

1978

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Bruce E. Parmley

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BOOK REVIEW

A UNIFORM SYSTEM OF CITATION (Twelfth Edition) By
? ? ? ? ? ? ? ? .¹ Cambridge: The Harvard Law Review
Association. 1976. Pp. ix, 190.

Reviewed by Bruce E. Parmley²

*"The true perfectionist's
answer to the Oxford English
Dictionary."*

—The New York Review
of Books

*"Makes Sturgis Standard Code of
Parliamentary Procedure a veri-
table free-for-all."*

—Book-of-the-Month

Once upon a time a fellow named Henry Campbell Black of Washington, D.C. drafted a dictionary of legal terms and phrases. Probably he died rich (but unstable). Anyway, Mr. Black wrote the dictionary undoubtedly to aid the legal profession in perfecting its own complete language to a point where no one, absolutely no one, could understand a word without a legal education.

Some time later came A UNIFORM SYSTEM OF CITATION. This was a work to which the profession could make reference on how it should make reference to its work. This was the lawyer's dictionary of *abbreviated* mumbo jumbo (*abrv. mbo. jbo.*).

Actually, there is an interesting history behind A UNIFORM SYSTEM OF CITATION. I have no idea what it is.

Now we have the twelfth edition. Perhaps you know it as the Blue Book, perhaps as the White Book,³ or perhaps you are very fortunate

1. You will note that there is no named author. This means one of two things: (a) this was a massive collective effort; or (b) no one dared take the credit.

2. Mr. Parmley is engaged in the private practice of the law of perfect citation in Washington, D.C. as an associate with Lane and Edson, P.C. Any opinions, findings, conclusions, or recommendations expressed herein do not necessarily reflect the views of anyone.

3. Now here we have some history. When I attended law school, this whole earth catalog of standardized gobbledeygook was known as the White Book. Law students

and do not know it at all. Those who really *know* it make sure others know that they *know* it. There will always be those few who are incapable of stating the correct rule of law, but who reserve the single right to make reference to the rule perfectly.

To be sure, there are avid, and I mean avid, proponents of "perfect" citation form.⁴ They instill a fear in you that the simplest error in form reflects a lousy lawyer. They intimate that wandering from the commandments of the Blue Book is a form of infidelity. *They* are your law school basic techniques instructors. *They* are your law review editors. If you ask *them* why something was done that way, *they* would say—with absolute conviction—because that was the way it was.

Having earned their wrath, I left law school a Bluebookophile, ready to educate bar examiners and practitioners on the proper way to do things. My first shock came when the judge for whom I was clerking returned a draft memorandum with my *sees* changed to sees. "Improper," said I, making reference to pages 6 and 7 of the "Bible." "I don't care," said he, making reference to his 25 years experience as appellate lawyer and judge. His sees would never be *sees*, you see. He had a good point. How many of us *see*? The logical extreme is that in nuisance cases we would *hear* things; in environmental cases we would *smell* things; in obscenity cases we would *really see* things.

The proper use of italics is no easy matter. Thus, there are TYPEFACE CONVENTIONS for *italic* and roman type. According to the Blue Book (page 2), in certain writings, case names, titles, and signals are to be italicized, with "*Everything Else*" [*sic*] in ordinary roman. But as they say in the gossip columns, where would we *be* without *standards*?

For all the difficulty and aggravation the Blue Book causes (some people) there is little doubt that its citation forms have benefited the legal profession. The financial benefits have been enormous. For example, the eleventh edition (1967) retired the use of *Ibid.* and in its stead put *Id.*⁵ It takes little imagination to recognize the substantial savings accrued over ten years in dictating, writing, typing, and printing a two-lettered abbreviation instead of a four-lettered one. This savings alone may have permitted some law firms to hire their 201st lawyer. The economics

before me and after me knew it as the Blue Book. My copy of the twelfth edition is dark blue; other copies I have seen are light blue. These color distinctions are important, for reasons that may become clear at a later date.

4. Somewhere, someone other than ourselves has decided what the "perfect" citation is. Would we like this person? Would we have lunch with it?

