



BLUEBOOK RULE 22: TRIBAL NATIONS

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IN THE BEGINNING
(DÁ'ÍDÍÍ)

A citation odyssey



RULE 22: TRIBAL NATIONS AND LEGAL CITATION







MESCALERO

25

MESCALERO

3

MESCALERO

7

MESCALERO

14

MESCALERO

14



MESLALERO
FIRE
RESCUE











Mission Statement

To hear and process cases for all community members seeking justice or relief in accordance to the Mescalero Apache Constitution, Laws, Ordinances, and Traditions and Customs in an impartial and efficient manner.

Hours of Operation

Monday – Friday 8:00 am – 4:30 pm (Open during the lunch hour)

General Docket Schedule

Civil Hearings Monday-Friday (AM)

Children’s Hearings Monday-Friday (PM)

ITMO: Juvenile Monday-Friday (PM)

Criminal

Arraignments Monday & Wednesday at 1:30 PM

Pre-Trials Friday & Holiday at 10:30 AM

Criminal

Arraignments

Monday & Wednesday at 1:30 PM

Pre-Trials

Friday & Holiday at 10:30 AM

Trials

Tuesday

Traffic Citations

Fluctuates

Conservation Citations

Monday

Monday



IMPORTANCE OF INCLUSION WITHIN CITATION FRAMEWORKS

Challenges of Omission

Excluding Tribal law perpetuated a feeling of these systems being outside the norm and below notice.

Moreover, because there was no Bluebook guidance on how to cite Tribal law, (or even of the existence of Tribal law), also zero consistency.



FOUNDATIONS AND CHANGES IN RULE 22



WHAT IT MEANS

Our Premise: Citation as Mirror of Legal Structure

Citation systems shape
perceptions of legal authority.

Exclusion of Tribal Law

Excluding Tribal laws from
citation frameworks made them
seem othered/not valid.

Law students, for instance,
could go through law school
without ever hearing of Tribal
law.

Rule 22 Reform

The Bluebook Rule 22
recognizes Tribal legal systems
as part of the fabric of our
justice system, and as
sovereign (as they were
described in U.S. Constitution).

NEW RULE 22 FOR THE 22ND EDITION: WHAT IT DOES

Comprehensive Citation Framework

Rule 22 introduces explicit citation formats covering constitutions, codes, and other tribal legal authorities.

Recognition of Tribal Sovereignty

The new rule **respects tribal sovereignty** by providing a reliable system recognizing tribal legal materials.

Inclusion

Tribal legal authorities are now accessible in both Whitepages and Bluepages, aiding practitioners, students, and the judiciary.





DEVELOPMENT AND PRINCIPLES OF RULE 22



COLLABORATIVE DEVELOPMENT OF RULE 22

Community-Driven Process

Rule 22 was developed by sustained advocacy by a small group of law librarians over three years.





GUIDING PRINCIPLES FOR RULE 22

Adaptability

Rule 22 prioritizes flexibility to respect the variety in Tribal governance and legal systems without imposing uniformity.

Respect for Existing Ordering System

The rule honors Tribal Nations' own citation systems, ensuring their documents can be found in extensive extant systems



APPLYING RULE 22 IN PRACTICE



DECISION PATHWAYS: RULE 22.1 AND RULE 22.2

Rule 22.1: Tribal Citation Priority

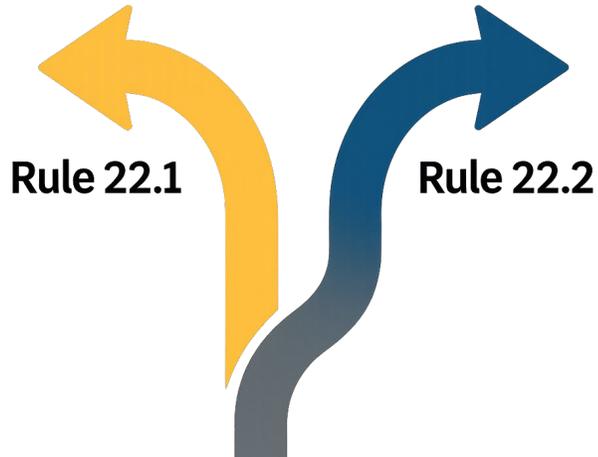
Rule 22.1: If a Tribal Nation has an existing citation system, reference that citation. If this is used, use Rule 22.2 as parallel citation.

