

## A GUIDE TO PUBLICATION FOR GRADUATE STUDENTS

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### INTRODUCTION

Many students come to law school with the intention of publishing a scholarly note or article. This is often a good goal to have. A publication can be a contribution to legal scholarship of practical benefit to practitioners, policymakers, and judges, or shed light on a legal or policy issue in an original

way. In addition, having a publication is a professional credential. This is true, of course, for students interested in academic careers, but it is also true for students interested in practice or policy work. Having a journal publish your article demonstrates that you can research and write with skill, that others have confidence in your work, and that you have a genuine interest in working in a particular field. To employers, a publication relevant to their field can be an interesting and impressive writing sample, as well as a demonstration of a prospective hire's readiness for a position.

In short, you should seriously consider trying to publish your work even if your career goals don't include teaching. Given the effort and sleepless nights involved in writing a paper, you might as well do what you can before you start writing and after you've finished to make your work publishable.<sup>1</sup> Publication isn't impossible.<sup>2</sup> In the past five years alone, Georgetown Law LL.M. students and recent alumni have published more than 80 articles.<sup>3</sup> Many have published more than one.

As a graduate student, you have some advantages when writing. You may be happy to hear that, according to a recent survey of about 190 American law journal editors with the authority to issue offers of publication, an author's having a graduate degree in law is generally taken as a slight positive factor when editors evaluate a submission,<sup>4</sup> and that many consider having practice experience a

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\* This Guide was written by Christian Pangilinan, Dean's Fellow (2011), Office of Graduate Programs, Georgetown University Law Center. This Guide benefited from review by Associate Dean Nan D. Hunter and comments from Michelle Ueland and Alexis Paddock of the Graduate Writing Center. Suggestions as to improvements or corrections are encouraged at [cdp29@law.georgetown.edu](mailto:cdp29@law.georgetown.edu).

<sup>1</sup> Ruthann Robson identifies other reasons for engaging in scholarly writing: writing "provides an opportunity for expression," permits the exploration of an issue in depth, and provides a chance for students to argue their point of view. Ruthann Robson, *Law Students as Legal Scholars: An Essay/Review of Scholarly Writing for Law Students and Academic Legal Writing*, 7 N.Y. CITY L. REV. 195, 196 (2004).

<sup>2</sup> *Id.* at 210-11 ("Once a student scholar has reached the point of submission, my experience has been that the work will be accepted for publication.").

<sup>3</sup> See Appendix II for a list of articles published by Georgetown LL.M. students and recent alumni since from 2006 to 2011.

<sup>4</sup> Jason P. Nance & Dylan J. Steinberg, *The Law Review Article Selection Process: Results From a National Study*, 71 ALB. L. REV. 565, 583, 596 (2008).

positive factor as well.<sup>5</sup> There are other advantages: you may have more time to focus on scholarship; have experience that substantially informs your project; have already published an article or student note; and may have an existing project that you wish to pursue from your first law degree or from practice.<sup>6</sup>

You also have some disadvantages. Except for the *Journal of National Security and the Law* (launching in 2012), there are no law journals at Georgetown with editorial positions for LL.M. students, so you don't have an opportunity to publish a student note through the normal journal process.<sup>7</sup> For foreign-trained students, writing a paper with the intent to publish in the United States will be more difficult. You will have to quickly adjust to the conventions of American scholarly writing, research methods for American legal materials and American documentation style.<sup>8</sup> Regrettably, students who are also law professors outside the United States, may also face some bias against publishing work by foreign professors.<sup>9</sup> However, that bias is weak, and strongly outweighed by other considerations like the editors' perception of the interest readers might have in a submission and its possible contribution to scholarship.<sup>10</sup> Moreover, simple

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<sup>5</sup> *Id.* at 583. See also Leah M. Christensen & Julie A. Oseid, *Navigating the Law Review Article Selection Process: An Empirical Study of Those with All the Power – Student Editors*, 59 S.C. L. REV. 175, 193-94 (2007) (reporting that many editors consider practice experience a positive factor with those in journals at fourth-tier law schools most considering it a positive). *But see* Nance & Steinberg, *supra* note 4, at 591-92 (some editors consider practice experience a negative factor).

<sup>6</sup> See generally Gabriel J. Chin, *Graduate Degree Programs*, 7 MICH. J. RACE & LAW 481 (2002).

<sup>7</sup> Some LL.M. students have published articles in the Georgetown journals that have been identified as notes even though they did not earn J.Ds at Georgetown. *E.g.*, Tanya Karina A. Lat, Note, *Testing the Limits of GATT Art. XX(b): Toxic Waste Trade, Japan's Economic Partnership Agreements, and the WTO*, 21 GEO. INT'L ENVTL. L. REV. 367 (2009); Janice Lee, Note, *A Quick Fix Solution for the Morning After: An Alternative Approach to Mandatory Contraceptive Coverage*, 9 GEO. J.L. & PUB. POL'Y 405 (2009).

<sup>8</sup> See generally Mark E. Wojcik & Diane Penneys Edelman, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates*, 3 J. LEGAL WRITING INST. 127 (1997).

<sup>9</sup> Nance & Steinberg, *supra* note 4, at 583.

<sup>10</sup> Nance & Steinberg, *supra* note 4, at 583.

measures, like preparing an effective cover letter and making use of proper citation style and documentation, can make a bigger difference.<sup>11</sup>

This essay<sup>12</sup> is intended to serve as a guide for graduate students who are interested in publishing. Part I provides an overview of how scholarship is published and where. You should be familiar with the various forums in which scholarship can be published and the submission and selection process—especially since the print article in a traditional law review is even less today the exclusive means for having student work published. Depending on your career goals, other kinds of writing about law or policy might also be helpful for your career. Not every lawyer is employed to write for audiences of professors or even other lawyers.

Part I also provides some ideas about other forums or means of publication. Part II argues that the process of producing scholarship begins even before students put pen to paper. Students shouldn't wait until after they've submitted a paper to their professor to find out if the piece they've written is actually publishable. Part II outlines some of the steps students can take, even before starting to write, to build a foundation for a publishable piece. Part III provides and compiles advice about the research and writing process. Finally, Part IV compiles tips about submitting articles for publication. It covers topics like the timing of submissions, cover letters and abstracts, and “shopping” an article.

## I. LAW JOURNALS AND REVIEWS

Different students will have different levels of familiarity with the American law review. While students with American J.D.s might have been staff members of a review or journal, some LL.M. students either didn't work on a journal as a J.D. student or are foreign-trained LL.M. students unfamiliar with the American student-edited journal.<sup>13</sup> For these reasons, this Part provides a basic overview of the U.S. law journal. It explains what the different kinds of journals

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<sup>11</sup> Nance & Steinberg, *supra* note 4, at 583.

<sup>12</sup> This essay is itself written in the format and standard structure of a law journal article, though its tone is less formal than expected of scholarly writing. For a discussion of the kinds of law journal articles, see Richard Delgado, *How to Write a Law Review Article*, 20 U.S.F. L. REV. 445, 446-48 (1986) or *infra* Part III.A.

<sup>13</sup> For a discussion of difficulties faced by foreign-trained LL.M. students in adjusting to American legal scholarship, see Mathew A. Edwards, *Teaching Foreign LL.M. Students About U.S. Legal Scholarship*, 51 J. LEGAL EDUC. 520 (2001).

are, which kinds are regarded as more prestigious outlets for articles, identifies other factors that you can consider when evaluating a journal, and provides some detail about where Georgetown LL.M. students have previously published. This Part also describes alternative publication opportunities for students to consider, including writing competitions, non-law journals and foreign law journals, legal magazines and newsletters, and online law journals.

#### A. TYPES AND PRESTIGE OF LAW JOURNALS AND REVIEWS

There are hundreds of law journals and reviews in the United States.<sup>14</sup> These can be categorized in a number of ways: peer reviewed versus peer-edited and student-edited journals; general versus specialized; print versus online; and as law journals versus bar journals. Rightly or wrongly, a journal's category makes a difference in the prestige of publishing in that journal. Generally, it is most desirable to publish in the general or "flagship" journal of a prestigious law school. For academic careers, it is also very respectable to publish a piece in a well-regarded specialized journal at a prestigious school. Even LL.M. alumni who are already faculty, however, also publish in lower ranked flagship or specialized journals. Like law professors, you may have to build up a record of publication before you can get published in a "top" journal.

The majority of law school journals are student-edited – meaning that student editors select and edit articles. In peer-reviewed journals, submissions are evaluated by a panel of experts – practitioners and academics, whose approval is necessary before an article can be published.<sup>15</sup> In peer-edited journals, the experts also perform the work of editing articles. A general law review is one that does not have a focus on a specific field of law. General law reviews are also referred to as the law school's "flagship" or "main" law journal or review. They will be

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<sup>14</sup> See *United States – Law Reviews and Periodicals*, AMERICAN LAW SOURCES ONLINE, <http://www.lawsource.com/also/usa.cgi?usj> (last visited Nov. 17, 2011). There is no difference between a "law journal" or "law review." The term "law journal" is used throughout this essay to refer to both. See David B. McGinty, *Writing for a Student-Edited U.S. Law Review: A Guide for Non-U.S. and ESL Legal Scholars*, 7 N.Y. CITY L. REV. 39, 47 (2004)

<sup>15</sup> For an account of one professor's experience as a faculty editor, see Richard A. Epstein, *Faculty-Edited Law Journals*, 70 CHI.-KENT REV. 87 (1994) (cited in McGinty, *supra* note 14, at 43 n.21)). For information on how a current peer-reviewed journal works, see *Pace Environmental Law Review Shifts to Peer Review*, PACE ENVIRONMENTAL LAW REVIEW, <http://www.pace.edu/school-of-law/pace-environmental-law-review-shifts-peer-review>.

the school's only journal or its only general journal.<sup>16</sup> Specialized journals, as the term suggests, publish articles in particular fields—from bankruptcy to tax, international and transnational law, legal theory and gender. Specialized journals can also specialize by having a regional focus—such as on Asia, the Pacific Rim or Latin America. They might also have a focus on scholarship relevant to particular groups of people. Journals about Asian and African-Americans and the law, for instance, can fall in this group.

