

April 6th, 2009

Dear Prospective Law Journal Member:

Emory University School of Law is home to three scholarly law journals: the *Emory Bankruptcy Developments Journal*, the *Emory International Law Review*, and *Emory Law Journal*. Emory's law journals select new candidates through a joint writing competition. Students compete by writing a single casenote in response to a packet of materials provided by the three journals and completing a *Bluebook* citation quiz. Competitors submit copies of their casenote and citation quiz to each journal that they wish to join along with a preference sheet ranking their interest in the three journals; each journal then uses its own selection and grading process to select candidates.

This packet provides prospective journal members with important information regarding each of Emory's law journals and the Writing Competition. Please read the information carefully and retain your copy of this packet throughout the Writing Competition. Additionally, you may email questions to writeonhelp@gmail.com.

Law journal membership is a very rewarding experience. We hope that each of you will enter the 2009 Writing Competition and seek membership in one of Emory's three law journals.

Regards,

Deepthy Kishore
Editor-in-Chief
Emory Law Journal

Silas W. Allard
Editor-in-Chief
Emory International Law Review

Marguerite De Voll
Editor-in-Chief
Emory Bankruptcy Developments Journal

A Brief Overview of the Law Journals

The *Emory Bankruptcy Developments Journal (EBDJ)* seeks approximately 28 students from the Class of 2011 for its Candidacy Program. Candidates for *EBDJ* are selected in two ways. (1) Students whose academic standing ranks them in the top 10% of the first-year class, after the announcement of spring semester grades, may be selected on the basis of their grades alone. (2) Students are also selected based upon the strength of their performance in the Writing Competition and to a lesser extent on their law school grades.

The *Emory International Law Review (EILR)* seeks up to 30 qualified students from the Class of 2011 for its Candidacy Program. Candidates for the *Emory International Law Review* are selected in two ways. (1) A limited number of students whose academic standing ranks them in the top 10% of their first-year class may be extended invitations for *EILR* membership. (2) The remaining candidates will be selected based on a combination of their performance in the Writing Competition and their law school grades, with Writing Competition performance weighted twice as much as grades.

The *Emory Law Journal* seeks approximately 35 students from the Class of 2011 for its Candidacy Program. Candidates for the *Emory Law Journal* Board are selected in two ways. (1) Students whose academic standing ranks them as one of the top 14 students in the first year class will be offered candidacy on *Emory Law Journal* if they indicate it as their first choice. In exceptional circumstances, a top-14 candidate may be denied candidacy upon a supermajority vote of the Executive Board. (2) Additional candidates will be selected on the basis of a weighted average: one-third grades and two-thirds performance in the Writing Competition. In rare circumstances, a student may be offered candidacy based solely on the quality of an exceptional casenote.

Emory Bankruptcy Developments Journal

The *Emory Bankruptcy Developments Journal (EBDJ)* is Emory Law's most widely distributed publication. *EBDJ* is the only national bankruptcy journal edited and produced entirely by law students. With its close ties to the bankruptcy bar and bench, *EBDJ* provides its members unique opportunities for post-graduate judicial clerkships and employment.

A LEADER IN BANKRUPTCY SCHOLARSHIP

EBDJ's continued success is due to its commitment to both practical and scholarly discussion. *EBDJ* is a recognized source of accurate, timely, and practical information on the Bankruptcy Code. As such, *EBDJ* attracts submissions of professional articles from a broad array of leading authorities in the field. In addition to serving as a leading source of information on the Bankruptcy Code, *EBDJ* promotes scholarship that offers innovative solutions and course of actions for some of today's leading legal issues.

Bankruptcy professionals in the U.S. and abroad as well as every bankruptcy judge subscribe to *EBDJ*. As a result, the publication is frequently cited in judicial opinions. Notably, Justice John Paul Stevens of the United States Supreme Court recently cited an *EBDJ* student comment written by Jodi F. Manko of the Class of 2005.

EBDJ: MORE THAN BANKRUPTCY

Bankruptcy scholarship necessarily addresses the interrelationship between the Bankruptcy Code and other areas of law. *EBDJ* members gain valuable knowledge researching and writing about diverse groups of practice areas, including religion, healthcare, and international law. Writing about the Bankruptcy Code is the consistent foundation *EBDJ* members work from; each member is encouraged to delve into other topics and areas in which they are interested in writing on as well.

Knowledge of bankruptcy law is not a prerequisite to successful participation on *EBDJ*. In fact, most members begin *EBDJ* participation with little to no knowledge of bankruptcy. To facilitate this participation, all Staff Members are automatically enrolled in the fall semester bankruptcy course. Additionally, an interest in a career in bankruptcy is not necessary for incoming Staff Members, as the legal skills developed through *EBDJ* membership are transferable to other areas of law.

Students gain important statutory interpretation skills when studying the Bankruptcy Code. These skills are applicable to any federal or state statutory scheme. Some of the skills gained are how to: (1) effectively and accurately interpret statutory provisions; (2) understand and define the interrelationship of two or more provisions in the same statutory scheme; and (3) identify and apply the appropriate weight afforded to pre-Code case law. Important legal subjects such as evidence, intellectual property, environmental law, tax, and employment law are all based on important statutory codes analogous to the Bankruptcy Code.

BENEFITS & RESPONSIBILITIES OF MEMBERSHIP

EBDJ membership consists exclusively of law students who have demonstrated superior ability in law school coursework, legal writing, editing, and analysis. Second-year students who are invited to join *EBDJ* enter as Staff Members. Staff Members cite check professional and student articles published in forthcoming volumes of *EBDJ* and write a student Comment of publishable quality. Rising third-year students who have successfully completed the candidacy requirements become Members of the Editorial Board and are eligible for election to Executive Editorial Board positions.

The research, writing, and editing responsibilities inherent in *EBDJ* membership provide members with an invaluable educational experience that serves them well both in school and in practice. Judges, professors, and practitioners nationwide recognize *EBDJ's* distinction and maintain an ongoing dialogue with its staff. Accordingly, membership on *EBDJ* affords its members unique opportunities for post-graduate clerkships and employment.

HOW ARE STAFF MEMBERS SELECTED?

EBDJ selects members each year from participants in the Emory Writing Competition.

EBDJ Editorial Board Members will judge casenotes submitted in accordance with the rules of the competition.

- Several Board Members, including at least one Executive Board Member, will read and grade each casenote.
- Casenotes will be evaluated on the basis of clarity of writing, analysis, and proper citation formats.
- Papers will be identified by student identification numbers only; no names will appear on the papers. Including any identifying information other than your student identification number will result in automatic disqualification from the Writing Competition.
- By submitting a casenote in the competition, a student is deemed to have granted permission to the Dean's Office to release his or her grades for examination by the Executive Board. Exceptional papers may be scored without regard to grades.

The *EBDJ* will call candidates to offer an invitation to join *EBDJ* as soon as possible after grades are released and competition papers are graded. *EBDJ* aims to notify all candidates the first week in July. At the latest, *EBDJ* will notify candidates before the summer interview registration deadlines.