Rule 22.2: Bluebook Template Usage

If a Tribal Nation has no existing citation system, Rule 22.2 provides a structured template for citing Tribal legal materials.

Decision-Making Framework

The two-pathway model allows researchers to access existing legal information structures for each Tribal Nation.





CITING TRIBAL LEGAL SOURCES

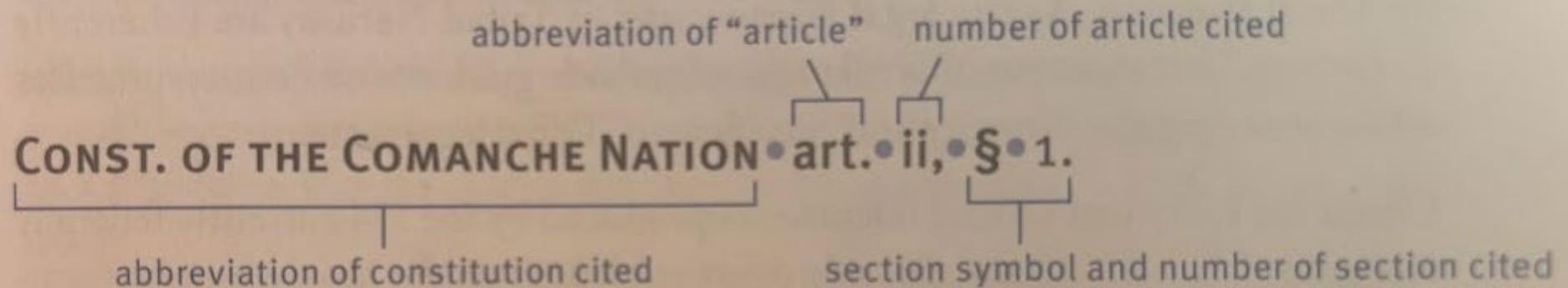


CITING TRIBAL CONSTITUTIONS

22.2 Tribal Nations Without an Established Citation Format

22.2.1 Constitutions

Citation of a constitution of a Tribal Nation:



(a) In general. Abbreviate Constitution as "CONST." Abbreviate the subdivisions of constitutions, such as articles and clauses, according to **table T16**. Do not abbreviate the name of the Tribal Nation. A URL may be included if helpful:

- ▶ CONST. OF THE COMANCHE NATION art. II, § 1.
- ▶ YUOK TRIBE CONST. pmb., <https://yurok.tribal.codes/Constitution/Preamble>



CITING TRIBAL CONSTITUTIONS

Citation Components

Citations include Nation name, 'Constitution' term, and relevant article or section number for clarity.

Amendment History Importance

Including amendment dates helps locate correct versions and understand document lineage accurately.

Variable Formats

Tribal constitutions vary in format, from codified articles to narrative or charter-style structures.

Example: CONST. OF THE
COMANCHE NATION ART. II, § 1



CITING TRIBAL CODES, CASES, AND RESOLUTIONS



CITING TRIBAL CODES



CITING TRIBAL CODES

Structure of Tribal Code Citations

Citations start with the Nation's name followed by the code title and relevant chapter or section numbers.

Publication and Updates

Tribal codes may be online, print, or periodically recompiled; verify the latest version.

Example: PUEBLO DE SAN ILDEFONSO
CODE § 4.1.1.010 (2003).



CITING TRIBAL CASES



CITING TRIBAL CASES

Proper Citation Components

Tribal case citations include case name, court, docket number, and decision date.

