MITCHELL | HAMLINE LAW REVIEW

ASSOCIATE MANUAL

TABLE OF CONTENTS

Contact List

Part I:

Editor-in-Chief:
James Schoeberl
james.schoeberl@wmitchell.edu

Operations Manager:
Morgan Miller
operations.lawreview@wmitchell.edu

Library Liaison:
Jake Lorence
jacob.lorence@wmitchell.edu

Executive Editors:
Jacob Abdo
jacob.abdo@wmitchell.edu

C. Joelle Groshek
christina.groshek@wmitchell.edu

Abigail Rankin
abigail.rankin@wmitchell.edu

Lauren Schoeberl
lauren.michels@wmitchell.edu

Online Executive Editor
Scott Jurchisin
scott.jurchisin@wmitchell.edu

Accountability and Support:
Caitlin Miles
caitlin.miles@wmitchell.edu

Editors:
Raha Assadi-Lamouki
raha.assadilamouki@wmitchell.edu

Lisa Colburn
lisa.colburn@wmitchell.edu

Blake DeRosier
blake.derosier@wmitchell.edu

Kelly Fermoyle
kelly.fermoyle@wmitchell.edu

Theresa Flahaven
theresa.flahaven@wmitchell.edu

Keriann Riehle
keriann.riehle@wmitchell.edu

Aaron Sampsel
aaron.sampsel@wmitchell.edu

Allira Sharma
allira.sharma@wmitchell.edu

Ann Weber
ann.weber@wmitchell.edu

Part II:

Editor-in-Chief:
Cha Xiong
cxiong18@hamline.edu

Operations Editor:
Amanda Mangan
Amangan01@hamline.edu

Managing Editors:
Jeff Albright
jalbright03@hamline.edu

Tal Bakke
tbakke01@hamline.edu

Sarah Holm
sholm03@hamline.edu

Articles Editors:
Paul Buchel
pbuchel01@hamline.edu

Alexandra Mueller
Amueller08@hamline.edu

Symposium Editor:
Jessica DuBois
jdubois02@hamline.edu

Production Editor:
Casey Schofield
cschofield01@hamline.edu

Notes & Comments Editors:
Alex Beeby
abeeby01@hamline.edu

Stephanie Kinyon
skinyon01@hamline.edu

Whitney Mark
wmark01@hamline.edu

Law Review Dictionary

Being on the law review comes with all kinds of exciting new opportunities and responsibilities. It also comes with a new vocabulary full of abbreviations and phrases. We have included this quick reference guide so that you can familiarize yourself with the lingo! However, please note that several items in this dictionary are discussed at greater length elsewhere in these materials.

AC:
An AC is an "authority check." An AC is done to verify the accuracy of article sources and citations and to ensure the use of proper grammar, punctuation, and spelling. ACs make up most of the work of an associate. Every article published in Part I of the law review goes through two ACs (AC1 and AC2) during the editorial process. An associate is assigned a section of an article (delineated by a range of footnotes) and starts by checking the text for proper grammar, spelling, and punctuation. The associate then checks the resources cited by the author to make sure the source supports the author's statement. Last but certainly not least, the associate checks citations for *Bluebook* accuracy. ACs are assigned on a rolling alphabetical basis. For a detailed explanation of the AC process, see *How to Authority Check*.

PM:
A PM is a "production meeting." A PM is an in-person AC held at prescheduled times at both Mitchell and Hamline campuses.

AE/SE:
AE stands for "Assistant Editor," and SE stands for "Senior Associate Editor." Every associate who remains on the law review after their first year automatically becomes an AE/SE. There are seventeen AEs for Part I and four SEs for Part II, and they take on various projects and responsibilities that are crucial to the journal. They format articles before they go to print, provide guidance to students writing their long papers, manage Interlibrary Loan requests, and work on source pulls, proofs, and put-togethers.

CS Hours:
CS hours are "collateral service" hours. Each associate must complete a minimum of six CS hours each semester and at least twenty hours across the entire year. *Note: This reflects the minimum requirement. Associates are encouraged to contribute additional CS hours.* CS hours can be earned by volunteering for projects such as source pulls, proofs, and put-togethers. The law review highly encourages associates to attend at least one put-together, do one source pull, and do one proof. Opportunities to sign up for these projects will be communicated via email. Mitchell associates will have online access to log their CS hours through their student portal. Hamline associates should report their CS hours to the Operations Manager at operations.lawreview@wmitchell.edu as soon as possible after the completion of a CS hour project.

Editor/Managing Editor:
There are nine Editors for Part I and three Managing Editors for Part II, and their primary task is to manage individual articles as they move through the editorial process. They supervise the AC/PM process and compile all of the edits/comments made by associates. After the AC/PMs are complete, they continue to manage the proof phase and work with the article throughout the remainder of the editorial process. Editors/Managing Editors play a key role in the development of articles by providing substantive feedback throughout the life of the article. Each Editor/Managing Editor is a member of the Editorial Board for their respective Part.

EE:
An EE is an "Executive Editor." There are five EEs in Part I, and they are each responsible for one issue of the law review or the online *Sua Sponte* issue. They have all been working since last spring to develop a topic and procure articles for publication in their respective issue. EEs manage the submission process and editorial cycle for the issues and work with authors during these processes to polish and refine articles. Each EE is a member of the Executive Board and the Editorial Board for Part I.

EIC:
EIC is the "Editor-in-Chief." The Editor-in-Chief of Part I, James Schoeberl, and the Editor-in-Chief of Part II, Cha Xiong, both have an important managerial role. The EICs work with the law review faculty advisors, help resolve issues that arise on all fronts, review all articles before publication, and coordinate board meetings— the list goes on and on. The EICs conduct all meetings of their respective Executive Boards, Editorial Boards, and associates.

Faculty Advisor:
The law review faculty advisors are Professor Mike Steenson and Professor Allen Blair. They know anything and everything about the law review and work primarily with our EICs.

ILL:
ILL stands for "Interlibrary Loan." When we need a resource that our own library does not have, we use the ILL system to request the material from another library. One of our Assistant Editors, Jake Lorence, serves as the Library Liaison and manages all ILL requests. Specific information on the ILL procedures is included in the *Library Procedures* section.

Law Review Shelves:
The law review shelves are shelves in the library that hold sources used to complete ACs. This includes sources that are pulled from the shelves of our own library as well as those obtained through an ILL request. The shelves are located in the law review room on the lower level of the library, and sources on the shelves are organized according to the author and article.

Library Liaison:
The Library Liaison is an Assistant Editor, Jake Lorence, who manages all of our borrowed materials. He receives ILL materials when they arrive, renews and returns materials when they are due, and ensures the law review keeps a strong working relationship with the library staff.

LRO:
The LRO is the Mitchell "Law Review Office." The LRO is located on the first floor of the building at the end of the hallway past the cafeteria and Hachey Commons area (Summit Campus Room 159). Associates have mailboxes in the office, and all members of the law review are welcome to work in the LRO. The LRO also has a fridge, a microwave, and, most importantly, a wire rooster full of candy.

OM:
The OM is the "Operations Manager." Our fabulous and organized OM is Morgan Miller. This person keeps track of everyone's CS hours and the AC/PM rotation (i.e., who is assigned to what AC and who is next up in the alphabet for AC assignment). This person also manages invoices, supplies, subscriptions, and the day-to-day operations of the law review.

Proof:
A proof involves the proofreading of an article. This includes checking citations for *Bluebook* accuracy and checking grammar, punctuation, spelling, and consistency. Two proofs are done on each article. One or more associates will be needed to proof either an entire article or a large section of an article. Associates receive CS hours for time spent completing a proof. For a detailed explanation of proofs, see *How to Proof*.

Quote Proof:
A quote proof involves checking every quotation in an article to ensure that the text of the quote is identical to text in the original source or uses the appropriate notation for alterations or omissions. During a quote proof it is not necessary to confirm whether the citation is correct—that work takes place during the ACs and the Proofs.

Put-Together:
A put-together involves a final review of all articles in a particular issue. Each associate is given a short section of an article to review and checks the article for grammar, punctuation, spelling, and *Bluebook* accuracy. A put-together occurs approximately once for each issue in Part I (five times per year). Put-togethers occur in the LRO at a scheduled time, usually on weekends, and last as long as is necessary to review all of the articles. Associates receive CS hours for time spent at the put-together. Food is also usually involved. For a detailed explanation of the put-together process, see *How to Put-Together*.

Source Pull:
Before an article goes through an AC, associates need to have access to all the sources an article uses. A source pull is just what it sounds like: all of the sources cited by an author are located and set aside. Sometimes sources are PDFs or websites, sometimes they are on Westlaw or Lexis, sometimes we get them via ILL, and sometimes we check them out from either Mitchell or Hamline law libraries. AEs, SEs, and associates complete source pulls, and associates receive CS hours for the time they spend working on a source pull. For a detailed explanation of the source pull process, see *How to Source Pull*.

Associate:
All first-year members of the law review are associates. An associate's main responsibility is ACing/PMing the articles that the law review publishes in its seven issues. Associates also conduct source pulls, proofs, and put-togethers. Associates must complete a Student Note, Case Comment, or Case Note during the course of the fall semester that meets the *Law Review*'s long-paper requirements.

Mitchell Article Editing Process

The steps an article takes on its journey from submission to publication:

1. Submitted by author
2. **Source Pull**
3. **AC1**
4. **AC2**
5. **Proof 1**
6. Editor Cleanup
7. **Proof 2**
8. **Quote Proof***
9. Editor Cleanup
10. EE Cleanup
11. **Put-Together**
12. Final Editor Cleanup
13. EE/EIC Cleanup
14. Author Read
15. EE Revisions
16. Formatting
17. Final Editor Read
18. Final EE/EIC Read
19. To Printer

*Not for every article

Hamline Article Editing Process

The steps an article takes on its journey from submission to publication:

1. Submitted by author
2. Source Pull by Production Editor
3. **PM1**
4. **Proof 1**
5. **PM2**
6. **Proof 2**
7. Author Read
8. Editor/SE Full Read
9. Formatting
10. EIC/Operations Editor Read
11. Author Read
12. Final EIC Cleanup
13. To Printer

*Not for every article

Library Procedures

I. Library Guidelines for law review associates

1. Not relevant for PMs, this step is for Part I's editorial process.
2. Books checked out to the law review will be located on the law review shelves, which is located on the lower level of the Summit Campus library.
    - You will need your school ID to access this room.
    - If you are a Hamline student or you forgot your school ID, you can also ask for the key card at circulation.
    - Books checked out to the law review may not be taken out of the library.
3. Non-circulating library books will be located in their usual place in the library stacks.
    - Do NOT place a non-circulating book on the law review shelves.
4. You may do your work in the law review room or anywhere in the library.
5. When you are finished using a book, place it back on the law review shelves in the correct article spot or, if the book is non-circulating, in its correct spot in the library stacks.
    - If you got a book from the law review shelves, do NOT place it on any re-shelving carts.
    - Books are NOT to be kept overnight in your study carrel or elsewhere.
    - Please be mindful that the library is a professional place. Put the books back onto the law review shelves in a neat and organized manner.
    - Be respectful of the fact that other associates need the same sources for ACs and return the book as soon as you are done using it.

