ARIZONA STATE LAW JOURNAL

Staff Writer Handbook

» 2020–2021 «

INTRODUCTION

Welcome to the Arizona State Law Journal!

This handbook is a resource that outlines the responsibilities of a Staff Writer on *Journal*. Inside, you will find four sections that provide an overview of: (1) the structure of *Journal* and duties of each editorial position; (2) the production (cite checking) process; (3) the Note & Comment process, and (4) the article selection process.

This handbook intends to provide an overall understanding of what we hope to accomplish as a *Journal* this year and your instrumental role in finding that success. It also has resources, deadlines, reminders, and helpful tips. If you have questions, please reach out to any Executive Board Member or Editor.

Take time to read the handbook to get an overall understanding of what we hope to accomplish this year and your role in achieving our goals. *Journal* is hard work, we will not sugar-coat it; but we hope you will find, as we have, that *Journal* membership is extremely rewarding.

Welcome to the team! It's going to be a great year!

TABLE OF CONTENTS

STAFF WRITER HANDBOOK	1
PART I: WHAT IS THE ARIZONA STATE LAW JOURNAL?	5
ROLE OF THE ARIZONA STATE LAW JOURNAL	5
How ASLJ Can Help You: Research and Writing SkillsFrom Submission to Publication: The Journal Process	6
JOURNAL POSITIONS	7
Articles Department	7
Production Department	
Staff Writers	
JOURNAL POLICIES	12
JOURNAL COMMITTEES	13
JOURNAL RESOURCES	15
Quick References	
PART II: PRODUCTION RESPONSIBILITIES	16
Overview	16
CITE CHECKING	
Assignments	17
CITE CHECKING QUICK REFERENCE	
PART III: NOTES & COMMENTS	21
What are Notes & Comments?	22
The Note & Comment Writing Process	25
Journal Submission Requirements	
Credits and Deadlines	
Useful Tips for a Better Note or Comment PART IV: ARTICLES SELECTION PROCESS	
Who decides what Journal publishes?	
How does Journal decide what to publish?	
What happens after an article is accepted?	
THE REVIEW PROCESS	
The First Review: What are we looking for?	36
Do you recommend this piece?	37
The Second Review	
The Initial (or Committee) Vote	39

Executive Board Vote	40
ARTICLE REVIEW POLICIES	
What Not to Do	40
School Rankings List	42

PART I: WHAT IS THE ARIZONA STATE LAW JOURNAL?

ROLE OF THE ARIZONA STATE LAW JOURNAL

Journal's goal is to provide a forum for thoughtful legal analysis, with a focus on issues concerning Arizona's legal community and the Ninth Circuit. Lawyers, judges, scholars, and legal researchers use our articles as the basis for their work and rely on them for their accuracy. As a member of Journal, you not only represent current membership, but also the Sandra Day O'Connor College of Law as a whole. Faculty and alumni have a vested interest in seeing that our publication reflects positively on the law school.

Our subscribers include large and small law firms, judges and justices, university law libraries, government agencies and departments, and a number of foreign institutions. We also license our articles to Westlaw, Lexis, and other online services, from which we receive a small fee each time one of our articles is downloaded.

We will publish at least four issues this school year. We also have an online publication that publishes supplemental articles from our main print issue. The number of articles per issue varies, but the goal is to publish five to ten faculty-written articles and two to three student-written notes or comments. Usually in odd-numbered years we publish an Arizona issue, which is exclusively comprised of articles relevant to Arizona law. Meanwhile in even-numbered years, we publish a symposium issue dedicated to a single area of the law. This year is unique in that we will be publishing both an Arizona issue this Fall, and a Symposium issue this Summer. The Arizona issue will be on criminal law reform, meanwhile the Symposium issue will be on mens rea reform.

How ASLJ Can Help You: Research and Writing Skills

A second important function of *Journal* is to hone members' analytical and writing skills. Simply performing your assigned work will improve your legal research skills and broaden your exposure to substantive law. By completing your Note or Comment, you will immerse yourself in a topic, acquiring substantive knowledge in a particular area that will help you as an editor and, later, as a practitioner. Through cite checks, your attention to detail will reach is highest level. At the very least, *Journal* participation will enhance your ability to work on a team with a common objective—an increasingly important skill in these days of complex transactions and litigation.

From Submission to Publication: The Journal Process

The *Journal* process begins by soliciting submissions from faculty all over the world. The faculty-written pieces are selected anywhere from a year to a year and half in advance. We receive well over a thousand manuscript submissions per year. These submissions go through a multi-stage review process starting with Staff Writers, moving to the Articles Committee, and finally to the Executive Board. Please consult Part IV for additional details on the articles selection process.

If the article is accepted by the Executive Board, *Journal* will send a publication offer to the author. After an author accepts our publication offer, the Articles Department proofreads the articles, looking for grammatical and typographical errors. Our Editors generally do not make substantive edits. Once that process is complete, they turn the manuscript over to the Production Department, which is responsible for typesetting, cite checking, *Bluebook*ing, and copy editing the final manuscript before it heads to the printer. You will be assigned to one of six cite checking teams, led by a Managing Editor and Research Editor. Your Managing Editor will assign you *Bluebook*ing, cite checking, and copy-editing duties on the articles selected for publication. From time to time, you might be asked to work with another editor depending upon our publication needs during the year. Please consult Part II for additional details on the production process.

In addition to faculty pieces, Staff Writers write the student pieces *Journal* publishes. Each Staff Writer must complete a note or comment and may submit their manuscript for publishing consideration. After you choose a topic and compose a thesis for your Note or Comment this year, the Note & Comment Editors will help you develop and refine your articles. You will be assigned a Note & Comment Editor that will guide you through the scholarly writing process—reviewing your thesis and argument summary and providing substantive and stylistic edits to your drafts. This may fulfill your graduation writing requirement.

Finally, *Journal* is also responsible for efforts to develop *Journal* as a student organization and prestigious organization in the community. These initiatives fall under the Operations department. This department includes the Technology Editor that maintains the ASLJ website. The Blog Editor is responsible for organizing and growing the ASLJ Blog. Staff Writers are required to write at least two blog posts throughout the year on relevant and timely legal topics to be published on the blog. Additionally, the Blog Editor, Chair, and Committee solicit blog posts from members of the legal community to enhance our reach. Associate Editors are "at-large" editors that support the Executive Operations Editor as needed with the mentorship program, recognition initiatives, and the annual Journal Convention.

JOURNAL POSITIONS

Journal is made up of about eighty student staff, including forty 2L Staff Writers and forty 3L editors. The Executive Board is composed of the Editor-in-Chief and four Executive Editors, each responsible for a Journal department: Articles, Note & Comment, Production, and Operations. The editorial staff members are divided by departments and are overseen by that department's Executive Editor. This year's masthead, which details each Editor's responsibility, is shown in Figure 1.

The Executive Board

The Executive Board of *Journal* is composed of the Editor-in-Chief, Executive Managing Editor, Executive Articles Editor, Executive Note & Comment Editor, and the Executive Operations Editor. Collectively, they discuss and arrive at a consensus on policy and procedure for the entire *Journal*. They meet each week to coordinate work among their departments and discuss other issues, such as committee updates and publication schedules.

Editor-in-Chief

The Editor-in-Chief (EIC) is responsible for the overall operation of *Journal*, including developing policies and procedures, and planning and coordinating upcoming issues. The EIC is also responsible for resolving any serious staff problems. The EIC is the final authority on all *Journal* business unless otherwise set forth in the Bylaws. The EIC is also responsible for maintaining communications with the school administration and faculty and promoting the interests of *Journal* in the legal community.

Articles Department

Executive Articles Editor

The Executive Articles Editor (EAE) is a member of the Executive Board and oversees the Articles Department. The EAE is in charge of reviewing and soliciting articles from authors, communicating with authors, and overseeing the articles selection process. Additionally, the EAE is responsible for proofreading articles' above-the-line text to ensure they are free of errors before cite checking and *Bluebook*ing begins.

Articles Editors

Articles Editors assist the EAE in selecting articles for publication. From time to time, they may assist with second reviews of article submissions but generally, the Articles Editors will focus their time on committee votes for publication.

Arizona Issue Editor

The Arizona Issue Editor is responsible for the Arizona Issue. He or she supervises the Associate Editors and Staff Writers who are assigned to review, select, edit, or write articles for the Arizona Issue. Additionally, the Arizona Issue Editor has wide discretion in choosing the articles for publication in the Arizona issue.

Symposium Editor

The Symposium Editor is responsible for helping develop and publish the symposium issue, which is published every other year. His or her direct duties include developing a symposium topic, selecting speakers and authors, reviewing, selecting and editing articles for the symposium issue, coordinating with the Executive Articles Editor and the Executive Managing Editor as necessary, and supervising Associate Editors and Staff Writers assigned to the symposium issue and organizing the event. In off years, the Symposium Editor will develop ideas and plan for the next symposium issue.

Production Department

Executive Managing Editor

The Executive Managing Editor (EME) is a member of the Executive Board, the head of the Production Department, and second-in-command of *Journal* after the Editor-in-Chief. The EME is responsible for the technical quality of all *Journal* publications. After an article is selected for publication by the Articles Department, the EME prepares the article for editing, assigns it to an editing team, and manages the editing and cite checking process.

Managing Editors

The Production Department is divided into five or six teams (depending on the size of the Staff Writer class). A Managing Editor (ME) leads each team. MEs, after receiving an article from the EME, assign a portion of the article to each Staff Writer for cite checking. The MEs oversee the cite checking process, answer questions, and assist Staff Writers. They approve footnote changes to the electronic documents, and they confer with the EME regarding suggested corrections to the "above-the-line" text. They also evaluate Staff Writer performance and provide detailed feedback.

Research Editors

Research Editors assist the Managing Editors in leading the team of Staff Writers. Specifically, they retrieve all print sources cited in an article and make them available to Staff Writers for cite checking. Research Editors are responsible for answering questions about locating sources and for helping Staff Writers locate hard-to-find sources.

Business Editor

The Business Editor is responsible for the financial affairs of *Journal*, administration of subscriptions, inventory control, completing backorders, collecting *Journal* mail, and maintenance of *Journal*'s facilities and equipment.