Diversity of Tribal Judicial Systems

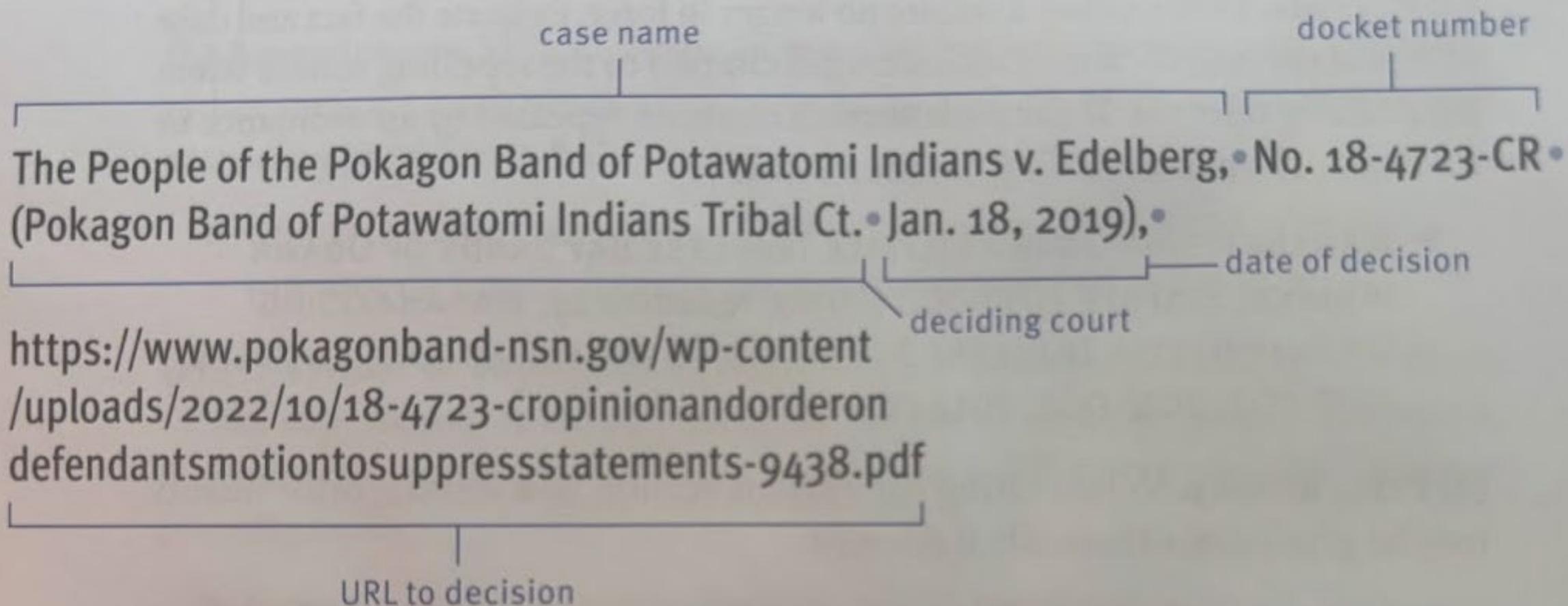
Tribal courts vary widely, from multi-level courts to community forums.

Example:

The People of the Pokagon Band of Potawatomi Indians v. Edelberg, No. 1804723 CR (Pokagon Band of Potawatomi Indians Tribal Ct. Jan 18, 2019), (+ URL)

22.2.4 Cases

Citation of a case of a Tribal Nation:





**CITING TRIBAL
ORDERS, ORDINANCES,
AND RESOLUTIONS**



CITING ORDERS, ORDINANCES, AND RESOLUTIONS

Structure of Citations

Citations include the issuing body, resolution or ordinance number, and enactment date to ensure clarity and accuracy.

