I. Finding a topic

A. How do you find a topic?

Topics may arise from your current studies or interests, from colleagues’ suggestions, or from legal news publications. You can also find topics by looking at splits in opinions among appellate courts, topics flagged by legal professionals in law blogs, calls for papers and law review symposia, etc. Resources for finding topics are listed infra.

B. Secondary sources for finding a topic and writing a law review article.

1. Articles

Read articles online in pdf format (identical to printed law review pages) in HeinOnline.


2. Books


3. Law-related databases and websites

BNA databases on the Law Library electronic databases web page (password) include publications on a large number of legal topics which provide news and analysis of cases, statutes, regulations, etc. U.S. Law Week’s Circuit Splits posts current split in decisions among the U.S. Circuit Courts of Appeal.


Westlaw directory, for news, “current awareness and political news, and legal news.

Blogs that feature recent developments in the law:

The Adjunct Law Prof Blog, http://lawprofessors.typepad.com/adjunctprofs/law_review_ideas/
Alltop, http://law.alltop.com/, headlines from law blogs
Legal Scholarship Blog, http://legalscholarshipblog.com/, symposia, calls for papers
Split Circuits, http://splitcircuits.blogspot.com/
Volokh Conspiracy, http://volokh.com/

II. Research: The Pre-emption Check, Literature Review, and More

A. Has the topic been pre-empted?

The pre-emption check is the first step in reviewing the legal literature before writing your paper. If someone has published a thorough coverage of your topic and you have nothing new (e.g., an insight, a new idea, a new way of looking at an aspect of law) or significant enough to warrant another publication, you are likely pre-empted. Legal publications on point probably pre-empt you, but articles in other fields may not. If they do not discuss legal ramifications of the topic, these articles may become a starting point for your paper.¹

B. How to do a pre-emption check.

1. Use a research log.

If you are not pre-empted, this log will be support the review of the literature for writing your paper.

2. **Write a preliminary abstract** or thesis statement to clarify your topic in your own mind.

   The abstract clarifies how and what to look for, and you will need to write an abstract anyway, for your cover letter and other purposes.

3. **List search terms and phrases.**

4. **Search broadly for pre-emption.**

5. **Write your citations in Bluebook form.** Include the date you found it, your comments as to how or why the topic is pre-empted or not, and, if not, how the resource will be useful for your paper.

C. **Sources to search for pre-emption** (and for writing the paper)

   - Legal encyclopedias
     - American Law Reports (A.L.R.)
   - Treatises, hornbooks, and practice manuals
   - Law review articles - use the periodicals indexes (e.g., LegalTrac online, Current Law Index, Wilson Index online, Index to Periodicals and Books)
   - Casebooks. Check the Notes sections.
   - Working papers and articles in related academic fields
   - Blogs and topical websites
   - Cases and statutes in the relevant jurisdictions
   - Restatements and model codes, if any
   - Government websites and publications
   - The Deep Web (e.g., issue briefs, position papers, articles in pdf format, etc.)

D. **Where to Search.**

   **Books:** Mason Law Library Catalog, [www.catalog.law.udc.edu](http://www.catalog.law.udc.edu)
   
   WorldCat (librariesworldwide); click WorldCat icon, [www.catalog.law.udc.edu](http://www.catalog.law.udc.edu)
   
   
   Lexis, several databases, secondary sources
   
   Westlaw database Texts & Periodicals-ALL (TP-ALL)

   **Periodicals:** Current Law Index (LegalTrac, library electronic database)
   
   Index to Legal Periodicals and Books (Wilson index, library database)
   
   HeinOnline (library database that provides pdf copies)
   
   
   UDC Learning Resources Division, ALADIN Catalog and Journals & Electronic Books database, e.g., JSTOR, [http://lrdudc.wrlc.org/](http://lrdudc.wrlc.org/)
Lexis database, US Law Reviews and Journals
Westlaw texts and periodicals database, TP-ALL

**The Deep Web:** Online resources that drill deep into the world wide web.


*Academic and Scholar Search Engines and Sources,*


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**E. Research resources - what next?**

1. **Analyze your research log** for the useful and necessary resources for your paper.

