

## The *Bluebook* in the New Millennium—Same Old Story?\*

Warren D. Rees\*\*

¶1 The *Bluebook* has received extensive evaluation over the years<sup>1</sup> and further evaluation runs the risk of repetition. I hope to avoid this by briefly reviewing the criteria by which I think a system of citation should be judged, using these criteria to review the major changes of the seventeenth edition,<sup>2</sup> and then concentrating on its major innovation, a new rule regarding citation of electronic materials.

### Criteria for Evaluating Citation Systems

¶2 The criteria I believe should be used when evaluating any system of citation are brevity, clarity, uniformity, ease of use, and adaptability. A brief word about each is in order before using them to evaluate the new edition of the *Bluebook*.

¶3 Brevity includes the concept that less is more; the shorter and more concise, while accomplishing the intended goal, the better. In discussing “general principles of citation,” the *Bluebook* itself establishes conciseness and brevity as its goal: “The basic purpose of a legal citation is to allow the reader to locate a cited source accurately and efficiently. Thus, the citation forms in the *Bluebook* seek to provide the minimum amount of information necessary to lead the reader directly to the specific items cited.”<sup>3</sup> This statement of purpose seems to be a legitimate goal and I doubt that anyone seriously questions it.

¶4 Clarity, uniformity, and ease of use are fully discussed in earlier reviews<sup>4</sup> and will not be the focus here. Adaptability carries two different meanings. On the one hand, it refers to the flexibility citation rules should provide to the legal writer. In other words, how easily can the author use the rules to refer to materials not specifically mentioned in the citation system. On the other hand, it also relates to the degree to which the rules are changed over time to accurately reflect conditions currently faced by those who cite sources and those who search for the cited authorities. For example, do the rules adequately account for the role electronic

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\*\* Research Librarian, Notre Dame Law School, Kresge Library, Notre Dame, Indiana.

1. See, e.g., Richard A. Posner, *Goodbye to the Bluebook*, 53 U. CHI. L. REV. 1343 (1986); Carol M. Bast & Susan Harrell, *Has the Bluebook Met Its Match? The ALWD Citation Manual*, 92 LAW LIBR. J. 337, 2000 LAW LIBR. J. 29.

2. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 17th ed. 2000) [hereinafter BLUEBOOK 17].

3. *Id.* at 4.

4. See, e.g., Posner, *supra* note 1, at 1345–49; Bast & Harrell, *supra* note 1, at ¶¶ 13–20.

materials play in legal research and citation in today's world? This latter sense of adaptability is discussed later in this review.<sup>5</sup>

¶15 The *Bluebook* has been extensively criticized over the years for failing to satisfy each of these criteria; this is especially true of the first four—brevity, clarity, uniformity, and ease of use.<sup>6</sup> The seventeenth edition made some improvements in these areas, which will be discussed below. However, the new rule about citing electronic materials, while a step forward in certain respects, contains serious deficiencies in brevity, ease of use, and adaptability. Adaptability, in particular, is increasingly a problem for the *Bluebook*. The single biggest problem facing the legal writer today is the increasing variety of sources that can be and are cited, compounded by the increasing variety of formats in which these sources are available.<sup>7</sup> The latter half of this review will evaluate the extent to which the *Bluebook* has considered these new conditions and how well the system handles the new demands.

### Evaluating the Major *Bluebook* Changes

¶16 Overall, the seventeenth edition continues in the well-established tradition of previous *Bluebook* editions. On the one hand, the new edition proves the *Bluebook* is alive and kicking, not about to give an inch to the new kid on the block, the *ALWD Citation Manual*.<sup>8</sup> There is something for almost everyone in this latest incarnation of the spirit of legal citation. On the other hand, one quickly realizes the *Bluebook* is still the *Bluebook*. If you liked it before, you will love the new version; but if you resented or even despised it, you will probably feel much the same.

¶17 Several changes in the seventeenth edition are definitely an improvement when judged against the previously established criteria. The sixteenth edition changed the rules regarding introductory signals, found in rule 1.2, deleting the *contra* signal and changing the way certain signals were to be used. In particular, the uses of [no signal] and *see* to indicate the relationship of the cited authority to the text were significantly changed from previous *Bluebook* editions, a highly controversial change that caused quite a stir in the legal academy<sup>9</sup> and was gen-

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5. See *infra* ¶¶ 21–28.