Note & Comment Department

Executive Note & Comment Editor

The Executive Note & Comment Editor (ENCE) is the head of the Note & Comment Department. Soon after the selection of the new Board, the ENCE begins selecting due dates and selecting Note & Comment Editors (NCE). The ENCE assigns an NCE to each Staff Writer and assists each Staff Writer in the writing process, including selection of a topic and faculty advisor. While the NCE assigned to a Staff Writer is that Staff Writer's first point of contact, the ENCE is in charge of resolving any issues that may arise. The ENCE's work concludes with the review of the final draft of all student articles, usually in March.

Note & Comment Editors

NCEs work directly with Staff Writers on their scholarly writing. They review each draft of the notes or comments and provide technical feedback for the Staff Writers, emphasizing proper organization and scholarly writing style. They also assist in outlining, planning, and organizing the articles, drafting theses, and developing a list of authorities. In tandem with the ENCE and faculty advisors, they provide final approval of drafts for Staff Writers to receive academic credit and make recommendations for publication of notes and comments.

Operations Department

Blog Editor

The Blog Editor is responsible for the success of *Journal*'s effort to inform practitioners, students, and those interested in the law across Arizona and the rest of the country about timely legal issues.

Responsibilities include creating a blog schedule for Staff Writers, supporting the Blog Committee throughout the editing process, making final edits on all blogs before publication, working with the Technology Editor to timely publish the blogs on the *Journal* website, and promoting usage of the *Journal* blogs to practitioners.

Technology Editor

The Technology Editor is responsible for operating the *Journal* website, selecting and publishing web content, maintaining *Journal* office equipment, including computers and software, and coordinating with the College of Law IT staff.

Associate Editors

Associate Editors assist and support the Articles, Production, and Note & Comment Departments as necessary. The duties of Associate Editors are similar to those of the Articles, Note & Comment, and Managing Editors, although these duties are distributed to Associate Editors to a lesser extent. Associate Editors are also greatly encouraged to mentor Staff Writers, and to make themselves available to assist Staff Writers, particularly with questions that may not fall under another Editor's duties.

Staff Writers

Staff Writers have the following major responsibilities:

- 1) Articles: perform the crucial first step in the article selection process by completing "first round reviews" for submitted articles;
- 2) Production: ensure the technical quality of all articles published in *Journal*, particularly the accuracy of all citations;
- 3) Note & Comment: produce a scholarly article (case note or comment) of publishable quality;
- 4) Operations: author two timely blog articles per year; and
- 5) Serve on a committee as a member or chairperson.

The primary focus of Staff Writers is ensuring that all citations in an article are correct and accurate. Staff Writers edit articles and work on their own article until the middle of the spring

semester. All 2L Staff Writers who satisfactorily complete their responsibilities will be given an editorial position their 3L year.

JOURNAL POLICIES

Deadlines

Publishing a law journal is a responsibility that we treat with the same seriousness that we would apply to any business venture. This means deadlines are as important to us as they are to the editors of any major publication (maybe more so; they do not have to take final exams!). When you receive an assignment, whether from the Production Department, Note & Comment Department, Articles Department, or your committee, you will also be given a firm deadline that you must meet. If you miss a deadline, the Executive Board members may proceed with disciplinary action according to the *Journal* bylaws. Failure to meet deadlines and *Journal* obligations can result in removal from *Journal*.

All of us have class, work, family, and other obligations, but if one person misses a deadline, it shifts the burden to Staff Writers and Editors to make up the work. At worst, it could delay the entire issue. Discipline may be a result, but not one anyone wants. If you have a reason for missing a deadline, this can be avoided by discussing it with your supervising Editor, committee chair, or member of the Executive board in <u>advance</u>. We are all human and will try to work with you to the extent possible. Communication is key!

Time Commitment

Journal membership is expected to come before other clubs and activities. Journal members are expected to commit whatever time is necessary to finish the assigned work by the deadline and to the requisite quality standards. This applies to Editors and Staff Writers and requires advanced planning. For example, if you know you have a cite check that week, peek at your obligations in other areas of your life and make a plan. CC1s may take more time and planning accordingly helps avoid stress. Leaving a Note draft or a cite check until the last minute could result in a re-do!

Concerns

Editors have the authority to make day-to-day operational decisions within their departments. If you have any questions or concerns with cite checks or your Note/Comment, please try to address them with your Managing Editor (ME), Research Editor (RE), or Note & Comment Editor (NCE) first. If that person does not resolve your issue, you may approach the Executive Editor for that department.

You may also have a general concern, or something that does not fit neatly in one department. We have a concern form that can be accessed through this <u>link</u>. This form is anonymous and is only

reviewed by the EIC and EOE. Please be specific when using the form. It helps us get address the root of any problems.

Your final recourse is to consult with the Editor-in-Chief. With some exceptions set forth in the Bylaws, the Editor-in-Chief (EIC), guided in part by the collective wisdom of the Executive Board, is the final authority on all matters. However, the entire Executive Board—including the EIC—maintains an open-door policy, so you are free to discuss anything on your mind with *Journal* leadership. If a Staff Writer experiences a problem, they should reach out to the immediate supervisor of the department in which the problem occurs (i.e. managing editor for a production problem). Reach out as soon as possible! When issues linger, they cause more problems. Feel confident that you can address when something is a problem, and do your best to reach out to the correct person or use the concern form.

JOURNAL COMMITTEES

Staff Writers will join one of the committees. Chaired by a Staff Writer, these committees play an important part in the successful operation of *Journal*. Being a committee chair highlights your leadership and organization abilities and is one of the factors used to select candidates for the EIC election, select Executive Board members, and assign Editorial positions.

Administrative Committee

Reports to the EIC. Comprised of about three Staff Writers. This committee assists with *Journal* operations, as needed. The primary function of the Administrative Committee is to assist with record-keeping and office duties. These responsibilities include helping the Technology Editor, Blog Editor, and EIC maintain the *Journal* website. These responsibilities also include assisting with revisions to the *Journal* Staff Writer Manual and drafting rules, changes, and amendments to the Bylaws for *Journal* members to vote on. As a secondary function, the Administrative Committee assists all other *Journal* committees in accomplishing their duties. This committee also stocks and maintains the *Journal* Snack Bar.

Blog Committee

Reports to the Blog Editor and EIC. Comprised of about four Staff Writers. This committee leads *Journal*'s effort to educate practitioners in Arizona and across the country on timely legal issues. Responsibilities include proofreading/editing submitted blog posts, managing the blog section of the *Arizona State Law Journal* website alongside the Technology Editor, and promoting usage of uploaded blogs.

Articles Committee

Articles committee is comprised of about seventeen Staff Writers and reports to the EAE. This committee assists with selecting articles for publication. This includes reviewing articles submitted by professors on Scholastica and making recommendations for publication. See part IV for more information.

Events Committee

Comprised of about three Staff Writers and reports to the EIC. This committee plans and executes the annual *Arizona State Law Journal* Banquet. Planning and organizing the *Journal* Banquet, typically held in April, involves, among other duties, securing an event honoree, coordinating with the school administration, and budgeting the event alongside the Fundraising Committee. A majority of the work for this committee is done during the spring semester. In addition, this committee also plans events for *Journal* members to network and socialize with each other throughout the academic year. Typically, the committee should plan at least one event for each semester.

Fundraising Committee

Comprised of about four Staff Writers and reports to the EIC. This committee's main function is fundraising for the annual *Arizona State Law Journal* Banquet. Fundraising for the Banquet involves creating and sending out save the dates and invitations, as well as making "asks" for sponsorships from law firms and local businesses. The Fundraising Committee works hand in hand with the Events Committee to ensure that the Banquet is fully funded. The fundraising goal for the Banquet is to exceed the sum of \$10,000. They also assist with internal fundraising, some marketing, and apparel.

Social Media Committee (NEW!)

Comprised of one to two Staff Writers and reports to the EOE. The social media committee is brand new this year and is focused on driving traffic to *ASLJ* Online, our blogs, and increasing general awareness of *Journal*'s activities through our social media platforms (Facebook, Twitter, and LinkedIn).

Write-On Committee

Write-On committee has about seven Staff Writers and reports to the EOE. This committee plans the annual spring Write-On Competition to select *Journal*'s new members. The Write-On

committee must generate a new prompt for the essay portion of the Write-On Competition, develop the *Bluebook* exam, and ensure that the grading is fair, impartial, and completed. The committee chairs with the EIC and EOE create a code of conduct governing the exam. Committee chairs also have the responsibility of educating the incoming 1L class on how the Write-On exam works. This committee hosts information sessions and coordinates with the other law journals to produce one unified Write-On Competition.

JOURNAL RESOURCES

Journal Office

THE JOURNAL OFFICE HAS SNACKS (you have to pay, but still) and a Keurig! The *Journal* office is located on the 4th floor, right at the top of the stairs from the third floor. Please make yourself at home. There are resources in the office such as *Redbooks*, *Bluebooks*, dictionaries, style manuals, etc. Any hard copy sources needed for cite checks will be located here. The office also has hard copies of all of our past *Journal* issues. This is a place to congregate and work in groups on *Journal* work or other schoolwork. As a new Staff Writer, the *Journal* office can be a good place to meet your fellow Staff Writers and 3L editors. Executive Board members may host office hours there as well. Be mindful, we share this space with other journals!

You may use the computer in the *Journal* office to print for matters related to the *Journal*, such as cite checking, articles, and Note & Comment research. As we are in a virtual time period, be on the lookout for emails related to virtual office hours. These will be times you can drop in and study or talk with the executive board.

Quick References

Below are the most common links a Staff Writer will need during their time with *Journal*. I would recommend creating a bookmark folder and adding these links. They will also be sent to you again as needed.

