

Charleston Law Review – Guide to Student Submissions for the Student Works Edition

The *Charleston Law Review* encourages all students at the Charleston School of Law to submit Notes and Comments for publication in the Student Works Edition. This guide should answer your basic questions regarding the substance of student submissions, the submission process, and the basic requirements for publication. Should you have any further questions, please contact a member of the Student Works Edition or the Executive Board of the *Law Review*.

What is the Student Works Edition?

The Student Works Edition is a publication of student written notes and comments with its chief mission to enhance the legal scholarship of the student body. Given the limited number of student articles published in the main edition of the *Law Review*, the Student Works Edition exists to allow students who exhibit superior prose an avenue for sharing the benefits of their work with others. Like student editions of other law reviews, the Student Works Edition of the *Charleston Law Review* provides a valuable tool for addressing novel or problematic areas of the law.

What are notes and comments?

Notes and comments are student-authored scholarly writings analyzing an original legal issue, inter alia, a recent case, legislation, or “hot” topic in a particular area of the law. Although the description varies from one locale to another, a note generally analyzes a particular case or recently enacted piece of legislation. With a note, timing is very important. The topic should be of immediate or future interest to the legal community. A typical note format is as follows:

- I. Introduction:** This section should briefly describe the case or statute at issue and should contain a clear and concise thesis statement. A good introduction should provide a roadmap to the rest of the paper.
- II. Background:** When dealing with a case, this section should provide a brief summary of the facts, procedural history, and the majority’s reasoning. If appropriate, this section should also discuss the reasoning of the concurrence and dissent. If you are writing about a statute, you should briefly explain why the legislation was passed, discuss legislative history, and outline the relevant statutory sections.
- III. Analysis:** This section makes or breaks most papers. Here, you should describe why you agree or disagree with the court’s holding and reasoning or with the legislature’s enactment of a particular statute. What problems are resolved by the holding or the statute? What problems are created? What are the potential solutions? Could you write a better statute or opinion? What are other states’ approaches to the same issue? How do those approaches compare to South Carolina’s approach, and are they

better or worse in your view? Do not be afraid to go out on a limb; this is your chance to be original, so seize the opportunity!

- IV. Conclusion:** This section merely wraps up your paper and restates your thesis. Conclusions should usually be kept short and sweet, especially after your deluge of brilliant analysis.

A comment discusses and analyzes a “hot” legal issue or problem. Comments tend to be doctrinally focused analyses of controversial legal questions or present arguments about current and pending legislation. The case law comment will offer solutions based on such things as policy, equity, and efficiency. The statute comment will offer criticisms and suggestions for improvement of those areas the legislature has yet to adequately address. A comment is not merely a summary, but an original treatment of a legal problem proposing solutions. Most comments will derive from term papers or seminar directed research. The format is usually:

- I. Introduction:** This section briefly describes the subject matter and plainly states the author’s thesis. As with the note introduction, it should provide a roadmap to the rest of the paper.
- II. Background:** This section should be brief but comprehensive. It should provide whatever material is necessary for an educated reader to understand how the topic fits into the current state of the law.
- III. Analysis:** This section again makes or breaks most comments. It should discuss many questions. Why is the topic “hot” now? Was the court or the legislature correct? Is the case/statute constitutional? Is the state of the law better or worse than before? How and why? What problems do you foresee in the future? What potential solutions exist? What have other states done, and how do their approaches compare to South Carolina’s? What should the courts or legislature do in the future?
- IV. Conclusion:** Again, keep it short and sweet – wrap up what you have said, restate your thesis, and close.

Whether you choose to write a note or comment will depend upon the type of coverage you wish to give the topic. Notes typically focus on a single case or statute and analyze from that starting point. Comments, by contrast, will analyze an entire area of law and propose policy based solutions. Neither approach should be considered easier than the other. Instead, choose a topic that is of interest to you and decide which analysis will work the best. For examples of notes and comments, please see the extensive collection of law reviews contained in the library, or ask a professor for help.

What are the formatting requirements for submission?

All articles should be double-spaced, 12 point font, with one inch margins on all sides. For ease of reading, please justify the text. Footnotes and endnotes should be double spaced as well. There is no specific word limit or length. If further formatting is required, you will be notified.

What is the citation requirement?

All cites should follow Bluebook form. Even though the paper will be edited, you should ensure that your Bluebooking is as accurate as possible. Failure to take the time and give proper attention to this task will slow the editorial process and severely weaken the paper in the selection process. Also, please cite all South Carolina cases in accordance with rule 239 of the South Carolina Appellate Court Rules. This will require parallel citation of all South Carolina Appellate Court decisions.

What should accompany my paper?