6. A search on LegalTrac produced over sixty articles about the *Bluebook* since 1980. Many of these were critical of the *Bluebook*. A good overview is provided in Bast & Harrell, *supra* note 1, ¶¶ 10–20.

7. See Robert C. Berring, *Legal Information and the Search for Cognitive Authority*, 88 CAL. L. REV. 1675, 1689–91 (2000) (comparing the types of authorities cited in decisions of the United States Supreme Court in 1899 and 1999).

8. DARBY DICKERSON, ASS'N OF LEGAL WRITING DIRECTORS, *ALWD CITATION MANUAL: A PROFESSIONAL SYSTEM OF CITATION* (2000) [hereinafter *ALWD CITATION MANUAL*].

9. “The outcry was so great over the change in signal meanings introduced in the sixteenth edition of the *Bluebook* that the American Association of Law Schools passed a plenary resolution to disregard the changes concerning signals made in the sixteenth edition.” Bast & Harrell, *supra* note 1, ¶ 18 (citation omitted).

erally perceived as creating confusion rather than clarity by destroying uniformity and making fine distinctions between signals that were far from clear to even the most ardent advocates of the *Bluebook*.<sup>10</sup> The seventeenth edition has restored the fifteenth edition's signal rules and this should be welcomed with open arms.

¶18 The medium neutral (public domain) citation for cases is now more thoroughly incorporated into the citation scheme in rule 10.3. The rule now requires citation to the public domain cite, if any, and to the regional reporter if available.<sup>11</sup> Those jurisdictions providing public domain cites are listed in Table 1 and updated through the *Bluebook's* Web site.<sup>12</sup> While this requirement complicates legal citation, and many would probably be just as happy not including public domain cites, this change should assist in the move to a more neutral citation system that will hopefully work to the advantage of the legal profession.<sup>13</sup>

¶19 Rule 15 has been modified to permit reference to more than two authors of a treatise when especially relevant.<sup>14</sup> Another significant revision, found in rule 18, specifies how to cite materials in electronic formats, especially for those found on the Internet.<sup>15</sup> This change is a mixed blessing; credit must be given for tackling the problem head on, but the results leave something to be desired. More about this later. Finally, many of the tables have been revised and expanded,<sup>16</sup> and other minor changes were incorporated into the new edition.<sup>17</sup>

¶10 Despite these improvements, the seventeenth edition continues to suffer from the same problem with brevity as did earlier editions. It is very questionable whether the *Bluebook* as a whole meets the brevity standard it established for itself. To the contrary, the seventeenth edition has exacerbated what was already a significant problem by adding a lengthy and complex new rule 18.

¶11 Determining whether the *Bluebook's* rules are consistent with its own stated objective of requiring "the minimum amount of information necessary" to locate the cited source is much like the disagreements that exist over the role of

10. Darby Dickerson, *An Un-Uniform System of Citation: Surviving With the New Bluebook*, 26 STETSON L. REV. 53, 66–70 (1996).

11. BLUEBOOK 17, *supra* note 2, R. 10.3.1(b), at 62–63.

12. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION, at <http://www.legalbluebook.com> (last visited Feb. 3, 2001).

13. For a discussion of the reasons to adopt a system that uses neutral citations, see CITATION FORMATS COMM., AM. ASS'N OF LAW LIBRARIES, UNIVERSAL CITATION GUIDE ¶¶ 9–15 (1999); TASK FORCE ON CITATION FORMATS, AM. ASS'N OF LAW LIBRARIES, REPORT ¶¶ 27–44 (1995), *reprinted in* 87 LAW LIBR. J. 577 (1987), *available at* <http://www.aallnet.org/committee/citation/taskforce.html>.

14. BLUEBOOK 17, *supra* note 2, R. 15.1.1, at 108.

15. *Id.*, R. 18.2, at 132–41.

16. Table T.1 (United States jurisdictions) now includes references to state judicial Web sites and state public domain formats; tables T.6 (case names) and T.14 (periodicals) were expanded to include more abbreviations.