Most journals are print journals: they produce a print edition as well as make their articles available on services like Westlaw, LexisNexis, HeinOnline and Academic Search Premier. Some journals, though just a few, are only published online.<sup>17</sup> A small number have separate print and online editions.<sup>18</sup> Finally, there are also bar journals – journals of a state bar or of the American Bar Association (“ABA”). State bar journals sometimes publish shorter scholarly pieces as well, but tend to prefer pieces relevant to local practitioners.<sup>19</sup> The ABA has more than one kind of publication. Many of its publications are collaborations

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<sup>16</sup> An exception is the *Rutgers Law Record*, which is a general journal of the Rutgers School of Law – Newark that is in addition to the school's *Rutgers Law Review*. *Moot Court & Student Journals*, RUTGERS-SCHOOL OF LAW-NEWARK, <http://law.newark.rutgers.edu/students/moot-court-student-journals>.

<sup>17</sup> These include the *Rutgers Law Record*, *Mission Statement*, RUTGERS LAW RECORD, <http://lawrecord.com/about/>; *Duke Law and Technology Review*, *Journal: Duke Law and Technology Review*, DUKE LAW, <http://www.law.duke.edu/ip/dltr>; and the *Stanford Technology Law Review*, *About*, STANFORD TECHNOLOGY LAW REVIEW, <http://stlr.stanford.edu/about/>.

<sup>18</sup> Examples are the *Harvard Law and Policy Review*, *Submissions*, HARVARD LAW AND POLICY REVIEW, <http://hlpronline.com/submissions/>, the *Columbia Journal of European Law*, <http://www.cjel.net/>, and the *Yale Journal of International Law*, *About YJIL*, YALE JOURNAL OF INTERNATIONAL LAW, <http://www.yjil.org/about/>.

<sup>19</sup> *E.g.*, *Article Submission*, N.Y. STATE BAR ASSOCIATION JOURNAL, [http://www.nysba.org/AM/Template.cfm?Section=Bar\\_i\\_Journal\\_i\\_&Template=/CM/HTMLDisplay.cfm&ContentID=7148](http://www.nysba.org/AM/Template.cfm?Section=Bar_i_Journal_i_&Template=/CM/HTMLDisplay.cfm&ContentID=7148). Perhaps uniquely, the *Georgia Bar Journal* has an annual fiction writing contest open to Georgia Bar members. *Fiction Writing Contest*, STATE BAR OF GEORGIA, [http://www.gabar.org/communications/georgia\\_bar\\_journal/fiction\\_writing\\_contest/](http://www.gabar.org/communications/georgia_bar_journal/fiction_writing_contest/).

with law schools that, essentially, are law school journals.<sup>20</sup> Individual ABA sections also have newsletters or magazines.<sup>21</sup> Most of these accept submissions.

Different levels of prestige attach to where an article is published and in what form it is published. Whether your article will reach your target audience is not the only consideration you should take into account if you receive offers of publication. Publishing in a flagship journal is usually considered more prestigious than publishing in a specialty journal. Publishing in a flagship or specialty journal is considered more impressive for academic and teaching purposes than publishing in bar journals and legal newsletters. But this depends on the prestige of the specific journals as well. In general, the prestige of a law school is taken as a signal of the prestige of its journals' prestige as well.<sup>22</sup> So, a publication in the flagship journal of a more highly regarded school may be considered more prestigious than a publication by a journal at a less-highly regarded school.

However, some specialty journals might be more prestigious than many flagship journals. The *American Journal of International Law*, the *Harvard Civil Rights-Civil Liberties Law Review* and the *Georgetown Journal of Legal Ethics* are examples of well-respected specialized journals. Although it might be expected that publishing in a peer-reviewed or edited journal will be more

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<sup>20</sup> *The Tax Lawyer*, run by Georgetown Law students, is one such journal. For a list, see *Journals*, AMERICAN BAR ASSOCIATION, [http://apps.americanbar.org/abastore/index.cfm?section=magazines&fm=static&url=http://www.abanet.org/abastore/front\\_end/static/periodicals/journals.html&r=1](http://apps.americanbar.org/abastore/index.cfm?section=magazines&fm=static&url=http://www.abanet.org/abastore/front_end/static/periodicals/journals.html&r=1)

<sup>21</sup> See, e.g., Thomas M. Britt III, *Recent Developments in International Securities Law*, INT'L SECS. & CAPITAL MKTS. NEWSLETTER (Sept. 2011), [http://meetings.abanet.org/webupload/commupload/IC764000/newsletterpubs/2011Q3\\_Newsletter.pdf](http://meetings.abanet.org/webupload/commupload/IC764000/newsletterpubs/2011Q3_Newsletter.pdf) (encouraging contributions to publication by ABA Section of International Law Committee).

<sup>22</sup> Washington and Lee University School of Law operates an informative ranking that uses criteria like the number of citations from other journals and case law that articles in a journal receive, and how quickly articles are cited to rank journals. LAW JOURNALS: SUBMISSION AND RANKING, <http://lawlib.wlu.edu/LJ/index.aspx?mainid=466> (last visited Nov. 17, 2011). Usefully, the website allows users to limit their searches to journals that specialize in particular subjects or to journals that are student-edited, peer-reviewed, or online only. The website also contains submission information for each journal.

prestigious than publishing in a student-edited journal, there are, surprisingly, different views on this point.<sup>23</sup>

Lastly, if you are most interested in an audience of practicing lawyers, the hierarchy of desirable venues is flipped. Few practitioners read academic journals, but they do read less formal publication such as bar magazines.

#### B. IMPORTANT FACTORS OTHER THAN PRESTIGE

While a journal's prestige is something to take into consideration when trying to publish a work, there are other factors you should consider:

- (i) Look at a recent issue of the journal. What do you think of the quality of the work that the journal has published? Do you notice substantive or other errors in the articles?
- (ii) Is the journal only online or in print or both? If it is only online, how long has the online journal been established? If your article will be published online, how sophisticated is the journal's website? Is it updated frequently?
- (iii) Will the journal also make your article available without charge on its website in addition to including it in its print edition? A freely available article will be more accessible to readers.
- (iv) In what electronic services is the journal published? Not every journal is available on both Westlaw and LexisNexis. And there are some journals that aren't available on either. Many public interest practitioners, if they are your target audience, will only have access to one service.
- (v) Read the legal agreement the journal sends for your signature. Will you keep the copyright or is the journal asking for it? Will the journal allow you to publicize your work by e-mailing it, allowing others to make copies, posting it on the Social Science Research Network, your law firm

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<sup>23</sup> Georgetown Law Professor Lawrence Solum has said that he will not publish in peer-reviewed journals for a different reason: such journals normally don't make their articles available to the public without charge. Lawrence B. Solum, *Open Access and Legal Scholarship*, 10 LEWIS & CLARK L. REV. 841, 849-50 (2006). However, he also believes that peer-reviewed journals generally "do a much better job of certifying quality than do student-edited law reviews." *Id.* at 861.

website or another database? For more specific advice about publication licenses and copyright agreements, you may wish to consult Professor Eugene Volokh's *Academic Legal Writing*, which contains a sample agreement.<sup>24</sup>

### C. HOW STUDENT-EDITED LAW REVIEWS WORK

Student-edited law reviews typically have a staff of second and third-year J.D. students led by an editorial board. The members of the editorial board, most likely just a few individuals—the editor-in-chief, senior articles editors, and managing editors—decide to whom to make offers of publication. Articles mainly come to the editorial board as unsolicited manuscripts submitted to the journal by mail, e-mail, or an electronic service like ExpressO—a popular service operated by the Berkeley Electronic Press or BePress,<sup>25</sup> or as solicited pieces.

Journals that hold symposia usually invite scholars to speak, with the promise that the scholar will deliver an article later. Sometimes a journal will solicit paper proposals for a symposium. Interested writers submit abstracts or proposals for future scholarly work. If the proposal is accepted, the work must be completed within a particular time period – usually several months. For authors, seeking writing opportunities through symposia has the advantage of more assured publication. Good resources for finding upcoming symposia and calls for papers are the Legal Scholarship Blog,<sup>26</sup> which also operates the @LegalScholBlog Twitter-feed, and the Canadian Association of Law Teachers' GradLawLounge website and its Twitter-feed – @GradLawLounge.<sup>27</sup>

Journals may or may not accept book reviews so you will have to check whether a journal will accept book reviews or require a proposal for a review first before submitting one.<sup>28</sup> At least one journal, the *Texas Law Review*, runs an

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<sup>24</sup> EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* 164-66 (2d ed. 2004).

<sup>25</sup> EXPRESSO, <http://law.bepress.com/expresso/> (last visited Nov. 17, 2011).

<sup>26</sup> LEGAL SCHOLARSHIP BLOG, <http://legalscholarshipblog.com/> (last visited Nov. 17, 2011).

<sup>27</sup> GRADLAWLOUNGE, [http://www.acpd-calt.org/?page\\_id=823](http://www.acpd-calt.org/?page_id=823) (last visited Nov. 17, 2011).

<sup>28</sup> *E.g.*, *Book Reviews*, MICHIGAN LAW REVIEW, <http://www.michiganlawreview.org/information/submissions/book-reviews>

online companion journal specifically for book reviews, which accepts student submissions.<sup>29</sup>

Some journals do not accept unsolicited submissions from students from other law schools,<sup>30</sup> but whether this applies to LL.M. students is unclear. Policies may also change as editorial boards change in March or April. You may need to contact a journal that states that it does not accept student submission in advance to find out whether they also do not accept submissions from graduate students.

In addition, journals usually stop reviewing articles once they have enough for that year's volume. You can contact the journals to find out if they are still accepting submissions. You can also check ExpressO, where journals can indicate whether they are still accepting manuscripts. As discussed *infra* in Part IV, the peak submission periods to student-edited law journals are March to April and August.

