

CALIcon Session Proposal

Frank Bennett

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1 Summary

Join this session to learn how a union of the open-access Indigo Book and the open-source Jurism reference manager can extend the scope of the former, improve the quality of the latter, and save everyone a great deal of time.

2 Description

This session concerns two resources. *The Indigo Book* is an open-access guide to legal citation. *Jurism* is a variant of the open-source Zotero reference manager, extended to handle legal materials. The session will cover the background of each, explain why it is important, and proceed to outline a plan for a next-generation approach to legal citation management. The session aims to be comfortable for Luddites and inspiring to Wizards.

The two marquee projects of the session share a relation to *The Bluebook: A Uniform System of Citation*, to which US courts and law reviews have long looked for standard rules of legal citation. Indigo Book is a public-domain statement of those rules, free for download. Jurism is an open-source reference manager that applies the rules to generate standard citations. The premise of both is that citation rules can and should be made more accessible and easier to follow.

The Bluebook has been the target of considerable criticism over the years for its complexity, and for zealous protection of its commercial interest in a public standard. Nonetheless, prominent challengers—most notably the *ALWD Citation Manual* and Chicago’s own *Maroonbook*—have (like Indigo Book) opted in the end to closely follow the Bluebook’s rules. As Christine Hurt observed in 2002,¹ this is the expected outcome of network effects: simply stated, standardizing citation rules makes sense, the market abhors

¹Christine Hurt, *Network Effects and Legal Citation: How Antitrust Theory Predicts*

divergence, and all other things being equal, this offers an advantage to the first mover.

Yet authors bound by Bluebook rules complain of two things: the complexity of the rules themselves; and the need to trawl through an ever-expanding volume of text to master each iteration of the style.² The two issues are separable. The complexity of the style reflects that of the underlying material, and that is a product of the US federal system itself, beyond editorial control. The burden of trawling through text in search of guidance, however, is another matter, and connects directly to the main topic of this session.

Technology has an answer to complex citation requirements. The basic idea, implemented in the venerable PASCAL language circa 1985,³ and on a venerable PDP-11 in 1990,⁴ is to store item details in a database of some sort (a “library”), and to use those details to generate citations automatically. This is “reference management,” and tools for this purpose have been in common use in most fields of research for decades. Using a reference manager, an author writes their article, sets the style, and outputs their manuscript. That’s it. In a well-supported field, the detailed arcana of citation guidelines are of interest primarily to copy editors, obsessive citation geeks, and people who maintain reference management software.

Despite the reference-intensive nature of our discipline,⁵ lawyers have not yet experienced this generational wave in research support tools, largely because legal resources have *a different kind of complexity*. Research in other fields draws heavily on a limited number of resource types (books, articles, etc.), which have uniform metadata (title, volume, journal, etc.), but are expressed in a bewildering variety of citation styles.⁶ In contrast, legal

Who Will Build a Better Bluebook Mousetrap in the Age of Electronic Mice, 87 Iowa L. Rev. 1257 (2002).

² Compare Columbia Law Review Assn et al., *The Bluebook: A Uniform System of Citation* (19th ed. 2010) (weighing in at 511 pages) with Columbia Law Review Assn et al., *The Bluebook: A Uniform System of Citation* (20th ed. 2015) (extending to 560 pages).

³ See *BibTeX*, Wikipedia (2019), <https://en.wikipedia.org/w/index.php?title=BibTeX&oldid=926358916.f>; see also Leslie Lamport, *LaTeX: A Document Preparation System* (1986); Oren Patashnik, *BibTeXing* (Feb. 8, 1988), <http://mirrors.ctan.org/biblio/bibtex/base/btxdoc.pdf>; Oren Patashnik, *Designing BibTeX Styles* (Feb. 8, 1988), <http://mirrors.ctan.org/biblio/bibtex/contrib/doc/btxhak.pdf>.

⁴ *Oral History of Ernest Beutler*, Legends in Hematology (American Society of Hematology Nov. 6, 1990), <https://www.hematology.org/About/History/Legends/1616.aspx>.

⁵ See Fred R. Shapiro, *Origins of Bibliometrics, Citation Indexing, and Citation Analysis: The Neglected Legal Literature*, 43 J. Am. Soc. Info. Sci. 337 (1992).

⁶ A leading repository contains over 2,000 unique stylesheets. *Official repository for*

researchers are blessed with a single dominant style, but that style addresses an uneven field of resources, some subject to sporadic revision (statutes and regulations), and many bound by idiosyncratic citation conventions (such as vendor-neutral cases, bills, resolutions, codified versus uncoded legislation, and vendor-bound legislative services).⁷ These are very different challenges, and tools developed for other communities are not immediately adaptable to the needs of the law. As acknowledged by Dan Stillman, lead developer of Zotero:

There's a huge amount of necessary complexity in the multilingual and legal functionality, and developing it requires a high level of specialized knowledge that we (and most developers we would want to hire) simply don't have.⁸

In fact, Jurism addresses the issues to which Dan refers here.⁹ The point that he makes is only that, as Zotero is a tool for general use, a merger of Jurism functionality into Zotero is beyond the scope of his own project. In other words, bringing reference management to the law is a task for the legal community to spearhead—and today we can get there in a few short steps.

As Indigo Book and Jurism exemplify, open resources can be built: the more serious challenge is in their maintenance. This is where a union of the two projects comes into its own.

Updating a citation system with the size and complexity of Indigo Book or Bluebook poses a problem of scalability. The volume of interrelated detail is considerable, and no editor can have close familiarity with developments in every corner of the US national system at all levels. The Bluebook addresses this by offering prizes for participation in an online survey in the lead-up to a new edition.¹⁰ This works, but it is rather cumbersome, largely opaque, and operates only at five-year intervals.

Citation Style Language (CSL) citation styles (Feb. 22, 2020), <https://github.com/citation-style-language/styles>.

⁷For a cram course on some of the complexities involved, see Thomas Bruce, *Making Metasausage*, (Cornell Legal Information Institute, May 7, 2012 Aug. 25, 2014), <https://blog.law.cornell.edu/metasausage/>.

⁸Comment by Dan Stillman (dstillman), Zotero Forums, (July 19, 2018), https://forums.zotero.org/discussion/comment/313006#Comment_313006

⁹By extending Zotero's legal item types, adding a full set of identifiers for US courts and jurisdictions, and implementing per-jurisdiction citation stylesheets.

¹⁰In 2013, survey takers were offered the exciting possibility of winning a Kindle Paperwhite e-reader or a free paper copy of the 20th edition and a two-year subscription to the Bluebook Online website. See Emily Lawson, *The Bluebook needs you!*, UHLC Nota Bene (Oct. 16, 2013), <https://notabeneuh.blogspot.com/2013/10/the-bluebook-needs-you.html>.

With complete automation of the examples it contains, Indigo Book can take advantage of Jurism infrastructure to test revisions for consistency and side effects. With that quality-assurance backstop, feedback can be processed on a rolling basis, and updates can be released at more frequent intervals. The result will be a citation system consistent with Bluebook rules, more responsive to practical requirements, and with full reference manager support thrown in for free.

A prototype version of a dynamic Indigo Book supporting this workflow will be demonstrated at the session, with open access to participants. The session will conclude with a discussion of organizational requirements for the initiative.