



GUIDE TO STUDENT SUBMISSIONS FOR THE 2014 STUDENT WORKS EDITION

The *Charleston Law Review* encourages all students at the Charleston School of Law to submit Notes, Comments and Articles for publication in the Student Works Edition. This guide should answer your basic questions regarding the substance of student submissions, the submission process, and the basic requirements for publication.

What is the Student Works Edition?

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

What are the differences between Notes, Comments and Articles?

Notes, Comments and Articles are student-authored scholarly writings analyzing an original legal issue, inter alia, a recent case, legislation, or “hot” topic in a particular area of the law. Although the description varies from one locale to another, a Note generally analyzes a particular case or recently enacted piece of legislation and is typically 10-12 pages in length. With a Note, timing is very important. The topic should be of immediate or future interest to the legal community. A typical Note format is as follows:

I. Introduction: This section should briefly describe the case or statute at issue and should contain a clear and concise thesis statement. A good introduction should provide a roadmap to the rest of the paper.

II. Background: When dealing with a case, this section should provide a brief summary of the facts, procedural history, and the majority’s reasoning. If

appropriate, this section should also discuss the reasoning of the concurrence and dissent. If you are writing about a statute, you should briefly explain why the legislation was passed, discuss legislative history, and outline the relevant statutory sections.

III. Analysis: This section makes or breaks most papers. Here, you should describe why you agree or disagree with the court's holding and reasoning or with the legislature's enactment of a particular statute. What problems are resolved by the holding or the statute? What problems are created? What are the potential solutions? Could you write a better statute or opinion? How have other states approached the same issue? How do those approaches compare to South Carolina's approach, and are they better or worse in your view? Do not be afraid to go out on a limb; this is your chance to be original, so seize the opportunity!

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

Comments discuss and analyze a "hot" legal issue or problem. Comments tend to be doctrinally focused analyses of controversial legal questions or present arguments about current and pending legislation. Comments are typically 15-20 pages in length. The case law Comment will offer solutions based on such things as policy, equity, and efficiency. The statute Comment will offer criticisms and suggestions for improvement of those areas the legislature has yet to adequately address. A Comment is not merely a summary, but an original treatment of a legal problem proposing solutions. Most Comments will derive from term papers or seminar directed research. The format is usually:

I. Introduction: This section briefly describes the subject matter and plainly states the author's thesis. As with the note introduction, it should provide a roadmap to the rest of the paper.

II. Background: This section should be brief but comprehensive. It should provide whatever material is necessary for an educated reader to understand how the topic fits into the current state of the law.

III. Analysis: This section again makes or breaks most Comments. It should discuss many questions. Why is the topic "hot" now? Was the court or the legislature correct? Is the case/statute constitutional? Is the state of the law better or worse than before? How and why? What problems do you foresee in the future? What potential solutions exist? What have other states done, and how do their approaches compare to South Carolina's? What should the courts or legislature do in the future?

IV. Conclusion: Again, keep it short and sweet – wrap up what you have said, restate your thesis, and close.

Finally, a traditional law review article is an exhaustive survey of a timely legal issue and is typically 25-50 pages. This is the most sophisticated and complex format of the three submission forms, as it requires a great deal of research and a detailed discussion of the claim. The claim may be a new perspective on a well established principle or an issue that has not been recognized or discussed by other scholarly writers and follows the basic outline structure of a Comment, detailed above.

Whether you choose to write a Note, Comment or Article will depend upon the type of coverage you wish to give the topic. Notes typically focus on a single case or statute and analyze from that starting point. Comments and Articles, by contrast, will analyze an entire area of law and propose policy-based solutions. None of the approaches should be considered easier than the others. Instead, choose a topic that is of interest to you and decide which analysis will work the best. For examples of Notes, Comments, and Articles, please see the extensive collection of law reviews contained in the library, or ask a professor for help.

What are the formatting requirements for submission?

All articles should be double-spaced, 12 point font, with one inch margins on all sides. For ease of reading, please justify the text. Footnotes should be in 10 point font, single spaced. Each of the two PDFs submitted must have a running header containing the last five digits of the author's social security number.

What is the citation requirement?

All cites should follow the nineteenth edition of *The Bluebook*. Even though the paper will be edited, you should ensure that your "Bluebooking" is as accurate as possible. Failure to take the time and give proper attention to this task will slow the editorial process and severely weaken the paper in the selection process.

What should accompany my paper?

