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# New Kid on the Block: The ALWD Citation Manual

Wanda M. Temm University of Missouri - Kansas City, School of Law

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# New Kid on the Block: **The ALWD Citation Manual**

For the Missouri practitioner, The ALWD Citation Manual offers many advantages over the bluebook as a citation resource book whose rules are not vastly different from the Bluebook but whose lay-out, readability, and commonsense approach make it more appealing and easier to use.

e sure to bluebook2 this!" These very words often strike terror in the hearts of law students, clerks, and attorneys. An archaic book, unreadable and undecipherable, chock-full of rules that make the misplacement of a single space or period a capitol offense, The Bluebook: A Uniform System of Citation (herein after "the bluebook") has become the bible for legal citation. Written by law students (yes, law students) at four major East Coast law schools, the bluebook has been the citation standard for the legal community for too many years to count.3

Every five years or so, a new edition is issued with a multitude of changes. The reasoning behind the changes is often obscure to the legal community at large. Some are made for politically correct reasons, such as including the first names of authors of legal periodical articles and treatises instead of mere initials to indicate



Wanda M. Temm<sup>1</sup>

the body of scholarship of female authors.4 Other changes appear on their face to have no real purpose, such as the change in the abbreviation for citing decisions of bankruptcy appellate panels.5

One change in the sixteenth edition was like the firing on Fort Sumter in that it galvanized the legal writing community to action. That change was the modification of the rule on the use of introductory signals.6 The reasoning given was to reduce the number of signals and simplify the distinction between signals.<sup>7</sup> Yet, in reality, law students who have never practiced law for a single day decided for the entire legal community to change the meanings of essentially terms of art. "See" no longer meant what it used to mean.8 Attorneys and judges had no way of knowing which "see" counsel used - the old meaning of "see" or the new.

Making the bluebook understandable to law students has plagued the legal writing teaching community for years. The bluebook is hard to understand, with one set of rules for law reviews and a different set of rules for briefs and legal

<sup>1</sup> Professor Wanda M. Temm is director of legal writing and clinical professor of law at the University of Missouri-Kansas City School of Law, where she has been a member of the faculty since 1991. Professor Temm also serves as of counsel for Shook, Hardy & Bacon, L.L.P. in its National Products Liability Section. Professor Temm received her J.D. from the University of Kansas School of Law in 1988.

<sup>2</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) ("the bluebook"). In large part because the bluebook was the only citation manual available, the term "bluebook" became synonymous with the term "cite" when used as a verb. Thus, to "bluebook this" means to put the information in correct citation form.

<sup>3</sup> In addition to the bluebook, some jurisdictions and publications, including the JOURNAL OF THE MISSOURI BAR, have specific citation requirements. These local citation rules take precedence over the bluebook. Several courts are currently reviewing the ALWD Manual for adoption. The U.S. District Court for the District of Montana was the first court to require conformity to the manual. See Ass'n of Legal Writing Directors, ALWD CITATION MANUAL, http://www.alwd.org/cm (accessed Dec. 19, 2002).

<sup>4</sup> Compare The Bluebook: A UNIFORM System of CITATION, Rule 15.1.1, 16.1.1 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) (including full author's name) with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 15.1, 16.1 (Columbia Law Review Ass'n et al. eds., 14th ed. 1986) (including author's last name and first initial for treatises and last name only for periodicals).

<sup>5</sup> Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 10.4 (Columbia Law Review Ass'n et al. eds., 16th ed. 1996) (citing bankruptcy appellate panel as "B.A.P. 9th Cir.") with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 10.4 (Columbia Law Review Ass'n et al. eds., 15th ed. 1991) (citing bankruptcy appellate panel as "Bankr. 9th Cir.").

<sup>6</sup> Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 1.2 (Columbia Law Review Ass'n et al. eds., 16th ed. 1996) with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 1.2 (Columbia Law Review Ass'n et al. eds., 15th ed. 1991).

<sup>7</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, at v (Columbia Law Review Ass'n et al. eds., 16th ed. 1996).

