

AMERICAN UNIVERSITY WASHINGTON COLLEGE OF LAW

**Journal of Gender, Social
Policy & *the* Law**

Note & Comment Handbook

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INTRODUCTION TO THE PROCESS

Each writer will be provided a copy of the Note & Comment handbook at their assigned Option training. As outlined by the table of contents, each writer and editor is required to comply with all of the information provided in this handbook. The purpose of the Handbook is to guide you through the comment process.

This Handbook does not contain an attachment with a sample comment. Sample comments will be provided to each writer electronically after the mandatory training session, which is held prior to each option period. They are also available for review on File Way.

The Note & Comment team's primary goal is to get each writer published, whether in this Journal or through a submission to another Journal. To achieve that goal, it is necessary that everyone involved comply with the handbook.

WHAT IS THE DIFFERENCE BETWEEN A NOTE AND A COMMENT?

You will be writing your comment over the course of the next few months. But what does that mean? A **comment** is a legal piece of writing that is much broader than the write-on competition case note. A comment analyzes an area of law and focuses on specific issues, cases, legislation or legal issues within that area of law. The comment adds something novel to the body of professional knowledge in the field, taking a stand and advocating for a certain result or particular test.

Alternatively, a **note** analyzes a single case that is noteworthy and merits extensive legal analysis. A case is deemed "noteworthy" if it is (1) a case of first impression; (2) represents a significant departure from precedent; (3) reaches the right decision for the wrong reasons; (4) possesses intriguing results for later cases; (5) highlights a circuit split; or (6) will likely affect or influence other areas of social policy (education, employment, trade).

Note topics are permitted during the comment process but must be expanded to the length of a comment to comply with all technical and substantive requirements.

WHAT DOES THE COMMENT COUNT FOR?

Completing a comment is a requirement for participating in Journal. The comment must meet the minimum "Pass" standard as outlined in the grading section of this handbook and must be written on a topic relating to a gender or a social policy issue. Failure to complete the writing requirement can result in dismissal from the Journal and loss of credit.

For completing the comment, all writers are permitted 2 credit hours that can be used prior to starting the process (i.e., scheduled to participate in Option 2 (fall) but want to use the credits in the summer to gain access to financial aid), during the semester that they are writing, or the semester after they have completed writing. In addition to gaining 2 credit hours, the comment can also satisfy a writer's upper-level writing requirement necessary for graduating. However, participating in the comment process for the Journal does not automatically meet WCL's upper-level writing requirement. To satisfy the upper-level writing requirement, the writer must comply with the school's policy. One common way this has been successfully done in the past is students have worked with a faculty advisor at the outset of the writing process. At the end of the comment process, the professor must sign off on the finished product and the upper-level writing requirement form. The amount of work and hands-off activity will differ from professor to professor. The upper-level writing requirement policy and form are attached to this handbook are on page 35. Although the form is attached, it is simply there to show you what the form looks like. Writers will have to obtain the actual colored form from the registrar.

It should be noted that the time spent on writing a comment does not count towards the Journal's hour requirement.

HOW DOES THE PROCESS WORK?

Option Assignments

The Senior Note & Comment Editor will divide the Junior Staff into three options, roughly based on semesters. Option 1 takes place during the summer, Option 2 takes place during the fall, and Option 3 takes place during the winter and spring. The option schedule for the entire year will be completed prior to the start of Option 1 and provides the appropriate dates and deadlines for each step in the writing process.

Note & Comment Editor Assignments

Prior to topic approval and after their first submission (Topic Proposal and Annotated Outline), writers will be assigned a Note & Comment editor. The role of the N&C editor is to provide their writers with substantive and technical feedback on all submissions. The N&C editor duties are provided on page 5.

Technical Editor Assignments

Prior to the 20-page draft, each writer will be assigned a Technical editor. Technical editors are expected to review each draft and make comments specific to the author's style, grammar, and Bluebooking skills "below the line." Technical editors must comply with the expectations provided in this handbook on page 6.