EBDJ'S CANDIDACY PROGRAM

EBDJ membership entails a substantial commitment and the completion of required tasks

including cite checking assignments and a student Comment of publishable quality. Rising second-year students invited to join *EBDJ* enter as Staff Members. Students who successfully complete the Staff Member year will be invited to join the *EBDJ* Editorial Board.

Failure or inability to fulfill the writing and other requisite responsibilities of the program will result in dismissal from *EBDJ*. Each candidate must complete the following:

- One article of publishable quality written during the second year in law school;
- A one-day *EBDJ* Staff Member training session and a series of seminars designed to assist the candidates during the research and initial writing process;
- Cite-checking Assignments;
- Galleys;
- and Bankruptcy course during the fall semester.

Please review the following information for additional explanation of *EBDJ* Staff Member requirements.

The Student Comment

The article that each candidate writes during the second year of law school is called a "Comment". This writing requirement is in addition to the Writing Competition casenote submitted as a part of the journal membership application. Successful completion of the Comment is a prerequisite for elevation to the Editorial Board and simultaneously satisfies the upper-level law school writing requirement.

Cite-Checking

Each article chosen for publication in *EBDJ* is subjected to a rigorous examination for substantive and technical accuracy. Cite-checking requires the student to pull from the shelves every authority cited by the author to verify the accuracy and interpretation of all legal principles noted in the article. Verification of correct *Bluebook* form is a vital part of preparing the article for publication. Cite-checking also entails editing the body of the articles, which includes making grammatical corrections and editorial suggestions.

Galleys

Galleys are articles returned from the printer in the final stages of the publication process. Once the galleys are returned, Staff Members will assist in proofreading the article for typographical and other errors. Every letter, number, punctuation mark, change in typeface, indentation, signal, and space must be verified. This level of detail is necessary to ensure that the articles *EBDJ* publishes do not contain grammatical or citation errors.

THE BANKRUPTCY COURSE AND ACADEMIC CREDIT

Staff Members and Editorial Board Members receive academic credit for their participation on the *Emory Bankruptcy Developments Journal*.

Enrolling in “Bankruptcy”

EBDJ Staff Members are required to take the Bankruptcy course for academic credit in the Fall Semester of their second year. Staff Members are automatically enrolled in the Fall Semester bankruptcy course. Thus, there is no need to pre-register for the course.

Academic Credit

Staff Members are eligible for two hours of graded credit in the spring of their second year. Members of the Editorial Board are eligible for two hours of pass/fail credit in the spring of their third year. Academic credit awarded because of *EBDJ* participation is counted toward the member's credits for graduation. Journal credit, however, does not count toward the Emory University minimum semester requirement. Students will therefore still be required to maintain a minimum of twelve hours of academic credit in addition to *EBDJ* membership in order to be considered a full-time student.

The extension or withholding of academic credit in the third year is within the sole discretion of the Editor-in-Chief of *EBDJ*. Withholding of academic credit will be made in cases where an *EBDJ* member fails to meet the Journal's workload requirements.

EXPECTATIONS OF EBDJ STAFF MEMBERS

The *Emory Bankruptcy Developments Journal* Candidacy Program is rigorous. The writing, cite-checking, and galley reading responsibilities of each candidate must be met concurrently with the demands of second-year class assignments, the interviewing season, part-time jobs, and any other activities in which the candidate chooses to participate. Moreover, *EBDJ*'s quality and punctuality depend completely on the cooperative spirit and scholastic ability of each of its members.

To reiterate, no student who is invited to be a Staff Member of the *EBDJ* is ensured of completing the program successfully and of being elevated to the Editorial Board. Every student Comment must be completed to the satisfaction of the Editor-in-Chief and the Executive Notes and Comments Editor. The completion of all candidacy requirements must be approved by two-thirds of the Editorial Board. A "good faith" effort will not substitute for quality writing and analytical ability.

Disciplinary procedures, including expulsion from the *EBDJ*, are outlined in the Bylaws of the *EBDJ*. Each candidate should be thoroughly familiar with these procedures.

Deadlines

All writing, spading, and galley reading assignments must meet the deadlines that are set by the Executive Managing Editors. Staff Members will be made aware of specific deadlines for cite-checking and galley reading at the time each assignment is given.

Deadlines for each semester's student Comment drafts will be set by the Executive Notes and Comments Editor. Failure to meet *any deadline* will be noted as a deficiency in the candidate's performance. Unexcused delays will result in dismissal from the candidacy program.

Quality of Work Product

The accuracy and thoroughness of each cite-checker's work will be reviewed. cursory, careless, or otherwise incomplete cite-checking will be returned to the candidate for completion of the cite-checking assignment. Such deficiencies will be noted that Staff Member's performance. Dismissal from the *Emory Bankruptcy Developments Journal* may result if the problem persists. The *EBDJ's* reputation is dependent upon quality work.

Moreover, any Staff Member wishing to run for an Executive Editorial Board position should be cognizant of the quality and punctuality of their work, as it could affect one's ability to obtain successfully an elected position.

Professionalism Code

All students participating in the Writing Competition who are seeking a Staff Member position on the *EBDJ* must comply with the Emory Law School Professionalism Code.

WHY MAKE THE COMMITMENT TO EBDJ?

EBDJ membership is worth the time and effort it demands. Students whose work is published through *EBDJ* receive national exposure, providing them with enhanced professional opportunities. The writing, researching, and editing skills developed during your tenure on the *EBDJ* will serve you well in practice and will be highly valued by prospective employers. Additionally, participation on the *EBDJ* will develop your ability to work well with others in a collectively demanding, deadline-oriented environment. As a member of *EBDJ*, you will be learning about a field law that pervades every area of the legal profession and continues to be at the cutting edge of the law. A strong foundation in bankruptcy is especially relevant and useful in understanding other broader fields, such as business law. Perhaps the greatest reward for participation on *EBDJ* is being able to see the tangible result of collective hard work and dedication in form of a final printed copy of the journal.

Emory International Law Review

The *Emory International Law Review* enjoys an international reputation as a leader in international legal scholarship. *EILR* publishes articles and essays submitted by scholars, professionals, and students from around the world on a vast array of topics ranging from human rights to international intellectual property issues. *EILR*'s reputation has flourished due to the concerted efforts of past Editorial Boards to focus individual editions on important and pertinent topics in international law. For example, several years ago, *EILR* published a 700-page special issue on freedom of religion in Russia. Several hundred copies were flown to Russia on Air Force 2 and distributed to members of the Russian Parliament. In the last few years, *EILR* has devoted issues to Emory symposiums and conferences on women's health, the rights of the child, patent and trade agreements in the global fight against HIV and AIDS, and the 60th anniversary of the Universal Declaration of Human Rights. Next year *EILR* will focus its symposium issue on how the international community should respond in the wake of the current global financial crisis. *EILR*'s international standing has been further bolstered by publishing such notable contributors as Jimmy Carter, Mikhail Gorbachev, Desmond Tutu, Boutros Boutros-Ghali, and Shirin Ebadi.

