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March 15, 2016

Mr. Michael Zuckerman
Harvard Law Review Association
Gannett House
1511 Massachusetts Avenue
Cambridge, MA 02138

Dear Michael:

It was nice speaking with you on March 7, 2016. I'm sorry it has taken so long to get back to you, but your list of issues was rather extensive. I must say I was a bit taken aback because I had hoped that we had agreed to disagree on some matters and focus on a few easy things we could do to move the relationship forward, including the title, the dressing, the question of HLRA litigation against our student authors, and (most importantly) the idea of all working together to create a big tent to talk about citation under the guise of a First Global Citation Congress.

I will attempt to address each of your issues in turn. Please do forgive me if I've mischaracterized the issues, I'm working off the notes from our phone conversations.

1. You were concerned about dressing issues, in particular the use of the color blue for syntax statements, as shading for the clues, and the use of the word "BabyBlue Clue" to indicate those sections. As detailed in my previous letter, you'll see from the version we have online we have already changed that to "Indigo Inklings" and switched from Royal Blue to Indigo.

2. You expressed concern that our Creative Commons "No Rights Asserted" dedication would allow commercial exploitation of Baby Blue and suggested moving towards a Creative Commons Noncommercial license. Professor Sprigman and I don't want to be in the position of telling people what they can do with this open implementation, and we can't be approving individual uses on a case-by-case basis. We respectfully decline to make that change.

3. In our conversations, I've stressed that Baby Blue has purposefully left out big chunks of material that is present in the Bluebook, including the Blue Pages, the table of international citations, and guidance for citation in academic law reviews. You suggested that we warrant that such materials will be left out permanently. Because the future evolution of Baby Blue will be under the guidance of a community process yet to be defined, we are not in a position to make such a statement.

4. You expressed concern that because the governance mechanism for Baby Blue had not been fully specified, even if Professor Sprigman and I made certain representations (such as the international citations table), it could be changed in the future. You suggested we bind our successors to any representations we make to you. Just as you cannot bind future generations of Harvard Law Review Association members, we cannot do so with volunteers who devote their time to Baby Blue.

5. I had suggested that if and when we reach an agreement on three elements (a name change, the use of the color blue and an intent to work together on the Citation Congress), that we would simply issue a 1-page joint statement to signal to the world the beginning of a more cooperative relationship. You indicated that in addition to a 1-page statement, it would be necessary to draft and sign a Memorandum of Understanding about Baby Blue. As we informed your counsel previously, we respectfully decline to sign any such agreements as we do not believe that is the proper basis for individuals in academia to work together.

6. You had requested in our disclaimer (“Not affiliated with or authorized”) that instead of just listing the Harvard Law Review Association, we list all four schools. We are happy to make that change.

7. For the Citation Congress, you indicated that some of your colleagues had some discomfort with invited speakers such as Judge Posner or Professor Martin who have been fairly critical of the Bluebook in the past. We think it is important that any global gathering be a big tent, and that might mean people with differing views. However, I do want to make clear that we don’t view the Congress as a forum for criticizing the Bluebook, instead it is a way to gather a community together and look for areas of consensus and opportunities to work together.

8. You expressed concern over “close copying, paraphrasing, or otherwise unnecessary similarity” between the Bluebook and Baby Blue and kindly furnished me with an informal list you put together with examples of such. For example, you suggested that sequence of tables should be further reordered and renumbered, that the major sections be reordered, and that sets of rules (such as R38.1-R38.3, Alterations of Quotations or R39.1-R39.10, Omissions in Quotations) could also be reordered. Likewise, you suggested that content within a rule (such as R27.1, Capitalization or R32.1, Internet Sources) could be further reordered. Where such changes will not affect the integrity of the work or obfuscate the clarity of the rules or tables, we are happy to make some of those changes. As an aid to the reader, we have also added a Table of Correspondence which indicates the forward and reverse mapping between rules and tables in the Bluebook and Baby Blue.

9. Finally, we had indicated a willingness to change the name from “Baby Blue’s Manual of Legal Citation” to “The Indigobook: An Open Implementation of the Bluebook’s Uniform System of Citation.” I believe you indicated that your position is that the word Blue cannot be on the title page, nor can “Uniform System of Citation.” We believe it is important to indicate to the reader that use of Baby Blue will provide the reader with instructions on creating citations that are compliant with the Uniform System of Citation, a system of rules and facts. We strongly believe there is no risk of

confusion on either of the two formulations we have proposed and decline to obfuscate the purpose of the book. As I do not believe we have an agreement on the alternative formulation we proposed, we will continue to use Baby Blue's Manual of Legal Citation.

It sounded from our phone call that the idea of co-hosting the First Global Citation Congress might not be considered unless full agreement had been reached on the above items. I would very much like to work with you and others at the Harvard Law School on such an exciting program and think we could all work together to put together something that helps build a real community. My invitation to work together stands, however I hope you understand that because of the lead time involved in planning such a conference is long, we will begin extending invitations to other potential hosts, such as Yale, Stanford, NYU, and Berkeley. Even if we end up having the Congress at another location, I do hope you and your colleagues will join us.

Please let me know if you have any questions and I look forward to our continuing conversations.

With best regards,



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cc: Professor Christopher Jon Sprigman, New York University