Fresh Eyes Review

During the full draft, each writer will be provided with a “fresh eyes” reviewer who is a Senior Staffer or a Junior Staffer that has passed the comment process and is not on the Editorial Board. The fresh eyes reviewer will do a review of the entire comment, keeping in mind both the substantive and technical requirements when making recommendations. The fresh eyes reviewer will note any area where there are holes in the argument, where there are technical failings, and where there are grammar and additional issues. The fresh eyes reviewer is required to submit all comments to the writer by the deadline provided in the N&C option calendar. The fresh eyes reviewer will receive hours for reviewing the paper and satisfying the deadline.

Faculty Advisors

Writers may seek the assistance of any of JGSPL’s faculty advisors provided below or any other faculty member at WCL. The faculty advisors include:

- Elizabeth Beske
- Mary Clark
- Christine Farley
- Robert Dinerstein
- Heather Hughes
- Darren Hutchinson
- Candace Kovacic-Flesicher
- Daniela Kraeim
- Binny Miller
- Victoria Phillips
- Nancy Polikoff
- Jamin Raskin
- Ann Shalleck
- Ezra Rosser
- Steven Wermiel
- Macarena Saez
- William Yeomans

Note: Faculty information can be found on the WCL website. It is important to note that faculty members may be inclined to supervise a topic in an area that they may not be an expert in. Please feel free to speak with a broad range of professors.

JOB REQUIREMENTS

REQUIREMENTS OF WRITERS

1. Attend the mandatory option topic training. All writers in each option will be required to attend (1) training with the Note & Comment team.
2. Attend the mandatory topic discussion meeting
 - All writers must schedule a topic discussion check meeting with either the Journal's librarian, the Westlaw representative, or the Lexis representative.
 - Confirmation of attendance will be submitted through one of the above required representatives.
3. Complete all required comment assignments
 - Comply with all technical and substantive requirements provided in the handbook for each submission.
4. Have at least one in-person meeting with your assigned Note & Comment Editor prior to the 30 page-draft
 - If both parties are not in the D.C. area, the writer and Note & Comment editor must have a video conferencing meetings prior to the 30 page-draft submission.
5. Submit all required assignments by 11:59 P.M. Eastern Time on the designated deadline dates for writers (with the exception of the final submission).
 - Submit all deliverables to (1) writer's assigned Note & Comment Editor, (2) writer's assigned technical editor, **and** (3) the Senior Note & Comment Editor by email.
 - Extensions
 - Each writer is permitted **one** 48-hour extension for any assignment other than the first topic proposal & annotated outline, the full draft, or the final submission.
 - To use the extension, writers **must** contact both the Senior Note & Comment Editor and their assigned Note & Comment editor **24** hours prior to the deadline.
 - The assigned editor will have an additional 48 hours to satisfy his/her deadline from the original edit deadline or 72 hours after the date in which the extension was due.
 - If a writer requests the 48-hour extension but is able to turn in their assignment **by the original deadline**, the SNCE will allow the writer to use the 48 hour extension for a different assignment.
 - Extenuating circumstances may be considered for other extensions on a case-by-case basis. Illness short of hospitalization does not qualify as an extenuating circumstance.