When an unsolicited manuscript is received, it is normally first reviewed by a senior articles editor who sends an acknowledgment of the article's receipt. Decisions about offers of publication are then made after consultation with the editorial board. The reviewing process differs depending on the journal, and the process can take from a few days to several weeks. If a journal accepts the submission, it will send an offer that usually comes with a deadline for acceptance, ranging from one day to two weeks. Most law journals will expect that some offers will not be accepted, as authors often try to use one journal's acceptance to encourage other journals to extend an offer as well. Journals will often "expedite" their review of a submission if an author informs them that a submission has been accepted elsewhere. Acceptance by a law journal for publication is usually still subject to some conditions: journals reserve the right not to print an article if they find that it is plagiarized, has already been published, or that its sources cannot be verified.

Once an article has been accepted, it is assigned to a member of the editorial board—usually a senior articles editor who leads a team of other student editors—for editing, proofreading, and cite-checking. Editors will check both the

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(accepting proposals for book reviews but requiring the submission of proposals first).

<sup>29</sup> *Submissions: Dicta*, TEXAS LAW REVIEW, <http://www.texasrev.com/submissions/dicta>.

<sup>30</sup> Based on law journal policies available from ExpressO. EXPRESSO, *supra* note 25.

structure and substance of your article and suggest revisions. They will also engage in line-edits. You should know that it is normal practice in an American law journal for every citation in an article to be checked in a process called a “source pull.” A time-intensive process, a source pull involves junior editors finding every source mentioned in your article and verifying that the source supports the proposition for which it is cited. Authors who rely on sources that aren’t easily available may be asked to provide copies of the sources cited in their footnotes. Once an article is completed and an issue sent to the printers, the article will normally be available on electronic services within a few weeks. Authors will usually be sent individual prints, called “offprints,” of their articles.

D. WHERE HAVE GEORGETOWN LL.M STUDENTS AND ALUMNI PUBLISHED?

In the last five years, Georgetown LL.M. students and recent alumni have published more than 80 articles in law journals and reviews, including notes.<sup>31</sup> A list of publications and their respective journals, which accounts for known publications in the last five years by alumni who have graduated since 2002, is attached in Appendix II. Here is a breakdown of where those articles were placed.

Flagship Journals	27.1%
Specialized Journals from the U.S. News Top 20 Law Schools (2011)	21.0%
Foreign Journals, Non-Law School Journals and Other Secondary Journals	51.9%
Percentage of All Publications Placed in Journals at Georgetown Law	11.1%

As you can see, Georgetown Law LL.M. students and alumni have successfully placed a number of articles in flagship law journals as well as in “prestigious” specialized journals. Indeed, these articles combined make up almost half of the publications. With regard to the flagship journals of the most highly ranked schools, it is very rare for any author to be able to publish a work in those venues.

About eleven percent of the articles were placed at Georgetown Law journals. Journals that have recently published articles by LL.M. students and

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<sup>31</sup> See *supra* note 7. Professor Volokh advises that it is better for a paper to be published as an article rather than a note because the term “article” suggests that the submission went through a more competitive review process. VOLOKH, *supra* note 24, at 151.

alumni are *The Tax Lawyer*, the *Georgetown International Environmental Law Review*, the *Georgetown Journal of International Law*, the *Georgetown Journal of Public Policy*, and the *Georgetown Immigration Law Journal*.

## E. ALTERNATIVE WRITING/PUBLICATION OPPORTUNITIES

### 1. *Writing Competitions*

There are a number of legal writing competitions in the United States, with some potentially leading to publication. Competitions can be sponsored by law journals, state bar associations, other non-profit organizations, industry lobbyists and law schools and vary widely:

- (i) *Eligibility to Participate*: Some competitions are open only to J.D. students; some are open to J.D. and LL.M. students; and some are open to students, practitioners and faculty. Most competitions require the submission of original work, but some will accept articles that have already been published.
- (ii) *Breadth of Subject Matter*: There are competitions for which literally any article can be submitted, competitions about broad fields of law like tax or securities and competitions on obscure topics like the rights of futuristic persons. More often than not, competitions will only require submissions that are within a particular field. Others will suggest topics for participants to write on, or require students to address a specific question or scenario. Some writing competitions are not scholarly writing competitions but are simulations of writing for practice.
- (iii) *Length of Submissions*: Competitions usually set a word or page limit for submissions.
- (iv) *Prizes*: Some competitions offer publication as a first prize with possibilities of publication offers for runner up entries. Publication might be in a law journal, a newsletter or online. Many competitions also offer prize money or other rewards. A few competitions will only offer recognition.

Professor Volokh advises that, before entering competitions, students consider whether they would rather try to submit their article to law journals on their

own.<sup>32</sup> This is particularly important since some competitions require that entries not be submitted elsewhere during the duration of the competition,<sup>33</sup> and it may take months before results are announced. You may want to consider whether your paper is one that you want to continue to develop. Submitting an entry to a competition might also mean editing the work to meet the competition's requirements. This can compromise its prospects of publication elsewhere (such as when a competition requires an entry to be dramatically cut short).

Georgetown Law's J.D. Academic Services maintains a list of writing competitions,<sup>34</sup> as does Graduate Career and Professional Development in its *Graduate Connections Newsletter*. Competitions organized by individual ABA Sections, of which there are several, can be found on the ABA's website.<sup>35</sup> Lewis and Clark Law School also maintains an online listing.<sup>36</sup> It is doubtful that any listing of legal writing competitions is complete, so be sure to search the web for competitions relevant to your interests. Unfortunately, the different due dates for competition entries means that information may be out of date.

## *2. Journals in Other Disciplines, Foreign Law Journals, Legal Newsletters, and Blogs*

Most Georgetown Law graduate students who've published their work have published in print law journals in the United States. Graduate students have also, though, published in other fields and in law journals based abroad. Other ways to publish include writing in legal newsletters and, more recently, pursuing blogging posts with law journals or publishing in their online companions. These may be opportunities worth pursuing, depending on the kind of writing that would be most beneficial to your career goals, the degree to which you want to develop a

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<sup>32</sup> VOLOKH, *supra* note 24, at 173.

<sup>33</sup> *E.g.*, *Writing Competition Rules*, AMERICAN INDIAN LAW REVIEW, <http://adams.law.ou.edu/ailr/competition.cfm>.

<sup>34</sup> *Writing Competitions*, GEORGETOWN UNIVERSITY LAW CENTER, <http://www.law.georgetown.edu/academic/WritingCompetitions/index.cfm>.

<sup>35</sup> AMERICAN BAR ASSOCIATION, <http://www.americanbar.org/aba.html> (last visited Nov. 17, 2011).

<sup>36</sup> *Law Student Writing Competitions & Associated Scholarships*, LEWIS & CLARK LAW SCHOOL, [http://law.lclark.edu/academics/student\\_writing\\_competitions/](http://law.lclark.edu/academics/student_writing_competitions/). Other law schools also maintain listings. *E.g.*, *Legal Writing Contests*, UNIVERSITY OF IDAHO COLLEGE OF LAW, <http://www.law.uidaho.edu/legalwritingcontests>.

more informal style of writing and on whether you wish to write about certain topics, but don't think that the topic would support a full law journal article.

In recent years, Georgetown Law graduate students have successfully published articles in journals in other disciplines or in journals based in other countries. One recent alumna co-wrote an article that appeared in the *Yale Journal of International Affairs*. Recent alumni have published their work in the *Contemporary Asia Arbitration Journal* and in the *Commonwealth Law Bulletin*. Some alumni have also published articles for peer-edited international journals like the *Journal of World Trade* and the *Global Trade and Customs Journal*. One recent J.D. alumnus recently published a note in the *Journal of International Economic Law*.<sup>37</sup>

Many ABA legal newsletters accept submissions for shorter scholarly work relevant to that specific ABA section or division. These sections include the Section on International Law's International Securities & Capital Markets Committee,<sup>38</sup> the Section of Law Practice Management,<sup>39</sup> the Section of Public Contract Law, which publishes the *Procurement Lawyer* magazine<sup>40</sup> and the Young Lawyers' Division.<sup>41</sup> While the ABA's newsletters and magazines are not law journals, they are regularly circulated to the members of the sections and divisions, which can number in the thousands.<sup>42</sup>

Finally, many law journals have begun to establish online "companion" journals or blogs that are intended to complement their print editions. These include the *Yale Journal Online*,<sup>43</sup> the *Harvard Law & Policy Review*<sup>44</sup> and the

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<sup>37</sup> Brendan Ruddy, *The Critical Success of the WTO: Trade Policies of the Current Economic Crisis*, 13 J. INT'L ECON. L. 475 (2010).

<sup>38</sup> See *supra* note 21.

<sup>39</sup> *Law Practice Magazine*, AMERICAN BAR ASSOCIATION, [http://www.americanbar.org/publications/law\\_practice\\_magazine/2011/november\\_december.html](http://www.americanbar.org/publications/law_practice_magazine/2011/november_december.html).

<sup>40</sup> *Procurement Lawyer*, AMERICAN BAR ASSOCIATION, [http://www.americanbar.org/publications/procurement\\_lawyer\\_home.html](http://www.americanbar.org/publications/procurement_lawyer_home.html).

<sup>41</sup> *The Young Lawyer*, AMERICAN BAR ASSOCIATION, [http://www.americanbar.org/publications/young\\_lawyer/2011-12/november\\_2011.html](http://www.americanbar.org/publications/young_lawyer/2011-12/november_2011.html).

<sup>42</sup> See, e.g., *Guidelines for Contributors*, THE YOUNG LAWYER, [http://www.americanbar.org/publications/young\\_lawyer\\_home/young\\_lawyer\\_archive/yld tyl\\_information.html#reprints](http://www.americanbar.org/publications/young_lawyer_home/young_lawyer_archive/yld tyl_information.html#reprints).

<sup>43</sup> YALE JOURNAL ONLINE, <http://yalelawjournal.org/> (last visited Nov. 17, 2011).