EILR is edited entirely by students and is known for excellence in scholarship, legal research, analysis, and professionalism in the publication process. The growth of *EILR* and the enthusiasm of its members reflect the increasing significance of international law at Emory Law School and in the legal field. In addition to collaborating regularly with Emory Law School's stellar international law faculty, *EILR* is especially fortunate to have worked closely over the years with the Carter Center, Justice Buerghenthal on the International Court of Justice, international law firms based in Atlanta and around the country, and numerous other international organizations.

SELECTION OF CANDIDATES

EILR will extend up to **30 total invitations** for candidacy in any given year. *EILR* automatically extends invitations for candidacy to a maximum of 10 rising second-year students who rank in the top 10% of their class, and who submit a preference sheet to *EILR*. *EILR* selects rising second-year students, who do not grade-on, on the basis of their results in the Writing Competition. Writing Competition casenotes will be anonymously judged by the Editorial Board of *EILR*. Casenotes, and all other materials submitted for review, will be identified solely by student I.D. number. Each paper will be graded by at least three members of the *EILR* Editorial Board. Evaluation will focus on legal analysis, proper *Bluebook* form, style, and organization. . The due date is final, and no extensions will be granted. The casenote and accompanying *Bluebook* citation quiz will make up two-thirds of a student's overall score; the other one-third will be the student's cumulative law school grade point average. However, we reserve the right to disregard grades altogether and extend invitations to individuals who write an especially impressive casenote. The Board will notify prospective candidates as soon after the grading process as possible. We intend to extend invitations no later than the first week in July.

RESPONSIBILITIES AS CANDIDATES FOR THE BOARD OF EILR

EILR candidacy requires a *significant* amount of time and energy and a *strong commitment* to

hard work and excellence. Candidates play an integral role in the actual publication of each *EILR* issue by thoroughly “spading” (cite-checking and editing) articles and proof reading “galleys” or proofs from the publisher. In addition to spading and galley assignments, candidates are required to write a Comment of publishable quality on a novel issue or aspect of international law, which will be eligible for publication in forthcoming *EILR* issues. To prepare candidates to participate in the publication of a periodical of international legal issues, they must enroll in International Law for the Fall semester. Finally, candidates pay dues, which are used to provide for social engagements, morale boosters, and the *EILR* banquet in the Spring.

Upon successfully completing the spading, galley, Comment, and course requirements; candidates are elevated to the *EILR* Editorial Board at the end of their second year. A candidate who fails to meet all of these requirements is subject to dismissal from the journal. Accuracy, timeliness, and thoroughness are taken very seriously in the evaluation of candidates. Candidates also may be elected to the Executive Editorial Board based on the quality of their Comment and the accuracy and timeliness of completing their spading and galley assignments. Overall, the candidacy experience is both demanding and richly rewarding.

Participation in the Publication Process

Candidates are crucial to the publication of the law review. Candidates perform the first and most substantial review of each article that *EILR* publishes. Every manuscript chosen by the Board for publication in *EILR* must be edited in the most professional manner. This editing process includes “spading” papers for substance, scholarly accuracy, grammatical precision, and compliance with *Bluebook* standards. Every assertion in an article must be substantiated through citation to authority. In turn, every authority cited must be verified, and the author’s interpretation checked for interpretive and technical accuracy. Once articles have been spaded and sent to the publisher, they are returned for a final “galley” proofreading. Candidates play a vital role in this proofreading process by carefully perusing articles for grammatical, stylistic, and *Bluebook* accuracy. The editorial process requires the candidate to be detail oriented, committed accuracy and precision, and excited about working with a team of editors to publish only exceptional and professional articles.

The Editorial Board will make every effort to ensure that candidates are comfortable with their editing tasks by providing training and support, as well as being available to consult on difficult questions. The Editorial Board will also provide sessions to familiarize candidates with the unique aspects of locating and cite-checking international sources. The quality and reputation *EILR* enjoys depends upon the dedication, quality, and skill of its candidates and Board members in their editing capacity.

Writing Requirement

EILR is well-known for the strength of its student Comments. Second-year candidates must submit a Comment of publishable quality on a novel issue or aspect of international law. All Candidates must submit final Comment drafts for purposes of elevation, and the Executive Board will select several student Comments for publication in future *EILR* issues based upon their timeliness and overall quality. The Executive Board does not choose a set number of comments

for publication. From the most recent round of comment submissions, eleven comments were chosen for publication.

All second-year students who accept invitations for candidacy will receive two course credits in the second semester of their candidacy year for work on their Comment. Candidates will work closely with members of the Board and faculty advisors in choosing their topics and producing a Comment of publishable quality. There are myriad international topics to explore. Nearly every area of domestic law has an international correlate. Comments in past years have probed such diverse subjects as global markets, international regulatory schemes, missile defense systems, immigration law, citizenship issues, jurisdictional issues, admiralty and the law of the sea, government expropriations, international criminal law, international intellectual property, human rights, environmental law, international business transactions, gay marriage in the European Union, treaty and trade agreements, and international dispute resolution.

Course Requirement

In addition to the above-mentioned responsibilities, candidates are required to enroll in International Law in the fall of their second year. This three-credit course requirement provides students with an overview of international law issues, which will prove invaluable in the completion of their other candidacy requirements.

WHY JOIN THE EMORY INTERNATIONAL LAW REVIEW?

International law is a rapidly expanding field of legal studies. Not only is international law increasingly a focus of academic legal study, but international issues now pervade almost every area of the law. It is increasingly likely that lawyers working in transactions, litigation, public interest, or any other aspect of the legal field will encounter issues of international law. The lawyers on the cutting edge are increasingly those with background and exposure to international law.

EILR is an invaluable opportunity to gain this exposure to international law. *EILR* candidates are exposed to the vast array of sources used in the international legal field from treaties and United Nations documents to international arbitration agreements and foreign case law. Simply being able to identify, locate, read, and understand these sources of international law is a valuable skill that candidates are uniquely positioned to acquire through their work with *EILR*. However, *EILR* candidates acquire not only these basic skills, but also learn to analyze and critique international legal sources and scholarship in international law.

For these reasons, *EILR* candidacy is highly regarded by prospective employers. Furthermore, the essential skills—effective research, legal analysis, writing, and editing—are invaluable to any legal career. Prospective employers value the practical experience offered by law review membership, and thus rank law review experience high among selection criteria for summer associate positions. Law review membership is also critical for consideration for judicial clerkships.

EILR members enjoy the special distinction of contributing to an exciting and rapidly developing

area of study, which is marked by swift change and increasing prominence. Indeed, an understanding of international law is often a prerequisite to a successful career in such areas as corporate, environmental, and tax law. Furthermore, a published student Comment receives wide exposure and greatly enhances professional opportunities. *EILR* is well known for its exceptional quality, and students on *EILR* have wide latitude in choosing a topic area.

EILR candidates also benefit from join an organization of accomplished and dedicated students. The *EILR* Editorial Board is not only dedicated to publishing an exception law review, we are also dedicated to creating a welcoming and collegial environment for our candidates. *EILR* Editorial Board members will serve as mentors and, we hope, friends to our candidates. Candidates will have the opportunity to benefit from the skills and experience of the Editorial Board members both in the publication field and in the larger world.