6. Contact the Senior Note & Comment Editor if the writer is not being given feedback from a Note & Comment Editor
 - Editors are responsible for giving writers substantive edits and comments on every single draft. If a writer is not getting feedback on every page of the draft or every couple of pages, something is wrong. The writer must let their editor know that they do not feel like they are receiving substantive and beneficial feedback.
 - **It is the writer's job** to communicate with the Senior Note & Comment Editor and Note & Comment editors if they are not receiving the support they need in the process. Everyone involved in the process has a duty to communicate, including the writer. Writers should not be concerned about “stepping on anyone's toes” during the process. The process is about ensuring the writers are successful in completing their comment.
7. If the writer disagrees with comments or suggestions made by the editor, they should discuss the disagreement with their editor rather than ignoring them.
8. Respond to all editor's emails within 48 hours, preferably 24 hours, even if just to confirm receipt.
9. Incorporate all suggested edits by technical editors and Note & Comment Editors from each prior submission or the writer will be recommended for a demerit.
 - If a writer is intentionally not incorporating specific edits, he/she must provide an acceptable reason to their assigned Note & Comment editor. Acceptable reasons only refers to substantive edits -- not time management issues.
10. If a writer fails to meet a deadline, the writer will receive a demerit, absent emergency circumstances, and will have 48 hours from the original deadline to submit the required piece. If the writer fails to submit the piece within the 48-hour extension, the writer will receive another demerit. The N&C editor will return the piece back 72 hours after the extension due date.
11. If a writer fails to turn in any of the required submissions completely, the writer will automatically **fail** the note and comment process.
12. Writers that fail to meet the minimum requirements of any of the following deliverables will receive a **bounce back**. A writer will be notified of their bounce back by their assigned editor within 24 hours, who will CC the Senior Note & Comment Editor. A bounce back requires the writer to redo their submission to comply with the minimum requirements outlined in the checklist and in this handbook. A writer who receives a bounce back will have 48 hours to fix their submission. The writer may be recommended for a demerit for failing to satisfy the requirements. If a writer does not comply with the requirements within the 48 hours provided for in the bounce back, the writer will be recommended for an additional demerit, and possibly a demerit if there is a clear lack of good faith effort on the part of the writer. The editor will have 72 hours to edit from the bounceback due date.

REQUIREMENTS OF NOTE & COMMENT EDITORS

1. Attend each option's mandatory option topic training.
2. Attend each option's mandatory topic proposal approval meeting.
 - The Note & Comment Team will make sure topic proposal is legally viable.
3. Attend each option's mandatory grading meeting for final submissions.
4. Submit all required edits to writers by 11:59 PM Eastern Time on the designated deadline dates for editors.
 - Includes Full Draft even if Fresh Eyes Review is occurring.
5. Submit both substantive and technical feedback to writers for each deliverable/submission.
 - Comply with all handbook guidelines when providing substantive and technical feedback to writers.
 - A Note & Comment Editor advises the best way to effectuate the legal argument writer has set forth and will provide edits according to what is submitted.
 - It is the responsibility of the writer to ensure he or she accurately describes the case law, statutes, or constitutions used in the comment. Misinterpretation of this material is grounds for a "fail" at any point in the process.
6. Have at least one in-person meeting with each assigned writer prior to the 30 page-draft
 - If parties are not both in D.C., the writer and Note & Comment editor must have a video conferencing meetings prior to the 30 page-draft submission.
7. Respond to all writer's emails within 48 hours, preferably 24 hours even if just to confirm receipt.
8. Ensure that technical editors are submitting edits to all writers by the assigned deadline.
9. Complete a mini fresh eyes review for co-editors during the 30-page draft to provide feedback and comments on progress.
 - A mini-fresh eyes review is where an editor who is not assigned to grade a writer's comment and is not the assigned editor, will review the 30 page draft. This is not an in-depth editing assignment. Rather the mini-fresh eyes reviewer will determine if there are gaps in the analysis, if the legal argument is faulty, or if there are major areas of improvement.
 - The mini-fresh eyes review feedback is provided only to the assigned editor, not the writer, who will then decide what suggestions to provide the writer.
10. Communicate any recommendations for demerits to the Senior Note & Comment editor and, upon approval, to the managing editor.