General:

- Recognition/Concern Form: https://forms.gle/Q7RmN333Nmy7S4NM9
- Journal Website: https://arizonastatelawjournal.org/
- Blog: https://arizonastatelawjournal.org/arizona-state-law-journal-blog/

Production:

- Legal *Bluebook* (subscription required): https://www.legalbluebook.com/
- Online *Redbook*: https://www.westacademic.com/Garners-The-Redbook-A-Manual-on-Legal-Style-4th-9781642422672

• In-depth *Bluebook* rule explanations: https://drive.google.com/file/d/1FWzQgXoMBWijnUTYnY1I40H2MerEnfng/view?usp=s
https://drive.google.com/file/d/1FWzQgXoMBWijnUTYnY1I40H2MerEnfng/view?usp=s
https://drive.google.com/file/d/1FWzQgXoMBWijnUTYnY1I40H2MerEnfng/view?usp=s

Note & Comment:

- Graduation Writing Requirement Form: https://apps.law.asu.edu/Apps/Interactive/GWR/
 - o (Law Interactive → "Graduation Writing Requirement" → "New Request")
- Independent Study Form: https://forms.law.asu.edu/view.php?id=160385
 - (ASU Law Website → "Student Life" tab → "Current Students" → "Student Resources" → "Forms" → "Independent Study Approval")

Articles:

- First Review Form (Round 1)
 - o https://docs.google.com/forms/d/e/1FAIpQLSeTL0kZMu7q1LeyPZm3z6vT-2Sm4Z6wSh20u4wpKEAN6Cocqw/viewform?usp=sf link
- First Review Form (Round 2)
 - https://docs.google.com/forms/d/e/1FAIpQLSf9DrgpXOAis93abHr4MwdQjQeWuG6U4dY8PAwJgcJQnZjqA/viewform?usp=sf_link
- First Review Form (Round 3)
 - o https://docs.google.com/forms/d/e/1FAIpQLScrX_18i8zOxg-61A-1YrZzRBN5T0rFnIrUXDjUCtSOxRUudA/viewform?usp=sf link

PART II: PRODUCTION RESPONSIBILITIES

Overview

Journal's reputation rests on the quality of the articles we publish and the manner of their presentation. Staff Writers are on the front lines of maintaining the accuracy and credibility of Journal. In that regard, Staff Writers have two primary functions: (1) verifying factual propositions in articles; and (2) ensuring perfect compliance with Bluebook rules for citations.

First, often referred to as "source checking," Staff Writers locate and read each source cited in their assigned articles to determine if the cited material supports the proposition stated in the text. They ensure the information in the citation is scrupulously correct and not misrepresented or misconstrued. This is one place where dotting the "i" and crossing the "t" really matters; an article with factual errors or misrepresentations reflects poorly on *Journal*'s reputation.

Second, Staff Writers also review the form of each footnote to ensure absolute compliance with *Bluebook* and *Journal* rules. Each Staff Writer will review different sections of the same article three different times to produce perfectly formatted citations.

Staff Writers do not make substantive or stylistic edits; that work is done by the Articles Editors before the article goes to the Production Department. Staff Writers do, however, edit for grammar and punctuation. The *Redbook* is THE resource for grammar and style. The *Journal* Office has copies, or you are encouraged to purchase one on your own for easy reference. There is also a link in the Quick Reference to an online version.

Staff Writers are also responsible for checking the accuracy of footnotes before publication. If a Staff Writer makes an error, it's likely your ME will know. But if it somehow goes by unchecked, the reader who turns to that footnote source later will discover the mistake—and they will be unhappy with both the author and *Journal*. At first, *Journal*'s obsession with detail may seem tedious, but once you see the first issue with your name on it, you will understand just how embarrassing it is to see a typo, a *Bluebook* error, or a misrepresentation in print. Everyone on *Journal* (past, present, and future) is counting on our Staff Writers to make sure that never happens. This attention to detail is so beneficial for job prospects. Employers understand that *Journal* requires a superior attention to detail, and that reputation will reflect well on you and future *Journal* members. Keep your standards high!

CITE CHECKING

Assignments

Throughout the semester, MEs assign Staff Writers specific pages of formatted text for cite checking (usually by email). The ME will send an email delineating any anticipated problems or areas needing particular attention. The email will also include a **FIRM** deadline. In creating the cite checking schedule, the Executive Managing Editor (EME) tries to consider other deadlines or conflicts, such as paper due dates, Moot Court competitions, and holidays, but cannot always promise that conflicts will not occur. The EME and MEs make every attempt to distribute cite checking assignments evenly among Staff Writers. Those who get a heavier work assignment on one occasion will generally get some relief on the next.

In General

There are two rounds of cite-checks and one round of page-proofs. A cite-check includes the full gamut of Staff Writer editing responsibilities: (1) verifying stated propositions against cited authority; (2) ensuring proper *Bluebook*ing; (3) checking for mistakes in grammar; and (4) ensuring all cross-references (i.e., *infras* and *supras*) indicate the correct footnote. The article should be perfectly formatted and cited after the first cite check. The second cite-check simply

ensures thorough completion of each of the above elements. Do not assume that all of the necessary corrections were made during the first cite check.

The page-proof includes all of the same responsibilities as a cite-check, except verifying factual propositions. The main focus of a page proof is ensuring proper *Bluebook*ing, cross-referencing, and grammar. As with the second cite check, do not assume that all necessary corrections have already been made. Treat each round of cite checking and page-proofing as if it is the first.

You should ALWAYS open and review your assignments on the day you receive them from your ME. Check the production calendar for assignment dates. When you receive an article for the first round of cite checking, you should do two things immediately: First, give the entire article a quick read to provide some context for your work. Second, give your assigned section a good overview, reviewing any comments from your ME within that section. This will help you determine what Rules you may need to apply and help you flag potential trouble spots that may be time-consuming to resolve. If you see a comment flagging a sourcing issue, you should reach out to your RE as soon as possible to give them time to help you before your deadline.

Upon completion of a cite check or page proof, Staff Writers will send an email to their ME, verifying that their work is complete. After Staff Writers hand in an assignment, they remain "on call" to their ME. This means the ME can contact a Staff Writer and request completion or revision of any unsatisfactory cite-check or page-proof. Failure to make requested revisions or edits will result in disciplinary action by the Executive Board.

Source Checking

There are three steps to ensuring a source is accurate:

- 1) Determine the substance of the citation and ensure accuracy of the direct statement, as well as any inferences that may be drawn from that statement.
- 2) Determine whether to add a pincite for general citations.
- 3) For quotations, make sure the quotation in the text is identical to the cited source, or that changes, and omissions conform to *Bluebook* rules.
- (1) Check the substance of the citation. Staff Writers are responsible for ensuring that cited material accurately supports the author's stated proposition and that all pincites to cited material are correct. Staff Writers must read all pincites to verify substantive support. Staff Writers should read cited pages and, check to see that the author has accurately represented the source and has not ignored important limiting factual conditions. If the author cites an entire article or case, read the article introduction or the case headnotes; if at all possible, find a pincite that addresses the author's specific point. If you run into a source issue, write a full description of your concerns to your ME in your electronic copy of the article by adding a comment by clicking "New Comment"

under the "Review" tab. The comment should include a list of sources checked. It is important that you note any substantive support problems, even if they seem minor. This will help your fellow Staff Writers and ME in future cite-checks.

Staff Writers are also responsible for finding support for uncited propositions or quotes. When you find a potential citation that supports the source, add a comment by clicking "New Comment" under the "Review" tab. Staff Writers should reach out to their Research Editors for assistance when needed. **Note:** Do not add a footnote yourself, as this will result in an immediate written warning.

While it is important to ensure that a source supports a proposition, authors should be given deference. If a source plausibly supports an author's position, it should be left alone. Staff Writers should, however, be familiar with the meaning behind each *Bluebook* signal in rule 1.2 ("e.g.," "see," "see also," "cf.," etc.). If an author's stated proposition does not comport with the author's signal, Staff Writers are free to suggest changes to the signal to indicate that the stated proposition is not *directly* supported by the cited reference but still lends support by analogy or comparison. It will be up to the ME, EME, and author to determine if the Staff Writer's suggestion will be accepted.

- (2) Check whether a pincite can be added for general citations. When you encounter a general citation without a pincite, it is your responsibility to provide the pincite. Citations to an entire law review article, case, or book are disfavored, and it is frequently possible to locate the exact page or pages being referenced. But when the point in an article is truly general, a pincite to the introduction or conclusion is often an appropriate way to direct the reader without making the citation too narrow. One suggested way to find pincites for cases or articles is to search for key terms in an electronic copy of the source. *Always* use the PDF version when checking pincites for Westlaw or Lexis sources. We cannot emphasize this point enough! If you aren't using a PDF source, each round of cite checks, the pincite could change based on the platform used. This means all the hard work you have been putting in to verify the proposition goes out the window when the EME has to go back and update the page number.
- (3) <u>Check the accuracy of quotations</u>. Staff Writers must carefully compare the original source with the quoted passage in the article. Staff Writers should also check for proper use of ellipses, as described in the *Bluebook*. If there are any odd punctuation or capitalization issues, note them in your electronic copy so the ME can be sure that you checked them. Once again, use the PDF versions in Westlaw or Lexis, as there are often variations between the two services. Again, if there are any problems, leave a comment for your ME.

YOU SHOULD NEVER ADD OR DELETE FOOTNOTES. This saves countless hours of having to go through and manually correct every single *supra* or *infra* reference each time a source is added. As stated above, if you come across an unsupported statement (other than the author's original argument) that requires a cite, it is your responsibility to provide a suggested citation in a comment. If you cannot locate an appropriate source, contact your Research Editor, and they will determine how to proceed from there. Even if you are able to locate an appropriate source **DO**

NOT ADD A FOOTNOTE. Create a comment in the electronic document with the perfectly *Bluebook*ed source including both full and short citation forms. Perform a search of the article to see if the source is cited elsewhere and indicate this in your comment.

In addition, Staff Writers should not attempt to format a footnote's call number. If you spot an error in a call number's formatting, indicate the error in a comment. The sole exception is the period following a footnote. Staff Writers should ensure that every period after a footnote is Roman type and not italicized.