The immediate benefits of *EILR* membership include the two credits second-year students receive upon successful completion of their candidacy requirements. Third-year Board members who fulfill their editorial obligations receive an additional two credits for their participation on *EILR*. Thus, students may receive a total of four credits over the course of their involvement on *EILR*. The *Emory International Law Review* encourages all first-year students to participate in the Writing Competition. We look forward to working with you.

Emory Law Journal

Emory Law Journal, issued six times a year and edited entirely by students, publishes professional and student articles on a broad range of legal topics. *Emory Law Journal* serves a national audience of judges, practitioners, scholars, and students, by both illuminating the current state of the law and exploring new directions for its future. As Emory University School of Law's only general-interest law review, the journal receives thousands of article submissions each year from professionals eager to add *Emory Law Journal* to their résumés. Indeed, *Emory Law Journal* is one of the preeminent law reviews in the nation.

The functions of *Emory Law Journal* are threefold: to foster excellence in legal research, writing, analysis, and editing; to provide the legal community with reliable and thoughtful commentary on new developments and trends in the law; and to enhance the reputation of the Emory University School of Law.

The achievement of these goals rests on the ability and dedication of *Emory Law Journal's* staff, which consists of second- and third-year law students who have demonstrated superior ability in legal writing and analysis. The approximately thirty-five students invited to join the journal each year will become Candidates to the Editorial Board. Those who successfully complete the Candidacy Program are elevated to be Members of the Editorial Board and become eligible for election to named editorial positions. Members and Candidates bear sole responsibility for the editorial content and the substantive and technical accuracy of each article published in *Emory Law Journal*. The writing and editing responsibilities associated with candidacy and membership provide an intensive and invaluable experience that will serve Candidates and Members well in school and in practice.

SELECTION OF CANDIDATES

The Board will offer Candidacies to the top fourteen students in the first year class, provided that they have submitted preference sheets and ranked *Emory Law Journal* first. In exceptional circumstances, the journal may deny candidacy to a top-fourteen student upon a super-majority vote by its Executive Board.

All other Candidacies are awarded through the Writing Competition. *Emory Law Journal* uses a grading formula weighing one's score from the Writing Competition by two thirds and one's grades by one third. The journal reserves the discretion to offer candidacy on the basis of a student's outstanding Writing Competition performance alone, regardless of grades.

Students participate in the Writing Competition by writing a casenote. Every casenote is anonymously read and graded by at least five members of the journal, with additional assessment, when appropriate, made by the Editor-in-Chief and the Executive Notes and Comments Editor. The faculty is not involved. Readers assess casenotes for accuracy and completeness of legal discussion, quality of legal analysis, clarity of expression, legal citation, grammar, mechanics, and style.

By submitting a casenote to the competition, students grant permission to the Emory Law

School Registrar to release their grades to the journal's Executive Notes and Comments Editor and Editor-in-Chief. By accepting an offer of *Emory Law Journal* candidacy, students agree that they will not participate in Moot Court or in Mock Trial during their candidacy (2L) year.

Emory Law Journal will notify all Candidates of invitations to join *Emory Law Journal* as soon as possible, usually by early July.

THE CANDIDACY PROGRAM

Joining the journal means assuming a significant workload as a second- and third-year student. Second-year students are Candidates; continued participation on *Emory Law Journal* is dependent upon successfully completing each requirement of the Candidacy Program. Failure or inability to do so will result in dismissal from the journal. Each Candidate must complete the following in order to be elevated to full *Emory Law Journal* membership:

Orientation and Training

Incoming *Emory Law Journal* Candidates must attend an orientation program, which will commence during the first two weeks of the Fall Semester. Additionally, Candidates will be required to attend training seminars at the beginning of the academic year that will familiarize the Candidates with journal procedures and teach editing, research, and writing skills.

Comment

Each Candidate must write a Comment of publishable quality during the second year of law school. Candidates are given broad latitude to choose their subject area, but they must write on a topic that is noteworthy, substantial, and manageable, with an approach that offers a novel contribution to legal scholarship. A finished product will be a well-researched, well-written work of legal scholarship. Each Candidate will choose a faculty advisor and will be assigned a Notes and Comments Editor to help guide them through the Comment-writing process. The Editor-in-Chief, Executive Notes and Comments Editor, and Executive Articles Editor will choose approximately twelve completed student Comments for publication in future issues of *Emory Law Journal*. The journal also offers special prizes for the two most outstanding student Comments written by *Emory Law Journal* Candidates: the Mary Laura "Chee" Davis Award for Writing Excellence and the Myron Penn Laughlin Award for Excellence in Legal Research and Writing.

Spading and Editing

Emory Law Journal maintains its high editorial standards in large part by subjecting every proposition in every article to rigorous review for substantive and technical accuracy. Among the Emory journals, this process is called "spading." Spading requires ensuring that passages are quoted correctly, that citations follow correct *Bluebook* style, and that cited sources provide the support claimed by the author. In addition to spading, Candidates also serve a crucial editorial function, attending to authors' punctuation, grammar, syntax, and clarity.

Symposium

Each spring *Emory Law Journal* hosts the Randolph W. Thrower Symposium, at which prominent legal scholars convene to present and discuss their work in a key area of law. Recent

symposia have addressed topics as diverse as federalism and legal science. Each Candidate must attend the symposium and provide assistance as coordinated by the Executive Symposium Editor.

ADDITIONAL DETAILS & CAVEATS

Deadlines

Emory Law Journal follows a strict publication schedule that depends on the hard work and timeliness of all Candidates and Members. The Editor-in-Chief and the Executive Notes and Comments Editor will set deadlines for students' Comments, and the Editor-in-Chief and Executive Managing Editors will set deadlines for spading and editing. Failure to meet deadlines will be noted as a deficiency in the Candidate's performance, and unexcused delays may result in dismissal from the Candidacy Program.

Spading and Editing

The Managing Editors and Executive Managing Editors will review the accuracy and thoroughness of each candidate's spading and editing work. cursory work is unacceptable. Inadequate spading and editing will be noted as a deficiency in the Candidate's performance and may result in dismissal from the Candidacy Program.

Typing and Photocopying Expenses

Student writers in both the Writing Competition and the Candidacy Program must bear their own photocopying expenses in the preparation of their casenotes and Comments. Unfortunately, the journal does not absorb these costs. The journal's copying resources are used only for the spading, editing, and printing of articles and Comments accepted for publication.

Professional Conduct Code

Every *Emory Law Journal* Member, Candidate, and Writing Competition Participant must comply with the Emory Law School Professional Conduct Code.

Academic Credit

Candidates and Members of the Editorial Board receive academic credit for their participation on *Emory Law Journal*. Candidates are eligible for two hours of graded credit in the spring of their second year, and Members of the Editorial Board are eligible for two hours of pass/fail credit in the spring of their third year. Candidates' grades are assigned by their Comment advisors; credit for Members is extended or withheld by the Editor-in-Chief.