*Cardozo Law Review De Novo*,<sup>45</sup> all three of which accept submissions specifically for their online editions. The *Harvard Law & Policy Review*, in particular, solicits student work.<sup>46</sup> Other journals have launched blogs and invite law students from other schools to participate as regular or guest bloggers. These include the *Harvard Law & Policy Review* and the *Vanderbilt Journal of Entertainment & Technology Law*.<sup>47</sup>

## II. INITIAL STAGES OF WRITING: SELECTING A SEMINAR, FINDING TOPICS, AND PREEMPTION CHECKING

This guide assumes that the process of publishing an article begins before students begin to write their article, and should begin before a student actually completes a seminar paper. For that reason, this Part provides some advice on selecting a seminar, choosing a topic and an overview of preemption checking.

### A. SELECTING A SEMINAR

For graduate students, being able to work with faculty to think about and craft a paper is one of the main benefits of returning to law school.<sup>48</sup> And, for some students, writing a paper in a more structured seminar while in law school can be beneficial because it allows for feedback as students select a topic, conduct their research and produce drafts.<sup>49</sup> When selecting a seminar to write a paper for, here are some factors to consider:

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<sup>44</sup> HARVARD LAW AND POLICY REVIEW, <http://hlpronline.com/> (last visited Nov. 17, 2011).

<sup>45</sup> CARDOZO LAW REVIEW DE NOVO, <http://www.cardozolawreview.com/> (last visited Nov. 17, 2011).

<sup>46</sup> *Submissions*, HARVARD LAW & POLICY REVIEW, <http://hlpronline.com/submissions/>.

<sup>47</sup> *Get Your Legal Writing Noticed: Write for The HLPR Blog*, HARVARD LAW & POLICY REVIEW, <http://hlpronline.com/get-your-legal-writing-noticed-write-for-the-hlpr-blog/>; *Become a Guest Blogger*, VANDERBILT JOURNAL OF ENTERTAINMENT & TECHNOLOGY LAW, [http://www.jetlaw.org/?page\\_id=7828](http://www.jetlaw.org/?page_id=7828).

<sup>48</sup> Chin, *supra* note 6, at 481.

<sup>49</sup> Regular feedback, given with the understanding that the student may not have been trained in the United States, is especially important for foreign-trained students. Mark E. Wojcik & Diane Penneys Edelman, *Overcoming Challenges in the Global Classroom: Teaching Legal Research and Writing to International Law Students and Law Graduates*, 3 J. LEGAL WRITING INST. 127, 131 (1997). For a discussion of the benefits and drawbacks of different levels of supervision,

- (i) How structured is the seminar's writing component? Has the professor clearly identified timelines and due dates for outlines and drafts? Will you receive feedback for your outline and on your progress?<sup>50</sup>
- (ii) Has the professor explained his or her expectations and the criteria for the paper's evaluation? Has the professor left time in the class's schedule for students to present their paper to the class or to discuss their topics in the seminar with other students?<sup>51</sup>
- (iii) Does the professor provide sample paper topics? Does the professor provide examples of sample papers that were submitted for the seminar in the past?
- (iv) What do other student says about their experience in the seminar? Did they find the seminar to be sufficiently stimulating? How extensive was the professor's feedback on outlines and drafts? And did the professor provide the feedback in a timely fashion?

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see JESSICA L. CLARK & KRISTEN E. MURRAY, SCHOLARLY WRITING: IDEAS, EXAMPLES AND EXECUTION 8-9 (2004). According to Clark and Murray, a supervisor who is less involved in the writing process may give the writer more independence and flexibility with their project. *Id.* They suggest that a professor who is in between being very heavy-handed and laid-back might be ideal for most students: "The hybrid advisor probably knows when to back off and let the student figure things out, and also knows when to give the student specific directions for moving forward." *Id.* at 9.

<sup>50</sup> Lissa Griffin, *Teaching Upperclass Writing: Everything You Always Wanted to Know But Were Afraid to Ask*, 34 GONZAGA L. REV. 45, 64 (1998/99) (listing ways in which "faculty can teach students during the pre-writing process": "faculty could (1) review a thesis statement and an extended outline; (2) review a thesis statement and research logs or research plans; (3) review a preliminary draft; (4) review a writing journal; or (5) any combination of the above.").

<sup>51</sup> Peer review with other students may be a valuable way for students to receive feedback from others, give feedback to others, and to improve their own work. *Id.* at 72-73. See also Elizabeth Fajans & Mary R. Falk, *Comments Worth Making: Supervising Scholarly Writing in Law School*, 46 J. LEGAL EDUC. 342, 369-70 (1996) (advocating for the creation of peer writing groups).

- (v) Have papers from that seminar been published in the past? Is the professor willing to work with you after the class has finished to make your work publishable?
- (vi) Have you consulted with your advisor at the Office of Graduate Programs? What has he or she said? Your advisor may be able to direct you to seminars that would be suitable for your project.

## B. FINDING A TOPIC

If your long-term goal is publication, you should take care with your topic selection so that it isn't already preempted by existing work, likely won't be preempted by the time it is ready to submit and will make a contribution to the existing scholarship that will make it attractive to law journals.<sup>52</sup> You should also take care that your topic is one that you are sufficiently interested in for the long-term commitment involved in publication.<sup>53</sup>

As a graduate student, you already have some advantages when producing scholarly work. Because you need to take fewer credits per semester, you have more time to dedicate to research and writing. You may also have significant practice experience from which you can draw for topics. And you may already know where there are gaps in existing scholarship and what would be useful to practitioners.

If you are a foreign-educated student, you begin with that advantage, but also with some disadvantages. It can be difficult to adapt to the normative or prescriptive dimension of most American scholarly legal writing.<sup>54</sup> In general, American scholarly writing must make some kind of claim or recommendation. For instance, a student might write about the decision of a court and describe what the decision is and its context. But some Americans would regard this as largely a descriptive work. One common way of thinking what a topic should be is as an addition to a conversation. Your topic should be an incremental and original addition to the existing scholarly or public discussion. Existing scholarship might

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<sup>52</sup> Topic selection is sometimes said to be one of the most difficult aspects of scholarly writing in law school. Griffin, *supra* note 50, at 61; CLARK & MURRAY, *supra* note 49, at 15.

<sup>53</sup> Robson, *supra* note 1, at 198 (arguing that, “the ultimate and weightiest factor in the selection of the topic is the student’s interest—passion—for the subject.”); CLARK & MURRAY, *supra* note 49, at 17.

<sup>54</sup> Edwards, *supra* note 13, at 522-24.

have discussed a judicial development by arguing over whether it is consistent with prior jurisprudence. An addition to that discussion might be an article explaining, on the basis of empirical evidence, that the decision is right or wrong or could have been decided in another superior way. Professor Richard Delgado suggests that students approach topic selection in this way:

[F]ind one new point, one new insight, one new way of looking at a piece of law, and organize your entire article around that. One insight from another discipline, one application of simple logic to a problem where it has never been made before is all you need. The article states in the introduction what that new thing is, and the rest of the article argues, illustrates, defends it in the face of possible objections, showing how it would work in practice.<sup>55</sup>

A topic should also be timely and generally interesting. Law journals receive hundreds of submissions. If your topic is obscure, you might face some difficulty persuading a law journal to publish it. Similarly, if your topic is one that other scholars seem to have ceased discussing, part of your argument may have to include an argument for the relevance of your work.

Finally, a topic should be manageable.<sup>56</sup> It does not have to be a theory of everything. Choosing a narrower topic allows the writer, as Fajans and Falk point out, to develop enough expertise to be persuasive even to experts.<sup>57</sup> But you should be careful that you do not narrow a topic in a way that severely limits its relevance. Professor Volokh suggests, for instance, that students writing about a development in a particular jurisdiction expand their discussion to other jurisdictions to make the paper more useful.<sup>58</sup>

If you are really having difficulty finding a topic, talk to your professor and discuss your general interests or ideas. Your professor might work with you to translate your interests into a workable topic or help you consider avenues for

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<sup>55</sup> Delgado, *supra* note 12, at 448.

<sup>56</sup> ELIZABETH FAJANS & MARY R. FALK, SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS 19-22 (3d ed. 2005).

<sup>57</sup> FAJANS & FALK, *supra* note 56, at 19-20.

<sup>58</sup> VOLOKH, *supra* note 24, at 29.

research.<sup>59</sup> Talking to practitioners is another good way to identify areas where the legal scholarship is lacking.

If that doesn't work, there are a few tricks you can try. Consult journals that discuss recent decisions or legislation. Search Westlaw and LexisNexis for cases of first impression or for circuit splits.<sup>60</sup> Writers are often advised to consult casebook notes, the notes in legal textbooks identifying unresolved questions, to find topics as well.<sup>61</sup> Current events might be sources of paper topics, but writing on a much-noticed event might mean competing with professors and other students who have written a similar piece. And, although law students often used to play the role of early legal reporters and commentators, blogs have since diminished that role.<sup>62</sup>

### C. PREEMPTION CHECKING

Preemption checking refers to the process of checking whether an article making a similar argument to your has already been published. It refers to the law journal's process of determining whether the subject of a submitted article has already been written on by someone else or even by the same author in the past. It also refers to the writer's process of surveying the existing literature to find out what has already been written and what he or she can add to the existing discussion. Because it is unlikely that two articles will ever actually be the same, determining whether an article is preempted requires an exercise of judgment, especially when there is already a good deal of secondary scholarship on a particular topic.

If you believe your article to be original, but find that there is a large body of scholarship on the same subject, it will probably be wise to explain in your cover letter, abstract or the introduction to your article exactly why your article is original and what contribution it makes to the existing scholarship. Such expository passages will probably be helpful to and weighed positively by the

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<sup>59</sup> Robson writes, "students should not be surprised when the faculty member discusses research strategies for such queries instead of providing definitive answers." Robson, *supra* note 1, at 199.

<sup>60</sup> Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917, 921-26 (1996).

<sup>61</sup> *E.g.*, *id.* at 922.

<sup>62</sup> Stephen I. Vladeck, *That's So Six Months Ago: Challenges to Student Scholarship in the Age of Blogging*, 116 YALE L.J. POCKET PART 31 (2006), <http://www.thepocketpart.org/2006/09/06/vladeck.html>.

journal editor and to a reader who is looking for a general introduction to the field of law that your article discusses.<sup>63</sup>

As Jessica L. Clark and Kristen E. Murray point out, preemption also occurs when “events change the premise on which your thesis is based.”<sup>64</sup> This might happen, for example, if your paper consists of an argument as to why the Supreme Court should decide a case or issue in a certain way, and the Supreme Court actually does decide the case or issue while you are writing.<sup>65</sup> While your paper might still be interesting, its premise that an issue remains unresolved is no longer valid.