II. ILL Process for Source Pulls

1. During the source pull, if you determine a source we need is not carried by the WMCL library, an ILL request is needed. Fill out the online ILL form.
2. Do not verbally request an ILL with circulation staff. Similarly, do not email an ILL request. Only use the online form.
3. Login to the ILLiad System (http://wmitchell.illiad.oclc.org/illiad).
    a. Login: Law Review
    b. Password: ill
4. Under the "New Request" heading on the left-hand side, click the appropriate source type (either "Article or Book Chapter" or "Book").
5. Fill out the form, including as much information as possible. The more information provided, the easier it will be for the library staff to find and request the source. However, the following information must be entered:
    a. Author/Editors
    b. Title
    c. Not Wanted After Date: [enter the date five days from the date of request]

i. Ex: You are making the request on September 4, so you should enter September 9 as the "Not wanted after" date.

6. In the "Notes" section, include the article author's name, the article Editor's name, and your name as person who made the request. For example:
   Author: Steenson
   Editor: Riehle
   Submitter: Abigail Rankin
7. Also in the "Notes" section, include whether the book is available at a nearby library. WorldCat is a great source for this (www.worldcat.org).
8. Note: Fill out the ILL request form as shown above **only** for source pull materials. If you need to request a book via ILL for your long paper, use your own Login ID and password for the ILLiad site.
9. Put "ILL Requested" on the source pull spreadsheet under location and highlight the entire row in green.

III. Library Materials for Source Pulls

1. When doing a Source Pull, check out the needed sources from the library under the name "Law Review" and place them on the designated law review shelf in the *Law Review* room of the Summit Campus library. The source puller will create this shelf according to the *How to Source Pull* section of this manual.
2. Once the article has gone through its final EE read-through, the library liaison will e-mail the Editor to determine if the article sources are still needed.
3. Once it is determined that a source is no longer needed, the library liaison will return it to the library.

How to Source Pull

Purpose: Compile non-Westlaw sources cited in an article so they are easily accessible for ACs.

How It Works: Log all of the non-Westlaw cited sources in an article by footnote and note where each source may be found. There is one source pull per article, and it is the first step of the review process.

Credit: CS hours (1 hour of work = 1 CS hour)

What to Do:

1. Source pull opportunities will be e-mailed to solicit volunteers. Respond to notify the Editor you are interested in performing the source pull.
2. If you are selected, the Editor will send you an e-mail with the article attached.
3. In the Summit Campus library Law Review Room, label a shelf with the author's last name and the Editor's last name.
   - E.g., Author: Colburn, Editor: DeRosier
4. Download the *Source Pull Template* from the "Associate and Editor Resources" tab on the *Law Review* webpage, http://www.wmitchell.edu/lawReview/staffResources/staffedResources.html. Open the file and save the Excel spreadsheet as:
   - **[author's last name]_[SourcePull]_[your last name]**.
   - For example: Smith_SourcePull_Jones
5. In the **FN#** column, type every footnote number in the article.
   - <u>What if a footnote has more than one source?</u>
     If a footnote has more than one source in it, **create a new row for each source.** (This may mean you have multiple rows with the same footnote number.). There should be one row for each time a source is cited in the article. For example, if a footnote contains three sources (one law review article, one case, and one statute), there would be three rows numbered with that footnote number, with each source in its own row.
   - <u>What if a footnote is a *supra* or *infra*?</u>
     If a footnote contains a *supra* or *infra*, give the *supra* or *infra* citation its own row on the spreadsheet.
   - <u>What if a there is a blank footnote?</u>
     If a footnote is blank, do not worry; the source will be found at a later date. Create a row for that footnote, just like the other footnotes, and leave it blank. It is not your job when doing a source pull to find missing sources, so please do not waste time looking for them.
   - <u>What is the deal with *id*.?</u>
     Just like each source, each *id*. should have its own row.
6. In the **Source** column, enter the citation. **Copy and paste** the citation from the footnote into each row.

7. In the **Location of Source** column, provide information on where the source can be found for ACs.
   - Case or law review article: Enter "WL" for cases or law review articles that are available on Westlaw.
   - Statute: The general policy of the *Law Review* is to cite to statutory sources in paper when the Summit Campus library carries the current, official version. Because our library carries the current, official version of the United States Code and the Minnesota statutes, **citations to the United States Code and Minnesota statutes must be checked in the original hard copy.** Use the official version unless an author is citing to the USCA, USCS, Statutes at Large (Session Laws), or MSA for a particular reason. Locate the cited section in hard copy in the library (i.e., find the book in which the statute is found). Then, in the spreadsheet, type the **call number of the book and the page** on which the source can be found (don't forget about supplements). This will allow people doing the AC to find the book and look up the source on the page number you provided. Because statutes are non-circulating, they must be left on the shelf by call number.
     - E.g., KFM 5430.A23 2002 vol. 11, p. 118 & Supp. p. 15

     State statutes for states other than Minnesota will be cited using Westlaw. Type "WL" in the "Location of Source" column of the source pull.
   - Books: See the *Library Procedures* document for information on checking out circulating books and requesting books through Inter-Library Loan (ILL). Place checked out books on the law review shelf and type **"On Law Review Shelf"** in the "Location of Source" column and highlight the row in yellow. If the book must be requested through ILL and is not on the shelf, add **"ILL Requested"** to the column and highlight the row in green. If the book is non-circulating, leave it on the shelf and type in the **call number** in the "Location of Source" column.
   - Internet: Copy and paste the URL into the "Location of Source" column. Verify that it is a working link by testing the link in your Internet browser. If the URL does not work, notify the Editor. It is **not** your responsibility to locate the correct URL.
8. In the "Notes" column, include information such as whether the source is on the law review shelves, the source on Lexis or another database, or the source has been ILL'd but has not arrived yet. Also include any other pertinent information that might help a Associate locate the source if the source is unconventional (e.g., not a case, statute, journal article, or webpage). INCLUDE LINKS DIRECTLY TO THE ITEM FOR ALL SOURCES LOCATED IN AN ELECTRONIC DATABASE.
   - If a source is located in an unusual location (such as on the law review shelf under a different article), include a note and highlight it in yellow.
9. If you cannot find a source:
   - First, **seek help from a librarian**. They are a great resource.
   - Alternative resources: A great source for articles is HeinOnline, accessible through the Subscription Databases link on the library homepage. Many older articles not on Westlaw or Lexis can be found there.
   - If you need a source that is not in the library, make an ILL request per *Library Procedures*.

- Indicate sources you cannot find by highlighting that row in red. Then be sure to let the Editor responsible for the article know about the situation and why you could not locate the source.
- If the footnote was blank, highlight the row in red and indicate that the footnote has no source.

10. When you have provided the location of every source, the source pull is complete. (See a sample completed source pull below.) E-mail the source pull spreadsheet to the Editor. In the text of your e-mail, tell the Editor which sources have been ordered from elsewhere, whether there were sources any you were unable to find, whether there were any blank footnotes, and any other issues that you have encountered. Below is a semi-completed source pull document. You will see more examples of these in *Law Review* training sessions.

	A	B	C	D	E
1	**FN**	**Full Source Citation**	**Location (e.g., call number, WL cite, URL, etc.)**	**Notes (e.g., Westlaw, LR Shelf, Non-circulating)**	
34	31	Loucks, supra note __, at 6.	PDF Attached		
35	32	Xian-Guo and Gwang-Man Lee, Multicriteria Evaluation of Water Resources Sustainability in the Context of Watershed Management, 47 J. Am. Water Resources Assoc. 813, 817 (August 2011).	Source to come from author		
36	33	Loucks, supra note __, at 6.	PDF Attached		
37	34	Fried, supra note __, at 6.	WL		
38	35	Loucks, supra note __, at 6.	PDF Attached		
39	36	Loucks, supra note __, at 6.	PDF Attached		
40	39	A. Dan Tarlock, Water Reform in West Virginia: The Broader Context, 106 W. Va. L. Rev. 495 495, 530 (2004).	WL		
41	40	Sherry A. Enzler and John Helland, Minnesota Water Resource Center, Minnesota Water Sustainability Framework: Policy Technical Work Team Report (Jan. 2011) available at http://wrc.umn.edu/prod/groups/cfans/@pub/@cfans/@wrc/documents/asset/cfans_asset_290479.pdf	http://wrc.umn.edu/prod/groups/cfans/@pub/@cfans/@wrc/documents/asset/cfans_asset_290479.pdf		
42	41	Minnesota did not evidence a significant concern about the impact of policy decisions on natural systems until the mid- twentieth century. See discussion infra at ___.			
43	42	Fred P. Bosselman and A. Dan Tarlock, The Influences of Ecological Science on American Law: An Introduction, 69 Chic. Kent L. Rev. 866-67 (1994).	WL		
44	43	Donald R. Nelson, W. Neil Adger, and Katrina Brown, Adaptation to Environmental Change: Contributions of a Resilience Framework, 32 Annu. Rev. Env. Resources 395, 398-99 (2007).		ILL Requested	
45	44	Resilience "refers to the amount of change a system can undergo and still retain the same controls on function and structure while maintaining options to develop." Id. at 398.		ILL Requested	
46	45	Milley et al., supra note ___, at 573.	http://wwwpaztcn.wr.usgs.gov/julio_pdf/milly_et_al.pdf		

How to Authority Check/Production Meeting

<u>Purpose</u>: Verify the accuracy of article sources and citations and ensure the use of proper grammar, punctuation, and spelling.

<u>How It Works</u>: An authority check (AC) occurs twice for each article. Associates are assigned to ACs by Editors.

<u>What to Do</u>

1. ***Before You Begin***
   - READ the e-mail the Editor sent with the article.
     - Editors will provide specific instructions or notify you of issues that will require your attention. Taking a few extra moments to read these instructions will save you time on the AC.
     - The e-mail will list which footnotes have been assigned to each Associate. You are only responsible for your assigned footnotes and the corresponding section of text.
   - We use Microsoft Word. No WordPerfect or Apple programs.
   - Save the article to your computer in the following format:
     - **[author's last name]_[stage of editorial process]_[Range#]_[your last name]**
     - For example: Janus_AC1_Range1_Crandall
   - Turn on "Track Changes**"** in Microsoft Word.
     - **If using a PC: "**Track Changes**"** is located under the "Review" tab at the top of the window.
     - **If using a Mac:** "Track Changes" is located under the "Review" tab at the top of the window or under the "Tools" in the menu bar.
     - The Editors suggest that you use the tracking style "Final Showing Markup."
     - **<u>Nothing you do to an article in an AC should be done without track changes enabled.</u>**
   - Read your assigned portion of the article.
     - The article will contain "comments" that indicate where each Associate's AC range begins and ends. Each Associate is responsible for ACing all of the text between the two comments
2. ***Check the text for grammatical correctness.***
   - Make spelling, grammar, and punctuation edits to your assigned segment of the article. Do not pay attention to font or font size.