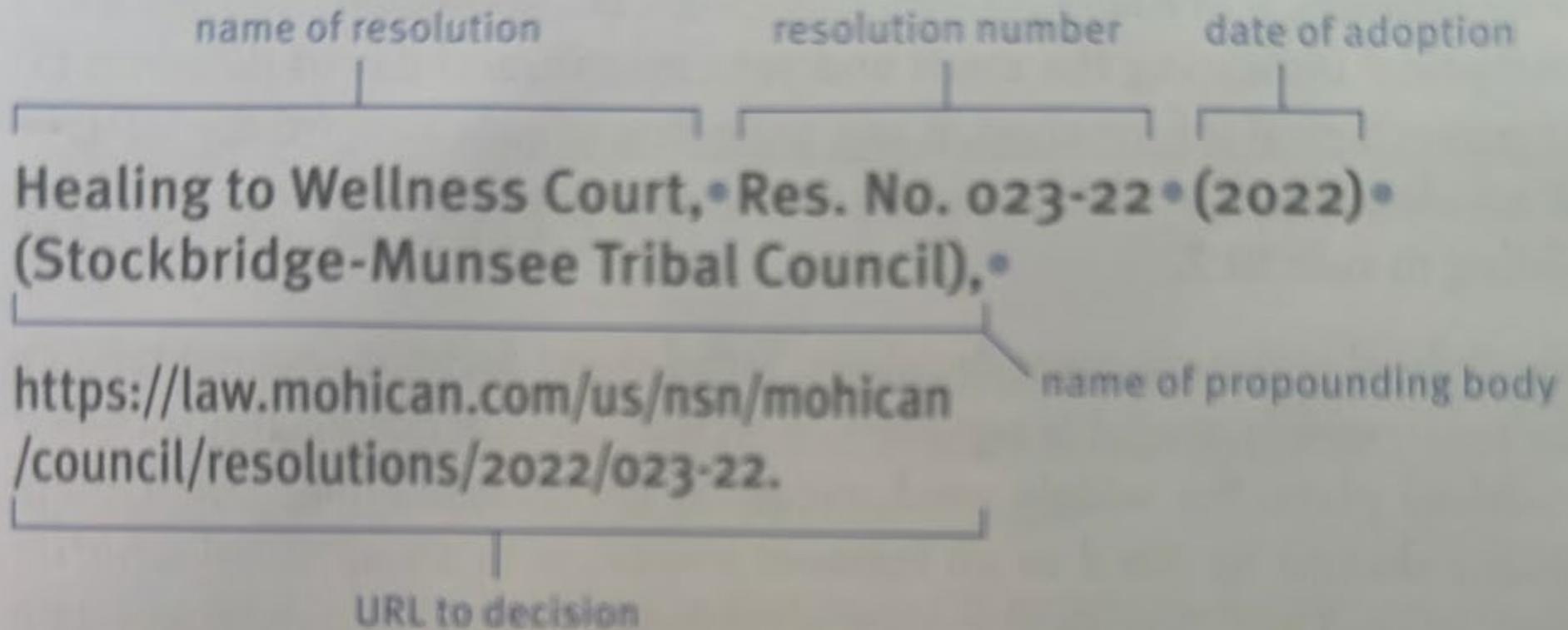
Context and Legal Functions

Consider resolution context. This type of law can range from appropriations to substantive legislation, impacting citation approach.

Example: Healing to Wellness Court, Res. No. 023-22 (2022) (Stockbridge-Munsee Tribal Council), + URL

Orders, Ordinances, and Resolutions

Citation of a resolution of a Tribal Nation:





CITING

SHORT CITATION FORMS

FOR TRIBAL NATIONS





Short Citation Forms

22.3

Short citation forms for Tribal Nations follow the corresponding short citation forms for sources of the same type. Thus, see **rule 10.9** for Tribal cases; **rule 11** for Tribal constitutions; **rule 12.10** for Tribal codes and orders, ordinances, and resolutions; and **rule 21.17(a)** for Tribal treaties.



CITING TREATIES WITH TRIBAL NATIONS

original case is not available electronically:

- ▶ Port Gamble S’Klallam v. Lexington Ins., POR-CI-2020-0014-G (Port Gamble S’Klallam Community Ct. June 4, 2020), *aff’d*, 19 NICS App. 12 (Port Gamble S’Klallam Tribal Ct. App. Oct. 7, 2021), <https://www.codepublishing.com/WA/NICS/html/19NICSApp/19NICSApp012.html> (on file with author).

Treaties

22.2.5

For information on citing treaties with Tribal Nations, see **rule 21.4**.



CONCLUSION



POSSIBLE IMPLICATIONS OF RULE 22

We hope that Rule 22 can help ensure accurate and respectful treatment of Tribal sources in legal scholarship, in law school classrooms, and in practice.