17. The *Bluebook* now states that all student-written law review materials are part of the same classification for determining the order of sources within the same signal, BLUEBOOK 17, *supra* note 2, R. 1.4(i)(5), at 27; changes the rule about numbers in text and footnotes, now requiring them to be spelled out in both, *id.*, R. 6.2(a), at 49; and has been reworded to make clear when case names are abbreviated in textual sentences, *id.*, R. 10.2.1(c), at 59.

purpose in statutory interpretation. Different beginning assumptions will result in different conclusions. Any attempt to answer this question should begin by looking at whether the *Bluebook* limits itself to just those matters that assist the user in locating relevant authority. The answer is obviously no, its content is not limited to rules about how to cite a source so it is easily found. For example, the rules about signals have nothing to do with locating the sources cited. Clearly the *Bluebook* has extended its coverage beyond mere citation rules to include directions for how information about those authorities is to be concisely conveyed. However, other citation systems have also moved beyond this basic purpose and therefore it may be unfair to criticize the *Bluebook* for failing to be brief simply because more than citation rules are included.

¶12 Putting aside then the fact that the *Bluebook* has extended its purpose beyond mere citation form, we can still ask whether it has been true to that purpose in those parts that do focus solely on citation form. A quick glance will show that even here the *Bluebook* has exceeded its own brevity standard. Take, for example, the rule for citing court decisions, rule 10. Devoting six pages to the portion of the rule dealing with case names<sup>18</sup> is the first signal that it has failed the conciseness test. It continues the practice of earlier editions in drawing a distinction between the treatment of case names in textual sentences<sup>19</sup> and case names in citations.<sup>20</sup> It refers to at least four different rules and tables during this discussion of case names and spends over three of the six pages covering various abbreviations. This is the sort of attention to specifics that drives both newcomers and veteran *Bluebook* users insane. How much difference will it make to the reader of an article that the name of a cited case is *Wisconsin Packing Co.* instead of *Wisconsin Packing Co., Inc.*?

¶13 While it is true that many of the rules are designed to make names as brief as possible and create uniformity, the *Bluebook* appears to have gone well beyond what is actually required to achieve this basic purpose. Instead of trying to cover every conceivable situation in which redundant or unnecessary information should be eliminated, would not a general rule stating that such information should be omitted be adequate for the purpose? Under such a formulation, some writers might include “Inc.” in the case name, while others would not. Would sacrificing a little uniformity for the sake of brevity really be a major problem? Is the exact form of the case name that important when identification of the volume number, reporter set, and first page of the case follows the case name? I realize that the name of the case can be important for later references and in those cases where an error in the volume, reporter, or page is made. However, such attention to what should and should not be a part of case names seems unnecessary, and,

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18. *Id.*, R. 10.2, at 56–62.

19. *Id.*, R. 10.2.1, at 57–62.

20. *Id.*, R. 10.2.2, at 62.

when combined with many other rules just like it, an unnecessary complication. It is this type of endless detail that suggests something went wrong somewhere in the process of developing a system of citation. It has led to much criticism of the *Bluebook* and, spawned, at least in part, two major efforts to replace the *Bluebook* system: the University of Chicago's "Maroon Book,"<sup>21</sup> and the more recent citation manual of the Association of Legal Writing Directors.<sup>22</sup>

¶14 This brief example is only the tip of the iceberg when it comes to the level of detail long included in the *Bluebook*; the seventeenth edition has only added to the problem. Of the many criticisms leveled against the *Bluebook* on this issue, none are more famous than the comments of U.S. Court of Appeals Judge Richard Posner in a 1986 law review article.<sup>23</sup> As Posner correctly states, the basic problem with this excessive attention to detail is that anyone writing a legal document is forced to spend too much time bringing citations into conformity with the rules instead of spending that time writing the article.<sup>24</sup> I raise this concern here because some of the new material in the seventeenth edition has, unfortunately, continued this tradition of excessive detail.

### Citation of Electronic Materials

¶15 The biggest change introduced by the seventeenth edition is the new sixteen-page rule 18 ("Electronic Media and Other Nonprint Resources").<sup>25</sup> It covers citation format for all electronic media sources, including Westlaw and LEXIS, the Internet, and CD-ROM products; as well as such other nonprint formats as microforms, films, and audio recordings. The rapid rise of the Web as a source of information and the widespread availability of information through commercial databases made the development of citation rules for these sources a necessity. However, the specifics of the rule once again raise red flags about whether such specificity and detail is truly necessary.