REQUIREMENTS OF THE TECHNICAL EDITOR

1. Provide feedback on all citations and parentheticals shortcomings (i.e., responsible for all editing “below the line”). If citations are correct and comments are unnecessary, note that to writers.
2. Provide feedback on all technical issues with the comment (i.e., formatting, font, spacing, etc.).
3. Submit all required edits to writers by 11:59 PM Eastern Time on the designated deadline dates for technical editors.
 - Technical editor submission dates are the same as Note & Comment editor return dates.
4. CC the Senior Note & Comment Editor and the writer’s assigned Note & Comment editor on edited assignments by email.
5. Respond to all writer’s emails within 48 hours, preferably 24 hours even if just to confirm receipt.
6. Log all hours spent on editing after each deliverable is submitted back to the writer.
 - If a technical editor submits an “edited assignment” back to a writer with zero to minimal changes, the editor will not be permitted to log hours for that assignment. The technical editor will also risk losing 5 additional hours for falsifying hours upon approval of Managing Editor.

REQUIRED COMMENT ASSIGNMENTS

SUBMISSION POLICIES

1. For all drafts, you must submit your assignment electronically. All drafts will be returned electronically.
2. For the final submission, writers must print **three** full copies and drop them in a location designated to writers in advance by the Senior Note & Comment Editor. Comments will be returned on the hard copy of each comment and placed in each writer's individual Journal mailbox. The final should be printed double-sided. Grades will be returned to each writer electronically.
3. All drafts must be submitted to the writer's assigned Note & Comment editor, the Senior Note & Comment Editor, and the writer's assigned Technical Editor by email.
4. All drafts must be in the correct font and comply with all of the requirements set forth in the handbook.
5. If a writer submits more than the required number of pages in a submission, that writer is still required to submit additional pages on the next draft. Each writer must demonstrate consistent and substantive growth on drafts outside of meeting the minimum page requirements.
6. Writers that fail to meet the minimum requirements of any of the following deliverables will receive a **bounce back**. A writer will be notified of their bounce back by their assigned editor within 24 hours, who will CC the Senior Note & Comment Editor. A bounce back requires the writer to redo their submission to comply with the minimum requirements outlined in the checklist and in this handbook. A writer who receives a bounce back will have 48 hours to fix their submission. The writer may be recommended for a demerit for failing to satisfy the requirements. If a writer does not comply with the requirements within the 48 hours provided for in the bounce back, the writer will be recommended for an additional demerit, and possibly a demerit if there is a clear lack of good faith effort on the part of the writer. The editor will have 72 hours to edit from the bounceback due date.

REQUIRED COMMENT ASSIGNMENTS

1. Mandatory Topic Training Session
2. Annotated Outline & Topic Proposal
3. Annotated Outline Resubmission
4. 20-Page Draft
5. 30-Page Draft
6. 45-Page Draft
7. Full Draft
8. Final Submission
9. Resubmission (if required)

1. Mandatory Topic Training Session

Each writer is required to attend the mandatory topic training session. Prior to the training session, each writer should compile a list of areas of law they are interested in. Writers should bring this list to the training. During the training session, writers will engage in a number of small groups with different members of the Note & Comment team. Writers must participate in all aspects of the training to receive credit. During the topic training, each writer **must** sign up for a topic proposal meeting with either the Journal's librarian (Shannon Roddy), the Westlaw representative, or the Lexis representative. The Note & Comment team will confirm attendance at the topic proposal meeting with the representatives.

2. Annotated Outline & Topic Proposal

Required Sections:

1. Tentative Title
2. General issue
3. Legal Standards/Thesis
4. Outline of comment with clear point headings
5. All Sources the writer anticipates using (Primary & Secondary)
6. Preemption Check Explanation
7. Faculty Consideration

Example of Completed Topic Proposal will be sent to each writer with the rest of the comment examples by email.

Topic Selection

Writers should think of an area of law that they are interested in. All topics must be based on gender legal issues or social policy legal issues. Any international topics must be tied to US domestic law in some manner. Examples include but are not limited to: abortion, immigration, equal protection (race, gender, sexual orientation), euthanasia, taxation, criminal law, First, Second, and any other Amendment issues.

