

Getting Published

Sarah Tran

Congratulations! You have written a seminar or law review paper and feel it is of publishable quality.

Why publish?

- Why not?! You have already invested substantial time and effort in writing the paper.
- Your paper may improve the law if it is published.
- Prestige value. One of the best writing samples, whether you are applying for a job with private law firms, public law firms, or the government, is a reprint or a copy of a paper that has been accepted for publication.
- Broader career options. If you have any interest in academia, faculty appointments committees are increasingly only looking at entry level candidates with publications.
- Enhanced communication skills. Getting published gives you the opportunity to work collaboratively with law review editors to strengthen your paper, which also gives you an opportunity to improve your interpersonal and writing skills.

Where should you try to publish?

- Although it is generally worthwhile to try to publish a piece in the main and specialty journals of Georgetown, consider submitting your piece to other schools. Georgetown students have had their papers rejected by Georgetown journals only to receive publication offers from specialty journals at Harvard, University of Texas, Vanderbilt, University of Virginia, and others. Plus, getting published in another school's journal gives you a better credential as people will readily acknowledge that the article was indeed competitively selected.
- Faculty may only need to send their articles to 25 to 50 journals to receive an offer. Students, however, may need to submit to over 200 journals. Students tend to have much greater success getting offers from specialty journals than from flagship journals.

How should you submit your article?

There are two ways to submit your article:

- **ExpressO:** The easiest way to submit your article is through the Berkeley Electronic Press' ExpressO service, an online service at <http://law.bepress.com/expresso/>. You upload your resume, cover letter, abstract, and article onto the ExpressO website and pay a fee (typically \$2/ submission) to submit your materials to any journals you select from a list of hundreds of main law review and specialty journals. (While some other schools have a school-wide license under which students can submit through ExpressO for free, at present Georgetown only offers this service to faculty.)
- **Manually:** You can mail or e-mail your materials to journals that allow this. Professor Eugene Volokh provides a link to the contact information of various journals at <http://volokh.com/writing/submitting>. However, as Volokh has pointed out, this method is a huge hassle and will likely tempt you to limit your submissions to a small pool of journals, which will hurt your chances of getting an offer.¹

How should you prepare your submission package?

- Cover letter and Abstract. Your submission materials should include a one-page cover letter and an abstract that succinctly shows that your article addresses a novel, useful, and important issue. Examples of successful documents are provided at the end of this paper.
- You might have more success if you de-emphasize the fact that you are a student. Although you will have to reveal this information in your resume, try not to indicate it in any other documents.
- Formatting. Try to make your piece look professional, like a published article. Use single spacing, a justified right margin, hyphenation, etc. Do not waste time formatting your article to meet the particular requirements of a specific journal. Even if a journal claims it prefers another format, its editors may find it easier to read the above-described format.²

¹ Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review*, Chapter VII: Publishing and Publicizing (Foundation Press, 3rd edit. 2007).

² Volokh at 189.

When should you sent out your package?

- Timing is important because law review editors tend to seek submissions during certain months.
 - The best times to send out articles are March and mid to late August. April and September are generally fine; May through early August offer less possibilities; and October through February are the worst months.
 - If the article is time sensitive, however, it may still be a good idea to send it out as early as possible.³

How can you save money?

- To save submission costs, you can send out your article in rounds.
 - First, you might send your article to the main and specialty journals at the top 50 schools. Then, if you have not received any offers within two to three weeks, you could try to send it to a second batch of schools consisting of the next top 50 schools or even broader.
 - Do not wait for rejection letters. Many journals take months to inform you of their decision, and some journals never send a rejection letter.

What should you do if you receive an offer?

- Offers come with deadlines.
 - If you receive an offer, you are deservedly excited. Resist the temptation to jump the gun and accept right away. As discussed below in the Shopping up section, getting one offer helps you get others.
 - Many journals will give you an offer with a deadline of anywhere between one day to several weeks for you to make a decision. Even if they give you a 24 hour deadline, it is customary to ask them for two weeks.
 - If the journal does require an immediate acceptance, you may want to accept if you doubt you could get a better offer.
- Offer terms.
 - Journals will either offer you publication as a Student Note or as a full-fledged article. It is preferable to publish your piece as a full-fledged article.

³ Volokh at 187.