Annual Fee

Each Candidate and Member of the Editorial Board will be assessed an annual fee, to be determined at a later date. The fee for the 2008-2009 academic year was \$100.

Moot Court and Mock Trial

Emory Law Journal Candidates may not participate on Moot Court or Mock Trial.

Disciplinary Procedures

Emory Law Journal follows a full disciplinary code, with penalties up to and including expulsion

from the journal. Each Candidate is advised to read the journal's Bylaws to become thoroughly familiar with the journal's procedures.

Rigor

The *Emory Law Journal* candidacy program is a rigorous process. No student who is invited to join is ensured Membership; it is dependent on completion of all requirements to the satisfaction of the journal's Executive Board. A "good faith" effort is not sufficient to meet these standards. Candidates must meet their Orientation and Training, Spading and Editing, Comment, and Symposium responsibilities concurrently with the demands of class work, the interviewing season, part-time jobs, and any other activities in which the student may be engaged.

WHY JOIN EMORY LAW JOURNAL?

The *Emory Law Journal* Editorial Board is delighted at the prospect of welcoming a new class of Candidates this year. We believe our new Candidates will find it is well worth the time and effort demanded. It is an honor to be a part of such a high-quality scholarly publication and a delight to work in the company of students with such talent and dedication.

As a Candidate and Member of *Emory Law Journal*, you would have the opportunity to develop expertise in an area of law that interests you and make your voice heard in the scholarly community. You would play a crucial role in publishing the cutting-edge work of eminent legal commentators and become expert in legal writing, analysis, research, and citation. The skills you develop would serve you well in your future work as a judicial clerk, legal practitioner, or scholar. You would gain a credential that is highly sought after by employers and that distinguishes its holders throughout their careers.

The Editorial Board extends a cordial and sincere invitation to each rising second-year student to enter the Writing Competition. We strongly encourage you to take the write-on process seriously and to produce your finest work. We look forward to reading your casenotes and to working with the new Candidates next fall.

Writing Competition Procedures

This competition is open to all members of the Emory University School of Law who completed the first year of law school in academic year 2008-2009. A student may enter the Writing Competition only at the end of his or her first year of law school. Any student currently enrolled in a joint-degree program, or on a wait-list to become a joint-degree candidate, must indicate this status on his or her preference sheet.

COMPETITION PERIODS

Period #1: Monday, May 4, 2009 – Friday, May 15, 2009

Participants

All current first year students are required to participate during Writing Competition Period #1 unless the student is working as a 1L Facilitator for the Emory Trial Techniques Program or is a joint-degree student taking classes or finals during the first period.

Writing Competition Packets

Students participating in Writing Competition Period One are required to pick up a packet containing the casenote topic and supporting sources at the FedEx Kinko's located at the corner of North Decatur and Clairmont Roads any time after 12:00 a.m. EST on Sunday, May 4, 2009 (*see* "PICKING UP YOUR RESEARCH PACKET" below).

Students are allowed twelve (12) days to complete the Writing Competition. The casenote is due at 5:00 p.m. EST on Friday, May 15, 2009. **Any casenote submitted after the 5:00 p.m. EST deadline on Friday, May 15, 2009, will NOT be considered.** Plan ahead so you have time to make the necessary number of copies of your paper and turn it in by 5:00 p.m.

If you are mailing back your casenote, then you **MUST** send an email to writeonhelp@gmail.com by 5:00 p.m. on Friday, May 15, 2009, so that we know to anticipate the arrival of your casenote. Instructions for mailing your casenote are below.

Period #2: Monday, May 11, 2009 – Friday, May 22, 2009.

Participants

Emory Trial Techniques 1L Facilitators and joint-degree students taking classes or finals during the first period are eligible to participate during Writing Competition Period #2. Students participating in Period #2 must e-mail writeonhelp@gmail.com by Saturday, May 4, 2009 at 12:00 a.m. EST, stating that they will be participating in Period #2 of the Writing Competition.

A packet containing the casenote topic and supporting sources will be available at the FedEx Kinko's located at the corner of North Decatur and Clairmont Roads for pickup any time after 9:00 a.m. on Monday, May 11, 2009. The casenote is due at 5:00 p.m. EST on Friday, May 22, 2009. **Any casenote submitted after the 5:00 p.m. EST deadline on Friday, May 22, 2009, will NOT be accepted.** If you are mailing back your casenote, then you **MUST** send an email to

writeonhelp@gmail.com by 5:00 p.m. on Friday, May 22, 2009, so that we know to anticipate the arrival of your casenote.

Note: Participants eligible for the Period #2 competition have the choice of participating in the Writing Competition during Period #1. However, if you pick up the casenote during Period #1, you are limited to Period #1. You will not be able to “try again” during Period #2.

PICKING UP THE RESEARCH PACKET

A packet comprised of the topic and other material relevant to the Writing Competition will be available for purchase at FedEx Kinko's on the corner of Clairmont Road and North Decatur Road starting at 12:00 a.m. on May 4, 2009 for Period #1 and 12:00 a.m. on May 11, 2009 for Period #2.

- *Check your Research Packet for missing pages and materials immediately after receiving it.* The packet will contain a catalog listing all materials that should be contained in the packet.
- The purchase price has not yet been established, but is expected to be in the range of \$30 to \$40. You are responsible for purchasing the competition packet. However, cost should not deter a student from the Writing Competition. Any student wishing to participate but concerned with his or her ability to purchase a packet should contact writeonhelp@gmail.com.

Students Departing Atlanta Before the Writing Competition Begins

Students who will not be in Atlanta on May 4 or May 11 may receive a Writing Competition packet via Federal Express.

- You must go to FedEx Kinko's from May 1-2 (for Period #1) or from May 7-8 (for Period #2) to pay for your packet and Federal Express charges.
- Federal Express charges will be in addition to the price of the packet itself. FedEx Kinko's will Federal Express your packet to you so that you receive it by May 4 (Period #1) or May 11 (Period #2).

Note: The Journal Writing Competition makes no guarantees that any information that is mailed will reach participants by a certain date. No extensions will be given due to delays in receiving the Writing Competition packet of materials.

CASENOTE ETHICAL REQUIREMENTS

Each Writing Competition participant must write what is known as a casenote. The casenote is a document that presents a comprehensive, reliable summary of the existing law on an issue and suggests what the law ought to be. This year's casenote topic will not be disclosed prior to the competition. Please make sure to follow carefully this packet's detailed instructions and to examine the sample casenote when you pick up your competition materials.

Independent Research is Strictly Prohibited

This is a closed library competition. The selected case materials will be made available in the photocopied Writing Competition research packet. In addition to the main case, you will receive related cases to be used in writing your casenote. These materials, plus *The Bluebook: A Uniform Style of Citation*, *Black's Law Dictionary*, *The Redbook*, *The Texas Law Review Manual on*

Usage and Style, and *Webster's New International Dictionary* (or a general usage dictionary of your choice) are the **only** materials that may be used when writing your casenote.