Bluebooking

As part of the cite checking assignment, Staff Writers are responsible for verifying that the article conforms to the *Bluebook* rules. For academic writing, we use the white pages of the *Bluebook*. Never assume that you have memorized the *Bluebook*, or even that you remember certain rules or abbreviations correctly. *Always* look it up! For example, the same word may be abbreviated differently depending on the use. The *Bluebook* index is a great tool for locating specific rules. Many *Journal* members also purchase annual subscriptions to the *Bluebook's* website at http://www.legalbluebook.com. This website has an electronic search function that makes searching for obscure rules quick and easy. The annual subscription is \$36.00, and it is entirely voluntary. The index in the hard copy is also a valuable resource for finding rules quickly.

If you make *Bluebook* changes, be sure to note the *Bluebook* rule as a "comment" in the electronic document. You should always note the relevant *Bluebook* rule, unless (1) instructed otherwise by your ME; or (2) the change is relatively simple or repetitive. Complex changes involving multiple rules or ambiguities in the *Bluebook* should be fully explained in a comment. For example, if the applicable rule directs you to a different rule, indicate the full trail in your comment. Ask your ME whether he or she would prefer for you to (1) note inconsistencies or ambiguities in a comment and pick the one you think fits best; or (2) contact him or her about the problem before selecting the appropriate course. This process helps the ME and other Staff Writers understand your thought process, and you are smart! Your ME will make the ultimate decision on complicated *Bluebook* issues, so make sure you are familiar with his or her preferences. All *Bluebook* edits should be made **directly to the piece**. All changes will be tracked in Microsoft Word Online.

Editing for Style and Grammar

As part of the cite checking assignment, you are responsible for editing spelling and grammar, both in the body of the article and in all footnotes. All of these edits should be made as direct revisions to the electronic document. Unless the grammar or spelling error is obvious, leave a comment with a *Redbook* citation supporting your change. For significant stylistic or substantive edits, insert a comment with a *Redbook* citation and a short explanation about why you made the edit. The Executive Board strongly suggests that you turn on the "Show Formatting" feature in Microsoft Word, which allows you to see spaces and other formatting features that often go unnoticed.

Please Note: Above-the-line changes must be limited to correcting grammar, spelling, punctuation, or technical errors such as hyphenation of compound words. A *significant* amount of deference should be given to an author's stylistic choices. Do not change what an author has written unless it is *incorrect according to the dictionary, the Bluebook, Redbook*, or the *Staff Writer Manual*, even if you think a different choice would be better. If you feel strongly about a particular style issue, please feel free to leave a comment in the document, explaining to your ME why you would make the change. If the ME agrees, he or she will suggest the change to the EME. Comments should be made in a professional tone. Always assume the article's author will read your comment and comment accordingly.

Incorporating Changes with Electronic Editing

You should incorporate all the cite-check elements discussed above in the electronic version of the article you edit. When your ME initially distributes the cite-check assignment, he or she will send you an electronic version of the article through a link to Microsoft Word Online. Open the link, and click "Edit in Word." This will open Microsoft Word, and you can edit as normal. You MUST turn on "Track Changes" under the Review tab. Make all changes in the online version of the article. Do not download an offline copy of the article, as it will not sync with the online version. Comments can be added with the "New Comment" icon that looks like a yellow sticky-note on the tool bar.¹

CITE CHECKING QUICK REFERENCE

This document is list of commonly used *Bluebook* rules. You should be familiar with these! Give them a quick look over and remember you can always refer back to it while cite checking to make sure you are interpreting the rules correctly.

Document: https://drive.google.com/file/d/1FWzQgXoMBWijnUTYnY1I40H2MerEnfng/view

PART III: NOTES & COMMENTS

An additional perk of *Journal* is completing your graduation writing requirement (GWR). To fulfill this requirement, Staff Writers write a note or comment of publishable quality during their first year on *Journal*. The Note & Comment Department will assist throughout the process. This

_

¹ Note that Microsoft Word will not allow you to leave a comment in footnote text. Instead, you have to highlight and attach the comment to the footnote reference in the body of the article. If you need to leave more than one comment about the same footnote, make sure you indicate that in the comment.

section details the writing process and requirements for successful completion of the *Journal* writing requirement.

What are Notes & Comments?

Notes and comments are student-authored works of legal scholarship intended to enrich debate in the legal community. Notes and comments are great ways to display writing style, and non-experts in the legal community use notes and comments to learn about detailed legal requirements and considerations within a narrow field of the law. They are a showcase of thorough research and exceptional organization. They also make great writing samples for post-grad jobs or clerkships.

A **note** is a detailed analysis of a single court decision. Notes are typically shorter than comments, but nevertheless reach beyond the decision itself to analyze its impact and implications. For example, in June 2020, the United States Supreme Court made its decision in *Bostock v. Clayton County*, holding that Title VII's prohibition of employment discrimination "because of sex" includes discrimination on the basis of sexual orientation and gender identity. A note would detail the background facts of the case (and possibly its companion case, *Altitude Express, Inc. v. Zarda*), including lower court history, the Court's ultimate holding, and its reasoning. It also might discuss the history of Title VII and its interpretation. The analysis section could go a number of directions, but generally speaking would analyze the decision's impact, predict its implications, and/or answer its unresolved questions.

A **comment** is an in-depth analysis of an unresolved legal issue. Because law students have the time and knowledge base to focus on small but important issues, the best comments propose solutions to discrete legal issues as opposed to general discussions of broad legal issues, which are better addressed by professors and other legal scholars. For example, in June 2020, Arizona Governor Doug Ducey issued an Executive Order shutting down a number of categories of businesses for 30 days in an effort to slow the spread of the COVID-19 virus. In response, 26 bar owners from across the state filed a lawsuit challenging the constitutionality of the Order. A comment could detail the background facts of the COVID-19 pandemic in Arizona, how the state government has responded, and the relevant history of similar challenges to Executive Orders (if not in Arizona, possibly in other states or at the federal level). The analysis could address the lawsuit's likelihood of success, the pros and cons of similar Executive Orders during state and national crises, how the Executive Order compares to other state responses, or could go in any number of other directions.

While hard work and ambition are always encouraged, Staff Writers should consider whether the topic they choose would be sufficiently covered with their level of expertise and in the amount of pages available. Limiting the scope of the topic can make for a much stronger article.

Types of Notes and Comments

• **Circuit Splits:** Analyzes a discrete issue where courts in two or more jurisdictions have reached different conclusions, without resolution by a higher court. Circuit splits arise in district courts, appellate courts, and state supreme courts.

- **Policy:** Analyzes the policy underlying legislation or a court decision
- Side Effects: Analyzes the effects of legislation or a court decision
- **Inter-disciplinary:** Analyzes specific legal problems through the lens of one or more non-legal disciplines. If a Staff Writer has a strong background in another discipline, then an inter-disciplinary comment may be a good choice.
- **Philosophical Viewpoint:** Analyzes a discrete legal issue through a philosophical viewpoint such as feminism or law and economics.
- **Broad Philosophical:** These comments are very difficult to write and address the larger picture inherent in a legal problem, for example developing a new legal framework for an area of law.
- Empirical Research: These comments involve original research on a legal issue, for example examining crime or population statistics to evaluate the effectiveness of a recent law.

Organization of Notes and Comments: Generally

A note or comment should be organized in five parts. The five-part structure is a research tool for the legal community and makes it very easy for readers to find key parts of the article for information. *Journal* recommends that Staff Writers follow this suggested organizational structure. However, Staff Writers may deviate from this structure when appropriate; the Note & Comment Editors can help you identify when an alternative structure is proper.

Organization of Notes

- 1. **Introduction:** This part introduces readers to the court decision and explains its importance. The last paragraph of the introduction identifies the thesis and gives a roadmap to the reader. The first sentence of the last paragraph typically begins "This Note addresses . . .", and is followed by a brief one-sentence summary of each major part of the note. This last paragraph is the most important part of the introduction because it quickly identifies the substance of the note to the reader.
- 2. **Facts and Case Holding:** This part details the relevant facts of the case, including the lower court history and any subsequent action. The description of the relevant facts leads to a summary of the key holding of the case. Other than the topic sentence of each paragraph, every sentence should be supported by a citation.
- 3. **Roadmaps:** The article must use roadmaps effectively. The beginning of each part must include sentences indicating what the part addresses and how it fits into the overall

organization of the article. These roadmap paragraphs are very important for readers skimming the article for key information. Also, Staff Writers must divide the article into sections and sub-sections with appropriate headings. This turns the article into a visual outline for the reader. Headings need to be sufficiently detailed so that readers know what that section discusses. For example, a heading of "Solution" is not descriptive enough for a skimming reader to understand the gist of the proposed solution.

- 4. **Background Information and Discussion of Prior Law:** This part describes the relevant background information and discusses the development of existing law. The end of this section ties the court decision to the development of the law and indicates how the decision affects this legal framework. Again, every sentence needs a citation.
- 5. **Analysis:** This part critically analyzes the court decision in relation to the prior law. Be sure to address unanswered questions posed by the decision. If appropriate, this analysis also redicts the impact that the decision will have on the legal framework and future court proceedings.
- 6. **Conclusion:** This part briefly summarizes the note and restates the thesis. The best conclusions are one to two paragraphs long and place the court decision in a broader perspective.

Organization of Comments

- 1. **Introduction:** This part introduces the reader to the topic and explains why it is a noteworthy legal issue in need of resolution. While the introduction is highly functional, it is also an area that allows for a little more creativity. Writers should use the introduction to draw the reader in—legal writing doesn't always have to be boring! The last paragraph of the introduction identifies the thesis and gives a roadmap to the reader. The first sentence of this last paragraph typically begins "This Comment advocates . . ." and is followed by a brief one-sentence summary of each major part of the comment. This last paragraph is the most important section of the introduction because it quickly identifies the substance of the comment to the reader.
- 2. **Roadmaps:** The article must use roadmaps effectively. The beginning of each part must include sentences indicating what the part addresses and how it fits into the overall organization of the article. These roadmap paragraphs are very important for readers skimming the article for key information. Also, Staff Writers must divide the article into sections and sub-sections with appropriate headings. This turns the article into a visual outline for the reader. Headings need to be sufficiently detailed so that readers know what that section discusses. For example, a heading of "Solution" is not descriptive enough for a skimming reader to understand the gist of the proposed solution.
- 3. **Background Information:** This part describes the background information, including case law and legislation, needed for the reader to understand the legal problem. Since

most readers are non-experts, it is better to have a description with too much information rather than too little information. This section is primarily a summary of what is already known about the topic; thus, Staff Writers should not be adding original ideas to this part of the comment. Other than the topic sentence of each paragraph, each sentence should be supported by a footnote.