<sup>8</sup> Compare The BLUEBOOK: A UNIFORM SYSTEM OF CITATION Rule 1.2 (Columbia Law Review Ass'n et al. eds., 16th ed. 1996) ("see" means "[c]ited authority directly states or clearly supports the proposition.") (emphasis in original) with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 1.2 (Columbia Law Review Ass'n et al. eds., 15th ed. 1991) ("see" means "[c]ited authority clearly supports the proposition. 'See' is used instead of '[no signal]' when the proposition is not directly stated by the cited authority but obviously follows from it; there is an inferential step between the authority cited and the proposition it supports.") (emphasis in original). memoranda. To confound the problem, the only examples given in the text are in law review style. Thus, the weary first year student, looking in the book for an example of a citation to a state statute, is confronted with law review examples only and puts the cite in large and small capital letters, a typeface *never used* in briefs or legal memoranda.<sup>9</sup>

The change in signals propelled the legal writing community to action - to restate the citation rules in such a way that the legal community would no longer fear the dreaded "bluebook this" comment. The goals were to restate the citation rules in a more easily understood format; to present the rules in a reader-friendly resource; to include in that resource all the sources needed to cite correctly, including local citation rules; and to have changes in citation originate from the professional legal writing community, not a group of isolated law students. Importantly, the goal was not to create an entirely new system of citation, but to restate the old.

And so the new kid on the block was conceived. The ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION<sup>10</sup> (hereinafter "the manual") was published by Aspen Law & Business in the summer of 2000. Backed by the Association of Legal Writing Directors, Darby Dickerson of Stetson University College of Law has drafted a user-friendly citation guide that is taking the legal writing community by storm. In its first year, the manual was adopted "at more than ninety law schools, many paralegal programs, and several law reviews."<sup>11</sup>

Quite simply, the ALWD manual has far exceeded the legal writing community's expectations. The manual is straightforward, full of explanations in plain English, and has an example for everything. Part I of this article will examine the design and organizational features of the manual. Part II will highlight the main rule differences between the manual and the bluebook. Part III will emphasize the benefits to Missouri lawyers of using the ALWD manual for its citation needs. Lastly, an appendix includes a chart summarizing the two citation manuals for selected rules.

# I. DESIGN AND ORGANIZATIONAL FEATURES

To be blunt, the manual is easier on the eye than the bluebook. Gone is the small type, crammed margin to margin. Instead, the manual features good use of white space. The type is normal size. Headings and rule numbers are bolded. Subsections are numbered and spaced appropriately.

Citation examples are noted with a heading color change and sections of each main citation are marked by brackets and color. Sidebar explanations are plentiful and address practical issues in citation. In examples where spacing is ambiguous, the manual clarifies the ambiguity by inserting a small, green triangle for each space.

At the beginning of each rule, the manual has a *Fast Formats* section that gives examples of each major type of citation under the rule. In a well-defined, color-enhanced, marcated box, each fast format provides a quick reference of that rule for the practitioner. Moreover, no longer does the practitioner have to root around the entire bluebook to locate the rules and tables on each source. The manual synthesizes the rules, compiling all of the sub-rules in one place for each

source.

Like the main text, the appendix has also simplified life for the practicing bar. In "Appendix 1: Primary Sources by Jurisdiction,"12 more information is given in a well-defined format than the bluebook. For example, official versus unofficial reporters and official versus unofficial statutory codes are clearly marked. The tables indicate if any local or neutral citation rules apply in that jurisdiction. And, wonderfully to behold, those local and neutral citation rules are included in appendix 2!13 Instead of having 17 different tables in the appendix,14 the manual incorporates the necessary information within the rules themselves, leaving only six sections necessary in the appendix, including a sample office memorandum to demonstrate how citations should be placed and their appearance in a legal document.15

These design and organizational features alone make the switch to the ALWD manual well worth it.