Professional Conduct Code

Students are required to work independently throughout the Writing Competition. Each individual who submits an entry into the Writing Competition is subject to the Emory University School of Law Professional Conduct Code. Students may not discuss the Writing Competition or the casenote. You may not review any casenote written by a student during a previous year's Writing Competition, except for the sample casenotes provided in the research packet. The casenote is to be written solely from the materials supplied in the research packet distributed by FedEx Kinko's. Any use of independent research, additional cases, journal articles, or other outside materials; or discussion of the topic with others is a violation of the Emory University School of Law Professional Conduct Code and will result in automatic disqualification from the Writing Competition and possible sanctions by the Conduct Court.

CASENOTE TECHNICAL REQUIREMENTS

The following technical requirements must be followed. Failure to strictly adhere to these requirements may result in sanctions, at the discretion of the Editors-in-Chief and Executive Notes and Comments Editors of the journals. Any student that violates these technical requirements in a way to circumvent the length requirements or to gain an advantage over other students will be disqualified.

Page Formatting and Casenote Length

- **Text and endnotes must be double-spaced, written in Times New Roman and 12- point type.**
- The casenote must be printed on letter size paper (8 ½" x 11").
- Text and endnotes must be left-justified, and both vertical and horizontal margins **must be exactly 1"**.
- **Endnotes** should follow the text and should not be inserted on the same page as text. Endnotes should be formatted in Arabic numerals, not in Roman numerals.
- The length of the casenote may **NOT exceed twelve (12) pages of text and twelve (12) pages of endnotes**. You may NOT substitute more text for fewer endnotes or more endnotes for less text. This maximum page limit will be strictly enforced. **Papers exceeding these limits will NOT be considered.**

Citations

All text and endnotes must conform to the *Bluebook: A Uniform Style of Citation*. **Please rely on the *Bluebook*, not the sample casenotes, for the proper citation form.** Do not use any other citation format.

CASENOTE SUBMISSION

Please read this information carefully and follow all the instructions for turning in your casenote.

Copies

Seven (7) copies of your casenote should be submitted to each journal for which you wish to be considered for candidacy. If you wish to be considered for candidacy on all three journals, you will submit a total of **twenty-one (21)** copies of your casenote. The casenotes will not be returned. **You must have your student identification number on the first page of each copy you submit.** DO NOT PLACE YOUR NAME ANYWHERE ON THE CASENOTE. Failure to include your student identification number, or inclusion of your name or any personally identifiable information, is grounds for disqualification.

Preference Sheet

Your casenote will be graded anonymously. None of the information provided on the preference sheet will be seen until all grading is complete. Three blank copies of the Preference Sheet will be included in your Writing Competition packet. You must complete and turn in one copy of the Preference Sheet for each journal for which you wish to be considered. **DO NOT ATTACH THE PREFERENCE SHEETS TO THE CASENOTES.**

The Preference Sheet will list seven (7) things:

1. Your name and student identification number,
2. The name of the journal(s) for which you wish to be considered,
3. The rank order of your preferences, with "**1**" being your first choice,
4. Whether you are a joint-degree student or wait-listed for a joint-degree program,
5. Your summer address(es), phone number(s), and e-mail address,
6. Your signature, authorizing the release of your grade point average to the executive board of each journal, and
7. Whether you have been selected for Moot Court or Mock Trial.

Students already selected for Moot Court or Mock Trial are still encouraged to participate in the Writing Competition. **For all of the journals, students cannot participate on both journal and Moot Court. For Emory Law Journal and Emory International Law Review, students cannot participate on both journal and Mock Trial. Thus, students who are both selected for Moot Court and chosen for candidacy on any journal must choose between the activities. Students who are selected for both Mock Trial and candidacy on Emory Law Journal or Emory International Law Review must choose between the activities.**

Submitting the Casenote

On your due date (May 14 or May 22), you may deliver your completed casenote in either of two ways:

1. Drop it off between 9:00 a.m. and 5:00 p.m. at the journal offices located on the first floor of the library (across from the LWRAP offices) **OR**
2. Mail it **before** 5:00 p.m. via tracked-delivery method to:

**Journal Writing Competition
Emory University School of Law
1301 Clifton Road
Atlanta, Georgia 30322**

If submitted by mail or courier, casenotes must be submitted via tracked **2-day mail**. Because of previous complications with the U.S. Postal Service, you are required to use a private service (FEDEX, Airborne, DHL, etc.). **You must include a copy of your receipt inside of the package indicating the time you submitted the package to your mailing service.** Casenotes without receipts indicating the time of submission will not be accepted.

Casenotes submitted by mail or courier must arrive at the Law School within two business days after the due date in order to be considered. **Warning: casenotes that were mailed on time but that arrive at the Law School more than two business days after the due date will not be accepted.**

Submitting Casenotes Prior to the Due Date

Prior to your due date, you may submit your completed casenote by mailing it as detailed above or by delivering it to **the circulation desk at the law library**. Additional instructions on this will be included in your materials in May.

INVITATION TO JOIN A LAW JOURNAL

Students chosen for candidacy will receive an offer from **one** journal. The offer will come from the student's highest ranked journal that chose the student for candidacy. Students may not hold out for other invitations if extended an offer of candidacy because no other offers will be forthcoming.

If you are chosen to be a candidate for one of the three journals, a member of the journal will extend an invitation to you by telephone.

The order in which a student ranks the journals will have no effect on the grading and evaluation of his or her casenote.

“Grading On”

A student may be invited to participate in a journal by grades and class rank alone. This is called “grading on.” Class ranks will not be available until well after the casenotes are due. Therefore, we recommend that all students interested in joining a journal plan to submit a casenote. However, those students who hope to “grade on” to one of the journals, and thus decide not to participate in the Writing Competition, **must submit** a preference sheet with the above listed information on one of the two due dates. **If you fail to submit a preference sheet you will not receive an offer for candidacy from any of the journals. There is no additional chance for students who do not participate in the Writing Competition to compete for journal membership.**

Invitations to Joint-Degree Candidates

If you receive an invitation to join a journal, whether by grading on or writing on, you **MUST** declare whether you will be in residence in the law school or will be participating in a joint degree program in fall 2009. If you are invited to join a law journal and are enrolled in a dual-degree program, you may defer your journal participation for one year. If you will not be

enrolled full-time at the law school in 2009-10, then you **MUST** defer law journal participation for one year. After accepting an invitation to join a journal, a joint degree student will only be allowed to serve for two consecutive years. Students are not permitted to serve as a member of a law journal for three years or split the two years of participation.

Instructions for Writing a Casenote

A. PURPOSE OF A CASENOTE

Think of a casenote as a history lesson for a particular area of law. A good casenote identifies where the law began on a particular issue, traces important instances in which courts have diverged to adopt new tests or interpretations, and arrives at the current legal reasoning. In tracing this history, you should show a thorough understanding of the pertinent case law, statutes, and secondary sources provided.

Once you have demonstrated an understanding of the legal analysis employed in this area of law, you can take a stance on whether the court in the main case (a) came to the correct decision, and (b) used the correct rationale in making the decision.