- Pay attention to the special grammatical issues discussed in the *Citation Policy & Bluebook Reminders*, e.g., spacing between sentences.
- Use the *Chicago Manual of Style* (*CMOS*). There are copies available in the LRO and at the library. You may also access the *CMOS* online: under "Associate and Editor Resources" on the Law Review webpage, http://www.wmitchell.edu/lawReview/staffResources/staffedResources.html.
  - If you make a grammar change, include a comment citing the appropriate CMOS rule.
- Add **comments** to suggest changes to the text other than spelling, grammar, punctuation edits, or clearly inaccurate statements. In the case of a clearly inaccurate or mistaken statement, please add a comment to supply suggested text to reflect what the authority supports.
  - Do not attempt to change the author's voice.
  - Make sure that you **maintain a professional and polite tone** whenever you leave comments in a *Law Review* document. Comments often remain in the document as it proceeds through the editorial process for future reference—please remember that others (including authors) may read anything that you leave in the article.
  - Do not erase or delete comments, even if the comment was left during a prior AC or proof and it appears as though the comment has been addressed.
- If you are uncertain about how to correct a section of text, select it and add a comment. Inform the Editor of the *Style Guide*, *Bluebook*, or *CMOS* rules you considered, including the page number where the rule is found.

3. ***Confirm all cross-references within the document (i.e.,* supra *and* infra *cites).***
   - Follow the cross-references to the source footnote and confirm that it is correct. If the cross-reference is incorrect, manually change the citation.
   - Indicate that you have confirmed the accuracy of the cross-reference by highlighting it in yellow.
   - Do not use Word's "cross-reference" function.
4. ***Make sure the cited material supports the text of the article.***
   - Use the source pull that accompanies an AC to find the actual source of each citation.
     - **You must consult hard copies of federal and Minnesota state statutes, books, and documents only available in print**. Otherwise, online sources may be used.
     - Online sources: Visit the source location (website, Westlaw, Lexis) and verify that the website exists and that the information referenced in the article is contained on the website.
       - If applicable, **update the "last visited" date** in the citation to the current date. *See Bluebook* Rule 18.2.2(c).

   - Circulating books from the library and ILL will be in the *Law Review* room on the lower level of the library. Look for the shelf labeled with the author's last name and editor's last name. These books must not leave the library.
   - Non-circulating materials can be found on the library shelves.
- If the author cites a source for a particular proposition, the source must stand for that proposition.
   - If the source cited by the author does not "match" the assertion in the text, insert a comment and describe the discrepancy.
   - Check that introductory signals are used correctly. You may find that a source does not seem to directly support the text of the article. The author may be extending the analysis of the cited source, which is permissible provided the appropriate signal is used. If you have concerns, you may share them in a comment.
- If you feel that an author is lacking authority for a particular proposition (e.g., the content of a citation is inadequate or off-point or there is no citation for a proposition), please follow these guidelines:
   - If there is **no footnote** for a proposition that requires support, or there is an **empty footnote with no content**, you *do not* need to locate supporting authority. You can if you would like to, but it is not required. You should:
      - Leave a clear and specific comment to draw the assigning Editor's attention to the issue,
      - Identify this in your submission email as well, and
      - Do NOT add a footnote.
   - If a **footnote exists but the cited support is incorrect/incomplete**:
      - First, try to correct the pincite. If the pincite is missing or seems incorrect, *review the entire source* to add or correct the pincite. If you correct the pincite, leave a comment in the document to notify the Editor.
      - Check the surrounding footnotes to see if one of those sources supports the author's assertion. If you believe that a surrounding footnote's source supports the assertion, leave a comment indicating the source you believe is appropriate along with the citation that should be inserted into the footnote. Do not, however, change the footnote itself.
      - If you have reviewed the entire source and the sources in the surrounding footnotes to correct the potential pincite error, and it is clear that the source itself is incorrect, **leave a clear and specific comment explaining what about the source is incorrect or incomplete.**

- We *do not* expect you to find adequate authority outside of the source cited.
- In any of the above scenarios, be sure to draw the Editor's attention to the problem with comments in the document and a note in your submission email.
  - If you happen to learn of a source that would support the author's assertion (e.g., from cite checking a prior footnote), please include that as a suggestion in your comment.
  - Example comment: "For the *Brashier* source cited at the end of footnote 9, I am not sure that it supports the statement for which it is cited, namely that 'ex-spouses, however, have no such obligation.' The cited pages in the *Brashier* source describe the elective share and nowhere in the article does Brashier discuss the obligation of ex-spouses when it comes to debt. Perhaps the author wanted to show that ex-spouses (as distinguished from surviving spouses) are absent from this discussion, in which case perhaps a '*cf.*' introductory signal and an explanatory parenthetical from the author will suffice to clarify.
  - **NEVER add footnotes to the article.**
- **CHECK ALL QUOTES. Direct quotes must be verbatim or have appropriate notations for alterations and omissions.** Consult the *Bluebook* until you are familiar with the rules, and continue to consult it to check your memory.

Step-by-Step Statute Checks

1. First, review the chart in *Bluebook* Rule 12.1 that outlines the different types of statutory citations to determine which type of statutory cite you should use.
   - The *Law Review* uses hard copies of the **United States Code and Minnesota state statutes**. Citations should be to the official version unless the author has a particular reason for citing to the USCA, USCS, Statutes at Large (Session Laws), or MSA.
   - The *Law Review* uses Westlaw annotated statutes for **all other state statutes**.
2. Read all of BB Rule 12.2, which provides the general rule and exceptions for statutory citations.

(In most cases, you're likely to be dealing with a simple state or federal statute (e.g., MINN. STAT. § 26.01; 50 U.S.C. § 3001). If so, follow the steps below. If you are dealing with session laws or other secondary sources, please refer to the appropriate BB rules (Session Laws: 12.4; Secondary Sources: 12.6).)

FEDERAL AND MINNESOTA STATUTES

1. Find the statute in question in the bound hard copy volumes in the library. The source pull spreadsheet should provide the page number on which the statute is found.
   - Minnesota and federal statutes are on the first level.
   - Make sure that you have both the bound copy and any applicable pocket part or supplement.

- BB Table 1 lists the preferred statutory compilations and preferred alternates for each state and the federal government. (*See also* BB Rule 12.3). The *Law Review* cites to the official version of the U.S. Code and Minnesota Statutes unless the author has a particular reason for citing to the USCA, USCS, Statutes at Large (Session Laws), or MSA.

2. Check the citation against the bound statutory volume.
3. Double check the pocket part or supplement to determine if the statute has been updated since the bound volume was published.
4. If the cited section HAS NOT been updated, you should cite to the **date on the spine** of the printed volume (e.g., MINN. STAT. § 144 (2012); *see* BB Rule 12.3.2).
5. If the cited section HAS been updated since the bound volume was published, cite to the supplement (e.g., MINN. STAT. § 144 (Supp. 2013); *see* BB Rule 12.3.2).
6. If PART of the cited section has been updated since the bound volume was published, while other parts remain unchanged, cite to both sources (e.g., MINN. STAT. § 144 (2012 & Supp. 2013); *see* BB Rule 12.3.2).

<u>OTHER STATE STATUTES</u>

1. Pull the statute up on Westlaw.
2. Unless the statute is being cited for historical purposes, check the citation against the most recent version of the statute.
3. Cite the statute according to BB Rule 12.5(a), following the steps below:
   a. **Enter the statute into the search bar.**
   b. **Click on the "Currentness" link under the title of the code section.**
   c. **Cite according to the statute's currentness as provided by Westlaw.**

<u>Examples</u>:

- GA. CODE ANN. § 18-3-54 (West, Westlaw through June 15, 2013).

- COLO. REV. STAT. ANN. § 8-41-404 (West, Westlaw through 2012 2d Reg. Sess. and 1st Extraordinary Sess.).

- **<u>NOT</u>:** COLO. REV. STAT. ANN. § 8-41-404 (West, Westlaw through Chapters 1–11,13, 14, 16-18, 21, 27-30, 33, 34, 36–40, 44–46, 52–56, 58-60, 64–66, 69–73, 76–78, 80, 81, 84, 85, 87, 88, 90–94, 97, 98, 101, 103, 105, 106, 108-111, 114, 117, 118, 123, 125, 128, 130, 132, 135, 136, 139, 141, 143, 148, 149, 151, 152, 154–158, 160, 161, 164, 165, 168, 169, 171, 173, 175–177, 179–186, 188, 189, 191, 192, 195-197, 202–204, 206, 208, 211, 213, 217, 219-228, 231, 236, 237, 239–242, 245–248, 251–253, 258, 262, 264, 265, 267-269, 271, 272, 274, 276, 280, 282, 283 of 2012 2d Reg. Sess. and Chapters 1 and 2 of the 1st Extraordinary Sess.)

5. ***Check text and footnotes for* Bluebook *accuracy*.**

- If you are unsure which *Bluebook* rule applies, try using the index. Use the white pages of the *Bluebook*. The *Law Review* does not use the blue pages.

- If you have a *Bluebook* question, check the *Citation Policy & Bluebook Reminders* document, which appears in this manual. If you this does not answer your question, check with your small group advisor, talk with other *Law Review* associates (there is usually at least one Associate or editor in the LRO throughout most of the day), check with a reference librarian, or ask the Editor who assigned the article (especially if it seems like an article-specific question). Do not turn in an incomplete AC without exhausting all of your resources.
- When you make a **significant or non-obvious change** to a citation, remember to always **add a comment** to the document. In your comment, identify the relevant *Bluebook* rule as specifically as you can and the page on which it is located. Remember to briefly explain your rationale for making this change.
    - If you are unsure about the correct rule, please say so and briefly identify any alternatives.
    - Basic *Bluebook* edits do not require comments.
    - The distinction between when a comment is appropriate will develop with experience, so, **when in doubt, feel free to leave a comment to explain your work**.
    - Word does not permit comments to be made within footnote text. If you need to make a comment about something in the text of a footnote, attach the comment to the footnote number in the main text and note that your comment refers to the footnote text.

6. ***Send the article back to the Editor.***
    - Although your Editor will provide a specific due date for each AC, please remember that **ACs are due by 11:59 p.m. five days after the day on which you received it.**
        - For example: If you receive an AC during the day on Tuesday, it would be due back by Sunday night at midnight.
    - Return ACs to the assigning Editor *as a reply* to the email in which you received it. This helps Editors keep all submitted work in the same place.
    - Please **use a new, separate email to submit all other questions** to the assigning Editor.
        - You should feel free to contact your assigning Editor with questions, but please do not direct questions to the EICs, any Executive Editor, and—most especially—the authors. Although we look forward to getting to know all of you, we want to direct article questions to the person who is positioned to most effectively deal with them.
    - Consulting with other associates on questions or issues is also a good way to find answers—feel free to talk about AC work with associates.