### **II. RULE DIFFERENCES**

The most striking rule difference between the manual and the bluebook is that the manual has only one set of rules for both law review documents and practitioners' documents. This simple step eliminates much of the confusion for law students and practitioners. An attorney under the time-crunch to file a brief on time can now pick up the manual, turn to an example, and not be concerned that the example may not be the one needed because the example is for law reviews, instead of briefs.

Moving to one set of rules for all legal documents results in the elimination of the large and small capitals typeface.<sup>16</sup>

- <sup>9</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule P.1 (Columbia Law Review Assn. et al. eds., 17th ed. 2000).
- <sup>10</sup> Ass'n of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual (Aspen L. & Bus. 2000).

- <sup>12</sup> Ass'N of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual, app. 1 (Aspen L. & Bus. 2000).
- <sup>13</sup> Id. app.2.

<sup>15</sup> Ass'n of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual, apps. 1-6 (Aspen L. & Bus. 2000).

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<sup>&</sup>lt;sup>11</sup> ASS'N OF LEGAL WRITING DIRECTORS & DARBY DICKERSON, ALWD CITATION MANUAL http://www.alwd.org/cm/ (accessed Dec. 19, 2002). The ALWD Manual is a required text in the first-year legal research and writing programs at both the University of Missouri-Kansas City School of Law and the University of Missouri-Columbia School of Law.

<sup>&</sup>lt;sup>14</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Tables T.1 – T.17 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) .

The manual utilizes only ordinary type and italics. Italics can be indicated by underlining or by the italics typeface. No other typeface is used.

Remarkably, the change in the rule on introductory signals that propelled the drafting of the ALWD manual has, once again, been changed by the bluebook editors. Coincidentally (or not), the bluebook editors issued its seventeenth edition in 2000, a few months after the manual appeared on the scene. This edition would normally have appeared in 2001, under the bluebook's prior every-fiveyears updating regime. Few changes were made in this edition, with one notable exception. Perhaps seeing the error of their ways, the editors returned the rule on introductory signals back to the definitions and rules of its fifteenth edition.17 "See" now means what it always has meant under either the bluebook or the manual.

The manual followed the lead of several local citation rules and requires division and district information for state appellate courts.<sup>18</sup> This common sense addition aids the reader in determining the weight to be given an intermediate state appellate court decision, including whether it is binding within the jurisdiction. This journal has long required inclusion of district information on the Missouri Courts of Appeal within its citation rules.<sup>19</sup> Many Missouri practitioners include the appellate court designation as a matter of course, although not required.

All other rule changes are fairly minor in comparison.<sup>20</sup> In fact, unless you were the citation wizard of the law review, the differences can only be found by strict scrutinization. As such, most of the practicing bar will see little on the face of a citation that differs from the bluebook. You simply will not be able to tell the difference.

Have any of the citations in this article struck you as being different? Probably not. Yet all citations in this article follow the manual.

### III. BENEFITS

Law students hate citation. Perhaps that is too bold a statement. Law students hate learning citation. Learning legal citation is like learning a foreign language. Law students must learn a new vocabulary and a new set of grammar rules vastly different from the language of reference they used in other disciplines. Unlike learning a foreign language, however, law students must use citation virtually immediately. And, they are expected to use it correctly from the get-go. To top it off, their resource for the information is unreadable and difficult to master.

Today's law students are tomorrow's associates. While an associate's skills in using the bluebook are much improved over the first-year law student, for some, citation continues to hover over them like a dark cloud. Perhaps confident in citing their own state statutes and cases, that confidence wanes when they need to cite other unfamiliar authority.

No longer are moans and groans heard from law students when citation is mentioned to students who have been taught using the manual. Don't get me wrong. Law students still grumble about learning citation. From my own experience in teaching citation, I am, however, more confident that the class as a whole has learned what they need to know about citation under the manual. How do I know that? Their citations in their writing exercises are significantly better across the board than the students taught only on the bluebook. Under the bluebook, much of the class seemed to wing it much of the time under the "close-enough-is-goodenough" theory of citation, despite my best efforts.

