



“RIGHTING” THE WRITE ON COMPETITION

© 2017 The Writing Center at GULC. All Rights Reserved.*

INTRODUCTION

We have designed this guide to help you apply what you have learned in first-year legal research and writing to your submission to the journal Write On Competition. This handout will be most useful to you *before* the competition actually begins.

In the competition, you are asked to write a “case comment,” an original scholarly analysis of an assigned principal case or cases. Students are required to compose the comment exclusively based on materials included in the packet, *i.e.*, no outside research is needed or permitted. The packet will likely include a principal case or cases, related cases, plus other materials, including primary sources (statutes or regulations) and/or secondary sources (law review articles or notes, newspaper articles, etc.). The packet will likely be hundreds of pages. You will be scored based on your ability to marshal that material to produce an original and cogent comment that is well-written and properly cited.

A final introductory note: although the format and content of your comment may differ from the memos and briefs you wrote in Legal Practice, **the skills you will apply are the same**. Of course, you still need your writing to be clear and well organized. But the analysis will be similar as well; you will be expected to analogize between and among sources, distinguish cases and other sources based on facts, critique the logic of legal arguments, and identify relevant policy implications. Consider this the next step of your legal education, not a new endeavor. You are prepared to take it.

PURPOSE OF THE WRITE ON COMPETITION

The Write On submission takes the form of the comment because it resembles the note that journal staff members are typically asked to submit during their first year on a journal. Staff members are also required to collect sources and edit articles and notes selected by the journal for publication. Thus, the Write On Competition evaluates a student’s writing and editing ability. The competition is judged by third-year student editors from each of Georgetown’s journals.

* By Lisa Joire and Sapna Khatiwala; revised by William Durkin in Spring 2010; revised by John Secaras in Spring 2017.

PREPARING FOR THE WRITE ON COMPETITION

The competition will begin shortly after you finish your first-year final exams, so you will not exactly feel like you have a lot of free time to prepare before the competition begins. However, extra preparation is not necessarily needed—in fact, you have been “preparing” all year long by improving your writing and learning how to cite sources in your legal practice class, as well as in the rest of your classes.

In any event, there are a few things you can do that will not take much time and at least might make you feel more comfortable before the competition begins:

- You might read some **books or articles** that suggest strategies for the competition, such as Eugene Volokh’s book, *Academic Legal Writing*.¹ No single resource should be treated as *the* definitive guide for success, but you might find a couple helpful pointers on how to approach the process.
- The Office of Journal Administration will probably make available **top-scoring comments** from previous competitions; you should read these to get a sense for what a strong (but not necessarily perfect) case comment looks like.
- Spend some time with your **Bluebook**. The editing component of the competition should not be overlooked, and familiarizing yourself with the Bluebook (or at least the table of contents and index) might help you identify some of the tricky editing problems you will face.
- Set **internal deadlines** for yourself, such as when you want to have completed reading the packet, have a first draft, and when you will do your final proofing.

WRITING YOUR COMMENT

Start off by reading the entire Write On packet, focusing on the principal case or cases. This could take two full days, so take notes as you read. As mentioned above, you will probably be asked to comment on a principal case or one or more conflicting opinions. Related secondary materials will fill out the packet. Do not be afraid to skim, but pay close attention to key sources. As you read, try to **develop a thesis**. Use the open-ended directive in the competition—to “comment” on a principal case or cases—to your advantage by writing about an aspect of the packet that piqued your interest or by taking an original position. A clear thesis is important and will help distinguish you from the crowd, so determine early on the argument you want to make.