- 4. **Description of the Problem:** This part thoroughly explains the problem addressed by the comment and why a solution is needed. There is no single correct way to describe the problem, but the article must indicate why the past treatment discussed in the prior section cannot solve the problem. For example, Staff Writers may detail why new developments render past treatments of the problem ineffective, or analyze a circuit split and indicate why a uniform solution is important.
- 5. **Solution:** This part advocates the Staff Writer's original solution to the problem. The solution must be well rounded; writers quickly lose credibility with their audience if they do not adequately address counterarguments.
- 6. **Conclusion:** This part briefly summarizes the comment and restates the thesis. The best conclusions are one to two paragraphs long and place the solution in a broader perspective.

The Note & Comment Writing Process

The first step of the Note & Comment process is selecting a topic, which Staff Writers will ordinarily do during the summer. Staff Writers will be assigned a Note & Comment Editor that will provide substantive feedback and assist throughout the development of the article. In addition, Staff Writers must select a faculty advisor within the first few days of the fall semester to oversee the development of the article. The Executive Note & Comment Editor will also provide feedback to each Staff Writer throughout various stages of the writing process.

Publication Considerations

For many, selecting a topic is the most difficult part of the writing process. Staff Writers should choose a topic that is an important legal issue in need of scholarly debate. It may be helpful to keep in mind the factors the Executive Board considers when selecting articles for publication:

- Grammar & Style
- Length (because our publications have limited space, it is usually easier to consider multiple smaller pieces as opposed to one lengthy one; if you must write a lengthy paper, consider easy ways to condense it down for publication, such as taking out a section or choosing one sub-issue of the main topic)
- Overall Organization
- Relevance to a current legal topic and/or Arizona Law

- o Niche topics may appear in our online publication ASLJ Online
- Preemption has your topic been resolved or written about by someone else? This also goes for articles that may be resolved in the very near future. We are unlikely to publish if it has a high risk of preemption.
- Bluebooking
- Originality! Some of the best pieces are wildly creative while still addressing a legal issue.

Selecting a Topic

Staff Writers should choose a topic that stimulates their interests because the writing process requires a considerable amount of time. An interesting topic makes research and writing easier and more enjoyable. The Note & Comment Department provides Staff Writers with a list of sample topic ideas solicited from professors and former Staff Writers. Because the best student articles are usually the product of self-selected topics, Staff Writers should not rely exclusively on this list, but it will help identify what types of topics lend themselves to interesting *Journal* articles. The Note & Comment Department also provides Staff Writers with a list of the topics chosen by Staff Writers the previous year, specifically those Staff Writers who submitted their works for publication with *ASLJ*. Obviously, these topics are not viable options for current Staff Writers, but *Journal* believes that it may be helpful to see what recent students have chosen to write about.

There are several ways to develop a good topic idea:

- Summer Contacts: Talk to attorneys and judges from summer jobs and externships about topic ideas. Explain to them that there is a *Journal* writing requirement and ask if they can recommend an important legal issue in need of scholarly comment. Review any projects or memorandums and evaluate them as potential topics. Was the project interesting? Did the research produce an unclear answer? If Staff Writers decide to use a topic from a summer job or externship, be sure to clear any confidentiality concerns with the employer (i.e., Staff Writers cannot write a comment about confidential client information).
- Circuit Splits: Circuit splits almost always produce interesting topics. Several websites detail circuit splits. Searching case law in Westlaw and Lexis can also identify circuit splits.
- Secondary Sources: Browse legal blogs, websites, legal newspapers, and topical newsletters for important issues currently facing the legal community. If a particular area of law like employment law or torts seems interesting, then read secondary sources to find a discrete issue within that area of practice. The librarians at the law school are happy to help Staff Writers find good secondary sources.
- Professors: Talk to professors for topic ideas—they are very knowledgeable and experienced with *Journal* articles. Professors are aware of the *Journal* writing requirement and most are happy to help generate topic ideas and advise Staff Writers during the writing

process. If a Staff Writer has an area of interest, professors in that specialty can probably suggest a wealth of topic ideas or help narrow an existing idea into a discrete legal issue. Beware: Professors are busy people! It's best to show up with ideas in mind. Don't just tell a professor you are interested in their particular area of law and ask an open-ended question about topic ideas. Professors will be much more willing and happier to help if you have ideas ahead of time. Do not be scared to approach professors with whom you are unfamiliar.

Preemption Checks

Journal publishes notes and comments that will contribute to debate within the legal community. Accordingly, *Journal* does not publish preempted articles. An article is preempted if it addresses a legal problem or case that has already been analyzed or that is irrelevant. Here are some examples of preemption:

- Circuit splits are preempted if a higher court resolves the legal issue. Circuit splits among the United States Court of Appeals are almost certainly preempted if the Supreme Court grants certiorari. Even if a Staff Writer proposes a different solution than the higher court, the Staff Writer's article is preempted because no one will cite to the Staff Writer's article over the Supreme Court's reasoning.
- If an article analyzes language in congressional legislation, that topic may be preempted by amendments to the legislation. No one will cite to an article if Congress has changed the statutory language that the Staff Writer is analyzing.
- An article is preempted if a student or professor publishes an analysis of the same legal issue with similar content or a similar thesis.

Preemption is a concern throughout the writing and publication process. A note or comment may be in the final edits for publication only to be preempted by another author's article, a higher court decision, or a recently enacted legislative amendment. *Journal* takes preemption very seriously, and Staff Writers are required to run preemption checks throughout the writing process. Although Staff Writers will receive academic credit regardless of preemption, provided all other requirements are met, preempted articles will not be considered for publication. The Executive Note & Comment Editor will provide Staff Writers with a preemption check form and instructions.

Faculty Advisors

Every note or comment must be read by a faculty member and approved by the Executive Note & Comment Editor. It is highly recommended that you seek input from your editors before choosing a faculty advisor. Be aware that in some cases, a particular faculty member may be extremely busy and may have trouble meeting your deadlines. Staff Writers should try to choose a faculty advisor who has some expertise in the chosen topic. Please provide faculty advisors with a copy of the

article deadlines and keep them apprised of forthcoming drafts. The Executive Note & Comment Editor should be notified of any anticipated problems with meeting deadlines due to a faculty advisor. Once the article is completed, the Staff Writer should send their faculty advisor a brief thank you note. It is mandatory that Staff Writers respect the input of their faculty advisors. Appropriate cooperation and communication with faculty advisors will be considered in publication and credit decisions. Staff Writers should also recognize that faculty advisors are not required to participate—they are contributing their valuable time to help students. Please show them the appropriate regard.

Research

After topic selection, Staff Writers need to begin researching. *Journal* recommends conducting thorough research as soon as possible to avoid conflicts with the start of the fall semester and On-Campus Interviews.

Thorough research is essential to write an article of publishable quality. The research path will depend largely on the topic. If writing a note, research should begin by reading the court decision and KeyCiting or Shepardizing the decision for history and citing authorities.

If writing a comment, a secondary source is often the best place to begin researching because these sources typically cite to relevant primary authority in the topic area. Use legal encyclopedias for general background information, legal treatises for in-depth discussion of a narrow area of law, and law journal articles for scholarly commentary of narrow legal issues.

Whether writing a note or a comment, the first few sources will largely determine where to research next. There is no single correct research path to follow, but the research must be exhaustive; otherwise, the final article may contain errata that will compromise the article's quality. In general, research is exhaustive when it reveals no new relevant information and when new sources point to already researched material. A good phrase to keep in mind is "Does this source tell me something that I have not learned yet?" If Staff Writers are not sure whether their research is thorough, then they should discuss the research with their editors, faculty advisor, the librarians, and/or Westlaw and Lexis research attorneys.

Tips for Effective Research

• Keep a Research Log: Keep track of sources and search terms because it will save time throughout the writing process. A research log prevents multiple searches with the same search term. When follow-up research is needed months down the road, the research log prevents researching the same sources consulted months earlier. In addition, a written research log also makes it easier to identify ineffective search terms and develop better ones. The research log should include copies of Lexis and Westlaw research trails. You may

also want to consider creating a Note/Comment folder on your Lexis or Westlaw account to store sources in.

- Copy Sources: Keep copies of sources in a centralized location for reference throughout the writing process. Staff Writers are welcome to use the Westlaw, Lexis, and *Journal* printers for hard copies (but try to keep the environment in mind). You can also create folders within Westlaw and Lexis to keep the research organized.
- Keep Current: All research must be current. Pay special attention to the scope notes and coverage dates of print sources and electronic databases. If a source is current only through 2007, then Staff Writers need to find an additional source with coverage from 2007 to the present. Otherwise, Staff Writers could miss information published after 2007. Check if the source is full coverage or select coverage. "Full coverage" means that the source contains all the articles in the coverage period. "Select coverage" means that the source does not contain all the articles in the coverage period. Therefore, Staff Writers could miss important information by relying upon select coverage sources.
- Use Good Law: Citing a source that is no longer good law is usually not useful to the legal community. Be sure to Shepardize or KeyCite decisions, legislation, and regulations throughout the writing process. This is a skill that will prove enormously important beyond the *Journal* Note & Comment process and throughout any legal career. Staff Writers can sign up to have Lexis and Westlaw send automatic alerts regarding case history and citing references.

Journal Submission Requirements

This section summarizes the various assignments related to the Note & Comment process throughout the year. Each assignment and its due dates will be communicated to you by the ENCE. These assignments are due just like they would be for a class. You are getting credit after all! Each Staff Writer is allocated 1 one-week extension. This can be used on any assignment listed below. Choose wisely! Note that the one-week extension does *not* apply to any deadlines you have with your Faculty Advisor. Keep in mind formatting requirements for submission. Each assignment has a page length/format. You don't want to have it kicked back for a re-do.