In addition to finding an area of interest, all topics must contain a legal argument/legal standard that allows the writer to analyze the issue using a legal framework. A legal argument may advocate for any social policy result desired by interpreting, comparing, and distinguishing statutes and case law. Examples of legal arguments include: (a) arguing the constitutionality of a statute/case; (b) criticizing a case as misapplying a test/standard; (c) arguing that a case was decided incorrectly/did not properly consider precedent; (d) comparing similar laws/cases; (e) arguing the validity of a new law; (f) proposing a new test.

If a writer's topic deals with an issue of first impression or is based on new law, the writer should keep in mind that the analysis must contain primary sources. The writer should evaluate whether they will have the number of required sources to sufficiently analyze their topic in compliance with the journal requirements.

Suggested Sources to assist with topic selection (not exhaustive)

Newspapers and magazines

Legal times

National Law Journal, ABA Journal, and other journals ABA

Legal News (can be broken down by topic area) Law reviews

Index to legal periodicals

Feminist Collections and Periodicals Women and

Legal Scholarship Bibliography Lexis or Westlaw

Findlaw

CNN Legal News BNA

Products

Bloomberg, Reuters, AP, Wall St. Journal, and other online news publications

Distinguishing policy and legal arguments

Issue: Nebraska had a child abandonment law that allowed parents to abandon children of all ages by dropping them off a designated Nebraska hospital facility. Most states have similar laws that limit the age of the child that can be abandoned; in other words, in these states only a child younger than a year or two can be abandoned without criminal penalties.

Policy: Nebraska should not limit its child abandonment law because such a limitation may cause unwanted parents to kill or put children whom cannot be abandoned in dangerous situations.

Legal Argument: Mothers have certain legal rights under federal and state constitutions, statutes, and case law that provide them with the right to control the upbringing of their children. By comparing other cases that consider the scope of these legal rights, a legal argument can be made that the abandonment of a child, which entails giving the state custody, falls under a mother's right to withdraw her custody of a child, no matter the age of the child.

Preemption Check

All writers must make a preemption check when selecting their topic. A preemption check is the process of determining whether there is any published literature on the topic that has been previously argued. A preemption check should be done as soon as the writer identifies a topic they are seriously interested in.

Warning: The existence of published literature on a topic does not necessarily preempt a writer. Rather, a topic is preempted when someone else has already written an article (1) on the same topic; (2) that develops the same argument the writer would like to develop; and (3) that has the same focus that the writer's article would have. The writer can avoid preemption by arguing a different facet on the topic. Talk to a Note & Comment Editor for ways to work around preemption.

A sufficient preemption check paragraph includes: (1) providing a list of key terms and phrases used to conduct the preemption check; (2) providing a list of accessed legal sources that address the same topic or ideas; (3) an explanation of how the writer's topic or idea differs from similar topics/ideas; and (4) one sentence stating that the writer has reviewed the preemption binder located in each of the school's four journal offices.

To conduct a preemption check, a writer should check law periodicals and books or book chapters. Law periodicals include legal briefs.

3. Annotated Outline Resubmission

After writers submit their topic proposal and annotated outline, the Note & Comment team will review each comment individually. During this meeting, editors will evaluate the strengths and weaknesses of each topic proposal and propose changes that need to be made to the writer. The Senior Note & Comment Editor will also assign editors to individual writers.

After being assigned an editor, writers will be notified of the changes that they need to make to their topic proposal and annotated outline. These changes could range from proofreading issues to substantive changes regarding structure and research to a request for a new topic because it either (1) does not address a gender or social policy legal issue or (2) is preempted.

4. 20-Page Draft

A sufficient 20-page draft has: (1) 15 pages of background and introductory work; **and** (2) 5 pages minimum of Analysis. This required page count does not include the title page or table of contents. The 20-page draft should be submitted as one document that complies with all of the formatting requirements set forth in the handbook and must include a properly formatted table of contents and title page.

A 20-page draft checklist is available in this handbook.