Legal citation plays too central a role in legal documents for any attorney to be winging it. Legal citation serves several purposes. First, it allows the reader to locate the original authority relied upon for the reader's own analysis. Secondly, a quick glance at a citation in a legal document gives the busy legal reader a multitude of information about that authority, including its date, level of court, and precedential value. Thirdly, the proper use of signals with citation informs the reader of the weight to be given that authority for the proposition asserted by the drafter. Lastly, legal citation informs the reader when an assertion is the drafter's own analysis, ideas, and words versus the analysis, ideas, and words of another.

Based on these purposes, the drafter has an obligation to its reader to ensure its citation is accurate. That accuracy is improved when the drafter understands the rules of citation or, at a minimum, knows how to find and use those rules in an available resource. Without question, the manual is a better resource than the bluebook. Its reader-friendly set-up improves the likelihood that the drafter will even use it. Thus, the chance for accuracy in citations improves.

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<sup>18</sup> Ass'n of Legal Writing Directors & Darby Dickerson, ALWD Citation Manual, Rule 12.6(b)(2) (Aspen L. & Bus. 2000).

<sup>&</sup>lt;sup>16</sup> At this point, not as many law reviews have switched to the manual, although the legal writing programs at these law schools have. Part of the reluctance may have to do with not being the first to lead the charge and a desire to improve or keep the reputation of the journal by staying with the accepted way of citation, the bluebook, which, not coincidentally, is written by law review editors. The other part of the reluctance may simply be they like the look of the large and small capitals — it somehow represents what law review is all about.

Whether a law review chooses to stay with the bluebook should have little impact on the practicing bar. Law review style has never been acceptable in briefs or legal memoranda under the bluebook rules. See THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Practitioners' Notes (Columbia Law Review Ass'n et al. eds., 17th ed. 2000). Indeed, practitioners have long been required to follow local court rules on citation in filing documents with a court. This author was unable to locate any local citation rule requiring the large and small capitals typeface.

<sup>&</sup>lt;sup>17</sup> Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 1.2 (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, Rule 1.2 (Columbia Law Review Ass'n et al. eds., 15th ed. 1991).

<sup>&</sup>lt;sup>19</sup> Style differences exist on how to designate the districts. This journal uses single capitals including "W.D.", "E.D." and "S.D." The ALWD Manual uses a longer abbreviation for "district" resulting in "W. Dist.", "E. Dist." and "S. Dist." *See id.* app. 3. <sup>20</sup> See appendix.

<sup>&</sup>lt;sup>21</sup> Reprinted with permission of author, Darby Dickerson.

### **IV.** CONCLUSION

The time has come to shelve the bluebook and get acquainted with the new kid, the ALWD manual. By the spring of 2003, every law graduate from the University of Missouri-Kansas City School of Law and the University of Missouri-Columbia School of Law will have their initial citation training with the manual. To the seasoned Missouri practitioner, the citation format used by these new attorneys will evidence no substantive differences. Indeed, with a more user-friendly citation manual available, these new attorneys should spend less time on citation, leaving more time to focus on what really matters in legal drafting, the message the document is meant to convey and the purpose for that document.

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#### COMPARISON OF SELECTED ALWD AND BLUEBOOK 17th EDITION RULES<sup>21</sup>

RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES
Typeface (Rule 1)	Ordinary type and italics (or underlining). No distinctions based on type of document (law review v. court document) or placement of citation within the paper.	Ordinary type, <i>italics</i> (or <u>underlining</u> ), and small caps. Different fonts required depending on type of document and where source is cited within the paper.	ALWD has one set of conventions, not two. ALWD eliminates small caps as a typeface.
Spacing (Rule 2)	F. Supp. F.3d	F. Supp. F.3d	No substantial differences.
Capitalization (Rule 3)	Federal Civil Procedure before Trial	Federal Civil Procedure Before Trial	ALWD eliminates the "and prepositions of four or fewer letters" part of the Bluebook, which brings legal citation closer to non-legal style.
Ordinal Numbers (Rule 4)	1st, 2d, 3d, 4th	1st, 2d, 3d, 4th	No substantial differences.
Page spans (Rule 5)	125-126 or 125-26	125-26	ALWD gives a choice on how to present a page span; you may retain all digits or drop repetitive digits and retain two digits on the right-hand side of the span, as in Bluebook 3.3(d).
Footnotes and endnotes (Rule 7)	d endnotes nn. 12-13 nn. 12-13		ALWD requires a space after n. or nn. abbreviation.
Supra and infra (Rule 10)	Supra n. 45.	Supra note 45.	Under ALWD, abbreviate note as "n." and place a space after the period.
<i>Id.</i> (Rule 11.3)	<i>Id.</i> at 500.	<i>Id.</i> at 500.	Basically similar rules. ALWD eliminates the "5 <i>id.</i> in a row" rule found in Bluebook 10.9.

RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES	
Cases (Rule 12)	Brown v. Bd. of Educ., 349 U.S. 294, 297 (1955).	Brown v. Bd. of Educ., 349 U.S. 294, 297 (1955).	Case names are always italicized.	
297 (1955). MBNA Am. Bank, N.A. v. Cardioso, 707 N.E.2d 189 (III. App. 1st Dist. 1998). [required inclusion of district court information]		public domain citation. Under this rule, the official public domain citation must be given as well as the parallel citation to the regional reporter, if available. <i>Beck v. Beck</i> , 1999 ME 110, ¶ 6, 733 A. 2d 981, 983. Rule 10 now allows	Do not have to abbreviate words in case names. For those who want to abbreviate, Appendix 3 provides a longer list of words. ALWD eliminates the "multiple date" rule found in <i>Bluebook</i> 10.5. ALWD uses S. instead of So. for the regional reporter in the First Editon." ALWD requires division and district information for state appellate courts. "Ct." eliminated from most court abbreviations.	
	actions (2005-27) david to obligations (2005-2	<ul> <li>COLLARS COLL</li> <li>COLLARS COLL</li> <li>Collars</li> <li>Collars</li></ul>	For cases cited from Westlaw or LEXIS, ALWD doe not require the docket number of the case. ALWD also requires two asterisks to identi multiple pages of a pinpoint cite.	
Constitutions (Rule 13)	s U.S. Const. amend. V	U.S. Const. amend. V.	No substantial differences.	
Statutes (Rule 14)	18 U.S.C. § 1965 (1994).	18 U.S.C. § 1965 (1994).	No substantial differences.	

\*The Second Edition of ALWD due in the Spring of 2003 goes back and uses Bluebook's abbrevication of So. 2d.

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RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES
Legislative Materials (Rules 15 and 16)	Sen. Res. 35, 106th Cong. (1999).	S. Res. 35, 106th Cong. (1999).	ALWD abbreviates Senate as "Sen." instead of "S." to avoid confusion with other abbreviations.
	1000	musob auti	Most forms are relatively consistent.
Court Rules (Rule 17)	Fed. R. Civ. P. 11 (1999).	Fed. R. Civ. P. 11.	ALWD requires a date, even for current rules, to help avoid confusion.
Administra- tive Materials (Rules 19 and 20)	42 C.F.R. § 422.206(a) (1999). 64 Fed. Reg. 12473	42 C.F.R. § 422.206(a) (1999). 64 Fed. Reg. 12473	C.F.R. citation is the same. ALWD requires an
I sets	(Mar. 12, 1999).	(1999).	exact date for Fed. Reg. citations.
Books and Treatises (Rule 22)	Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure vol. 6A, § 1497, 70-79 (2d ed., West 1990). OR Charles Alan Wright et al., Federal Practice and Procedure vol. 6A, §	6A Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure § 1497, at 70-79 (2d ed. 1990). OR 6A Charles Alan Wright et al., Federal Practice and Procedure § 1497, at 70-79 (2d	ALWD places volume information after the title, just like any other subdivision. ALWD separates subdivisions separated with a comma, but no "at."
	1497, 70-79 (2d ed., West 1990).	ed. 1990).	ALWD requires that the publisher be included.
RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES
Web Sites Rule 40) Kule 40) Ku		Federal Judicial Center, Federal Judicial Center Publications (visited July 10, 1999) <http: www.<br="">fjc.gov/pubs.html&gt;.</http:>	ALWD moved the date to end to be more consistent with other sources. ALWD uses "accessed" instead of "visited" to give a more professional tone and be consistent with non-legal citation guides.
ALWD indicates that itation neutral citation may be used (not limited to cases). ALWD also indicates that a parallel citation to a print source should also be used. ALWD permits use of the citation format used by the state whose case is being cited, the citation used on the source, or the form suggested by the AALL.		The Bluebook indicates that a public domain citation for cases must be used when available and requires a parallel citation.	
Signals (Rule 45)	Signals are e.g., see, cf., contra, compare. with, but see, but cf., and see generally.	Signals are e.g., accord, see, see also, cf., contra, compare with, but see, but cf., and see generally. In Rule 1.2, among other things, in the 17th edition, e.g. was restored to a separate signal, the definition of see changed, and	ALWD eliminates the accord and see also signals because they are too close to other signals. Under ALWD, all signals may be separated with semicolons. ALWD does not

RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES	
Legal Periodicals (Rule 23)	L. Ray Patterson, Legal Ethics and the Lawyer's Duty of Loyalty, 29 Emory L.J. 909, 915 (1980).	L. Ray Patterson, Legal Ethics and the Lawyer's Duty of Loyalty, 29 Emory L.J. 909, 915 (1980).	ALWD eliminates most distinctions between consecutively and non-consecutively	
	Hope Viner Samborn, Navigating Murky Waters, 85 ABA J. 28 (July 1998).	Hope Viner Samborn, Navigating Murky Waters, A.B.A. J., July 1998, at 28.	paginated articles. Include longer date for non- consecutively paginated journals, but do so within the parenthetical.	
	Tara Burns Koch, Student Author, Betting on Brownfields-Does Florida's Brownfields Redevelopment Act Transform Liability into Opportunity?, 28 Stetson L. Rev. 171 (1998).	Tara Burns Koch, Comment, Betting on Brounfields-Does Florida's Brounfields Redevelopment Act Transform Liability into Opportunity?, 28 Stetson L. Rev. 171 (1998).	ALWD uses the term "Student Author" to replace Note, Comment, etc.	
A.L.R. Annotations (Rule 24)	Marjorie A. Caner, Validity, Construction, and Application of Stalking Statutes, 29 A.L.R.Sth 487, 489 (1995).	Marjorie A. Caner, Annotation, Validity, Construction, and Application of Stalking Statutes, 29 A.L.R.5th 487, 489 (1995).	ALWD eliminates the "Annotation" reference.	
Legal Dictionaries (Rule 25)	Black's Law Dictionary 101 (Bryan A. Garner ed., 7th ed., West 1999).	Black's Law Dictionary 101 (7th ed. 1999):	ALWD treats dictionaries like treatises.	
Legal Encycloped- ias (Rule 26)	11 C.J.S. Bonds § 21 (1995). 76 Am. Jur. 2d Trusts §§ 1-4 (1992 & Supp. 1999).	11 C.J.S. Bonds § 21 (1995). 76 Am. Jur. 2d Trusts §§ 1-4 (1992 & Supp. 1999).	No substantial differences; however, ALWD provides expanded coverage and includes a list of many abbreviations for state encyclopedias.	
RULE	ALWD CITATION	BLUEBOOK CITATION	DIFFERENCES	
Order of Citations (Rule 46)	ALWD lists federal and state court cases first by jurisdiction, then in reverse chronological order.	Federal and state court cases are ordered in reverse chronological order.		
Quotations Rule 48)	ALWD says to block indent passages if they contain at least fifty words OR if they exceed four lines of typed text.	The <i>Bluebook</i> says to block indent passages if they contain at least 50 words.	ALWD does not require you to count the exact number of words in long quotations.	

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