and the Eleventh Circuit adopted ALWD as a permitted citation alternative.

WHAT’S THE BOTTOM LINE?

The bottom line can be summed up in one word: confidence.

Practitioners and judges should feel confident that the ALWD manual provides a recognizable, useful and efficient form of legal citation. And because students trained on the ALWD manual have a more in-depth knowledge of the fundamentals of citation (the why, where and how), the bench and bar should feel confident that students will be able to adapt quickly and successfully to using any citation system. That should be true whether that system is the ALWD manual, Bluebook or some other citation system such as New Mexico’s “vendor neutral” citation rules.

More important, if the ALWD manual is used for citations in a court document, practitioners and judges should feel confident that they will be able to recognize and find the sources cited. In fact, practitioners and judges should notice improved accuracy in citation form, frequency and placement, which will result in more useful citations for everyone. ▀

Kirsten K. Davis & Tamara Herrera
are Legal Writing Professors at the College of Law at Arizona State University.