¶16 There is no doubt that citing to sources retrieved from the Internet, espe-

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21. Commonly known as the "Maroon Book" (after the colors of the university), the *University of Chicago Manual of Legal Citation* was originally published as a fifteen-page appendix in Posner, *supra* note 1, at 1352 app. It was later published as a sixty-three page pamphlet by the Lawyers Cooperative Publishing Company, Bancroft-Whitney Company, and Mead Data Central. UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION (Univ. of Chicago Law Review & Univ. of Chicago Legal Forum eds., 1989) [hereinafter MAROON BOOK].

22. ALWD CITATION MANUAL, *supra* note 8.

23. Posner, *supra* note 1, at 1346–47. Posner specifically criticizes the complex rules for abbreviating case names along with numerous similar examples in a section that discusses the excessive uniformity the *Bluebook* seeks to impose. This critique was written in conjunction with the introduction of the MAROON BOOK, *supra* note 21.

24. Posner, *supra* note 1, at 1348–49.

25. BLUEBOOK 17, *supra* note 2, R. 18, at 129–44. Rule 18 expands upon the five pages devoted to the subject in the previous edition. THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 17.3–6, at 123–27 (Columbia Law Review Ass'n et al. eds., 16th ed. 1996).

cially the Web, raises problems and the *Bluebook* is right to try to confront them. Issues of disappearing documents or even entire Web pages, changing uniform resource locators (URLs), and access problems make the Internet a relatively unstable environment for resources compared to print and other electronic formats. For this reason, the *Bluebook* creates a hierarchy among electronic sources, giving priority to commercial electronic databases, such as Westlaw and LEXIS, over other electronic sources.<sup>26</sup> It is also understandable why the rules for citing Internet sources are not as simple as those for print sources. Most will probably agree with these general principles of the *Bluebook*. However, a closer examination of the rule and its requirements raises some problems.

¶17 The rule begins in the right spirit by indicating that it “offers guidelines for citation to these sources while leaving room for change,”<sup>27</sup> and cautioning that a citation should clearly indicate which source was actually used by the author.<sup>28</sup> These principles seem to be consistent with the general spirit of the *Bluebook* and are worthwhile goals. However, the amount of detail in the rule itself and the complexity it adds to citing electronic resources begins to oppose the spirit of the rule.

¶18 The rule continues by stating that the print version of a document is preferred to the online version.<sup>29</sup> This implies that if the source to be cited is readily available in print, only the printed source should be cited. It permits citation of information available electronically if the print version is either “obscure or hard to find” and citing the online version would “substantially improve access to the same information contained in the traditional source,” or “the information is not available in a printed source.”<sup>30</sup> If the author chooses to include the electronic source as a parallel citation in order to “substantially improve access,” then the explanatory phrase “available at” is to be used.<sup>31</sup> The same approach is taken if only the electronic version of a source is consulted by the author, except that no explanatory phrase is used with the electronic citation.<sup>32</sup> Finally, if the information is available only in an electronic source, the author is directed to cite to that source, preceding it with the explanatory phrase “at.”<sup>33</sup>

¶19 Much like the problem of the case name rule, these provisions are more detailed than is needed if the primary purpose is to enable the reader to locate the cited sources. Like many *Bluebook* rules, the desire to convey as much information as possible in as little space as possible has led to the addition of many elements that result in more confusion than understanding. If the primary goal is to

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26. BLUEBOOK 17, *supra* note 2, R. 18.1, at 130.

27. *Id.*, R. 18, at 129.

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.* at 129–30.

32. *Id.*

33. *Id.* at 130.

help a reader locate a cited source, then distinctions between “available at,” “at,” and [no signal] seem like needless detail. How important is it for the reader to be able to tell from the signal used whether the author consulted a print or electronic form, or, especially, how the author evaluated the availability of the print source? Why not require the author to cite to the version actually consulted, with the option of providing a parallel cite?