2. **Collect the resources.**
   a. Check out the books you from your library, and
   b. Place interlibrary loan requests with the library for others.
   c. Print documents from the databases and on the web.
   d. Consult with a law librarian regarding difficult to find materials.
   e. Go to specialized libraries for some documents, e.g., Library of Congress.

3. **Organize** your research resources. Filing them in a box or file drawer works well.

   The law review may want you to send copies of some of the resources when they verify your citations and statements in the text of your article as part of their edit.

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**III. General Advice for Writing for Publication in Law Reviews**

A. **Get an overview of your topic before you start writing.**

   1. For an overview, read the encyclopedia, treatise and other documents.
   2. You may incorporate this overview into the “background” section of your paper.

B. **Find a topic you really are interested in.** This interest will help you finish the work.

C. **Article type or genre:** Choose the kind of article you want to write.¹

   a. Case analysis in one area that needs interpretation or modification.

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¹ Delgado, *supra* note 1, at 446-48.
a. Legislative analysis.
b. Law reform - advocating change in some rule of law or approach to law.
c. Essay
d. Interdisciplinary article.
e. Theory article, either analysis of existing theories, and/or presentation of a new theory to solve problems or explain law in some area.
f. Some aspect of the legal profession - language, education, professionalism, pedagogy, etc.
h. Legal history

D. **Use a typical law review article format**, such as the following:

1. Introduction that explains what you plan to do in the article
2. Background information about the topic and presentation of the issue or thesis of your paper. Often includes a literature review.
3. Objective analysis of the problem or topic.
4. Presentation of a solution, comparison, etc., and a conclusion reiterating the problem, analysis and solution.
5. Very brief, summary conclusion - one or two paragraphs.


F. **Follow style and format conventions.**

1. 8.5 x 11 inch white paper.
2. One inch margins.
3. Double spaced.
4. Footnotes (no endnotes).
5. Use headings and subheadings; number your headings.
6. Correct all errors of spelling and grammar.

G. **Follow citation conventions.** Use *The Bluebook* white pages.

1. Footnote all statements of law and most statements of fact.
2. Credit all your sources for ideas, analyses, theories, facts, *et al.* in the footnotes.
3. Bluebook your text and citations.

H. **Draft and redraft your article.**

I. **Edit carefully.** Use style manual as a guide. Several are available in the Mason Law Library.

IV. **Advice for new scholars**

Legal Scholarship Blog, [http://legalscholarshipblog.com](http://legalscholarshipblog.com)
Mary Kay Kane, *Some Thoughts on Scholarship for Beginning Teachers*, 37 J. Legal Educ. 14 (1987)
V. Share the article for prepublication comment

Submit the article to calls for papers.
Make presentations to anyone who will listen.
Ask friends and mentors to read it.
SSRN (online community), http://ssrn.com/
Et al.

Note: Credit these folks in a footnote on the first page of your article.

VI. Write an abstract for the article


VII. Submitting the article to law reviews for publication

A. The ins and outs of the process.


B. Submitting the paper for publication.

1. Look for symposia and calls for papers:

The Legal Scholarship Blog, http://legalscholarshipblog.com
2. Choose where to submit your paper.


3. Times of year to submit articles - Spring, March to April, Summer-Fall, September to October

The spring time period is when the new board of editors begins to take over and make their own Article selections. The late summer time period is when most authors finish their articles and submit them.

4. Write a cover letter.

Jessica L. Clark & Kristen E. Murray, *Scholarly Writing: Ideas, Examples and Execution* 147 (2010), KF250. C528


5. Submit your article electronically or by mail.

The electronic submission services do not include all law review journals. You must apply separately to some journals, e.g., *The Journal of Legal Education*, and you may submit your papers to other law reviews that accept submissions from individuals as well as submission services. You can submit the articles by mail and electronically.


*ExpressO*, http://law.bepress.com/expresso


**C. Evaluating publication offers and working with law review editors**

When you have an offer of publication you can try to negotiate the terms of the contract, see *Model Publication Agreement*, www.aals.org/deansmemos/98-24.html. You may also ask other law reviews to give your paper an expedited review because you have a short time period to tell the review whether you will accept the offer.

SPARC Resources for Authors, [http://www.arl.org/sparc/author/](http://www.arl.org/sparc/author/)