Progress Evaluations

After each submission, Note & Comment Editors read the articles and provide constructive criticism via line-by-line feedback and an evaluation comment. The line-by-line feedback identifies specific problems. The evaluation comment gives feedback that is more general and identifies strengths and areas to improve in nine categories including:

Introduction

- Background Information
- Analysis
- Conclusion
- Organization
- Persuasiveness
- Grammar and Writing Style
- Use of Footnotes and *Bluebook*ing
- Overall Impression

Thesis & Argument Summary and List of Authorities + First Preemption Check

Shortly after selecting their topics, Staff Writers must submit a thesis statement to his or her Note & Comment Editors and faculty advisors. The thesis statement is essentially the article in condensed form. It must provide: (1) a clear statement of your thesis; (2) detailed arguments supporting your thesis; and (3) authoritative support for your arguments. Writing and citation style are not important for the thesis statement. However, it must provide enough detail to give your editors a clear impression of the substance and organization of your article. It must be a minimum of two (2) double-spaced pages.

For the first preemption check, identify the top five articles discussing your topic that you feel are most closely related to your thesis and explain why these articles do not preempt your thesis. These explanations do not need to be more than a paragraph or so. Also, fill out the provided preemption form detailing your search terms and results as you conduct your research of law review articles on your topic. The goal is to use a variety of search terms, narrowing and refining the terms until you receive around 20 or fewer results. This ensures that you've looked through all of the most relevant articles and checked for preemption.

Outline & Annotated Bibliography

The outline must include all major parts and sections with citation to authorities. The Staff Writer's faculty advisor, Note & Comment Editor, and the Executive Note & Comment Editor will read the outline to spot organizational flaws, holes in arguments, and other problems early in the writing process. Therefore, in order for the outline to serve these important purposes, the outline must be thorough and fully developed. It is important to have a fully developed background and a thoroughly developed analysis at this point. Your first draft will require near-completion, so it will only benefit you to have a lot done at this point in your research. After submitting the outline, Staff Writers must have one conference with their faculty advisor. Staff writers may also request conferences with their Note & Comment Editor or Executive Note & Comment Editor.

The annotated bibliography is a list of all of the sources you used to compile your outline with a sentence or two on how the source was used. This will help you when you begin your first draft and need to support propositions.

First Draft

The first draft must be fully developed, both conceptually and structurally. Staff Writers should take the first draft seriously because a well-written first draft makes the rest of the process much easier. Staff Writers should incorporate comments on their outline from the Executive Note & Comment Editor, their Note & Comment Editor, and their faculty advisor into the first draft. The first draft must be double-spaced in Times New Roman 12-point font for textual material with 1" margins. Because it is expected that Staff Writers will incorporate suggestions by their faculty advisor and Note & Comment Editor, the first draft must be at least 3,000 words (about twelve pages), or 5,000 words (about twenty pages), if satisfying the Graduation Writing Requirement. If a Staff Writer does not comply with the word requirement, Journal will bring a disciplinary action.

The first draft need not be fully footnoted in proper *Bluebook* form, but Staff Writers must include rudimentary cites to ensure there is support for specific propositions. All footnotes must be single-spaced in Times New Roman 10-point font. The author's opinions are the only statements that should not cite to sources; all others should cite to the most relevant authority for the stated proposition. At this point, the background section should be fully developed. The analysis section must be substantially complete. This means your argument is clear, organized, and backed up by the research in your background section. While it does not need to be 100 percent complete, your Note & Comment Editor and advisor should have a complete understanding about where your analysis is going, what the premise of your paper is, and how the background section ties together with the analysis section.

Second Draft

The second draft is the time to bolster the article with additional research and to hone the arguments presented. Comments made by the Executive Note & Comment Editor, Note & Comment Editors, and faculty advisor should be addressed or incorporated into the second draft. Some comments regarding stylistic changes may be mere suggestions, while other comments will indicate changes that must be made in order to receive credit for the completion of this draft. Comments that require changes are those that address thesis development, a lack of support for arguments, or errors in legal analysis. In preparing the second draft, Staff Writers may not ignore these comments and must discuss disagreements with their Note & Comment Editor or faculty advisor. Each Staff Writer's Note & Comment Editor and faculty advisor will review the second draft. Because only minor changes are expected between the second and final drafts, second drafts should be a minimum of 3,750 words (about fifteen pages), or 6,250 words (about twenty-five pages), if satisfying the Graduation Writing Requirement.

Final Draft

The third draft is the last draft; thus, it should be complete and flawless. For most Staff Writers, only minor stylistic and substantive changes are needed from the second draft. This final draft

goes to the Executive Note & Comment Editor and the Staff Writer's faculty advisor for review and assignment of academic credit for the semester. All comments and revisions suggested by each Staff Writer's Note & Comment Editor, faculty advisor, and the Executive Note & Comment Editor should be incorporated into this final draft. Final drafts must be a minimum of 3,750 words (about fifteen pages) to satisfy Journal requirements, or 6,250 words (about twenty-five pages) if satisfying the Graduation Writing Requirement. The final draft must be fully footnoted in proper *Bluebook* form with sources to support each proposition. Each Staff Writer's Note & Comment Editor and faculty advisor will review the final draft and give suggestions for improvement before Staff Writers submit their article for potential publication at the end of the school year.

Credits and Deadlines

Journal bylaws simply require your note or comment to be 3,750 words, roughly fifteen (15) pages. Most students will use their note or comment to complete the Graduation Writing Requirement. Per University guidelines, students writing their note or comment for the Graduation Writing Requirement do so for credit. Credits are determined by the word count, *footnotes included*. Here is the breakdown on credits:

- For one (1) credit, your paper must be at least 6,250 words ($\sim 18-30$ pages).
- For two (2) credits, your paper must be between 8,750 and 12,500 words ($\sim 30-40$ pages).
- For three (3) credits, your paper must be over 12,500 words ($\sim 40+$ pages).

Please be advised that length is one of the criteria used by the board when considering for publication. Students should be mindful of length when constructing their papers and should not write 40+ papers simply to secure the additional credits.

Deadlines for the Note & Comment writing process are as follows:

- Friday, August 14: 1–3 Paragraph Topic Statement
- Monday, August 24: 2–4 pp. Thesis Statement & First Preemption Check
- Friday, September 4: Faculty Advisor Selection Form; Graduation Writing Form
- Monday, October 5: 5–10 pp. Comprehensive Outline
- Monday, November 9: First Draft
- Monday, February 8: Second Draft
- Monday, March 22: Final Draft
- Monday, March 29: Faculty Advisor Evaluation Form
- Monday, April 23: Publication Submission; Final Preemption Check

Useful Tips for a Better Note or Comment

Quotations

Staff Writers should avoid the tendency to overuse quotations. Most readers tend to skip over long quotations. A court's long-winded analysis can often be stated more succinctly through carefully chosen wording. If an exact quote is required, it is often best to put it in a footnote. An exact quote should be used in the body of the article only when the source truly captures the idea in a way that cannot be improved upon or when the exact wording is at issue.

Grammar and Writing Style

There is no specific *Journal* writing style. Clear, concise, and cogent writing communicate effectively to a layperson and make a good *Journal* article. To achieve this, break complex ideas into smaller, discrete components. Telling the reader about these parts and showing how they fit together is a key to good communication. Be sure to follow the rules in *The Redbook: A Manual on Legal Style, Scholarly Writing for Law Students, and The Elements of Style* because the information in these books undoubtedly will improve writing ability. Remember: clear, plain English is always preferable to dense and unnecessary legalese.

Supporting Authority

Concentrate on using supporting authority correctly. Footnote those authorities that support textual statements. Every conclusory, factual, and analytical statement requires supporting authority (sometimes only a citation to a discussion of the subject elsewhere in the text). Staff Writers must distinguish case holdings and dicta. Dicta may be important; for example, it could describe a court's course of action or motivation. Nevertheless, authors should clearly note the distinction, because courts can disregard dicta at will, while the principle of stare decisis requires courts to follow holdings. Cases, regulations, and statutes cited as supporting authority must be good law. This can be checked quickly using Westlaw or Lexis. Be sure that no case has been reversed, overruled, or so distinguished as to destroy its authority.

Footnotes

Footnotes serve a variety of purposes. They may contain:

- Citation and discussion of authorities supporting the statement made in the text. In a footnote containing both citation of authority and discussion of collateral matters, discussion of collateral matters must follow discussion of supporting authority.
- Explanation of the rationale for a statement of law in the text.
- Historical review or background of a statement in the text, or explanation of other matters of law or analysis that help explain the text.
- Various analyses of, or questions regarding, the authorities, rules of law, or reasoning of the court.
- Collateral matters with citation to sources containing a treatment of the subject

PART IV: ARTICLES SELECTION PROCESS

Journal receives thousands of article submissions each year and aims to publish between thirty-five to forty articles per year in four issues. Journal publishes six to ten notes or comments written by Journal members. Generally, Journal needs to publish around twenty-five articles from outside submissions. Some years, Journal publishes significantly more or fewer articles. It depends on the length of the articles and quality of the submission pool. As a general rule, Journal hopes to average 275 pages per issue.

Each year, one issue is dedicated to a specific topic. Usually, in odd-numbered years, the Journal publishes an Arizona Issue, and in even-numbered years, the *Journal* publishes a Symposium Issue.

Journal accepts articles through Scholastica, an online database that allows authors to submit manuscripts to academic journals around the world. The Executive Articles Editor (EAE) may also accept articles outside of Scholastica in his or her discretion. Journal does not use Scholastica for the Symposium Issue, the Arizona Issue, or for the student notes and comments.

Who decides what Journal publishes?

The EAE is ultimately responsible for the articles selection process. Due to the number of articles submitted to *Journal*, the EAE delegates part of the review and selection process among all Staff Writers and Articles Editors.

All Staff Writers conduct first reviews. The Articles Committee and Articles Editors, when needed, conduct second reviews. The Articles Editors, with help from the Articles Committee, then vote on the pieces that pass second review. Any piece that receives a majority of "yes" votes goes to the Executive Board for consideration. The Board reaches a consensus on whether to accept or reject the article, and the EAE sends out offers of publication.

How does Journal decide what to publish?