Law journals primarily use searches of Westlaw and LexisNexis journal databases as well as general Internet searches to find out if an article is preempted.<sup>66</sup> This is also a good way for a writer to survey the existing literature in a particular field and to identify a topic. But when researching a particular subject, bear in mind that Westlaw and LexisNexis are not comprehensive databases of all journals and that their coverage of journals usually only goes back several decades. You should also consult other databases, including HeinOnline, the Oxford and Cambridge journals databases, LegalTrac, and the Index to Legal Periodicals for similar or relevant articles. Searching these databases might, in any event, lead you to resources that can be used in your paper.

### III. ARTICLE STRUCTURE AND DOCUMENTATION

This Part is particularly directed to foreign-trained students who may be less familiar with the conventions of American scholarly writing, including the structure of a law journal article, its normative or prescriptive character and the use of the Bluebook citation system. This Part provides general guidance on each of these subjects. First, this Part will provide an overview of the various kinds of law journal articles. Second, I outline the structure of a standard four-part article as well as the general tone and assumed audience for an article. Third, I discuss citations, explaining three different types of citations and general rules about when citations are necessary. I also provide some tips about using the Bluebook system.

#### A. KINDS OF LAW JOURNAL ARTICLES

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<sup>63</sup> See Nance & Steinberg, *supra* note 4, at 585-86.

<sup>64</sup> CLARK & MURRAY, *supra* note 49, at 32.

<sup>65</sup> Cf. CLARK & MURRAY, *supra* note 49, at 32.

<sup>66</sup> See McGinty, *supra* note 14, at 51.

Here is a typology of standard law journal articles, drawn primarily from Professor Delgado:

- (i) *“The Case Cruncher”*: A “Case cruncher” article “analyzes case law in an area that is confused, in conflict, or in transition . . . Often the author resolves the conflict or problem by reference to policy, offering a solution that best advances the goals of equity, efficiency, and so forth.”<sup>67</sup> This category can be said to include work most helpful to practitioners searching for innovative litigation strategies and theories as well as others seeking a general introduction to a particular field.
- (ii) *The Law Reform or “Theory-fitting” Article*: In this kind of article, the author argues that a particular legal rule, doctrine or institution requires reform. Professor Delgado distinguishes this kinds of article from “Case Crunchers” by reference to the former’s view on whether a solution can be advanced under the existing legal framework: i.e. whether a reinterpretation, the creation of new, or the abandonment of old precedent can achieve the intended aim or whether new legislation or some other radical change is necessary.<sup>68</sup> Related to the Law Reform article is the “Theory-fitting” article. Professor Delgado describes this kind of article as examining “developments in an area of law and find[ing] the seeds of a new legal theory or tort.”<sup>69</sup>
- (iii) *Legislative Note and Case Note*: For both these categories, authors act as legal reporters and commentators, providing a summary and analysis of the new legislation or decision and then critiquing it. While case notes were a staple of student writing in the past, they have declined in importance.<sup>70</sup>

An exception may apply to notes on decisions of international tribunals. If you wish to leverage your foreign-language skills, at least one journal expresses an interest in translations of foreign legal materials and scholarship.<sup>71</sup>

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<sup>67</sup> Delgado, *supra* note 12, at 446.

<sup>68</sup> Delgado, *supra* note 12, at 446-47.

<sup>69</sup> Delgado, *supra* note 12, at 446-47.

<sup>70</sup> See *supra* note 62.

<sup>71</sup> *Submissions*, PACIFIC RIM LAW & POLICY JOURNAL,  
<http://www.law.washington.edu/PacRim/submissions.aspx>.

- (iv) *“The Interdisciplinary Article”*: This article explores and applies theories or tools from other disciplines, like economics, psychology, gender and race studies, or cultural theory to law. Writers are usually warned that interdisciplinary scholarship requires a firm grounding in law and in the other discipline to produce successfully.<sup>72</sup>
- (v) *The Book Review*: Less common today than in the past, the book review is usually a full-length law journal article in itself that uses the reviewed book as a starting point for a wider discussion of the subject matter covered by the book.
- (vi) *Other Kinds of Scholarship*: Other kinds of scholarly writing include empirical scholarship, legal history papers, essays, and narratives. Empirical legal scholarship, most commonly scholarship that uses “statistical techniques and analyses,”<sup>73</sup> is a type that scholars have frequently expressed a greater need for. It does, however, also require additional skills taught in only a few law schools.

Legal history is another form of scholarship that requires additional skills. Writing legal history papers at Georgetown is facilitated by the school’s proximity to primary materials at the Library of Congress and the National Archives as well as by the presence of faculty who are legal historians. Essays are a kind of legal writing generally distinguishable by their shorter length and lower reliance on documentation and footnotes.<sup>74</sup> Finally,

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<sup>72</sup> Cf. Richard A. Posner, *Against the Law Reviews*, LEGAL AFFS. (Nov./Dec. 2004), [http://legalaffairs.org/issues/November-December-2004/review\\_posner\\_novdec04.msp](http://legalaffairs.org/issues/November-December-2004/review_posner_novdec04.msp).

<sup>73</sup> Michael Heise, *The Importance of Being Empirical*, 26 PEPPERDINE L. REV. 807, 810 (1999).

<sup>74</sup> Cf. CLARK & MURRAY, *supra* note 49, at 7 (“An Essay is a term used for relatively shorter scholarly pieces, and essays may be written by professors, practitioners, judges, or students”). *But see Editorial Policy of the Columbia Law Review*, COLUMBIA LAW REVIEW <http://www.columbialawreview.org/information/submissions> (Oct. 2, 2011) (defining an essay by its purpose: “The primary purpose of essays is not to conduct new legal research but to advance an idea, summarize a development, or initiate or engage in discussion. The topics, approaches, and insights are more diverse, and the author is freer to inject personality or voice into the piece.”).

journals sometimes, but rarely, publish narratives, a medium reinvented by Critical Legal Studies theorists in the 1980s.<sup>75</sup>

## B. LAW JOURNAL ARTICLE STRUCTURE

As diverse as law journals are, articles usually share a similar four-part structure. Since writers are usually advised to write articles that will appear familiar to law journal editors, it is recommended that you follow this general structure. You might need to extend it if you are writing a very long article. Sixty page law journal articles can have as many as seven parts. If you are writing a non-traditional paper—i.e. a narrative or an empirical study, you may need to either use a different structure or to modify it accordingly. Here is an outline of the traditional four-part note.

- (i) *Introduction*: As Fajans and Falk explain, “The obligatory introduction of one to several pages describes the subject matter of the comment, and plainly states the author’s thesis.”<sup>76</sup> Introductions do vary in length, with some professors’ introductions, especially, being quite lengthy. Professor Volokh explains that the goals of an introduction are to persuade people to read the article and to summarize the claim for readers who may need the article later as well as to “provide a frame through which those who do read further will interpret what follows.”<sup>77</sup> He adds that an introduction should identify the problem, state the author’s claim, and frame the issue “quickly and forcefully.”<sup>78</sup>

An introduction almost always ends with a “roadmap”: a part-by-part explanation of what the various parts of the article will say or do. These normally contain language like, “Part I of this article will explain . . . Part II will then argue that . . .” and so on. Authors of longer articles might also have roadmaps for individual parts of their article.

- (ii) *Background*: The second part of four-part article usually provides a background for the article’s argument. It provides context as well as information that the reader needs to know to understand the argument. Background sections may also be useful for readers who are less familiar

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<sup>75</sup> A prominent example is DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1992).

<sup>76</sup> FAJANS & FALK, *supra* note 56, at 7.

<sup>77</sup> VOLOKH, *supra* note 24, at 33.

<sup>78</sup> VOLOKH, *supra* note 24, at 33.

with the field in which you are writing and who are reading your article for a general overview of the subject. You should be careful, however, to avoid providing excessive detail in the background section. Professor Volokh helpfully suggests that writers synthesize background material into rule statements that are supported by footnotes, reducing the need to provide too much detail in the body of the article.<sup>79</sup>

Writing background sections can be frustrating because you might imagine that someone reading your specific paper would already be familiar with its context. However, American scholarly writing is usually written with an imagined generalist legal audience in mind.<sup>80</sup> Fajans and Falk write that a background section should “be specific and comprehensive and not assume any but the most general knowledge of the law.”<sup>81</sup>

If you find yourself getting bogged down writing the background section and feel that you can proceed without writing it before your analysis, Fajans and Falk observe that students are free to write their articles in a non-linear fashion.<sup>82</sup>

- (iii) *Analysis*: The analysis section should clearly and convincingly present your argument. Fajans and Falk write that, “it should be original and closely reasoned, building to a convincing conclusion.”<sup>83</sup> Ideally, the analysis section should not only articulate your argument with reference to the existing scholarship, but also respond to counterarguments and acknowledge weaknesses. Depending on the kind of article you write, your analysis may also contain recommendations for the future or a solution to the problem that you outlined.

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<sup>79</sup> VOLOKH, *supra* note 24, at 36-38.

<sup>80</sup> Fajans & Falk, *supra* note 51, at 349 n.20 (1996). Fajans and Falk write, “When thinking about the purpose of legal scholarship, it is helpful for students to realize that although some legal scholarship is empirical and some interpretative, most legal scholarship is both normative (it has a social goals) and prescriptive (it recommends or disapproves of a means to a goal).” Fajans & Falk, *supra* note 51, at 349 n.20

<sup>81</sup> FAJANS & FALK, *supra* note 56, at 7.

<sup>82</sup> FAJANS & FALK, *supra* note 56, at 72.

<sup>83</sup> FAJANS & FALK, *supra* note 56, at 7.