Thus, the two main purposes of a casenote are **(1) to present a comprehensive, reliable summary of the existing law on an issue, and (2) to suggest what the law on that point ought to be.** For both of these purposes, absolute accuracy and thoroughness are essential. If you do not provide a true portrayal of existing law, you cannot present a very strong argument on what the law should be.

For our purposes, your casenote should also strive to show a mastery of the *Bluebook*. All forms of style such as citations, punctuation, and abbreviations will be governed strictly by the *Bluebook*. By using signals and parentheticals, you can convey a substantial amount of information in a concise manner. Every word, every punctuation mark, and every citation require attention and thought.

B. FORM OF A CASENOTE

A casenote consists of four sections: (1) the “headnote” and fact section, (2) the law section, (3) the discussion section, and (4) the conclusion. Below are specific instructions on content, formatting, and useful tips.

While studying these guidelines, follow the example casenote provided in your research packet. In fact, it is highly recommended that you read the example casenotes before reading the substantive materials in the packet. Your reading and note-taking will be more efficient if you know what to look for.

1. Headnote and Fact Section

The headnote introduces a legal issue analyzed by the casenote. It is written in large and small capital letters. The headnote consists of two parts: (1) an initial categorization of the area of law analyzed by the casenote. This section denotes a broad topic for indexing purposes and can be followed by other key words. (2) The second part is a brief quote or paraphrase from the main case that exemplifies the most important holding of that case.

Examples: **TORTS** or **LABOR LAW - DUTY TO BARGAIN** or **RIGHT OF PRIVACY**

The facts section provides a concise summary of the facts of the main case. It should be approximately one page. This section includes the determinative facts (i.e., those that were important to the court), the procedural history of the case, and the holding. Use the past tense except when stating the holding, at which time use the present tense.

The endnotes in the fact section should only be used for two purposes: (1) pinpoint citations to the main case, and (2) ancillary information about facts or procedural history. These endnotes should not be used for analysis.

Generally, refer to parties by their legal names, omitting articles. For example, “defendant demurred,” not “Joe Smith demurred.” A party may be referred to by a name such as “the FTC,” “the union,” or “the respondent judge” if its character is particularly important.

The next-to-last sentence (actually a fragment) of the fact section gives the court's disposition of the case. For example: “On appeal, *held*, reversed,” or “*Held*, writ issued.” Note that “held” is italicized.

The last sentence states the holding and is written in the present tense as an abstract proposition of law. This is followed by the full citation of the principal case, with any subsequent history (for example, “*petition* for cert. granted”). Note that the *Bluebook* requires the citation in the text to be italicized.

Example: On appeal, *held*, reversed. An employment test that is neutral on its face but has a racially disproportionate impact does not violate the equal protection component of the Fifth Amendment without a showing of a racially discriminatory purpose. *Washington v. Davis*, 96 U.S. 2040 (1976).

2. Law Section

The Text

The law section contains a brief history consisting of the development of the point of law that gave rise to the holding in the main case. This section consists of the cases that constitute the most direct authority for, or against, the holding of the main case.

But remember, you need not—and perhaps should not—discuss every case or source provided for you in the text of the section. Some sources you may choose to omit altogether; others are better suited for endnotes. Instructions for the endnotes for this section follow below.

In the law section, your analysis should progress in chronological order through the case history. Remember not merely to summarize the cases. This competition is an analytical exercise, so think critically about each case that you use and how it is relevant to the development of the main case.

The law section should lead the reader to the precise issue you have identified as being posed in the main case. Experiment with the law section until it shows clearly the different analytical theories used by the courts in approaching the problem and the controlling factual distinctions between the cases.

Some caveats: The ultimate goal of writing a perfect law section should never tempt you to omit a relevant authority or to stretch a case into saying something that it does not. Also, do not be misled into following a questionable rationale used in the main case. Great changes and gross errors in the law are made by courts following an unorthodox or improper theory to its logical conclusion. If the court has taken an unusual approach, give the court's approach in the law section and present the proper approach in your conclusion.

The Endnotes

The endnotes in this section serve two purposes. First, they provide the necessary authority for the propositions in the text. Second, they are the forum for discussing sidenotes to the cases, pertinent collateral issues, and history.

Each proposition in the law section should be supported by authority. It is common for one sentence to have several endnotes, but it is better to use several individual endnotes placed throughout the sentence than to lump cases for several points into one endnote at the end of the sentence.

Each proposition should be presented as concisely and authoritatively as possible. This requires a good deal of experimentation with endnote cases and signals to show exactly how each case supports the statement. The use of an explanatory parenthetical after the case often aids the distinctions made by proper use of citation signals (*See, Accord, But see, See, e.g., etc.*).

To be authoritative, the propositions in the law section should be supported with recent cases from the most important courts that have passed on the issue, and you should assume you have them. In the selection of cases, consider the type of support given, the authority of the court, and the date. There is some dictum or holding for almost every absurdity in the law; our purpose is to present only the currently accepted absurdities.

To discuss side issues and history, the cases, statutes, or useful secondary authority such as treatises or law review material provided for you should be used. Concentrate on analyzing the cases cited in the law section. **A frequent criticism of many casenotes is that they contain too much history and too little analysis.**

When using any signal other than "see," it is necessary to have a parenthetical indicating why the case cited is analogous to the point for which it is cited. Other authority for citation style, grammar, punctuation, and abbreviation can be found in the *Bluebook*, *Webster's New International Dictionary* (or a general usage dictionary of your choice) and the *University of Chicago Manual of Style*.

If you are using a PC, your keyboard is probably equipped with a shortcut to place an endnote:

Ctrl + Alt + D. Alternatively, the usual shortcut for footnotes is: Ctrl + Alt + F. You can then convert all footnotes to endnotes: Insert Reference Footnote Convert. To quickly move from a superscript number to the endnote that it indicates, simply double-click on that number.

Use only long citations while drafting your paper, and convert to short citations only when the paper is near completion. This enables you to easily move endnotes when you move text without rewriting them each time. Similarly, when using *supra* or *infra*, do not assign endnote numbers until all endnotes are in place.

3. Discussion Section

The purpose of the discussion section is to state what the court did in the main case. Discuss what legal approach the court applied and the cases upon which it relied in crafting that approach. Remember to discuss the majority or plurality opinion and each concurring or dissenting opinion.

Basically, walk the reader through the decision. What issues were involved? What arguments were accepted? What arguments were rejected? What arguments were ignored? What were the court's reasons?

4. Conclusion

This is your place to shine. The conclusion is a critical section of the casenote because it is your first opportunity to engage in independent legal analysis. The conclusion should be between two (2) and four (4) pages of your casenote.

The conclusion will reflect your opinion as to whether the court's resolution of the issue in point was correct. Beyond that, you may want to consider whether the court used the proper reasoning, whether it ignored relevant facts, and whether it correctly interpreted existing laws. Try to support your opinions with specific examples, citing cases and secondary authorities. Your conclusion should be comprehensive and thorough.

The conclusion should offer some prediction or try to persuade the reader of a given viewpoint. Some questions you can ask yourself to guide the content of your conclusion are: Does the decision raise new issues for future cases? Does the decision solve problems, or does it leave the main issue unanswered? What are the real life consequences of this case? What theoretical inconsistencies have been resolved? Is the dissent a better resolution? Do you have a better solution for resolving the problem?