AC/PM Checklist

NOTE: This checklist is *by no means exhaustive*; it should be used along with other tools, such as the Associate Manual, *Bluebook*, *CMOS*, and your Editor's specific instructions.

Initial Steps:
____ READ email from Editor
____ Save the AC in correct format ("Janus_AC1_ Range1_Johnson")
____ Turn track changes on
____ Check the source pull (can you work from anywhere or do you need to go to the library?)

In Text:
____ One space between sentences
____ Numerals (BB Rule 6.2)
____ Capitalization (BB Rule 8)
____ Hyphens, en-dashes, and em-dashes—conform to Associate Manual and CMOS
____ Blatant grammatical errors
- E.g., That v. Which, Who v. Whom, Oxford commas, Noun/pronoun agreement

____ Correct usage and placement of punctuation
____ Formatting
- Block quotes conform to BB Rule 5 (Ellipses and formatting of quotes)
- Placement of footnote call number (BB Rule 1.1)

Authority Check:
____ **Make sure the source supports the proposition in the sentence**
- Check for assertions in text that have insufficient support

____ Signals conform to BB Rule 1.2 (Does there need to be a parenthetical?)
____ Direct quotes must match exactly; check ellipses, brackets, and sics (BB Rule 5)
____ Single quotes within double quotes
____ Make sure there is a pincite, if necessary, and that it is correct
____ Make sure title of each source is correct

Footnotes:
____ Typefaces of books, journals, and cases
____ Ordering of sources within a footnote (BB Rules 1.3 and 1.4)
____ Parentheticals (BB Rule 1.5)
____ Short forms and "within five rule" (BB Rules 4, 10.9, and 12.10)
____ Check and highlight cross-references (*supras* and *infras*)
____ Abbreviations (BB Tbls. 6, 10, and 13)
- Institutional author of book or article (print or online): Use tables 6 and 10
- Title of periodical or webpage: Use table 13

____ Court name and date
____ Periods at the end of every citation sentence
____ Internet cites—"official" source, parallel citation, or direct citation (BB Rule 18.2)

How to Proof

Purpose: A comprehensive proofread of the article in its entirety. The objective is to produce an article that is consistent and entirely free of typographical errors. During a proof, it is not necessary to confirm whether the article is properly supported—that work must take place during the ACs/PMs.

How It Works: Proofread article and citations for *Bluebook* accuracy and for proper grammar, punctuation, spelling, and consistency according to *The Chicago Manual of Style* (*CMOS*). Two proofs are done on each article. One or more associates will proof either the entire article or a large section of the article. The amount of time will vary depending on the article.

Credit: CS hours (1 hour of work = 1 CS hour)

What to Do:

1. Save the article to your computer.
2. Turn "Track Changes" on.
3. Save the article to your computer in the following format:
   - [author's last name]_[stage of editorial process]_[your last name].
   - For example: Schoeberl_Proof1_Riehle
4. Read through the **TEXT**:
   - **Correct grammar, punctuation, and spelling.** The *Mitchell | Hamline Law Review Style Guide*, *Bluebook*, and *CMOS* should be your constant companions as you proof.
   - **Make sure text formatting and phrasing choices are consistent throughout**. For example, an article should not use Restatement (Second) of Torts, Restatement (2d) of Torts and *Restatement (Second) of Torts*. An article should also not use "attorney fees," "attorney's fees" and "attorney's fee" to refer to the same item.
   - Add a comment for phrasings or word choices that you think need correction.
5. Read through the **FOOTNOTES**:
   - **Check for adherence to the *Bluebook* rules.** For instance, make sure all *infra* and *supra* cites are correct (referring to the proper footnote), check short-form citations for consistency, and make certain the within-five rule is followed.
   - You do not need to check against the source **unless it is a block quote**. If you have questions about a particular footnote, insert a comment.
6. Make sure the footnotes themselves are numbered properly.
7. Read through one last time, checking text against footnotes to make sure the footnotes seem to support the text. For example, when text is moved from one area to another in an article, "*id*. at [#]" may no longer refer to the correct preceding footnote.
8. Save your changes and send back to the Editor/Managing Editor.

How to Quote Proof

Purpose: To check the quotations in an article for their accuracy. The objective is to produce an article where every quote in an article is identical to the quote from the original source. During a Quote Proof, it is not necessary to confirm whether the citation is correctly Bluebooked—that work must take place during the ACs and the Proof.

How It Works: Check any quotation in the text or footnote of an article against the original source for accuracy. The quotation must be identical to the original source or use the appropriate notation for alterations or omissions.

Credit: CS hours (1 hour of work = 1 CS hour)

What to Do:

1. Save the article to your computer.
2. Turn "Track Changes" on.
3. Read through the **TEXT**:
   - When you come across material that is quoted from a source, check this quote against the original source (e.g., if the article quotes a journal article, find the article on Westlaw and locate the quoted material).
   - Check every word and punctuation for accuracy. If there are omissions in the article's quoted material, ensure that ellipses and/or brackets are used correctly.
   - If the quote from the article is drastically different than the original source, correct the quote and leave a comment for the Editor.
   - While you are not responsible for checking to make sure the citation is correctly bluebooked, you should still verify that the citation's pincite is correct.
4. Read through the **FOOTNOTES**:
   - Look through the footnotes for any quoted material in the text of the footnotes or in any explanatory parenthetical. Check these quotations for accuracy using the above-method.
5. Save your changes and send back to the Editor with a document title indicating the paper has been proofed.
   - [author's last name]_[stage of editorial process]_[your last name].
   - For example: Schoeberl_QuoteProof_Riehle

How to Do a Put-Together

Purpose: Final in-paper review of all articles in an issue.

How It Works: A Put-Together occurs once for each issue in Part I (five times per year). Put-Togethers occur in the Law Review office at a scheduled time. Put-Togethers will be announced in advance for Associates to sign up. Fifteen to twenty Associates are generally needed. Each Associate is given short sections of several articles to review. A put-together lasts as long as necessary to review all of the articles. If you have any questions while editing during a put-together, you should ask the Executive Editor in charge of the issue.

Credit: CS hours (1 hour of work = 1 CS hour)

What to Do

1. Using a red or otherwise colorful ink pen, write your name at the top of the section given to you by the Executive Editor for the issue.
2. Read the text for grammar issues, typos, and obvious errors. Mark your suggested edits on the printed page.
3. Review the footnotes for *Bluebook* accuracy. If a change is needed, mark the correction on the page. Also note the *Bluebook* rule so that the Editor and Executive Editor understand your rationale for suggesting the change.
4. Review the format.
   - Check the headings for spelling, caps, font, etc.
   - Make sure footnotes are sequential.
   - Make sure *infras* and *supras* correspond. This may require you to check a different section of the article. Ask fellow Law Review members at the put-together if anyone has the segment of the article you need.
5. Return your completed segment to the Executive Editor.

Citation Policy & *Bluebook* Reminders

Purpose

The purpose of this section is twofold:

⇒ It explains the *Law Review*'s citation policy, either where the *Bluebook* is unclear, or where the *Law Review* uses a different rule than is listed in the *Bluebook*.

⇒ It serves as a guide to some of the more important or complex *Bluebook* and *CMOS* rules.

Unless otherwise noted in this section, the *Law Review* uses the formatting and citation rules described in THE BLUEBOOK: A UNIFORM SYSTEM OF CITATION (Columbia Law Review Ass'n et al. eds., 20th ed. 2015). For matters not covered in the *Bluebook*, the Law Review uses the CHICAGO MANUAL OF STYLE (16th ed. 2010) (*CMOS*).

<u>The rules contained in this section always override any conflicting rules in the *Bluebook* or *CMOS*.</u>

Rules that override the *Bluebook* or *CMOS* are highlighted in boxes.

For your convenience the topics covered in this section are organized to closely follow the order of topics covered in the Bluebook.

Introductory Signals–Rule 1.2

- When more than one signal is used they should appear as they appear in R. 1.2 ([no signal], *E.g.*, *Accord*, *See*, *See also*, *Cf.*, *Compare*, *Contra*, *But see*, *But cf.*, *See generally*). *See* R. 1.3.
  - Authorities must also be arranged in the following order within each signal: Constitutions, Statutes, Treaties, Cases, Legislative Materials, Administrative and Executive Materials, Resolutions, Decisions, Regulations of Intergovernmental Organizations, Records, Briefs, and Petitions, Secondary Materials, followed by Cross References. *See* R. 1.4.
  - "*Compare*" should always be used in conjunction with "*with*"; multiple authorities can be within each "*Compare*" and "*with*" by connecting them with "*and*". Each "*with*" and "*and*" should be preceded by a comma.
- Introductory signals, like explanatory phrases, are always italicized unless they are used as a verb in the text. R. 1.2(e).
  - ⇒ **Ex:** "For more information on this important concern, see Christina L. Anderson, Comment, *Double Jeopardy: The Modern Dilemma for Juvenile Justice*, 152 U. PA. L. REV. 1181, 1204–07 (2004)."
- Signals of the <u>same type</u> (i.e., supportive under R. 1.2(a), comparative under R. 1.2(b), contradictory under R. 1.2(c), and background under R. 1.2(d)) are strung together with a semicolon, while signals of <u>different types</u> are separated into two entirely separate sentences via a period.

⇒ **Ex:** "*See* ___; ___; ___. *See generally* ___; ___."
⇒ **Ex:** "*Id*.; *see also* ___; ___; ___."
⇒ **NOT:** "*See* ___; ___; *but see also* ___ ; ___."

Parentheticals–Rule 1.5

- Citations to journals should usually have a parenthetical, unless the citation is to a directly stated proposition or a direct quote. The *Bluebook* strongly suggests or encourages parentheticals with certain introductory signals. *See* R. 1.2(a)–(d). If the author has not included one and you feel strongly that the citation needs a parenthetical, add one and make a comment in the document explaining your reasoning for the addition.

⇒ **Ex:** *See generally* Christina L. Anderson, Comment, *Double Jeopardy: The Modern Dilemma for Juvenile Justice*, 152 U. PA. L. REV. 1181, 1204–07 (2004) (outlining the judicial split regarding the increasing problem of juvenile delinquency).