- (iv) *Conclusion*: The conclusion will be the shortest part of your article. Professor Volokh suggests that it be used to remind readers of your argument and its value as well as “the most important subsidiary conclusions.”<sup>84</sup>

### C. CITATIONS AND DOCUMENTATION

American legal scholarship’s reliance on extensive documentation has been both criticized by scholars who argue that editors use the length and number of footnotes in a submission as proxies for its.<sup>85</sup> The Bluebook,<sup>86</sup> the citation system most used by law schools and courts, has also been criticized for producing citations that can be difficult to comprehend.<sup>87</sup> These criticisms notwithstanding, footnotes and accurate documentation are major considerations for law journals when evaluating a submission. Law journal editors may take a lack of citations or documentation to imply sloppy or incomplete research or that the author’s claims are unsupported. They may also take it as an indication that, should the submission be accepted, editors will have to do much of the work of providing the documentation for the article. These considerations all weigh heavily against publication.<sup>88</sup> By contrast, the apparently nuanced use of citations and the presence of numerous sources imply that the author has a strong grasp of his or her authorities and the secondary scholarship, has engaged in exhaustive research, and that the article will be of greater use to readers, who can use the citations in the article to locate additional related material.

Here is a typology of the functions of law journal footnotes, drawn mostly from Fajans and Falk.<sup>89</sup>

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<sup>84</sup> VOLOKH, *supra* note 24, at 48.

<sup>85</sup> E.g., Arthur D. Austin, *Footnote Skullduggery and Other Bad Habits*, 44 U. MIAMI L. REV. 1009 (1990). Former Judge Abner J. Mikva wrote one memorable critique of footnotes that is itself devoid of footnotes. Abner J. Mikva, *Goodbye to Footnotes*, 56 U. COLO. L. REV. 647 (1984).

<sup>86</sup> THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (19th ed. 2010).

<sup>87</sup> See, e.g., Richard A. Posner, *The Bluebook Blues*, 120 YALE L.J. 850, 851 (2011) (the Bluebook “exemplifies hypertrophy in the anthropological sense. It is a monstrous growth, remote from the functional need for legal citation forms, that serves obscure needs of the legal culture and its student subculture.”).

<sup>88</sup> Nance & Steinberg, *supra* note 4, at 584.

<sup>89</sup> FAJANS & FALK, *supra* note 56, at 99. The whole of Chapter Six of Fajans & Falk’s text, entitled “Footnotes and The Ethical Use of Borrowed Materials” is much recommended. Another kind of footnote is the “asterisk” or “star” footnote

- (i) *Authority for Assertions*: Footnotes provide documentation that supports the author's assertion in the body text and lead readers to other relevant materials.
- (ii) *Attribution*: Footnotes "attribute borrowed materials to their sources, thus meeting the writer's ethical obligation." These obligations include the obligation not to plagiarize another's idea and to give the other writer credit for it.
- (iii) *Secondary Scholarly Discussion*: Authors can include text in footnotes that may not belong in the body text but might be interesting or informative to some readers.<sup>90</sup>

Contrary to some satires of American legal writing style,<sup>91</sup> not every sentence in a law journal article needs to be accompanied by a footnote and extensive sources. Professor Delgado provides a simple gauge:

Essentially, each assertion of law or fact that you make in the body of your article will require a footnote. The main exceptions are topic sentences, conclusions of paragraphs and sections, and passage of pure argument.<sup>92</sup>

How extensive citation needs to be where it is needed will depend on the breadth of the assertion that you are making. An assertion that many courts have reached a particular conclusion or that several scholars have made a certain argument, for

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that follows the author's name. For an enjoyable discussion of such footnotes, see Charles A. Sullivan, *The Under-Theorized Asterisk Footnote*, 93 GEO. L.J. 1093 (2005).

<sup>90</sup> See Joan Ames Magat, *Bottomheavy: Legal Footnotes*, 60 J. LEGAL EDUC. 65, 68 (2010) ("Textual footnotes are expected to span the gaps-to inform the neophyte who cannot fully understand the text without further explanation, or, for the cognoscenti, to expand on the text's simpler point.").

<sup>91</sup> For a humorous example, see C. Steven Bradford, *As I Lay Writing: How to Write Law Review Articles for Fun and Profit: A Law-and-Economics, Critical, Hermeneutical, Policy Approach and Lots of Other Stuff That Thousands of Readers Will Find Really Interesting and Therefore You Ought to Publish in Your Prestigious, Top-Ten, Totally Excellent Law Review: [this space reserved]*, 44 J. LEGAL EDUC. 13 (1994).

<sup>92</sup> Delgado, *supra* note 12, at 451.

instance, will likely require a citation to more than one source. This is also a result of the preference in American scholarly legal writing for citations to primary sources and mistrust of the accuracy secondary sources.<sup>93</sup> When making assertions relying on case law, for example, citations to actual cases will be preferred to a citation to a law journal article making the same assertion as you are. Of course, a citation to both the cases and to the other article may be helpful to some readers.

Professor Delgado’s suggestion that “passages of pure argument” do not need footnotes needs to be balanced with the need to give credit when borrowing the ideas of others. Fajans and Falk suggest, among others, that writers footnote “borrowed language, facts or ideas whether quoted or paraphrased in your text,” and possibly introducing borrowed material in the body of your article “with reference to its source.”<sup>94</sup>

### 1. *Bluebook Tips*

Most law journals use *The Bluebook: A Uniform System of Citation* – a citation manual developed and maintained by a small group of law journals. The most prominent exceptions to the rule are the University of Chicago’s law journals, which have long used their alternative *Chicago Manual of Legal Citation*.<sup>95</sup> U.S.-trained LL.M. students probably spent a substantial part of their first-year J.D. legal research and writing class or its equivalent learning to use the Bluebook. Foreign-trained LL.Ms might find their LL.M. year to be their first exposure to it. The professors grading your paper might not be particularly strict as to your Bluebook style, but students intending to practice in the United States and those planning on publishing here might want to work on adhering to the Bluebook anyway. Poor citations, as well as typographical and grammatical errors, may well lead to a rejection. By contrast, citations in correct Bluebook style might reflect positively on the substance of the submission.

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<sup>93</sup> See, e.g., VOLOKH, *supra* note 24, at 101 (“Whenever you make a claim about some source, you nearly always must read the original source. Do *not* rely on an intermediate source—whether a law review article or a case—that cites the original” [emphasis in original]. See also Magat, *supra* note 90, at 68 (“Footnotes cites ought to be restricted, whenever possible, to the primary source, whether to substantiate a statement of fact or to acknowledge a thought’s origin.”).

<sup>94</sup> FAJANS & FALK, *supra* note 56, at 105-06.

<sup>95</sup> THE UNIVERSITY OF CHICAGO MANUAL OF LEGAL CITATION (2010), [http://lawreview.uchicago.edu/resources/77\\_Maroonbook.pdf](http://lawreview.uchicago.edu/resources/77_Maroonbook.pdf).

Here are a few tips about using the Bluebook system:

- (i) *Use Signals*: Signals are the words or phrases that you sometimes see prefacing a citation in a footnote. These include words and phrases like *see, e.g., compare, but see, c.f.* and so on. The use or non-use of signals denotes something about the relationship between your assertion and the citation. For instance, the lack of a signal indicates that your citation directly supports your assertion. Using signals helps avoid the inaccurate use of sources, honestly indicates where assertions are contested, and allow the sophisticated use of multiple sources.
- (ii) *Use the Tables*: The Bluebook's tables provide quick guidance on how to cite and abbreviate, with examples, a number of different resources. Turn to it frequently to check such matters as whether you're using the correct citation to a particular court or jurisdiction, whether you are using words (case names, commonly used words, geographic terms) in the citation that need to be abbreviated.
- (iii) *Remember to Check Prior and Subsequent History*: When citing to cases statutes or regulations, you should remember to check its prior and subsequent history. Some cases might have been overruled or statutory provisions challenged or repealed. Such events may need to be included in your citation.

#### IV. AN OUTLINE OF THE PUBLICATION PROCESS

Most law journals will have information about submissions on their website, covering what kind of submissions they accept, in what way they prefer receiving submissions (electronic or mail), what they would like to receive the article with (usually a CV), in what format they want to receive the submission (double or single-spaced etc.), what citation format they prefer, and their process and timetable of review. Most law journals' websites will also explain their process with regard to author requests for expediting a review. Some of this information might also be available on ExpressO, the electronic submission system run by Berkeley Electronic Press, and on the Washington and Lee School of Law's ranking of law journals.

##### 1. *How do Law Journals Accept Submissions?*

Law journals accept submissions through multiple means: hardcopies by mail, as e-mail attachments, and through ExpressO are the most common. Many

law journals now indicate that they prefer receiving submissions electronically. ExpressO is a service run by the Berkeley Electronic Press. Students can set up accounts to submit articles to several hundred law journals, both American and several journals overseas, that accept ExpressO submissions. ExpressO also permits paper deliveries of submissions at an additional cost. The delivery fee for electronic submissions is \$2 for each law journal and \$6.50 for paper submissions per journal. The ExpressO system permits requests for expediting review through the system itself.

Georgetown Law students can pay for their own submissions. They can also, if their paper is sponsored by the professor for whom it was written, receive a maximum of 30 submissions with the cost shouldered by Georgetown. For information on faculty-sponsored submissions, students should contact the office of the Associate Dean for Research and Academic Services.

## 2. *To How Many Journals Should I Submit an Article and When?*

Many. Students “may need to submit to over 200 journals” to receive an acceptance.<sup>96</sup> Professor Volokh suggests sending out submissions in rounds: send the article and accompanying material to your favored group of journals, if you receive no response, send it to another group and so on.<sup>97</sup> He further advises that the length of time a student should wait between sending in rounds depends on how early in the selection cycle the article is sent.<sup>98</sup>

In general, law journals select articles from March to April, or up to June depending on when editorial boards change, and in August.<sup>99</sup> The list of recent publications by LL.M. students and alumni in Appendix II may help guide you as to what kinds of journals have accepted previous submissions by LL.M. students or recent alumni.