After you have finished this step, **write a full draft as early as possible**. A draft, even if it includes gaps in reasoning or is not terribly elegant, will at least give you a skeleton around which to build your comment. The sooner this step is complete, the sooner you can begin to improve it. You might find it helpful to create an outline before you begin, depending on your

¹ Eugene Volokh, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* (2010). For other useful materials, see JESSICA CLARK & KRISTEN E. MURRAY, *THE LEGAL WRITING COMPANION: PROBLEMS, SOLUTIONS, AND SAMPLES* (2014), and ELIZABETH FAJANS & MARY R. FALK, *SCHOLARLY WRITING FOR LAW STUDENTS: SEMINAR PAPERS, LAW REVIEW NOTES AND LAW REVIEW COMPETITION PAPERS* (1995).

personal writing style. Re-read portions of the packet to refresh your memory and master the key sources.

The **structure** of the comment should include an introduction, discussing the principal case, an analytical section, and a conclusion. Whatever form your competition packet takes, there are a number of analytical techniques you can use. We have listed a few below, but you should not feel limited to one of these techniques:

- You may receive just one opinion, so you might try to analyze the result and reasoning of the opinion. You might argue the result was correct or incorrect and explain your reasoning for believing so.
- You may receive two conflicting opinions, so you might discuss why one court reached a better result than the other; or how the reasoning of one court is flawed.
- You may receive two or more conflicting decisions from the same jurisdiction, so you might discuss why one court applied a better standard than another.

As you rewrite your draft, focus on making your **analysis** more persuasive. Recall what you learned about good (and poor) legal analysis in Legal Practice. Address and refute potential counterarguments to your position. Fill in gaps in your reasoning. Perhaps you could develop an argument alluded to in one of your secondary sources. The size and breadth of the competition packet will give you a lot of material to work with, so use it to your advantage. Moreover, citing a diversity of sources may demonstrate to your evaluators that you have a good command of the material, if it is done effectively. One note on this step of the process: rewriting will take a great deal of time, so budget accordingly. And do not forget to spend some time away from the document—you will need fresh eyes once in a while.

When you are nearing the end of the writing process and have refined your analysis, focus on **style and readability**. Use topic sentences that guide the reader through your argument. Ensure that you have transition phrases so you do not abruptly shift to a new point. You can also consider inserting headings in the document to function as “sign posts.” Eliminate awkward phrases at this point too; a helpful technique to catch them is to read the entire document aloud to yourself.

The last step of the process should be obvious: **proofreading**. A misspelled word, missed punctuation, or grammatical error will hurt you. Because the rules of the competition prohibit you from sharing the document with others, you will want to give yourself a couple rounds of proofing so you do not miss any errors.

During the Write On Competition you will need to read critically, identify issues, and apply specific facts to the components of the law. In addition, this is your opportunity to develop a theme and express your stance or opinion. A successful Write On submission will include all of these components.

THE BLUEBOOK

A large portion of your score in the Write On Competition will be your adherence to the citation conventions in The Bluebook. The Bluebook **format of a scholarly note differs** from the format that you used in your first-year memos and briefs in several ways. First, citations are usually indicated in footnotes (or endnotes, in the case of the competition). Second, citations use the law review format rather than the practitioner's format. Thus, instead of underlining signals and case names as you may have done in first-year memos and briefs, the conventional style for law reviews is to use italics. Law reviews also use a variety of typefaces. For example, when you cite to a book, small caps are used for the author's name and title of the book. The small caps typeface is also used for headings. For a quick reference to the law review format, look at the inside front cover of your Bluebook.

The Bluebook citation aspect of your comment should not just be seen as an opportunity to make a mistake and lose points. Because your packet will include an **array of types of sources**, citing them correctly will demonstrate to your evaluator your strength as an editor. The same goes for **signals**; try to vary your signal usage, but make sure you do so correctly.

There are resources in the Writing Center and on the Writing Center website to help you refresh your knowledge of Bluebook citation. For example, there is a handout listing the ten most obscure Bluebook rules.

CONCLUSION

You have learned much this year about legal research and writing that you will apply to the Write On Competition. Remember to focus on your thesis, analysis, and Bluebook citation—the Write On Competition judges value these elements highly.

Congratulations, you have completed your first year of law school and you are taking your first steps into scholarly writing.