First Review

This is an approximately ten-minute review to determine if an article merits a deeper look. Reviewers weed out articles written by students, articles that are poorly written, and articles by professors who do not have a clear record of publishing scholarship. All Staff Writers conduct

the first reviews. Over half of articles are rejected at this phase. However, the importance of first reviews should not be overlooked. <u>As a Staff Writer, you are the only *Journal* member reviewing the articles assigned to you during a first review.</u> Your suggestion during a first review determines whether an article will continue through our articles selection process, so please take care when conducting your reviews.

Second Review

This is the most intensive review. A single reviewer reads the entire article and completes a detailed two to three-page review analyzing writing style, grammar, typographical errors, topic, citation quality, length, readability, relevancy, etc. 50 to 75% of articles that make it this far are rejected. These reviews are conducted by the Articles Committee and Articles Editors (when needed).

Initial (or Committee) Vote (Third Review)

If an article passes the second review, the Articles Editors then read it and vote whether to advance the article to the Executive Board. The Articles Committee will also vote depending on the number of articles up for vote. The Articles Committee Chair or EAE is the tie-breaker. Due to the large number of articles up for a vote in a given week, the Articles Committee Chair or the EAE often split the Articles Committee and Articles Editors into sub-committees and divide the articles between them.

Board Vote (Fourth Review)

If an article passes the initial or committee vote, the Executive Board reads the article and the reviews conducted by past reviewers and makes a final decision. If it passes the board vote, the EAE extends a publication offer to the author.

Exceptions and Special Procedures

Occasionally, ASU faculty or Staff will contact *Journal* and ask us to consider their piece or a piece written by a colleague. *Journal* also receives special requests from practitioners and community members for certain articles. Depending on the circumstances, the EAE has discretion to alter the process in making a publication decision. Usually, articles in this category go straight to the Executive Board for consideration, but the EAE may request a second review or a committee vote first.

What happens after an article is accepted?

The EAE sends the author an offer of publication. Typically, authors are given one week to accept or reject the publication offers. While the EAE has discretion to extend that deadline, *Journal* generally does not give publication extensions. Once an author accepts an offer, the EAE sends the author a publication agreement. The final manuscript is then sent to the

production department.

THE REVIEW PROCESS

With rare exceptions, *Journal* uses Scholastica for all submissions. You will receive an email from the EAE with an invitation to create an account in Scholastica. Use this log-in information to access your assigned articles.

The First Review: What are we looking for?

Staff Writers are responsible for the first reviews! Read this section carefully as it details exactly what you're looking for. You can always come back to it for a refresher. For each article, you will complete the first review form (linked on pg. 16). You will need to provide the following information for every article (with some exceptions discussed below):

- Your name
- Article Title
- Author Name—Please include any co-authors. If there is more than one author, please evaluate the highest-ranking or most well-known author for the author title, school, citations per year, etc.
- Author Title—This is to determine if a professor is on a tenure track. Generally, "professor" means tenured professor, "assistant professor" means on a tenured track but not tenured. Visiting professors may be tenured at another school but not at the school they are visiting. Adjunct professors are not tenured or on a tenured track.
- Author School or Workplace
- Author School Ranking—Use the U.S. News and World Report Rankings. If the school is unranked or a foreign school, indicate such. *See* Appendix A.
- Approximate Number of Previously Published Law Review Articles—If this number is
 over twenty, you can note "20+" rather than counting the total number of articles. This is
 to evaluate authors' general experience. Find this number on the author's resume or do a
 Google or Google Scholar search for the author or check their school's website for a
 resume or publication list.
- Citations Per Year to Top Cited Article—To find this, go to Google Scholar. Click "Advanced Search." Fill in the author's name in quotation marks. You may have to try some variation on the author's name if it is common. Include other search terms like "law journal," "Law," "first amendment," etc. to narrow down the results for common names. If that does not work, pick an article on the resume and search for it.

Google search results will show the most cited articles at the top and a citation count under each item of the list. Divide the number of citations by the number of years since

it was published to get cites per year. Some authors have a Google Scholar page. They will appear at the top with a notice that will say "verified author." Click on their name to see their profile, which includes a list of all the articles that author published—this will make your life easier.

- Thesis of the Paper—After reading the introduction, briefly summarize (one sentence will suffice) the paper's thesis. If the thesis is unclear, please note that. Try to limit the description to 100 words or less.
- Readability and Writing Quality of the Introduction—Read the introduction of the piece, perform a quick skim, and make a quick decision about the writing quality. If you cannot understand it, there are massive mistakes, or is incomprehensible, it should not be rated highly. Your rating should not be based on a critique of the substance or the author's writing style. However, you can include your opinions on the substance in the "other information" portion. Writing style is highly subjective. In a first review, be concerned with glaring grammatical and formatting errors: is it in tracked changes? Is it so badly written you cannot understand it?
- Recommendation for Second Review—Should the piece be given a detailed review or rejected?
- Expedite Request Dates—If you have an expedite request date, note it here. *Journal* gets dozens of these a week and tries to meet them. However, we cannot accommodate them all. If an author with 15 or more citations per year submits an article with an expedite request, please let the EAE know as quickly as possible.
- Any Other Relevant Information—This includes: your impressions about the substance based on what you read, if you feel the topic is especially important or already written extensively about, if it is about an Arizona topic, if the author has previously published with us, if the author is a student at or a faculty member at ASU, etc.

Do you recommend this piece?

There are a few things that are easy decisions—things we want to send to second review immediately or should be rejected immediately.

Articles that will likely be rejected:

- **Student Pieces**—*Journal* generally will not publish any student papers except for *Journal* members who complete the *Journal* Note & Comment process and are selected for publication. This applies regardless of the school the writer attends. There are two narrow exceptions:
 - o If the student is a co-author with a professor. Focus only on the professor's credentials. Assume that if the professor is willing to attach his or her name, he or she is vouching for the overall quality of the piece.

- o If the student is a law student who got a PhD or other professional degree and was published in that field. However, if a student is getting a joint degree, *Journal* will not accept their piece. Look for past academic publications.
- **Book Reviews**—If the article calls itself a book review, *Journal* is not interested. Similarly, *Journal* is not interested in an article that claims to be a response to a book but nevertheless functions only as a book review. *Journal* seeks to publish articles that authors will cite. Authors will not cite a review; they will cite the book.

Factors to consider:

- Visiting Professors—Professors often visit schools that are higher or lower ranked than their "home" institution. People looking to become professors may be a "visiting" professor at a high-ranking institution before getting a teaching job at a lower ranked institution. Most of the time, the professors do not stay at the institution they "visit" for long but want to capitalize on the name/reputation of the higher ranked school to get work published. Be sure to note that the author is a visiting professor in the review and note their most recent "home" school if you can find it. The presumption against visiting professors can be overcome by a substantial publication history or a modest cites per year count (eight per year or higher).
- **School rankings**—*Journal* uses the guidelines below to determine when a second review should be conducted for articles submitted by professors from low ranked schools. If an author does not meet these, you can still recommend it for a second review if you have a good justification. *Journal* uses law school ranking and citation history to help sort through submissions, but our overall mission is to publish pieces that contribute to legal scholarship.

All rankings are based on U.S. News and World Report. These rankings can be found at the end of this section.

- Unranked—Almost absolute no. Foreign schools are not ranked, and even some U.S. schools are too new to be ranked but have reputations that rival higherranked schools. Use your judgment, but these should almost always be rejected.
- <100—Reject unless the author has 20+ cites a year.
- o 75–100—Reject unless the author has 15+ cites a year.
- o 51–74—Reject unless the author has 10+ cites a year.
- o 30–50—Make a judgment based on all the information available.
- o 15–30—Presumption it should go to a second review.
- >15—Strong presumption it should go to a second review. This can be overcome
 if the introduction is poorly written, it is a book review, or the author is a visiting
 professor.
- Citations per year—If an author has low citations per year, the presumption is against a

second review. This can be overcome if the professor is at a highly ranked school, the writing is particularly good, or the topic is especially timely. Even an author's first article could be an important addition to legal scholarship. Any author with twenty or more citations per year should get an automatic second review.

After you complete and submit the first review, be sure to update the article's "tags" in Scholastica (found just under the title, "add tags") to reflect your recommendation. If you recommend rejection, tag the article with "rej." If you recommend a second review, tag the article with "2ndrev." It's that easy!

The Second Review

The second review is the most comprehensive of the reviews. The Articles Committee and some Articles Editors primarily conduct this review (feel free to skip this unless you're on the Articles Committee!). The reviewer reads the entire article and completes a detailed review on the article's flow, substance, citation quality and quantity, organization, writing style, writing quality, originality, and readability. Looking for originality includes making sure the article has not been preempted or has a high risk of preemption. These are the most time-intensive reviews and are often important for other committee members when making their evaluation of articles.

Generally, the reviewer should try to be objective during a second review and subjective opinions about the content or style of the article should be expressed in the comment section rather than throughout the review. This allows articles that are well written to pass on to the committee, even if the second reviewer does not like the subject matter or writer's voice. In the second review, the reviewer should note what issues—if any—should be considered during the initial vote.

If a reviewer rejects an article, the review can be short. A few sentences explaining why the piece was rejected is sufficient.

Again, after you complete and submit the second review, be sure to update the article's "tags" in Scholastica (found just under the title, "add tags") to reflect your recommendation. If you recommend rejection, tag the article with "rej." If you recommend an initial/committee vote, tag the article with "commvote."

The Initial (or Committee) Vote

If an article passes a second review, it goes to an initial/committee vote. The vote is conducted by a committee of Articles Editors (3L) and Articles Committee members. Voting committee members vote yes or no. Committee members are not required to explain the reasoning for their vote but are encouraged to vote based on their objective and subjective impressions of the piece. Voters have access to the second reviews during the voting process. The second review is helpful because it allows voters to focus on issues flagged by the second reviewer, in addition to passing their own judgments.

The voting committee is often divided into smaller subcommittees to reduce the number of articles each voter must read. However, a minimum of five people must serve on each subcommittee. No subcommittee should vote on any article for which any of its members conducted the second review. This ensures that the article is fully reviewed by at least six people before it is reviewed by the Executive Board.

Though rarely exercised, the EAE has authority to overturn a review, request it be redone, or override a committee vote.