¶20 As if this isn’t enough, the new rule also creates three different methods for determining which date will be included with a cite to sources found on the Internet.<sup>34</sup> The *Bluebook* specifies the order of preference. If the document cited is itself dated, this is preferred: for example, the date a case was decided or an article was published. The date the source was “last modified” is second on the list; it is used when there is no indication of when the information cited was created but the source does provide the date on which it was most recently updated. Last in preference, to be used only when the source provides no date, is the date the electronic resource was “last visited” by the author “to confirm the presence and location of the information.”<sup>35</sup> Rather than add more complexity to an already complex system, why not require either a date if assigned to the document or the date the site was visited?

¶21 Turning from the issues of brevity and simplicity to the question of adaptability raises additional problems. Does this rule reflect the current availability of resources for the average author? At first glance it seems that a rule for citing electronic resources makes sense in a world where the amount of information online increases rapidly and authors and readers increasingly turn to such sources. However, further analysis of the rule suggests that it doesn’t help the transition to the electronic world as much as it could or should. The *Bluebook* expresses three major concerns about citing to electronic information: the availability of materials online, the permanence of materials online, and providing precise cites to materials online. These are legitimate concerns, but they do not justify the reluctance the *Bluebook* seems to have about citing electronic sources.

¶22 The issue of availability is quickly becoming a nonissue. The time will come, if it isn’t here already, when the vast majority of researchers will have greater access to legal information through online databases than in print resources. When the number of resources available on LEXIS and Westlaw are combined with those already available (and soon to be available) via the Internet and on CD-ROM products, the total is staggering indeed. And more and more legal professionals are accessing information through these databases. While there is no question that some materials today are still more readily available in print, this is quickly changing. There is every reason to believe that this trend toward

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34. *Id.*, R. 18.2.1(e), at 136.

35. *Id.*

greater availability of electronic resources will only continue. This fact has already caused a major change in the types of sources cited in various legal literature<sup>36</sup> and consequently also greatly affects the sources a reader uses to access specific information. Citation to electronic sources is inevitable. In such an environment, requiring and preferring citation to printed materials as the *Bluebook* continues to do in its seventeenth edition is an increasingly unreasonable stance to take.

¶23 A related problem with rule 18 is the apparent requirement that before citing anything, the author must determine whether it is available in print. But if, as the discussion above would suggest is likely, the source has been used by the author in electronic format and most readers will have access to some electronic version of the source, the author should not be required to determine whether it exists somewhere in a printed format. The time it would take to complete this step does not seem justified for the benefit derived. The *Bluebook* does seem to allow an author to use and cite only the electronic version of a source that is available both in print and online, but the rule's language indicates that this ought to be the rare exception.<sup>37</sup> As authors increasingly perform their research electronically, the preference for print will become increasingly time-consuming and cumbersome.

¶24 The increased availability of electronic information also means that readers wishing to locate a cited authority but lacking access to the particular version cited will have greater flexibility in where they can go to locate a copy of the cited work. For example, if the reader wants to locate a cited authority but does not have access to the version used and cited by the author, the reader can access the Web, a library's online catalog, or other available databases to locate the information. In this environment, it is likely that a reader will locate the cited authority in a source and format other than the one used by the author. Greater availability of information in electronic format for authors and readers, coupled with the greater availability of resources for readers to locate the information in various formats, makes the *Bluebook's* preference for print and parallel citations less reasonable today.

¶25 As a general rule, the *Bluebook* has moved from rules requiring parallel citations to ones requiring citation of a single, commonly available source. For example, in the fifteenth edition released in 1991, the *Bluebook* dropped the requirement of parallel citations for case decisions except under limited circum-

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36. See Berring, *supra* note 7, at 1690–91.

37. "This rule requires the use and citation of traditional printed sources, except when the information is not available in a printed source, or if the traditional source is obscure or hard to find and when citation to an electronic source will substantially improve access to the same information contained in the traditional source." BLUEBOOK 17, *supra* note 2, R. 18, at 129 (emphasis added). Even in this situation, "to the extent possible, the traditional source should be used and cited, and the electronic source may be given as a parallel citation using the explanatory phrase "available at"; no explanatory phrase should be included when the author accesses only the electronic source." *Id.*

stances.<sup>38</sup> This had the effect of shifting some of the burden for locating information from the author to the reader. Now the *Bluebook* seems to be going backward by seeking to impose something similar to the old rule for materials in electronic format. Staying away from parallel cites in the world of electronic sources would create greater uniformity within the *Bluebook* and would better reflect the reality of the online world.