You should note that some journals, specifically faculty-edited journals, require that authors not submit their article to any other journal while they are reviewing it.<sup>100</sup>

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<sup>96</sup> Sarah Tran, *Getting Published* (2009), <http://www.law.georgetown.edu/lawteaching/documents/GettingPublished.pdf>.

<sup>97</sup> VOLOKH, *supra* note 24, at 156.

<sup>98</sup> VOLOKH, *supra* note 24, at 156.

<sup>99</sup> VOLOKH, *supra* note 24, at 152; McGinty, *supra* note 14, at 52.

<sup>100</sup> *See, e.g., Policies*, ASIAN JOURNAL OF COMPARATIVE LAW, <http://www.bepress.com/asjcl/policies.html#whatcansubmit>.

### 3. *What Should I Include with My Submission?*

A curriculum vitae and a cover letter are standard accompaniments to an article submission and some journals will expressly require them. If you are submitting by ExpressO, the submission fee covers the letter and CV. The cover letter should be one-page and “briefly, clearly, and effectively show[] that your article is novel, nonobvious and useful.”<sup>101</sup> The cover letter should briefly summarize your argument and then explain why the argument is important or what it adds to the literature. If you have previously published in the field or have relevant experience, you might also wish to mention that in the letter to show that, “you are the perfect person to have authored your article.”<sup>102</sup>

An example of a cover letter, by a former Georgetown Law research fellow, is available on the Georgetown Law website.<sup>103</sup> Another example is available in Professor Volokhs’ book.<sup>104</sup> Professor Volokh also advises that students not draw attention to their status as current students in their cover letter.<sup>105</sup> For authors relying on foreign sources, one writer suggests that the author indicate on the cover letter that he or she will be willing to provide copies of the foreign sources to the journal to facilitate their source-checking process.<sup>106</sup>

### 4. *What Happens if My Submission is Accepted?*

The law journal might provide a deadline for you to accept their offer of publication. It is an accepted practice that authors receiving offers try to leverage that offer to obtain an offer from a more “prestigious” journal by asking for expedited reviews from other journals. This is done either by submitting the piece

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<sup>101</sup> VOLOKH, *supra* note 24, at 152. Cf. Christian C. Day, *In Search of the Read Footnote: Techniques for Writing Legal Scholarship and Having it Published*, 6 J. LEGAL WRITING INST. 229, 253 (2000). (writing of an abstract as something that “may prove to be the make or break weapon in your arsenal when you seek publication” and noting that, “A good abstract is certainly advantageous from the article editor’s viewpoint” as it allows “a preliminary decision” without reading the entire article).

<sup>102</sup> Julian G. Ku, *Law Review Submission Guidelines*, HOFSTRA LAW SCHOOL, [http://law.hofstra.edu/pdf/facultystaff/law\\_review\\_submission\\_guidelines.pdf](http://law.hofstra.edu/pdf/facultystaff/law_review_submission_guidelines.pdf).

<sup>103</sup> Tran, *supra* note 96.

<sup>104</sup> VOLOKH, *supra* note 24, at 244-45.

<sup>105</sup> VOLOKH, *supra* note 24, at 153.

<sup>106</sup> McGinty, *supra* note 14, at 52-53.

to another journal with the information that the article has been accepted elsewhere or by informing other journals to which it has already been submitted of the offer. If you accept an offer, you should be contacted by an editor for further details. The editor will likely have questions and suggest substantive and stylistic edits. Expect that your article will go through several drafts before the journal considers it ready to send to the printing press.

#### CONCLUSION: OTHER RESOURCES AT GEORGETOWN LAW

As you start your writing project, you should remember that there are resources at Georgetown that you can turn to. For foreign-trained students, it might be particularly helpful to request a research consultation with a law librarian, most especially if you need to conduct research in American law<sup>107</sup> but also if you need advice on using Georgetown's international law materials.<sup>108</sup> The Law Library also runs a number of workshops and training sessions on research throughout the year.<sup>109</sup> The Graduate Legal Writing Center can help you with the writing and editing process. We wish you the best of luck!

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<sup>107</sup> A resource containing a discussion on legal research specifically written for international graduate students is NADIA E. NEDZEL, *LEGAL REASONING, RESEARCH, AND WRITING FOR INTERNATIONAL GRADUATE STUDENTS* (2004).

<sup>108</sup> See Wojick & Edelman, *supra* note 8, at 135-36.

<sup>109</sup> The Law Library's blog, *Due Process*, regularly posts research tips and updates on upcoming training sessions. Georgetown Law Library, *DUE PROCESS: GEORGETOWN LAW LIBRARY BLOG*, <http://www.ll.georgetown.edu/blog/>.

## APPENDIX I: RESOURCES

### A. THE WRITING PROCESS AND LEGAL WRITING STYLE

ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS* (3d ed. 2005).

EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* (2d ed. 2004).

BRYAN A. GARNER, JEFF NEWMAN & TIGER JACKSON, *THE REDBOOK: A MANUAL ON LEGAL STYLE* (2d ed, 2006).

*THE CHICAGO MANUAL OF STYLE* (16th ed. 2010).

JESSICA L. CLARK & KRISTEN F. MURRAY, *SCHOLARLY WRITING: IDEAS, EXAMPLES, AND EXECUTION* (2010).

NADIA E. NEDZEL, *LEGAL REASONING, RESEARCH, AND WRITING FOR INTERNATIONAL GRADUATE STUDENTS* (2004).

### B. LEADS ON PUBLICATION OPPORTUNITIES

The Legal Scholarship Blog (run by the University of Pittsburgh School of Law and the University of Washington School of Law),  
<http://legalscholarshipblog.com/>

GradLawLounge (blog hosted by the Canadian Association of Law Teachers),  
[http://www.acpd-calt.org/?page\\_id=823](http://www.acpd-calt.org/?page_id=823)

APPENDIX II: PUBLICATIONS BY RECENT ALUMNI

The following is a list of known publications in the last five years (2006-2011) by Georgetown Law LL.M. students and alumni who graduated since 2002. Some articles are co-written pieces. For these, at least one author was a Georgetown LL.M. student or recent alumnus.

<b>Author/s</b>	<b>Title</b>	<b>Volume</b>	<b>Journal/Publication</b>	<b>Page</b>	<b>Year</b>
Carlos E. Bacalao-Fleury	Brazil's Olympic Trials: An Overview of the Intellectual Property Challenges Posed by the 2016 Rio de Janeiro Games	2011	U. ILL. J.L. TECH. & POL'Y	191	2011
Kenan Mullis	Check-the-Box and Hybrids: A Second Look at Elective U.S. Tax Classification for Foreign Entities	64	TAX NOTES INT'L	371	2011
Jorene Soto	Show me the Money, Part II The Application of the Asset Forfeiture Provisions of the U.S. Arms Export Control Act and the RICO Act and Suggestions for the Future	13	OR. REV. INT'L L.	151	2011
Janice Lee	A Quick Fix Solution for the Morning After: An Alternative Approach to Mandatory Contraceptive Coverage	9	GEO. J.L. & PUB. POL'Y	189	2011
Shannon Weeks McCormack	Too Close to Home: Limiting the Organizations Subsidized by Charitable Deductions to Those in Economic Need	63	FLA. L. REV.	857	2011
Yong-Shik Lee, Jaemin Lee & Kyung Han Sohn	The United States-Korea Free Trade Agreement: Path to Common Economic Prosperity or False Promise?	6	E. ASIA L. REV.	111	2011
Luis Fuentes-Rohwer	Judicial Activism and the Interpretation of the Voting Rights Act	32	CARDOZO L. REV.	857	2011
Andrew D. Appleby	Levelling the Playing Field: A Separate Tax Regime for International Athletes	36	BROOK. J. INT'L L.	605	2011
Itzhak E. Kornfeld	Of Dead Pelicans, Turtles, and Marshes: Natural Resources Damages in the Wake of the BP Deepwater Horizon Spill	36	B.C. ENVTL. AFF. L. REV.	317	2011
Todd M. Aman	Cost-Benefit Analysis of the Business Judgment Rule: A Critique in Light of the Financial Meltdown	74	ALB. L. REV.	1	2011
Mark V. Vlasic & Jenae N. Noell	Fighting Corruption to Improve Global Security: An Analysis of International Asset Recovery Systems	5	YALE J. INT'L AFF.	106	2010
Itzhak E. Kornfeld	A Global Water Apartheid: From Revelation to Resolution	43	VAND. J. TRANSNAT'L L.	701	2010
David S. Jonas & Thomas N. Saunders	The Object and Purpose of a Treaty: Three Interpretive Methods	43	VAND. J. TRANSNAT'L L.	565	2010
Matthew E. Feinberg	And the Ban Plays On . . . For Now: Why Courts Must	10	U. MD. L.J. RACE RELIG.	221	2010

	Consider Religion in Marriage Equality Cases		GENDER & CLASS		
James M. Binnall	A Felon Deliberates: Policy Implications of the Michigan Supreme Court's Holding in <i>People v. Miller</i>	87	U. DET. MERCY L. REV.	59	2010
Chris Jenks	A Sense of Duty: The Illusory Criminal Jurisdiction of the U.S./Iraq Status of Forces Agreement	11	SAN DIEGO INT'L L.J.	411	2010
Andre Smith & Carlton Waterhouse	No Reparation Without Taxation: Applying the Internal Revenue Code to the Concept of Reparations for Slavery and Segregation	7	PITT. TAX. REV.	159	2010
Chase A. Tweel	Retirement Savings in the Face of Increasing Longevity: The Advantages of Deferring Retirement	14	N.C. BANKING INST.	103	2010
Christine McIsaac	Opening a GATE to Reduce Global Emissions: Getting over and into the WTO	44	JOURNAL OF WORLD TRADE	1053	2010
Andrew D. Appleby	For the Love of the Game: The Justification for Tax Exemption in Intercollegiate Athletics	44	J. MARSHALL L. REV.	179	2010
Gwendolyn Roberts Majette	Healthcare Reform & The Missing Voice of Complementary and Alternative Medicine	10	HOUS. J. HEALTH L. & POL'Y	35	2010
Lynn Ridgeway Zehri	Retaliation's Changing Landscape	20	GEO. MASON U. CIV. RTS. L.J.	143	2010
Patrick Oot, Anne Kershaw & Herbert L. Roitblat	Mandating Reasonableness in a Reasonable Inquiry	87	DENV. U.L. REV.	533	2010
Lars Markert	Challenging Arbitrators in Investment Arbitration: The Challenging Search for Relevant Standards and Ethical Guidelines	3	CONTEMP. ASIA ARB. J.	237	2010
Carlissa Carson	Yes We Can Revise the Current Military Commission System, But Why?	25	CONN. J. INT'L L.	389	2010
Matthew E. Feinberg	The Prop 8 Decision and Courtroom Drama in the Youtube Age: Why Camera Use Should be Permitted in Courtrooms During High Profile Civil Cases	17	CARDOZO J.L. & GENDER	33	2010
Sean M. Donohue	Lessons Learned from <i>CSX Corp. v. Children's Investment Fund Management</i> and Proposals for Reform	4	BROOK. J. CORP. FIN. & COM. L.	221	2010
Chris Jenks	Square Peg in a Round Hole: Government Contractor Battlefield Tort Liability and the Political Question Doctrine	28	BERKELEY J. INT'L L.	278	2010
Shannon Weeks McCormack	Taking the Good with the Bad: Recognizing the Negative Externalities Created by Charities and Their Implications for the Charitable Deduction	52	ARIZ. L. REV.	977	2010