- Explanatory parentheticals take one of three forms: (1) a present participial phrase (discussing the merits of the policy), (2) a direct quote of the source ("The policy provides a number of benefits."), or (3) a short statement (environmental impact). *See* R. 1.5(a).
    - When a parenthetical quotes one or more full sentences or a portion of material that reads as a full sentence, it should begin with a capital letter and include appropriate closing punctuation. *See* R. 1.5(a)(ii).
        ⇒ **Ex:** Tee-Hit-Ton Indians v. United States, 348 U.S. 272, 288–89 (1955) ("Every American schoolboy knows that the savage tribes of this continent were deprived of their ancestral ranges by force . . . .").
    - When directly quoting only a short phrase from an authority use a present participle (not capitalized) and place the period outside of the close parenthesis.
        ⇒ **Ex:** Tee-Hit-Ton Indians v. United States, 348 U.S. 272, 288–89 (1955) (claiming "[e]very American schoolboy knows" that the United States conquered the Alaska Native Tribes).

Typefaces–Rule 2

- In footnotes, do not italicize case names appearing in a full citation or case names appearing in an article title. However, case names in a short form case citation should be italicized, R. 2.1(a), and case names in textual material should be italicized, R. 2.2(a)(i).
- Commas are not italicized if what follows the comma is not italicized.

⇒ **Ex:** *See, e.g.*, Chaflin v. Specter, 233 A.2d 562, 562 (Pa. 1967).

- ▪ The comma that follows "*See*" in this example is italicized because "*e.g.*" is italicized. However, the comma that follows the "*e.g.*" is not italicized because "Chaflin" is not italicized.

- When using "[hereinafter ___]" or "*supra*" for a short citation, the shortened form must appear in the same typeface as it appears in the full citation. R. 4.2(a), (b).

⇒ **Ex:**

- [16] Robert B. Reich, *Toward a New Consumer Protection*, 128 U. PA. L. REV 1, 13 (1979).
- [17] *See* Edward B. Rock, *Saints and Sinners: How Does Delaware Corporate Law Work?*, 44 UCLA L. REV. 1009, 1016–17 (1997) [hereinafter Rock, *Saints and Sinners*]; Edward B. Rock, *The Logic and (Uncertain) Significance of Institutional Shareholder Activism*, 79 GEO. L.J. 445, 461 (1991) [hereinafter Rock, *Shareholder Activism*].
- [18] Reich, *supra* note 16, at 12.
- [19] FRANCIS A. CAREY, ORGANIC CHEMISTRY 310 (Kent A. Peterson et al. eds., 6th ed. 2006).
- [20] Rock, *Saints and Sinners*, *supra* note 17, at 1018.
- [21] CAREY, *supra* note 19, at 311.

Short Forms

Use Short Forms Where Practical

The *Bluebook* makes use of short form citations optional. The *Mitchell | Hamline Law Review* uses short form citations wherever practical.

In General

- When citing a case for the first time, use its full cite per R. 10.
  - Ex: Hatfield v. McCoy, 15 N.E. 101, 105 (W. Va. 1891)
- Always use *Id*. where appropriate per R. 10.9.
- If *Id*. is not appropriate but the case has been cited (in either full or short form) within the previous five footnotes, use only one party's name if the reference is unambiguous. R. 10.9(a)(i).
  - Ex: *Hatfield*, 15 N.E. at 105.

Id.

- *Id*. should be used whenever appropriate. If a short form is acceptable but *id*. is not, then a short form should be used. Long form citations will only be used when short forms are inappropriate.
- The period in *id*. is always italicized.
- *Id*. cannot be used if the preceding footnote cites to more than one authority. R. 4.1.
- *Id*. cannot be used after an internal cross-reference. R. 3.5. *Id*. can be used, however, after a *supra* or *infra* reference to a source other than the article you are editing.

⇒ **Ex:**

[16] *See supra* Part IV.A–B.	[16] Smith, *infra* note 117, at 87.
[17] *See supra* Part IV.A–B.	[17] *Id*. at 89.

⇒ **NOT**

[16] *See supra* Part IV.A–B.	[16] Smith, *infra* note 117, at 87.
[17] *Id*.	[17] Smith, *infra* note 117, at 89.

Minnesota Specific Short Forms

- For Minnesota cases published prior to 1978, the following short-forms are correct:
  [1] Austin v. Metro. Life Ins. Co., 277 Minn. 214, 152 N.W.2d 136 (1967).
  [2] *Id*.
  [3] *Id*. at 215, 152 N.W.2d at 137.
  [4] Hatfield v. McCoy, 15 N.E. 101, 105 (W. Va. 1891).
  [5] *Austin*, 277 Minn. at 215, 152 N.W.2d at 137.

Within Five Footnote Rule (R. 10.9)

- A short form may be used only if (1) the source is cited in the same footnote or (2) the source can be readily found within the previous five citations, either in long form or short form, including "*id*."
- The "within five" rule only applies to cases and legislative materials (statutes, constitutions, etc.).

⇒ A string of footnotes all containing *id*. that spans fifteen pages does *not* violate of R. 10.9.

⇒ The "within five" rule does not apply to *supra* and *infra* cites because they refer directly to a particular footnote and because they cannot be used to refer to cases, statutes, or constitutions, etc. R. 4.2.

Quotations

- A quotation within a quotation should be flanked by single quotations marks. The *Law Review* does **not** place a space between a single and double quotation mark when the two occur together.

⇒ **Ex:** The Bluepages argue "[t]he ITC's findings of fact should not be overturned because they are supported by substantial evidence, defined by *Corning Glass Works* as 'such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'"

- If there was a citation within the original quotation that is now omitted, the parenthetical "(citation omitted)" must follow the citation for the original quote. R. 5.3(c).
- Quotations must match the source **word for word**. This may require the use of an ellipsis for readability, R. 5.3, or brackets for appropriate capitalization, R. 5.2. An ellipsis never begins a quotation. R. 5.3.

⇒ **Ex:** If instead of starting a sentence as "All contracts require consideration . . ." the author would like to state only "~~All~~ contracts require consideration . . . ," the sentence would start "[C]ontracts require consideration . . . ."

- Use block quotes for quotations of fifty words or more.

⇒ Do not flank a block quote with quotation marks.

⇒ Block quotes should be indented on both sides and single-spaced.

⇒ Internal quotations within block quotes remain as a double quotation mark.

- If a citation is a direct quote that contains an internal quotation and the internal quotation is a complete sentence, a period should appear inside the internal (single) quotation marks and then inside the direct quote's (double) quotation marks. For example: "(direct quotation '(internal quotation that is a complete sentence).')." If the internal quotation is a fragment, there is no period inside the internal (single) quotation marks. For example: "(direct quotation '(internal quotation that is a fragment)')."Internal quotations within block quotes remain as a double quotation mark.

⇒ **Ex:** "The judge stated, 'My decision is final.'."

⇒ **Ex:** "The judge stated that his 'decision was final'."

- Placement of other punctuation relative to quotation marks (*CMOS* 6.9–.10):
  - Periods and commas: <u>before</u> closing quotation marks

    Growing up, we always preferred to "bear those ills we have."

    "Thus conscience does make cowards of us all," she replied.
  - Colons and semicolons: <u>after</u> closing quotation marks

    Take, for example, the first line of "To a Skylark": "Hail to thee, blithe spirit!"

    I was invited to recite the lyrics to "Sympathy for the Devil"; instead I read from the Op-Ed page of the *New York Times*.
  - Question marks and exclamation points: <u>after</u> closing quotation marks, **unless** they belong within the material being quoted

    Which of Shakespeare's characters said, "All the world's a stage"?

BUT "What's the rush?" she wondered.

Symbols, Numerals, and Capitalization–Rules 6, 8

<u>Using Symbols and Numerals–Rule 6</u>

- Spell a number out when the number is:

⇒ A whole number from zero to ninety-nine in both main and footnote text, unless it is subject to one or more of the exceptions found in R. 6.2(a).

⇒ A round number (e.g., "one million")

- If an abbreviation or a symbol is used for a unit of measurement, the quantity is always expressed by a numeral.

⇒ **Ex: "**eight miles per hour" would be expressed as "8 mph."

⇒ **Ex:** "Two thousand rotations per minute" would be expressed as "2000 rpm."

- Neither a numeral nor a symbol should ever start a sentence. R. 6.2(a), (c).
- Generally, the words "section" and "percent" should be written out in main and/or footnote text. But "§" and "%" symbols are used (1) in citations, (2) when referring to a provision of the U.S. Code in main or footnote text, (3) when referring to a federal regulation in main or footnote text, and (4) when there is a repetitive recitation of statistics, for example, in that portion of main or footnote text.

> Note that sometimes the Supreme Court uses the U.S. Government Printing Office Style Manual, which requires the word "percent" to be written out whenever it follows a numeral—regardless of whether or not there is a repetitive recitation of percent values. This convention is in contrast to the *Bluebook* rule for symbols upon repetitious use and is a convention not followed by the *Mitchell | Hamline Law Review*.

- When referring to money, the *Law Review*'s policy is to write the symbol and numeral

⇒ **Ex:** "$15"

⇒ **NOT**: "fifteen dollars."

Capitalization–Rule 8

- Follow the capitalization rules of R. 8, regardless of how the article title, etc. appears elsewhere. R. 8 requires capitalization of all words in a title EXCEPT articles, conjunctions, or prepositions of four or fewer letters when they do not begin a heading or immediately follow a colon.

  e.g., Over the River and Through the Woods

  "Over" is capitalized because, although it is a four-letter preposition, it begins the title. "Through" is capitalized because it is a preposition of more than four letters.

  e.g., Through the Woods and over the River

  "Through" is capitalized because it is a preposition containing more than four letters. "Over" is not capitalized here, however, because it contains only four letters and does not begin the title or immediately follow a colon.

  e.g., Why Law Review Is, Was, and Always Will Be Awesome

  "Is" is capitalized because it is a verb. Even though it only contains two letters, it is not an article, conjunction, or preposition; therefore, it MUST be capitalized. The same is true for "was." "And" is lowercase because it is a three-letter conjunction. "Always" is capitalized because it is an adverb. "Will be" is capitalized because it is a verb.

  Some common words can be used as both prepositions and adverbs (e.g., up, on). The context will tell you which it is. The distinction is important because adverbs are always capitalized, regardless of the length of the word, but prepositions are only capitalized when they contain more than four letters.

  If you are not sure what part of speech a word in a title is, consult a dictionary. If a word can be used as more than one part of speech and you are unsure which is being used in a title, ask.
- The first letter after a semicolon is not capitalized.
- Only capitalize "court" when naming a court in full (e.g., the Minnesota District Court) or when referring to the U.S. Supreme Court (e.g., "The Court upheld *Roe v. Wade* . . . ."). So "court" in phrases such as "the district court" and "the circuit court" is not capitalized.
- Capitalize Internet, regardless of whether it is used as a noun or an adjective. See *CMOS* p. 897.

Cases–Rule 10

Parallel Citation to Minnesota Cases

Contrary to R. 10.3.1(b), provide a parallel citation to the Minnesota and Northwest reporters for cases that (1) appear in both reporters and (2) were published before 1978. The Minnesota reporter should be recited first in the citation sentence because the reporter name includes the state name.

Abbreviations and Omissions

- If the state name is included in the reporter name, the state name does not appear in the parenthetical containing the year of the decision.