Executive Board Vote

If an article passes the initial/committee voting process, it then goes to the Executive Board. All four members (everyone but the EAE) read the article, paying close attention to citation quality and writing quality. The Executive Board considers the first and second reviews in making their decision. If the Executive Board agrees on the article, it is usually rejected or accepted with minimal discussion. If the Executive Board is not unanimous, they discuss the article until they reach a consensus, or a majority agrees to accept or reject the article. With rare exception, *Journal* only offers publication for articles the Executive Board votes to accept.

ARTICLE REVIEW POLICIES

What Not to Do

The following things are considered egregious conduct under the bylaws. If you do any of these things even once, the EAE must refer you to the Disciplinary Council with a recommendation for removal.

- 1. Accepting or Rejecting an article. Only the EAE has authority to extend offers of publication or reject articles. <u>Do not click "Make a Decision" in Scholastica under any circumstance.</u> If, by accident, you do click "Make a Decision," there are numerous other buttons that must be clicked before an actual decision is made and the author is informed, so this should never be an issue. But a good rule of thumb is to avoid that red button at all costs.
- **2. Contacting an author**. Only the EAE and the Editor-in-Chief may contact authors prior to acceptance. If you get a notification on Scholastica asking for an expedited review or asking questions, do not respond and inform the Articles Chair or EAE. When in doubt, contact the EAE.
- **3.** Discussing articles you review with anyone not on *Journal*. Occasionally, ASU students and faculty will submit articles to us for consideration. While you are free to

discuss articles selection with anyone on Journal, <u>do not ever discuss it with anyone not on Journal</u>. Journal must protect the intellectual property of the authors. This policy also protects reviewers from awkward interactions if *Journal* rejects an article written by faculty or a colleague.

Other Disciplinable Conduct

The following things are not egregious behavior but warrant a formal written warning.

- 1. Submitting your reviews late. You will have about a week to complete your reviews. If you are late, the EAE will issue a written warning. If you cannot finish your reviews on time, contact the Articles Committee Chair or EAE, and they will do their best to help you. If you do not report problems until after the deadline passes (barring truly exceptional circumstances), you will receive a written warning regardless of the justification.
- 2. Submitting incomplete reviews. Not every article has an entry for each of the fields in the review form but there is always some basic information that must be included. If there is information about an article that you cannot find, please make a note of that in your review. The Articles Committee Chair and the EAE read the reviews. If you submit reviews that are substantially incomplete, the EAE will issue a written warning.

The EAE must send any *Journal* member with two or more formal written warnings to the Disciplinary Council.

School Rankings List

Rank | School

- 1 Yale University
- 2 Stanford University
- 3 Harvard University
- 4 Columbia University
- 4 University of Chicago
- 6 New York University
- 7 University of Pennsylvania
- 8 University of Virginia
- 9 Northwestern University (Pritzker)
- 9 University of California—Berkeley
- 9 University of Michigan—Ann Arbor
- 12 Duke University
- 13 Cornell University
- 14 Georgetown University
- 15 University of California—Los Angeles
- 16 University of Texas—Austin
- 17 Washington University in St. Louis
- 18 University of Southern California (Gould)
- 18 Vanderbilt University
- 20 Boston University
- 21 University of Minnesota
- 22 Notre Dame
- 23 George Washington University
- 24 Arizona State University (O'Connor)
- 24 Emory University
- 24 University of Florida (Levin)
- 27 Fordham University
- 27 University of California—Irvine
- 27 University of Iowa
- 27 University of North Carolina -- Chapel Hill
- 31 Boston College
- 31 University of Alabama (Culverhouse)
- 31 University of Georgia
- 31 University of Illinois (Urbana-Champaign)
- 31 Washington and Lee University
- 31 William and Mary Law School
- 37 Brigham Young University (Clark)
- 38 Indiana University—Bloomington (Maurer)
- 38 Ohio State University (Moritz)
- 38 University of California—Davis
- 38 University of Wisconsin—Madison
- 42 George Mason University
- 42 University of Washington
- 42 Wake Forest University
- 45 University of Utah (Quinney)
- 46 University of Colorado—Boulder
- 47 Pepperdine University
- 47 University of Arizona (Rogers)
- 47 University of Maryland (Carey)
- 50 Baylor University

- 50 Florida State University
- 50 University of Connecticut
- 53 Yeshiva University (Cardozo)
- 54 Tulane University
- 54 University of Richmond
- 56 Southern Methodist University (Dedman)
- 56 Temple University (Beasley)
- 56 University of Houston
- 59 University of California (Hastings)
- 60 Pennsylvania State University—University Park
- 60 Texas A&M University
- 62 Loyola Marymount University
- 62 Pennsylvania State University—Carlisle (Dickinson)
- 62 Seton Hall University
- 62 Villanova University
- 62 University of Nevada—Las Vegas
- 67 Northeastern University
- 67 University of Miami
- 67 University of Missouri
- 70 Loyola University Chicago
- 70 University of Kansas
- 70 University of Kentucky
- 70 University of Tennessee—Knoxville
- 74 St. John's University
- 74 University of Denver (Sturm)
- 76 American University (Washington)
- 76 Case Western Reserve University
- 76 Georgia State University
- 76 Rutgers, The State University of New Jersey
- 76 University of Nebraska—Lincoln
- 76 University of Oklahoma
- 76 University of Pittsburgh
- 83 Brooklyn Law School
- 83 Illinois Institute of Technology (Chicago-Kent)
- 83 University of Cincinnati
- 83 University of San Diego
- 83 Wayne State University
- 88 University of New Hampshire
- 88 University of Oregon
- 90 Florida International University
- 90 St. Louis University
- 90 University of Arkansas—Fayetteville
- 93 Drexel University (Kline)
- 93 Lewis and Clark College (Northwestern)
- 93 Michigan State University
- 96 Louisiana State University—Baton Rouge (Hebert)
- 96 University of Hawaii—Manoa (Richardson)
- 96 University of South Carolina
- 99 University of Buffalo—SUNY
- 99 University of Louisville (Brandeis)
- 99 University of New Mexico
- 102 Cleveland State University (Cleveland-Marshall)
- 102 Hofstra University (Deane)

- 102 Marquette University
- 105 Drake University
- 105 Stetson University
- **107 CUNY**
- 107 Howard University
- 107 Santa Clara University
- 107 Washburn University
- 111 Chapman University (Fowler)
- 111 Syracuse University
- 111 Texas Tech University
- 111 The Catholic University of America
- 111 University of Mississippi
- 111 University of Tulsa
- 111 West Virginia University
- 118 Albany Law School
- 118 DePaul University
- 118 Gonzaga University
- 118 University of St. Thomas
- 122 Indiana University—Indianapolis (McKinney)
- 122 Quinnipiac University
- 122 University of Maine
- 122 University of Montana
- 126 Loyola University New Orleans
- 126 Mercer University (George)
- 126 University of Baltimore
- 129 Belmont University
- 129 Duquesne University
- 129 New York Law School
- 129 Seattle University
- 133 Creighton University
- 133 University of Missouri—Kansas City
- 133 University of Wyoming
- 136 Pace University (Haub)
- 136 Suffolk University
- 136 University of Idaho
- 136 University of Toledo
- 140 University of Illinois—Chicago (John Marshall)
- 141 Mitchell Hamline School of Law
- 141 University of Akron
- 141 University of Dayton
- 141 University of Memphis (Humphreys)
- 141 University of South Dakota
- 141 Vermont Law School
- 141 Willamette University College of Law

FIGURE 1

BOARD OF EDITORS 2020–2021

Editor-in-Chief DELILAH CASSIDY

Exec. Managing Editor VICTORIA ROMINE

Exec. Articles Editor ALLIE KARPURK Exec. Note & Comment Editor AUSTIN MOYLAN Exec. Operations Editor MEGAN CARRASCO

Articles Editors
MICHAEL BROWN
CHASE COLWELL
YINAN GUO
ALEXANDRA KLEIN
SAMANTHA ORWOLL
DANIEL RESTREPO
AVERY TOPEL
TYLER WOODS

Managing Editors
JACOB ABRAHAMIAN
CORY BERNARD
SIERRA BROWN
ABBY DOCKUM
NATHAN LILLY
JOHN OLIVER

Note & Comment Editors
NICHOLAS ANSEL
HARMAN DHANOA
SHANNON HAUTZINGER
ALANA OSTBY
EMILEY PAGRABS

Symposium Editor CAITLIN WHITE

Research Editors
KACIE DONOVAN
AVA ESLER
KC HOOKER
LAUREN MALM
BEN SHATTUCK
TYSON WOODFORD

Technology Editor CHRISTIAN FERNANDEZ

Arizona Issue Editor GEORGE GOULD Blog Editor TREVOR WAINFELD Business Editor ALISHA TARIN-HERMAN

ASSOCIATE EDITORS

MADELAINE BAUER MARISSA GIBBENS CAITLIN DOAK

JAY DOSAD STERLING JOHNSON

STAFF WRITERS

BRIE ALFORD
MITCHELL ANTALIS
ANNA BOERWINKLE
SARAH BRUNSWICK
ROMAN BUSS
JOHN BUTZER
GIDEON CIONELO
COLE CRIBARI
STEPHANIE DESKINS
ALEXANDRA EAGLE
HANNAH EATON
RIVALEE FERLAND
LINDSAY FICKLIN

SYDNEY FINLEY
SHAYNA FRIEDEN
KATIE GIEL
RENEE GUERIN
TAYLOR HAMEL
ANDREW JACOBSOHN
JILLIAN KNOX
NYLA KNOX
DREW KUDLINSKI
MADISON LEAKE
IRIS LIM
KOLE LYONS
DANIKA MARZILLIER
ALEXANDRA NATHE

BRIANNA PACHULIO
TESSA PATTERSON
ELYSE PENDERGRASS
JACOB PIERCE
MARIA RACITI
HANNA REINKE
CHANDLER SMITH
JACINDA STEPHENS
CATHERINE SWETT
JOEL TRUETT
AURORA WALKER
MOLLY WALKER
ERIC WILKINS

ADVISOR

ADAM CHODOROW Professor of Law