In a separate PDF document from the paper, please include all of the following:

I. List of Sources: Please include a list of all sources used in the paper broken down into source type, i.e. Cases, Statutes, Law Journals (itemized separately), in PDF format. The citations to your sources should conform to *The Bluebook*. The goal of the list of sources is to allow editors easier access to your sources so that we may expedite the editing process and ensure your article meets publishable standards. Please note: if your paper is selected for publication, you will be expected to provide copies of all your sources in PDF

format. The official law review procedure for uploading the sources will be explained in further detail to all authors chosen for publication.

II. Statement of Originality: All student work must contain a Statement of Originality (or an Abstract) detailing how the argument being advanced fits into the current literature. It should be clear from this statement how your argument differs from those of other authors. In other words, why was this article worth all the time you spent and what will it offer that current sources do not? Or, why is this a “hot” topic? In order to advance this statement and your article in good faith, please do a preemption check of your topic to avoid duplication and redundancy.

III. Faculty Advisor Approval: Although we do not require an advisor for non-member submissions, you **MUST** have a professor or legal professional ensure that your discussion of the law is accurate. To satisfy this requirement, each student must submit a simple note or letter from a Charleston School of Law professor stating that the discussion of the law is accurate. We cannot publish any article that has not met this requirement.

IV. Shepardizing Printout: The final step before submitting your paper is to Shepardize all of your sources. After doing this, a print out evidencing that this was done must be attached following the Statement of Originality in the same PDF. The editors will ask you to again Shepardize your sources just before publication. This is important to ensure that you do not publish bad law.

How does the submission process work?

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

In the first stage, each submission is read by at least two members of the Executive Board. At the close of the submission period, the editors will meet to discuss which articles will be promoted to the second round of consideration. These articles will then be given to the Student Works Editor.

The second round will consist of a full SWE editorial board review. Each promoted article will be read and graded by three members of the SWE editorial board. All of the grades will then be forwarded to the Student Works Editor. The Student Works Editor will take the average of the three grades to arrive at the final grade that will be given to a submission. These grades will then be listed in order from highest to lowest. Lastly, two additional members of the Executive Board, one of whom will be the Editor in Chief, along with the Student Works Editor will deliberate and decide how many articles will be published. Upon any conflicting viewpoints at this stage, the final decision is up to the Editor in Chief.

Upon selection, the Student Works Editor will promptly notify the author. Authors whose articles were not chosen will be notified via email from the Student Works Editor. In no event shall the identity of the authors whose articles are not chosen be revealed to anyone but the Student Works Editor. The Student Works Editor will announce the final list of authors who were selected for publication to the student body via TWEN.

The entire selection process is blind. This strong commitment to confidentiality requires that authors refrain from discussing their papers with members of the *Charleston Law Review*. We do not have a limit on the number of Notes/Comments/Articles we are seeking to publish. Rather, each piece is evaluated on its own merits, and we accept all submissions that we have determined meet the standards for publication. If your piece is selected by the *Charleston Law Review*, you will be required to work with the editing staff to prepare your piece for publication prior to the date of the *Charleston Law Review's* editing weekend (date TBA). In that weekend, the author will work with the entire *Charleston Law Review* as the submission goes through two rounds of substantive editing, cite-checking, and "Bluebooking." Substantial cooperation from authors is expected and is crucial during this process.

Where can I get help on my article?

The best way to get an idea of what constitutes a good submission is to look through issues of law reviews. Previously published student work shows the depth of analysis and level of originality for which we are looking. Further, they demonstrate the diversity of topics that authors tackle, as well as the variety of analytical approaches they take. In addition, Eugene Volokh, a UCLA law professor, has produced some excellent guides for mastering the art of legal writing, even for students who already consider themselves to be outstanding writers. See Eugene Volokh, *Writing a Student Article*, 48 J. LEGAL EDUC. 247 (1998) (available through Westlaw). For a more in-depth treatment, see EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, AND SEMINAR PAPERS* (3d. ed. 2007).

Why should I write an article?"

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

How do I submit my article?

The *Charleston Law Review* will make a public call for submissions to the Student Works Edition via email and TWEN. At that time we shall furnish the final date and time in which articles must be submitted, along with the email address to which the article, list of sources, Statement of Originality, Advisor Approval and Shepardized print out must be sent.

Who do I contact with questions?

Please email any questions not addressed in this memo regarding submissions to the same email address used to submit your article, but please do not ask specific questions that would reveal your identity. Additionally, we will respond or not respond to individual questions at our discretion. For quick reference, the address is: clr.swe.submissions@gmail.com.