⇒ **Ex:** ___, 123 Cal. Rptr. 23 (1998).

⇒ **NOT:** ___, 123 Cal. Rptr. 23 (Cal. 1998).

- Omit the labels Inc., Ltd., L.L.C., N.A., F.S.B., and similar terms from the case name if the case name also contains a label such as Ass'n., Bros., Co., Corp., and R.R., which clearly identify the party as a business entity. R. 10.2.1(h).
- In main or footnote text, only abbreviate the well known acronyms identified in R. 10.2.1(c) (&, Ass'n, Bros., Co., Corp., Inc., Ltd., and No.). When used in citations, any word in table T6 or T10 should be abbreviated, except for geographical units that are the entire name of a party. R. 10.2.2.

Unpublished

- Unpublished cases should be cited to Westlaw or Lexis according to R.18.3 (R. 10.8.1) Note that this requires the case docket number, the electronic database code, and the full date of the decision, not just the year.

⇒ **Ex:** Scherber v. Nor-Son, Inc., No. A11-962, 2012 WL 1069988, at *2 (Minn. Ct. App. Apr. 2, 2012).

Other

- U.S. Supreme Court decisions should be cited to the U.S. Reporter, if available, rather than the Supreme Court Reporter.

Statutes–Rule 12

Minnesota

- Citations to Minnesota Statutes must be to the official compilation, Minnesota Statutes, not Minnesota Statutes Annotated.
- Subdivisions in Minnesota Statutes are abbreviated as "subdiv." in compliance with *Bluebook* table T16. A comma is used between the statute number and the word "subdiv."

⇒ **Ex:** MINN. STAT. § 101.123, subdiv. 3(a) (2010).

Other States: Which Compilation to Cite

When citing a state statute for a state other than Minnesota, cite to the statute on Westlaw.

⇒ **Ex:** MD. CODE ANN. § 5-301 (West, Westlaw through 2015 Reg. Sess. of the Gen. Assemb.).

Always Cite to the Print Reporter for Federal and Minnesota Statutes

- Federal and Minnesota state statutes must always be cited to the print compilation (which means you must go to library and check the author's text against the printed code).
- Cite to the United States Code and not the United States Code Service (LexisNexis) or the United States Code Annotated, unless doing so was intentional by the author (e.g., if the author is comparing the language of the U.S.C.A. and the U.S.C.) or is otherwise necessary.

Citing the Year of Code

- A full statutory citation must always include a parenthetical indicating the year of the volume and/or supplement in which the statutory provision appears. R. 12.3.2.
- The year must be the year printed on the spine of the compilation volume, the title page, or latest copyright year—in that order of preference. R. 12.3.2. If the statute appears in the supplement or pocket part, use the year of the supplement or pocket part.
- See *How to Authority Check* in this manual for more detailed information about citing statutes.

Formatting

- Use the designation "§§" when citing more than one section of a statute.
- When using the section symbol, there is a space between the symbol and the numeral that follows.

⇒ **Ex:** "§ 5"
NOT: "§5

Short Forms

- "*Id*." refers to the book or volume in which the statute appears (e.g., MINN. STAT., 42 U.S.C., U.C.C.). An *id*. citation should omit the volume/book and the year but must retain the section and subdivision information (see FN 2). If the citation is identical to the immediately preceding citation, however, you may use just "*id*." (see FN 3).
- A non-*id*. short citation of a statute should retain the volume/book and section information (see FNs 5, 7, &10). The year may be omitted unless doing so would create ambiguity (e.g., citing the same statute from multiple years) (see FNs 6 & 8).

⇒ Ex:

[1] MINN. STAT. § 987.65, subdiv. 4(a) (2012).
[2] *Id*. § 987.65, subdiv. 6.
[3] *Id*.
[4] 26 U.S.C. § 354 (2006).
[5] MINN. STAT. § 987.65, subdiv. 5.
[6] MINN. STAT. § 123.45 (1990).
[7] 22 U.S.C. § 936.
[8] MINN. STAT. § 987.65, subdiv. 5 (2012).
[9] 28 U.S.C. § 1332(a) (2000).
[10] MINN. STAT. § 987.65, subdiv. 5.

Session Laws–Rule 12.4

In General

- Session laws are statutes that have been enacted but not yet codified by a legislative body during a legislative session. Session laws are published in volumes similar to statutes or case decisions. These sources are valuable because they can show how laws change and evolve.
- Session laws indicate additions and deletions from laws already in existence. Additions in session laws are usually underlined, and deletions are noted with a strikethrough.
- Hard copies of Minnesota Session Laws are located on the first floor of the library, near the Minnesota Statutes. PDFs are available on the HeinOnline database (organized by year and then by page number).
- Citations to session laws should follow R. 12.4.

Name

- If the session law has a brief official or popular name, use that name. Very few U.S. Session Laws (and almost no Minnesota Session Laws) have an official or popular name.

⇒ **Ex:** Session Laws Explanation Act

⇒ **NOT:** An Act Explaining Session Laws As They Are of the Utmost Importance

- If the session law does not have an official or popular name, use the "date of enactment," "date of effectiveness," or "date of approval" as the name (*in that order of preference*). In Minnesota Session Laws, these dates are usually located at the end of each chapter.
- The "date of enactment" is the date on which the governor signed the act (e.g., "Signed by the governor March 9, 2010"). Most recent Minnesota Session Laws include the date of enactment. Use the form "Act of [date of enactment]."

⇒ **Ex:** Act of Mar. 9, 2010

- The "date of effectiveness" is the date on which the act becomes effective (e.g., "This Act is effective January 1, 1977"). Minnesota Session Laws rarely identify a specific date of effectiveness; instead, they may say: "This act is effective the day after final enactment." Do not use the date of effectiveness when the date of enactment is available. Use the form "Act effective [date of effectiveness]."

⇒ **Ex:** Act effective Jan. 1, 1977

- The "date of approval" is the date on which the legislature approved the act (e.g., "Approved March 19, 1977"). Most older Minnesota Session Laws include a date of approval rather than a date of enactment. Do not use the date of approval when the dates of enactment or effectiveness are available. Use the form "Act approved [date of approval]."

⇒ **Ex:** Act approved Mar. 19, 1977

Volume

- Cite to the volume number or the year in which the session law was published (usually one volume of session laws will correspond with one year). Cite to the specific session law volume per Table 1. *See Bluebook* Table 1, page 272, for Minnesota-specific citation.

⇒ **Ex:** 1987 Minn. Laws

Pages and Section

- Provide the page number upon which the session law begins in the volume in which it is found. Include a pincite if referring to specific material within the session law. When citing to a specific section within that session law, provide that information following the title. If helpful, include as many subdivisions as necessary to direct attention to the portion of the session law desired.

⇒ **Ex:** Act of Apr. 1, 1987, ch. 5, § 7, 1987 Minn. Laws 606, 607.

Year

- If you have used the session law's enactment date as its title, or if the year appears in the name of the volume, do not include the year in parenthesis at the end of the citation. If you have used a short, recognizable name, append the citation with the year, in parentheses.

⇒ **Ex:** Act approved Aug. 23, 1991, ch. 5, § 7, 1991 Minn. Laws 42, 45–54.

⇒ **Not:** Act approved Aug. 23, 1991, ch. 5, § 7, 1991 Minn. Laws 42, 45–54 (1991).

Codification and Amendment of Prior Acts

- When approved by the legislature, a session law becomes codified into statute. Provide the codification information parenthetically per *Bluebook* Rule 12.4(f). If the session law is amending an already existing law, provide that information per *Bluebook* Rule 12.4(d).

⇒ **Ex:** Act effective Jan. 14, 1965, ch. 5, § 7, 1965 Minn. Laws 1254, 1255–56 (codified as amended at MINN. STAT. § 999.09 (2012)).

Books – Rule 15

Author and Publisher

- When there are two authors, list them both with an ampersand (&) between them. When there are three or more authors, use "ET AL." R. 15.1(b).
- Only include the publisher in the citation if the edition cited was published by someone other than the original publisher. R. 15.4(a)(ii), (iii).

Minnesota Practice Series

- The Minnesota Practice series is a multi-volume set of books. Cite them the same way as any other book:

⇒ 1A DAVID F. HERR & ROGER S. HAYDOCK, MINNESOTA PRACTICE: CIVIL RULES ANNOTATED § 26.2 (5th ed. 2009).

Periodical Materials – Rule 16

Minnesota Newspapers and Periodicals

- Citations to Minnesota's newspapers and periodicals use the following format:

⇒ STAR TRIB. (Minneapolis).

⇒ ST. PAUL PIONEER PRESS (Minn.).

⇒ BENCH & B. MINN.

- Citations to any other Minnesota newspaper should include (Minn.) after the title of the publication, as shown for the *Pioneer Press* above.

Citing to Commercial Databases

- Most major newspapers are available on commercial electronic databases, including the New York Times, Wall Street Journal, Star Tribune, and Pioneer Press.
- Where possible, newspaper articles should be cited to electronic databases, NOT web pages.

⇒ **Ex:** Siobhan Gorman, August Cole & Yochi Dreazen, *Computer Spies Breach Fighter-Jet Project*, WALL ST. J., Apr. 21, 2009, at A1, LEXIS.

⇒ **NOT:** Siobhan Gorman, August Cole & Yochi Dreazen, *Computer Spies Breach Fighter-Jet Project*, WALL ST. J. (Apr. 21, 2009), http://online.wsj.com/news/articles/SB1240274910295.

- When citing to a newspaper article on an electronic database, cite as if to the paper source and include a parallel citation to the database.

⇒ **Ex:** Edward Wyatt, *On a New Jersey Islet, Twilight of the Landline*, N.Y. TIMES, Oct. 15, 2013, at B1, 2013 WLNR 25792525.

- NOTE: The 20th Edition of the Bluebook *no longer* requires the use of "*available at*" for parallel citations. Simply append the URL with a comma as below.

⇒ **Ex:** Kevin Drawbaugh, *Obama, Edwards Hit Lobbyists on Private Equity Tax*, REUTERS, (Oct. 9, 2007), http://www.reuters.com/article/politicsNews/idUSN0942290.

Article Subtitles

- When a newspaper article has a title and subtitle, separate them with colons, regardless of what Westlaw shows. Omit excessively long subtitles unless absolutely necessary.

Journal Citations

- Journals, such as law reviews, should be cited in accordance with Rule 16 and the name of the journal should appear in small capital letters and abbreviated according to Table 13.

  ⇒ **Ex:** Peter D. Kieselbach, Note, *Torts: An Alternative Approach to* Glorvigen v. Cirrus Design Corp., 40 WM. MITCHELL L. REV. 224, 225 (2013).

Internet Citations – Rule 18

Parallel and Direct Internet Citations

- NO Internet citation is used for PDFs or other authenticated, official, or exact copies of sources. The citation should be written as if to the original print source. See R. 18.2.1 for what constitutes authenticated, official, and exact copies.