- Shopping up. As soon as you receive an offer, notify the other journals on your list that are ranked higher either by phone call, e-mail, or through ExpressO that you have an offer and would like an expedited review.
 - This often helps you receive a more prestigious offer.
 - If the other journals need more time than the original journal gave you, ask your original journal for an extension but be delicate about it. Some still perceive this process as tacky, but it is increasingly common and even expected by the law review editors.
 - Do not be shy about trying to shop an offer from a #100 journal to a #1 journal. Any offer shows that readers think highly of your article.
 - In general, the higher a school's ranking by U.S. News, the more prestigious the placement. And flagship journals are generally more prestigious than specialty journals. If you are trying to select between offers from a low-ranked flagship journal and a high-ranked specialty journal, you should probably talk to a faculty member.
- After accepting an offer.
 - It shows poor taste and ethics to renege once you have accepted an offer.
 - You should notify the other journals you have submitted to of your acceptance and withdraw your article from their review.

What can you do if your article is rejected?

- Try not to feel rejected. Even law professors usually get rejected by over 90% of the journals to which they submit. "Rejection is part of the process... Remember that all you need is one acceptance."⁴
- If you get rejected by all the journals you submitted to:
 - Try, try again.
 - You can spend a little time fixing your piece up and then send it out to the next batch of lower-ranked journals.
 - Or, if you wait until the next editorial board is in place (boards typically run March to March), you can resubmit it to the journals you previously sent it to.

⁴ Volokh at 195.

Sources

E-mail from Frances DeLaurentis, Chair and Professor of Legal Research and Writing, Georgetown University Law Center (Jan. 9, 2009, 11:14 EST).

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review*, Chapter VII: Publishing and Publicizing (Foundation Press, 3rd edit. 2007).

Interview with Robin West, Associate Dean, Research; Professor of Law, Georgetown University Law Center (Nov. 2008).

Sample Cover Letter for Submitting an Article to Law Reviews

[Your Name]
[Your Address]
[Your Phone Number]
[Your E-mail Address]

[Date]

Dear Law Review Editor:

In the attached short article, I aim to start a broad discussion about what I identify as the abuse of “emergencies” generally: When government agencies use a national disaster as an excuse to expedite their own agendas, serious repercussions, such as environmental damage and violated landowner rights, become not only possible but probable, along with the risk that citizens will be deprived of their rights to express their opinions and concerns.

To illustrate the problem, I argue that the Federal Energy Regulatory Commission (FERC) used the 2005 hurricanes as an “excuse” to extend radical changes to the nation’s regional and national gas transportation systems, while ignoring the procedural “encumbrances” of the Natural Gas Act, Administrative Procedure Act, and National Environmental Policy Act, for far longer than was necessary to resolve the “crisis” that resulted from the hurricanes. In fact, what FERC claimed was a corrective measure for one winter extended through the winter, a spring, a summer, a fall, and another winter without reason.

The serious legal and practical implications of FERC’s action have been largely ignored by the literature, which has focused almost exclusively on the fact that FERC responded *promptly* to the hurricanes. As too often happens, discussion about an agency’s speed in responding to an “emergency” has driven out discussion about its wisdom. I hope the example of FERC’s prolonged “emergency” response can stimulate attention to the need for government accountability during emergencies before the next “crisis” occurs.

Please let me know if you have any questions about the piece.

Sincerely Yours,

[Your name]

Sample Abstract for Submitting an Article to Law Reviews

ABSTRACT

This Article suggests that by providing incentives for pipeline companies to reconstruct the nation's natural gas infrastructure for fifteen months after Hurricanes Katrina and Rita devastated the Gulf Coast region of the U.S., the Federal Energy Regulatory Commission (FERC) unjustifiably used the hurricanes as an excuse to go beyond what was necessary for an "emergency" that, in fact, lasted no longer than five months for the natural gas industry. The article briefly discusses how FERC had a significant reason to want to extend its "emergency" response beyond five months without procedural "encumbrances"- before the hurricanes, America's natural gas infrastructure was already deficient. The article then shows that the changes FERC made to its regulation of pipeline companies necessitated more regulatory protection for the rights of the public, the environment, and landowners than it had provided. Beyond these practical concerns, the article discusses how, in extending the "emergency" response beyond five months without any public input, FERC violated the Natural Gas Act, the Administrative Procedure Act, and the National Environmental Policy Act. The paper further discusses the theoretical importance of these doctrines.