- I. Research File:** A research file is required with your submission. The file should include a copy of every source that you cite in your article. Each source should contain all of the information necessary to Bluebook the source. The file should be organized alphabetically with separators between letters and colored paper between each source. If the first party's name is "State" or "United States," please alphabetize by the other party's name. Should you feel there is a better way to organize your particular file, please just let us know. The goal of the research file is to allow editors easier access to your sources so that we may expedite the process and help ensure that your article is ready for use by the bar.
- II. Shepardizing Printout:** The final step before submitting your paper is to Shepardize all of your sources. After doing this, place the printout in a separate folder and attach it to the research file. The editors will ask you to again Shepardize your sources just before publication. You do not want to publish bad law under your own name.
- III. Statement of Originality:** All student work must contain a Statement of Originality (or an Abstract) detailing how the argument being advanced fits into the current literature. It should be clear from this statement how your argument differs from those of other authors. In other words, why was this article worth all the time you spent and what will it offer that current sources do not? Or, why is this a "hot" topic? In order to advance this statement and your article in good faith, please do a preemption check of your topic to avoid duplication and redundancy.
- IV. Statement of Resubmission:** If applicable, please include a brief statement detailing how the paper has been improved since the prior submission. The author should include in this statement a discussion of how they have taken into consideration any feedback provided by the editors from the prior submission; if the author felt that the feedback was not valid, indicate why.

Do I need an advisor?

Although we do not require an advisor for the writing process, you **MUST** have a professor or legal professional ensure that your discussion of the law is accurate. We can not publish any article that has not met this requirement.

How does the selection process work?

The selection process is divided into two stages. All submissions are considered anonymously and no editor shall discuss or consider their own submission for publication.

In the first stage, each submission is read by at least two SWE members, one of which will be the Student Works Editor. At the close of the submission period, the editors will meet to discuss which articles will be promoted to the second round of consideration. In the case where one reader likes the article and the other does not, all doubts will be resolved in the author's favor, and the submission promoted.

The second round will consist of a full SWE editorial board read. Each member reads all promoted articles, and the board meets again to discuss which submissions should be published. This is a more deliberative process with the aim of reaching a consensus on every work. Decisions to accept or reject will be reached by a majority vote of the board.

Upon selection, the Student Works Editor shall obtain the author's name from the appropriate *Law Review* member or faculty advisor and promptly notify the author. Those whose articles are not chosen will be notified via email from the Student Works Editor. In no event shall the identity of the authors whose articles are not chosen be revealed to anyone but the Student Works Editor in order to notify said authors.

Rejection of an article does not mean that the article is forever barred from publication! Many of the submissions not selected will contain errors that are important but often very fixable. Anyone whose article is not chosen may request written feedback regarding why from the Student Works Editor. The Student Works Editor will then notify the board of the requests. Given the number of submissions and the limited time frame, our feedback is not a comprehensive critique of a paper, but instead simply provides the main weaknesses that the board identified in the submission. Professors and friends might be able to provide authors with more substantial suggestions for revision. We *strongly encourage* Note/Comment authors to revise their pieces and resubmit them at the next Note/Comment call.

The entire selection process is blind. This strong commitment to confidentiality requires that authors refrain from discussing their papers with members of the *Law Review*. Further, to ensure impartiality, members of the selection board submitting papers for publication must abstain from discussion and consideration of their own article. Since we do not have a limit on the number of Notes/Comments we are seeking to publish, we do not engage in comparisons between the papers submitted. Rather, each piece is evaluated on its own merits, and we accept all submissions that we feel meet the standards for publication in the *Law Review*. If your piece is selected by the *Law Review*, you will be required to work with the editing staff to prepare your

piece for publication. The submission will go through two rounds of substantive editing, cite-checking, and bluebooking. Substantial cooperation from authors is expected during this process.

Where can I get help on my article?

The best way to get an idea of what constitutes a good submission is to look through issues of law reviews. Previously published student work shows the depth of analysis and level of originality for which we are looking. Further, they demonstrate the diversity of topics that authors tackle, as well as the variety of analytical approaches they take. In addition, Eugene Volokh, a UCLA law professor, has produced some excellent guides for mastering the art of legal writing, even for students who already consider themselves to be outstanding writers. See Eugene Volokh, *Writing a Student Article*, 48 J. Legal Educ. 247 (1998) (available through Westlaw). For a more in-depth treatment, see EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, AND SEMINAR PAPERS* (2003).

Why should I write an article?

Writing a paper of publishable quality is a requirement for graduation from the Charleston School of Law. Since you have to satisfy an upper level writing requirement anyway, why not let it do more than just reflect a couple of points on your transcript? A published article speaks volumes about your writing ability to future employers and is often the best choice for a writing sample. Not only does it show a mastery of the intricacies of legal writing, it provides a real and substantive contribution to the profession. How often have you turned to law review articles to help you understand a complicated or undecided area of law? Now you have an opportunity to provide that same service to not only other students, but attorneys and judges as well. Publication in the *Law Review* is an unparalleled academic honor.

How do I submit my article?

The *Law Review* will make a public call for submissions to the Student Works Edition. At that time we shall furnish a specific location to drop off electronic and hard copies of your paper. We plan to begin accepting submissions February 15, 2006 for *Law Review* members, and **March 1, 2006 for the student body**. Review of submissions will begin immediately thereafter, and offers of acceptance will be extended until such time the edition is full.

Papers and all accompanying materials should be submitted blindly, showing only the last four digits of the author's social security number in the upper right corner.

Who do I contact with questions?

Please contact the Student Works Editor, Andy Shepherd, with any questions you may have regarding submissions to the Student Works Edition. ashepherd@charlestonlawreview.org.

Also, feel free to discuss any questions you may have with any member of the *Law Review*. For a list of *Law Review* members and for general information, visit www.charlestonlawreview.org.