⇒ The 20th Edition of the Bluebook no longer distinguishes between parallel and direct Internet sources. If a source cannot be cited under print-source rule, Rule 18 applies.

⇒ A citation to a blog entry and other dynamic webpages should be formatted as illustrated in the table at R. 18.1(a) and otherwise follow the specifications of R.18.2.1–.2.2. Social media posts are covered under Rule 18.2.2(b)(v).

Dates in Internet Citations

- If an Internet source is dated, format the date according to the analogous rule (including dates for unpublished sources under R. 17). Do not use dates that refer to the site as a whole such as "last updated" or "last modified." R. 18.2.2(c).

⇒ **Ex:** William Mitchell College of Law, *Iconic Free Speech Advocate at William Mitchell College of Law*, L. SCH. NEWS, Aug. 6, 2009, http://www.wmitchell.edu/news/articles/default.asp?articleId=1971.

- If the source is not dated, include the date the website was last visited as a parenthetical:

⇒ **Ex:** William Mitchell Law Review, http://www.wmitchell.edu/lawreview/index.html (last visited Aug. 17, 2013).

  - Make sure you update the "last visited" date to the date you checked the source.

- ***A citation may have a date or a "last visited" date, but it will NEVER HAVE BOTH.***

General Grammar, Usage, and Style Rules

Hyphens, En-Dashes, and Em-Dashes

- In addition to the hyphen, there are two other dashes that are used: the en-dash and em-dash. Do not flank hyphens or dashes with spaces.

⇒ **Hyphen ("-")**: Hyphens are used in to connect compound words, to separate numbers that are not inclusive (e.g., telephone numbers), and to separate letters when a word is spelled out. *CMOS* 6.76–77. Hyphenate compound words from twenty-one to ninety-nine. Do not hyphenate adverbs ending in "ly."

  - **Ex:** "five-year-old child," "third-largest town"
  - **NOT:** "highly-paid," "utterly-useless," "frankly-discussed-subject," or "newly-discovered fact"

⇒ **En-dash ("–")**: The en-dash is used primarily to connect ranges of numbers. *CMOS* 6.78. The en-dash is also used in limited cases of compound adjectives involving open compounds.

  - **Ex:** "1998–2002," "§§ 1–4"
  - **Ex:** "post–World War II," or "quasi-public–quasi-judicial body"
  - When citing a range of pages the last two digits should always be retained, but all other repetitious digits should be dropped.
    - **Ex:** "887–95"
    - **NOT:** "887–895"

⇒ **Em-dash ("—")**:The em-dash is the most commonly used of the dashes. *See CMOS* 6.82–.89. Two uses of the em-dash are the most common:

  - It can be used to amplify or explain.
    - **Ex:** "It was a revival of the most potent image in modern democracy—the revolutionary idea."
  - It can be used to set off a phrase.
    - **Ex:** "Because the date had not been fully analyzed—the reason for this will be discussed later—the publication of the report was delayed."

<u>Apostrophes and Commas</u>

- The **apostrophe** is used in three main ways: (1) to indicate the possessive case, (2) to stand in for missing letters or numerals (e.g., contractions), and (3) to form the plural of certain expressions. *CMOS* 6.113.
- Do not use an apostrophe in a decade.

⇒ **Ex:** 1990s
⇒ **NOT**: 1990's

- Don't italicize the possessive "'s" that follows an italicized word.

⇒ **Ex:** *Crawford*'s,
⇒ **NOT:** *Crawford's*

- To make singular nouns (including those ending in "s") and plural nouns which DO NOT end in an "s" possessive, add an apostrophe AND an "s." *CMOS* 7.15.

⇒ **Ex:** The bass's tail
⇒ **Ex:** The chair's leg
⇒ **Ex:** The children's school

- To make plural nouns that end in an "s" possessive, add an apostrophe only.

⇒ **Ex:** The puppies' spots
⇒ **NOT**: The puppies's spots

- For nouns that end in "s" in both the singular and the plural form, add an apostrophe only.

⇒ **Ex:** The species' ancestor
⇒ **Ex:** The politics' true meaning

- **Commas** denote the smallest break in sentence structure. They have myriad uses. And they can be tricky. *See CMOS* 6.16–.53.
- The law review uses serial/Oxford commas. *CMOS* 6.18.

⇒ **Ex:** … red, white, and blue.
⇒ **NOT:** … red, white and blue.

- Commas are used to join independent clauses joined by a coordinating conjunction (e.g., *and*, *but*, *or*, *so*, *yet*), but commas are NOT used between the parts of a compound predicate (i.e., two or more verbs that have the same subject). *CMOS* 6.28–.29.

⇒ **Ex:** We activated the alarm, but the intruder was already inside. (Two independent clauses joined by the coordinating conjunction "but.")
⇒ **Ex:** He printed out a week's worth of crossword puzzles and arranged them on his clipboard. (Compound predicate—one subject ("he") with two verbs ("printed," "arranged")
⇒ **Ex:** He printed out a week's worth of crossword puzzles, and he arranged them on his clipboard. (Two independent clauses joined by the coordinating conjunction "and.")
⇒ **NOT:** He printed out a weeks' worth of crossword puzzles, and arranged them on his clipboard.

Spaces Between Sentences

- The law review abides by *CMOS* 2.9, which advises leaving a single character space, not two spaces, between sentences. A single space should follow each comma, semicolon, and colon.

Pincites

- The law review requires pincites where the text refers to a specific page of the source, even if the cited material appears on the first page of the source.

  Ex: ___, 14 WM. MITCHELL L. REV. 47, 47 (2009).
- Cite to non-consecutive page numbers by providing the individual page numbers, separated by commas. (R3.2)

⇒ **Ex:** ___, 245 WM. MITCHELL L. REV. 319, 321, 331 (2008).

- If the citation is a direct quote (i.e., it does not have an introductory signal) or has a "*See*" introductory signal, a pincite is needed.
- If citing an Internet source and the cited document is in a format that preserves the pagination of its print version (such as a PDF file), pincites should be included between the domain name and the date or URL, whichever comes first in the citation sentence. Page numbers must be on the document itself—do not use "screen numbers." R. 18.2.2(g).
- For a range of numbers in a pincite, for example, retain the last two digits of the second number but drop all other repetitive numbers. R. 3.2.

⇒ **Ex:** "1123–24"

⇒ **NOT:** "1123–124" or "1123–4"

Footnote Placement

- In the body of an article, the footnote numbers are placed after punctuation marks (commas, periods, etc.) with the exception of colons and when em-dashes are used in place of commas (usually for emphasis). In that context, the footnote number should be placed before the second comma. R. 1.1.

⇒ **Ex:** John was in the passenger seat—not wearing his seatbelt[12]—when the car crashed into the tree.

⇒ **Ex:** Recall one thing[1]: footnote numbers precede both em-dashes and colon.

Accountability

In order for the law review to function effectively, each assignment must be done thoroughly. Editors will evaluate each of your assignments on a 5-point scale:

(5) *Goes well above and beyond Law Review expectations*.
(4) *Exceeds Law Review expectations (equivalent to an "A")*.
(3) *Meets Law Review expectations (equivalent to a "B")*.
(2) *Does not meet Law Review expectations (equivalent to a "C")*.
(1) *Shows a complete lack of effort*.

The default score is "Meets Expectations," which means that the assignment is "perfect" and free of errors. Your score can increase by doing exceptional work that is above and beyond what is expected (e.g., converting all statute citations into session laws, or locating the authority for a footnote that is missing a source). Your score can decrease by doing sloppy or deficient work, misnaming the assignment, turning in your assignment late, or otherwise creating frustration for the assigning Editor.

There is an automatic one-point deduction for any of the following things: turning in an assignment late, misnaming an assignment, and failing to check authorities.

Associates who earn consistently high scores may be nominated for special tasks, such as research assignments or assistantships with authors. Additionally, assignment scores play an important role in *Law Review* officer elections.

The Accountability and Support Coordinator (ASC) is responsible for following up with Associates and Assistant Editors who receive scores of one or two. The ASC will follow up and meet immediately with an Associate or Assistant Editor receiving a score of one. The ASC will follow up and meet with an Associate or Assistant Editor receiving four scores of two. The ASC will notify the Associate's small group leader that the Associate received one score of one, or four scores of two.

The ASC, together with the EICs, will meet with an Associate, AE, or SE who receives two scores of one, or six scores of two.

The ASC, together with the EICs and faculty advisors, will meet with an Associate, AE, or SE who receives three scores of one, or seven scores of two.

Potential consequences for receiving three scores of one or seven scores of two include: having your name taken off the masthead, losing your credits, and being kicked off law review.

Long Paper Guidelines and Instructions

I. Introduction to the Long Paper Requirement

Every associate member, in his or her first semester on *Law Review*, writes a long paper (minimum twenty-five pages of text and twenty-five pages of endnotes), otherwise known as a "note." A note is a student-written academic article that analyzes a legal issue, a recent case, or a piece of legislation, and provides a critique or proposed solution to the topic. Writing a note is a key aspect of being a *Law Review* associate, a formative experience associates share at nearly every other law review across the country. It is not merely a rite-of-passage, but a meaningful opportunity to hone your research, writing, and citation skills and to develop an impressive writing sample. Each student note, moreover, satisfies the school's Advanced Research & Writing requirement and will be considered for publication in this year's journal.

Undertaking the writing of the long paper is a lot of work. Accordingly, there are several support systems in place to help guide you through the process. This brief handbook provides suggestions for choosing a topic; guidance on how to write the paper; and procedural instructions on formatting, deadlines, and submission. Additionally, each Board member and Assistant Editor wants to see that you not just complete the paper, but that you present your best work. To this end, you will be assigned a long paper editor. This editor will ensure that you meet the requisite deadlines and will provide substantive feedback to you throughout the process.

II. Choosing a Long Paper Topic

A. **Topic Selection.** Your topic selection is important. You want to ensure that your topic will not only be of interest to you, but to your potential audience: law students, scholars, judges, and practitioners. As such, you should choose a topic of current or historical interest that presents a focused, well supported, and unique point-of-view.

B. **Preemption Check.** Your note should address a topic that other writers have not addressed. This does not mean that you cannot write about the same general topic as others; it means that if you do, you must make it different in some way. This requires a "preemption check." A preemption check will show whether the topic has been covered in other publications, or, if it has, whether you will offer a sufficiently different point-of-view on the topic. A preemption check is also a good way to begin research because it helps identify commentary on the same general topic. For assistance:

- Conduct a broad search for your topic in law reviews and journals on LexisNexis or Westlaw, and aim to receive between 50 and 150 results, which indicates your topic is neither too ripe nor too prevalent;
- *See* Note, *Originality*, 115 HARV. L. REV. 1988 (2002) (discussing preemption checking and originality);
- Schedule a one-on-one meeting with Jillian, the LexisNexis representative.