¶126 The second concern of the *Bluebook*, permanence of electronic sources, is an important one and the rule contains helpful information about this topic. There are two components to this problem: disappearing data and changing location identifiers. While there is no guarantee that any information retained in electronic format will be available tomorrow, commercial databases and government Web sites have achieved a fairly high level of stability. The *Bluebook* acknowledges a scale of sources, based upon cite-worthiness, and encourages citation of those electronic sources that are more cite-worthy.<sup>39</sup> The *Bluebook* also provides that when referencing Web sites of less reliability, the page should be printed so that the information relied upon will definitely be available.<sup>40</sup> These guidelines are a helpful addition to the new rule.

¶127 Uniform resource locators that change are also a problem for Web research and subsequent citation. The URL for a specific document may change; sometimes a forwarding address is provided, sometimes not. Fortunately, the availability of search engines can assist the reader looking for a cited authority where the URL no longer leads to the document. The reader who is searching for the information may have to try accessing the more general page to see if an index or searching capability is provided for locating the information.<sup>41</sup> The ultimate recourse is for the author of the information to produce a printed copy of the source at the time he or she consulted the source. Once again, this favors citing Web sites produced by commercial and organizational entities.

¶128 A final problem involves pinpoint citation to large Web documents that include no sort of pagination or paragraph markers. The seventeenth edition really does not take a position on this problem, other than requiring that “where the information is in the same format as a traditional source [as in a pdf file], the pinpoint citation rules for that source should be used.”<sup>42</sup> The rule also acknowledges

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38. Compare THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 10.3.1, at 42–43 (Columbia Law Review Ass’n et al. eds., 14th ed. 1986), with THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION R. 10.3.1, at 61 (Columbia Law Review Ass’n et al. eds., 15th ed. 1991).

39. BLUEBOOK 17, *supra* note 2, R. 18, at 130.

40. “This rule also counsels the preservation of a record of information obtained during on-line research where there is doubt about the source’s permanence.” *Id.*

41. Rule 18 tries to facilitate the reader’s ability to utilize this solution when faced with an inaccurate citation to an electronic resource by requiring that “[t]he Internet provider’s name should be provided where it is not apparent from the URL so that the new Internet site may be found where no forwarding link is provided.” *Id.*, R. 18.2.1(d), at 136.

42. *Id.*, R. 18.2.1(g), at 137.

that “html format usually cannot accommodate pinpoint citations” and that “[s]creen page’ or similar citations should be avoided since the length of a screen page can vary according to the user’s software and monitor specifications.”<sup>43</sup> Although not explicitly stated by the rule, it seems a reasonable interpretation from other statements in the rule that citation to other electronic or printed versions where reference markers are provided is preferred. Hopefully, the increasing use of the pdf format and other efforts, such as paragraph numbering, will reduce the problems posed by these characteristics of Web sites.

¶129 In summary, despite the advances offered by new rule 18, the assumptions and requirements of the rule for citing electronic resources virtually guarantees that authors will prefer citing to a printed source as long as one is available. If the practical effect of the rule is to minimize citation of electronic resources, the rule should be more forthright in stating its true intention: online sources should only be cited when there is no alternative. A better course of action would be for the *Bluebook*’s editors to simplify the rule and provide more reasons for the author to cite the source consulted and ignore parallel citations except where the author believes a parallel citation would be helpful.

### Conclusion

¶130 The business world makes use of a principle that might be helpful for the *Bluebook*. The principle states that 80% of our accomplishments are the result of 20% of our labors.<sup>44</sup> Identifying the 20% of the *Bluebook* that produces 80% of its results might help address the problems raised here. Reducing the *Bluebook* maze would make it a more reasonable guide, one that strikes a happy and productive balance between brevity and uniformity. The challenge mounted by the *ALWD Citation Manual* may be the impetus for the *Bluebook* to make some long needed changes. But they will have to come in the eighteenth edition because, despite significant improvements, much of the seventeenth is the same old story.

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43. *Id.*

44. John Motil, *The Pareto Principle*, at <http://www.csun.edu/~jmotil/Pareto.pdf> (last modified Jan. 18, 2001) (on file with the author).