It is easy to write a superficial conclusion paraphrasing a concurring or dissenting opinion and asserting whether the case follows the weight of authority. This is valueless; it tells the reader nothing new and fails to show what the law should be. Keep your conclusion in mind while you are analyzing the materials, and make a rough outline as you go.

C. HOW TO WRITE THE CASENOTE

What follows is a suggested method of handling the writing of a casenote. Feel free to use a different one. Only the final product will be judged.

1. Dealing with the Main Case

- a. **Preliminary Steps:** One court opinion will be the focus of the casenote. Study the opinion thoroughly until you understand the relevant facts, the issues, and the exact holding of the court. Examine the court's rationale to determine what factors were influential to the court's decision. Was this the correct approach? If not, you will want to outline the proper approach in your conclusion. Often the significance of a case lies in what the court refused to do or in the arguments that were rejected. Dissenting or concurring opinions will sometimes give a clue to this, but there is no substitute for a detailed critical analysis.
- b. **Facts:** Make a concise statement of the facts.
- c. **Issues:** Write down all the issues, the arguments of each party, and the court's conclusion.
- d. **Reasoning:** Write down the reasoning by which the court reached its conclusion. This should consist of a set of propositions followed by a conclusion. This may be the most difficult step in the process of analyzing the case. Often the courts do not outline their reasoning, or often they will assume many things. The writer must go behind the words of the opinion and see what is not said. This is an important time to keep your own conclusion in mind – any time you get frustrated with this process, there is a good chance it reflects a critique you can include in your conclusion.

EXAMPLE: Suppose that in a securities case the issue before the court is what statute of limitations is to be applied in a Rule 10(b)(5) action. The act itself does not contain a statute of limitations. The choices before the court are either to apply one of several state statutes or to apply the federal doctrine of laches.

From the case you might glean the following reasoning:

1. When there is no federal statute of limitations, a federal court should apply the state statute that best effectuates the federal policy.
2. The state blue-sky law best effectuates the federal policy.
3. Therefore the blue-sky statute of limitations should be adopted in this case.

This is fairly typical reasoning used by courts. It illustrates an important principle: the writer must analyze not only what the court says, but also what it does not say. The logic from step 1 to step 2 is incomplete. The court has not explained the federal policy underlying the securities acts or the policy underlying the blue-sky law. Further, the court has not explained the meaning of “best effectuates.” It is your job to find these gaps in reasoning, articulate them, and determine if they are supported in law. This is one aspect of the conclusion. You should also answer any questions the court has left unanswered and articulate the implications of the decision based on your knowledge of law in the area.

- e. **Conclusion:** What is the court's authority for its reasoning? As part of the conclusion,

analyze the case to see if it is based on the law. For instance, the court may have used a case incorrectly. Analyze the authority on which the court relied.

2. “Research”

Once the main case has been briefed, begin “researching” the issues involved by reading the other cases and materials provided. Most of these sources will be used in writing the law section. However, as you become more familiar with the case law, you should always relate it to the main case with a view toward formulating your conclusion. **Remember: no sources outside of the casenote packet may be consulted. Anyone using outside sources will be disqualified from the Writing Competition and may face sanctions by the Conduct Court.**

Read and brief all cases. Think about each case in relationship to the main case and all the other cases in the area. Utilize any secondary authority supplied in the packet, but only cite relevant and noteworthy secondary authority. Consider each case in relation to the larger problem, and determine how the court has furthered or changed its analysis in a given case.

Outline the casenote based on the structure explained in Part B above (headnote and fact section, law section, discussion section, and conclusion). Ask yourself the following questions: Is my outline a logical approach to the problem? Have I covered all the issues in depth? Are my arguments sound? Is there support for the law section and for what I say? What am I trying to say, and have I said it?

From the outline, write a draft and continue writing until you are ready to hand in the paper.

Do not hand in a paper unless you are willing to have the paper go into print as it stands. The editors reviewing the paper will assume that the paper is the best work you can produce.

3. Citation Form and Style

All citation of authority is governed by the *Bluebook* (proper citation includes typeface). Every citation should be checked. Citation form will be evaluated. In the rare circumstance that a situation is not covered by the *Bluebook*, you should reference *Webster’s New International Dictionary* (or a general usage dictionary of your choice) or the *University of Chicago Manual of Style*. As a last resort, e-mail the write-on help hotline. If the case you are using cites a case not provided in the competition materials, and you want to cite to the case you do not have, you must cite the unlisted case as follows:

Provided Case, 123 U.S. 45, 46 (1987) (citing Other Case, 98 U.S. 765, 766 (1963)).

4. Checklist for Casenote Preparation

This is a final (and most basic) checklist to review your work. Remember: save time at the end of the write-on period to **EDIT, EDIT, and EDIT**. Simple mistakes in spelling, grammar, and punctuation are easy to overlook but can substantially affect your overall writing score. **Don't ruin a great paper by cutting short the time you are able to spend editing.**

a. Heading

- i. Broad category of law and key words. EXAMPLE: TORTS – DEFAMATION
- ii. Brief statement of the law of the main case.
- iii. Citation.

b. Fact Section

- i. Are the relevant facts of the case clear and concise (1 page)?
- ii. Have you used the past tense?
- iii. Procedure. EXAMPLES: *Held*, writ denied. On appeal, *held*, reversed.
- iv. Holding
- v. In text citation.

c. Law Section

- i. Have you identified the central issue, the point of law the main case posits?
- ii. Have you shown only the important changes and development of this point of law?
- iii. Is the section compact and concise?
- iv. Reverse outline the law section, including case names, once you have written it:
 - Does your outline progress chronologically and logically through the cases?
 - Is each point in your outline supported by citations?
- v. Make sure you have NOT:
 - Summarized too much, i.e., all the law in the general field rather than the central issue.
 - Diverged into an interesting, important, but only indirect issue. Move to endnotes.

d. Discussion

- i. Have you discussed the court's holding and rationale in the main case?
- ii. Have you discussed each concurring and dissenting opinion?

e. Conclusion

- i. How is the main case's holding and rationale significant in light of your Law Section?
- ii. What has the case contributed to the law?
- iii. How strong is the court's legal foundation?
- iv. Where should the law go from here?
- v. Cut words like "seem" or "might." Replace with firm statements and logical reasoning.
- vi. Is it 2-4 pages long?

f. Endnotes

- i. Are your endnotes in proper form? Check the *Bluebook*.
- ii. Roughly 12 pages? Remember – no trading endnote space for more text or vice versa.

g. Technical Issues

- i. Pages are numbered.
- ii. Student ID # on the first page of each copy you submit – NO NAME ANYWHERE

5. Good luck!

Questions

Beginning April 7, 2009 and continuing through the entire competition, all questions concerning the Writing Competition should be directed via email to:

writeonhelp@gmail.com

Please remember that no response will be given to substantive questions regarding the analysis and content of the casenotes or the casenote packet.