C. **Advice for Topic Selection.**

1. *Research Recent Minnesota Court Decisions*. Recent Minnesota court decisions present an opportunity to examine the effects of that decision in our local legal community.
2. *Research Recent Court Decisions*. Recent court decisions on controversial issues, especially at the appellate levels, present opportunities to examine and analyze whether a court decided an issue correctly. At the federal level, circuit splits among the courts of appeals present opportunities to examine and analyze which circuit court's approach is better, as well as how the United States Supreme Court might rule on the issue. The following website provide helpful information: www.scotusblog.com. For recent Minnesota cases, a good place to look is *Bench & Bar*. Be aware of timing if you plan to write about a judicial decision that is up for appellate review. Although long papers are due in November 2015, the *Law Review* will not publish the selected papers until May 2015. Accordingly, your long paper may not be selected for publication if there is a high possibility that your analysis will become immaterial between November and May.
3. *Research New Legislation*. Recent legislation on controversial issues presents opportunities to analyze legislation from many angles, including practical effects of the law, likelihood and success of judicial challenges, and comparisons to other jurisdictions. As with court decisions, be aware of the timing factor.
4. *Research Published Articles*. Remember, a topic that has already been covered by a published article is not off the table for your long paper. You may use a published article as a springboard for something new; however, you must differentiate your paper if others have already written on the topic. There are many ways to do this. Some examples are:

    - Write your paper in a "response to" format in a way that directly criticizes another author's argument on a topic and proposes a new solution;
    - Extend a previously made argument by applying the law or proposing solutions to new situations not discussed in an already published article; or
    - Update published articles when new cases or legislation change the landscape of the law.

5. *Discuss Potential Topics with Faculty Members*. Professors stay current with legal developments and may know of emerging areas of law that lack scholarship. However, do not expect professors to just hand you a topic. Before you meet with a professor, be prepared to discuss potential topics that you have already brainstormed. If you are lucky enough to get a perfect topic from a professor, be sure to at least thank the professor in a footnote of your long paper. Professors can also be great sounding boards to help you determine the uniqueness of your paper topic.
6. *Talk to Practitioners*. Attorneys often encounter interesting issues that they may not have the time and resources to research beyond what they need for their case (or what their clients are willing to afford). Attorneys also participate in CLEs or other presentations that discuss emerging legal issues. As with professors, if you receive a topic from an attorney, be sure to acknowledge them in a footnote.

7. *Browse Writing Competitions*. Until the *Law Review* selects long papers for publication, you cannot submit your long paper in another writing competition. However, you can research writing competitions for potential topic ideas. Writing competitions often request papers on narrow topics that have not been examined to a great extent, so reading their topic descriptions can give you valuable ideas for your own paper.

8. *Look Back at History*. Most students choose to write about recent legal developments, but there are many opportunities to explore legal history, especially in the form of empirical work. This type of research is demanding, but often yields interesting content that is worth publishing.

9. *Research Other Topic Selection Resources*. There are many resources dedicated to helping students to find topics. On the Internet, there are helpful websites from other law reviews, non-profit organizations such as the American Constitution Society, and legal blogs. There are some helpful resources:

   - EUGENE VOLOKH, ACADEMIC LEGAL WRITING (4th ed. 2010);
   - Heather Meeker, *Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers*, 1996 UTAH L. REV. 917 (1996);
   - Westlaw Topic Selection Aide: https://lawschool.westlaw.com/shared/wlresearchexercises.aspx?si=117&popupcode=lr&popupid=3&pop=y&task=ssnext&attr=y&code=lr&id=1&returnid=309 (Note: You may need to disable pop-ups in your browser for this guide to work.).

III. Writing a Long Paper

Scholarly writing should be thorough and clear. Clarity derives from writing style, paragraph structure, and overall organization.

A. **Components.** Notes are divided into Parts, including introduction and conclusion. The note's introduction contains a roadmap of the entire article and the conclusion summarizes the major arguments. A reader should be able to read the introduction and understand the issue and the conclusion the article draws.

B. **Footnotes.** Your long paper should make extensive use of footnotes. As a general rule, put into footnotes any relevant information that does not bear directly on the main argument or that would interrupt the flow of the text. Regardless of the breadth of research, however, your long paper is not a vehicle for an encyclopedic display of all that you have learned or a bibliographic collection of every source consulted. Remember that clarity comes first.

C. **Researching & Writing Advice.** Tips for researching and writing your long paper:

1. *Researching*

- Step outside of LexisNexis and Westlaw, and use a variety of sources, including non-legal search engines.
- Check out paper sources in the library, which may have many good secondary sources for you.
- Use more than just the law school's library, that is, go to other area law schools, public libraries, or undergraduate schools' libraries.
- Talk to professors, practitioners, and mentors throughout your research process.

2. *Writing*

- Make an extensive outline before and as you write.
- Include roadmap paragraphs and mini-conclusions to keep the reader focused.
- Use active voice, possessives to minimize prepositions, short paragraphs, sub-paragraphed enumerations, and other devices to enhance readability.
- Make liberal use of headings and subheadings to promote good organization and make parts of the paper easier to find.
- Focus on your analysis and go beyond merely summarizing the law.
- Write footnotes as you write your draft so that you do not lose track of sources or have to fill in gaps at the end.

3. *Timeline*

- Start working on your note as soon as possible to help manage your workload.
- Set aside specific time each week to spend on your note.
- Write footnotes as you write your draft.
- Suggested Schedule:
  - August 31: Long Paper Topic Due
  - September 14: Outline Completed and Major Sources Selected
  - October 19: Rough Draft Due
  - November 16: Final Draft Due

IV. Criteria for Selecting Long Papers for Publication

The Board selects a number of student long papers to publish this volume. Historically, the *Law Review* has published two to nine student notes. This number might change depending on the quality of the submissions received and the pages required for non-student articles. There will be an additional opportunity for student publication on the *Law Review* website. Being published in paper or online is a tremendous honor and we hope that publication will be the goal of all associates.

Every student long paper will be reviewed at least once, and every long paper will be considered for publication. *Law Review* Board members, Assistant Editors, and faculty members participate in the selection process. There is no rigid formula for grading long papers and selecting papers for publication. First, and foremost, any topics selected for publication must be relevant to the local legal community who make up the majority of our readers. While this does not necessarily limit you to local legal topics, if a broader--regional or national--topic is selected, it must be (1) relevant to our readers, and (2) not likely to be preempted by a national journal. In addition to these general considerations, the Board examines numerous factors, including the following in no particular order:

- Originality and significance of topic
- Depth of research
- Creativity, strength, and accuracy of arguments
- Quality and style of writing
- Quality of citations
- Probability that analysis will be stale due to publication timing
- Adherence to long paper requirements

V. Submission Deadlines & Requirements

A. Deadline Schedule

- *Mid-August*. Notes and Comment Editor and Law Review Mentor assignments. Associates will be assigned a Notes and Comment Editor or Law Review Mentor via e-mail.

- *August 31, 2015 9:00 PM*. Topics selection, preemption check, and research plan due. E-mail a one paragraph description of your topic, a one paragraph description of your preemption check, and a one paragraph description of your research plan to your assigned Notes and Comment Editor or Law Review Mentor by 9:00 PM.

- *September 14, 2015 9:00 PM*. Outline due. E-mail a 2–3 page outline of your paper to your Notes and Comment Editor or Law Review Mentor by 9:00 PM. Arguments should be clearly identified. Relevant authority may be included. You will receive feedback no later than September 18, 2015 by 9:00 PM.

- *October 19, 2015 9:00 PM*. Thirty-page draft due. Thirty pages of draft plus an outline of the remaining content, which does not count toward the thirty-page requirement. E-mail your draft and outline to your Notes and Comment Editor or Law Review Mentor by 9:00 PM. You will receive feedback no later than October 26, 2015 by 9:00 PM.

- *November 16, 2015 9:00 PM*. Fifty-page final draft due. Minimum twenty-five pages of text and twenty-five pages of endnotes. E-mail a copy to eic.lawreview@wmitchell.edu by 9:00 PM. Submit three hard copies to the Long Paper Submission box on the tables in each law review office.

B. Article Requirements

1. *General*

- Minimum twenty-five pages main text and twenty-five pages endnotes.
- Include a table of contents showing page numbers for all headings and subheadings.
- Include an introduction with a roadmap.
- Divide into parts, marked by roman numerals (see below for heading requirements).
- Include a conclusion.

2. *Format*

- 8 ½" by 11" (letter size) paper
- One-inch margins
- Times New Roman font
- Fourteen-point typeface for both main text and citations
- Double space all text, except indented quotes of fifty words or more.
- Turn OFF the Widow/Orphan control in Microsoft Word so that there are no extra white spaces at the bottom of the pages. For instructions, see http://www.ehow.com/how_4495704_set-widoworphan-control-microsoft-word.html.
- Key Table of Contents. *See infra* "submission instructions."
- Comply fully with the *Mitchell | Hamline Law Review* 2015 - 2016 Associate Manual and *The Bluebook* rules on form and citations. For matters the Associate Manual or *The Bluebook* do not address, conform to the *Chicago Manual of Style*.
- Use headings and use the following priority and type:
  - **TITLE** (all caps, bold, centered)
  - ROMAN-NUMERAL HEADINGS (small caps, centered)
  - *Capital-Lettered Headings* (italics, align left)
  - *Numbered Headings* (italics, indented)
  - *Lowercase Headings* (italics, indented x2)
  - *Numbered Headings* (italics, indented x3)
  - *Lowercase Headings* (italics, indented x4)
  - Use ordinary type for everything else, except where *The Bluebook* calls for another typeface.

C. Submission Instructions

1. *General*. You must submit your final article in two ways: electronically and in paper. Your electronic submission must have endnotes whereas your paper submission must have footnotes.

2. *Instructions for Email Submission*

- E-mail your paper to eic.lawreview@wmitchell.edu by 9:00 PM on November 16, 2015.
- Title the email "First Initial.Last Name – Long Paper Submission"
- Name your file "First Initial.Last Name – Long Paper (endnotes)"
- The electronic version of your paper must have endnotes.
- Do not alter your table of contents to correspond to the page numbers for the electronic copy.

3. *Instructions for Hard Copy Submission*

- Hard copies are also due by 9:00 PM, November 16, 2015.
- Please submit three paper copies of your paper in the boxes that will be across from the Law Review mailboxes, just outside the Law Review office.
- Please follow these special instructions for formatting your paper copy submissions:
    - Cover Sheet
        - Include a cover sheet on each of your long paper copies with your name, long paper title, email address, and phone number.
        - Do not put your name on the paper, only on the cover sheet.
    - Hard copies of your note must have footnotes.
        - Instructions, *infra*, explain how to easily change endnotes to footnotes.
    - Key your table of contents to this paper version.

On behalf of the *Mitchell | Hamline Law Review*, best of luck as you write your note!