Francois Quintard-Morenas	The Presumption of Innocence in the Franch and Anglo-American Legal Traditions	58	AM. J. COMP. L.	107	2010
James M. Binnall	Convicts in Court: Felonious Lawyers Make a Case for Including Convicted Felons in the Jury Pool	73	ALB. L. REV.	1379	2010
Alexia M. Baiman	Cryopreserved Embryos as America's Prospective Adoptees: Are Couples Truly "Adopting" or Merely Transferring Property Rights?	16	WM. & MARY J. WOMEN & L.	133	2009
Patrick J. Glen	Judicial Judgment of the Iraq War: United States Armed Forces Deserters and the Issue of Refugee Status	26	WIS. INT'L L.J.	965	2009
James M. Binnall	Sixteen Million Angry Men: Reviving a Dead Doctrine to Challenge the Constitutionality of Excluding Felons From Jury Service	17	VA. J. SOC. POL'Y & L.	1	2009
Tabatha Abu El-Haj	The Neglected Right of Assembly	56	UCLA L. REV.	543	2009
Dan E. Stigall. Christopher L. Blakesly & Chris Jenks	Human Rights and Military Decisions: Counterinsurgency and Trends in the Law of International Armed Conflict	30	U. PA. J. INT'L L.	1367	2009
Shannon Weeks McCormack	Tax Shelters and Statutory Interpretation: A Much Needed Purposive Approach	2009	U. ILL. L. REV.	697	2009
Sebastian A. Drevet & Victor Thuronyi	The Tax Treaty Network of the U.N. Member States	54	TAX NOTES INT'L	783	2009
Colin Douglas Campbell, Jr.	MeadWestvaco Corp. v. Illinois Department of Revenue: A States-Based Approach to Establishing Consistency in the Apportionment of Liquidation Income	62	TAX LAW.	107	2009
Marybeth E. Frantz	State and Local Taxation	59	SYRACUSE L. REV.	1029	2009
Keith A. Petty	Criminalizing Force: Resolving the Threshold Question for the Crime of Aggression in the Context of Modern Conflict	33	SEATTLE U.L. REV.	105	2009
Luis Fuentes-Rohwer & Laura Jane Durfee	Leaving the Thicket at Last?	2009	MICH. ST. L. REV.	417	2009
Keith A. Petty	Who Watches the Watchmen? "Vigilant Doorkeeping," the Alien Tort Statute, and Possible Reform	31	LOY. L.A. INT'L & COMP. L. REV.	183	2009
WookBai Kim	Challenging the Roots of the Subprime Mortgage Crisis: The OCC's Operating Subsidiaries Regulations and Watters v. Wachovia Bank	21	LOY. CONSUMER L. REV.	278	2009
Mark E.A. Danielson	Economic Espionage: A Framework for a Workable Solution	10	J.L. SCI. & TECH.	503	2009

James Windon	The Allocation of Free Emissions Units and the WTO Subsidies Agreement	41	GEO. J. INT'L L.	189	2009
Gregory Raymond Bart	The Ambiguous Protection of Schools Under the Law of War-Time for Parity with Hospitals and Religious Buildings	40	GEO. J. INT'L L.	405	2009
Tanya Karina A. Lat	Testing the Limits of GATT Art. XX(b): Toxic Waste Trade, Japan's Economic Partnership Agreements, and the WTO	21	GEO. INT'L ENVTL. L. REV.	367	2009
Chris Jenks	Notice Otherwise Given: Will in Absentia Trials at the Special Tribunal for Lebanon Violate Human Rights?	33	FORDHAM INT'L L.J.	57	2009
Luis Fuentes-Rohwer	Understanding the Paradoxical Case of the Voting Rights Act	36	FLA. ST. U.L. REV.	697	2009
Andrew D. Appleby	Pay at the Pump: How \$11 Per Gallon Gasoline Can Solve the United States' Most Pressing Challenges	40	CUMB. L. REV.	3	2009
Lars Markert	Arbitrating in the Financial Crisis: Insolvency and Public Policy Versus Arbitration and Party Autonomy - Which Law Governs?	2	CONTEMP. ASIA ARB. J.	217	2009
Keith A. Petty	Are You There, Geneva? It's Me, Guantanamo	42	CASE W. RES. J. INT'L L.	171	2009
Andrew D. Appleby & Matthew D. Montaigne	Three's Company: Stone v. Ritter and the Improper Characterization of Good Faith in the Fiduciary Duty "Triad"	62	ARK. L. REV.	431	2009
Samuel L. Tarry, Jr.	Can Litigation-Generated Science Promote Public Health?	33	AM. J. TRIAL ADVOC.	315	2009
Luis Fuentes-Rohwer	Back to the Beginning: An Essay on the Court, the Law of Democracy, and Trust	43	WAKE FOREST L. REV.	1045	2008
Tamara F. Lawson	"Whites Only Tree," Hanging Nooses, No Crime?: Limiting the Prosecutorial Veto for Hate Crimes in Louisiana and Across America	8	U. MD. L.J. RACE RELIG. GENDER & CLASS	123	2008
Lisa M. Nadal	Should Advance Pricing Agreements Be Disclosed?	51	TAX NOTES INT'L	867	2008
James Morgan	Sovereign Wealth Funds: "The World's Most Expensive Club"	52	TAX NOTES INT'L	811	2008
Megan A. Stombock	Economic Nexus and Nonresident Taxpayers: How Far Will it Go?	61	TAX LAW.	1225	2008
Nicole Occhuzzo	Taxing Tenure: An Examination of How the Federal Insurance Contribution act (FICA) Has Been Applied to Tenure Buyouts	62	TAX LAW.	189	2008
Sean M. Stegmaier	Education in the Internal Revenue Code: Education and the Inclusion of Refundable Tax Credits	37	SW. U.L. REV.	135	2008
Christopher J. Schmidt	Ending the Matthews v. Eldridge Balancing Test: Time for a New Due Process Test	38	SW. L. REV.	287	2008
Kim D. Chanbonpin	Ditching "The Disposal Plan": Revisiting Miranda in an Age of	20	ST. THOMAS L. REV.	155	2008

	Terror				
Eric M. Pedersen	The Foreign Corrupt Practices Act and Its Application to U.S. Business Operations in China	7	J. INT'L BUS. & L.	13	2008
Jaemin Lee	Terrorism Prevention and the Right of Preemptive Self-Defense	2	J. E. ASIA & INT'L L.	291	2008
Luis Fuentes-Rohwer	The Land that Democratic Theory Forgot	83	IND. L.J.	1525	2008
Patrick J. Glen	Is the United States Really Not a Safe Third Country?: A Contextual Critique of the Federal Court of Canada's Decision in Canadian Council for Refugees, et al. v. Her Majesty The Queen	22	GEO. IMMIGR. L.J.	587	2008
Erin Massey Everitt	Sarbanes-Oxley's Officer Certification Requirements-Has Increased Accountability Equaled Increased Liability?	6	DEPAUL BUS. & COMM. L.J.	225	2008
Keith A. Petty	Veiled Impunity: Iran's Use of Non-State Armed Groups	36	DENV. J. INT'L L. & POL'Y	191	2008
Georgina Druce	Does Waterboarding Constitute Torture?	6	DARTMOUTH L.J.	351	2008
Eric M. Pedersen	APEC: What Future Course of Action Should it Pursue?	16	CURRENTS INT'L TRADE L.J.	31	2008
Melissa Khemani & Joshua Brien	Promoting International Humanitarian Law: The Work of the Commonwealth Secretariat	34	COMMONWEALTH LAW BULLETIN	791	2008
Patrick J. Glen	Towards the Criminalization of Dictatorship: A Draft Proposal for an International Convention on Dictatorship	14	BUFF. HUM. RTS. L. REV.	15	2008
Sean M. Donohue	Section 162(M): Executive Compensation and the Implications of Revenue Ruling 2008-13	8	APPALACHIAN J.L.	89	2008
Andre L. Smith	The Deliberative Stylings of Leading Tax Scholars	61	TAX LAW.	1	2007
Patrick J. Glen	The Deconstruction and Reification of Law in Franz Kafka's "Before the Law" and The Trial	17	S. CAL. INTERDISC. L.J.	23	2007
Andre L. Smith	Formulaically Describing 21st Century Supreme Court Tax Jurisprudence	8	HOUS. BUS. & TAX L.J.	37	2007
Jaemin Lee	Past and Present of the Korean Telecommunications Regulation: Market Liberalization and Broadband Permeation	2	GLOBAL TRADE AND CUSTOMS J.	393	2007
Jorene Soto	"We're here to protect democracy. We're not here to practice it:" The U.S. Military's Involvement in Trafficking in Persons and Suggestions for the Future	13	CARDOZO J.L. & GENDER	561	2007