5. See Dymondfeld, *Prolegomena to a Psychoanalysis of Boalt Hall: Bed-Wetting by Children of Leviathan*, 55 CALI. FLAW REV. 3, 4 n.9 (1967). If you doubt the existence of this article in the cited publication, you are in for a surprise.

become staggering when you consider the savings found in the use of *supras* and *infras* and [hereinafters].

The gain derived does not come without loss. These short forms, however timesaving and moneymaking, are often negated by the requirements imposed for other supposedly economical devices. Consider, if you will, the mechanics of what is known to the intelligentsia as an ellipsis within or after the conclusion of a sentence, to wit: “. . . .” The Blue Book doth sayeth (pp. 20-22): “Omission is generally indicated by insertion of three periods . . . (‘ . . .’)” When you come upon a series of four periods (. . . .) you should be careful to make the distinction between the first three, signifying the actual ellipsis (. . .) and the last period, signifying the final punctuation (.). This distinction holds true unless, of course, the total matter quoted is fifty words or more. In such a case, you block indent the quote (having known to block indent because you took the time to count the words you are quoting, a count that usually reaches 47 to 49 words). If you then come upon four periods (. . . .), this *could* mean an entire paragraph has been omitted, and the last period (.) is as much an integral part of the ellipsis signal (. . . .) as the first three (. . .). These rules of omission (“ . . .” or “. . . .”) are equally applicable to the use of quotations in oral argument, which makes for a particularly delightful listening experience.

There is other loss, some of it affecting the aesthetic sense. For example, the Great Law Father, Oliver Wendell Holmes, is known familiarly as “O.W.” (pages 2 and 83). Law students are cheated too. Their work is cited without identification, and even the title of a student article is not cited when the author is short (page 86-87).⁶

The twelfth edition has introduced, or at least listed anew with specificity, citation forms for state court cases and statutes (pages 104-42). These are especially serviceable and practical. As before, the Blue Book requires the citation to the official state reporter as well as to the West Company’s you-don’t-need-to-read-the-case-just-follow-the-headnotes system. This is senseless. Have you ever even *seen* the South Dakota reporter?⁷

6. See rule 17:1:4. **Short Student Material.** Readers of commentaries are cheated as well. An assumption readers of book reviews seem to make is that the reviewer has actually read the piece being reviewed. A faulty assumption—I could not do it. Not long ago while commuting on a bus, the woman sitting next to me pulled the twelfth edition from her briefcase and began to *read* it. Page 13, page 14, page 15 . . . I sat quietly in an increasing fear of my bodily, if not psychological safety. Twenty minutes later she returned the Blue Book to her brief-case and for a moment I was able to relax. I moved to another seat when she began reading the District of Columbia Plumbing and Gas Fitting Regulations.

7. Indeed, have you ever *seen* South Dakota?

How about "Parentheticals Indicating Weight"? Although the twelfth edition has dropped this precise heading, it does continue to suggest the use of these little pearls (pages 10-11) to indicate to the reader a little something extra about the case on which the lawyer relies. *E.g.*, *International Breweries, Inc. v. Anheuser-Busch, Inc.*, 364 F.2d 261 (5th Cir. 1966) (Lager, J., at 280 lbs.).

I suppose that lawyers perhaps really do know what the Blue Book abbreviations stand for; but in fact one does not think in terms of what they mean. We think in terms of the abbreviations themselves. The mental process goes something like this: three seventy three space capital ef period space capital supp period space two fifty seven space open paren capital ess period capital dee period capital en period capital why period space nineteen seventy four close paren period two all beef patties special sauce lettuce cheese. Is it any wonder that lawyers (second only to medical doctors, perhaps) are considered boring?

The Blue Book actually has a specific rule for Abbreviations in Languages Other Than English (pages 23-24). Some might consider this heading a better title for the book as a whole. Ironic, perhaps, that the Blue Book does not have an abbreviated citation form for reference to itself. Ironic, too, that the Blue Book uses as an example of a citation to a signed newspaper article *Five Examples of Fed Double-Talk* (page 94).

If uniformity is a sound objective then perhaps there is something to be said about the Blue Book. But I am finding it difficult to say much more.⁸ The Blue Book says it all, in abbreviated form.

8. Although further commentary on the Blue Book is not offered here, I do intend to analyze in a later publication (of something) the nuances and innuendo found in MARTINDALE-HUBBELL.