5. 30-Page Draft

A sufficient 30-page draft has: (1) 15 pages of background and introductory work; (2) 15 pages minimum of Analysis; and (3) a brief conclusion. The required 30-page count does not include the title page, the table of contents, or the conclusion. The 30-page draft should be submitted as one document that complies with all of the formatting requirements set forth in the handbook and must include a properly formatted table of contents and title page.

A 30-page draft checklist is available in this handbook.

6. 45-Page Draft

A sufficient 45-page draft has: (1) 15 pages of background and introductory work; (2) 30 pages minimum of Analysis; and (3) includes a conclusion. This required page count does not include the title page or the table of contents. The 45-page draft should be submitted as one document that complies with all of the formatting requirements set forth in the handbook and must include a properly formatted table of contents and title page.

A 45-page draft checklist is available in this handbook.

7. Full Draft

The Full Draft is a complete draft of the comment. It must include 15 pages of background and 30 pages of analysis, not including the policy recommendation and conclusion sections. The full draft is the last draft before the final submission and must present as such.

Writers will receive feedback from both their Note & Comment Editor and a Senior Staffer who will serve as a “Fresh Eyes” reviewer.

A Full Draft checklist is available in this handbook.

8. Final Submission

A writer must print three full copies (double-sided preferred) of their final comment for grading. They must also submit an electronic copy of their comment to the Senior Note & Comment email address. Comments should be dropped off in a location designated by the Senior Note & Comment editor by 10:00 P.M. Eastern Time. Late comments will receive a “Fail” designation and will be required to go through resubmit and lose publishing opportunities.

A Final Submission checklist is available in this handbook.

9. Resubmission (if required)

If a writer’s comment requires a resubmission, the writer will be required to meet with a resubmission editor and determine the edits necessary to receive a “Pass” grade. Resubmissions are broken into two categories: (1) Technical Resubmission and (2) Substantive Resubmission. A technical resubmission requires that the writer make changes including grammar, Bluebooking, and superficial aspects of the comment that are needed to satisfy the standards of the Journal. A substantive resubmission requires the writer to change content and focus on the substantive aspects of the argument. A substantive resubmit notes that there are problems with the writer’s argument and/or writing.

SUBSTANTIVE REQUIREMENTS

1. Cover Page

The cover page must include all of the following information: (1) Comment Title; (2) Writer's Name; (3) American University Journal of Gender, Social Policy & the Law; (4) Option number, semester, and year; (5) Note & Comment Editor's Name; (6) Technical Editor's Name; and (7) Professor/Academic Advisor's Name (if you have one). The cover page must be properly formatted and in the correct font for each submission. There should not be a page number on the bottom of the cover page.

2. Table of Contents

The table of contents should include all headings and subheadings used throughout the comment with corresponding page numbers. Unlike the title page, the table of contents will include page numbers. The table of contents will start at page (i) and should be placed in the middle of the bottom of the page. To change page numbers from paginating, the writer must add a "section break." Writers who struggle with creating their table of contents should contact their assigned Note & Comment editor for assistance.

Please reference the table of contents in the sample comment sent by email.

3. Introduction

The introduction should open with a brief statement about the legal issue and end with a road map identifying the thesis statement and what will be discussed in the paper's separate sections. The roadmap should be divided as follows: Part II = Background; Part III = Analysis; Part IV = Policy recommendation; and Part V = Conclusion. Part II of the roadmap should include what background information the writer will be providing to the reader. Part III should address what the writer's legal framework is and how they plan to prove it. Part IV of the roadmap articulates what policy recommendation is being made to readers. Each section of the comment in the roadmap should have its own sentence with a footnote citation to that referenced section of the comment.

The introduction should be approximately 3 to 5 pages long and is counted towards the background page requirement. The introduction should start at page "1" with no more Roman numeral page numbers to follow after the table of contents.

4. Background

The background section is the place to describe topics that will be highlighted throughout the comment. A background should include (1) a short history of where your legal issue arose from; (2) explain what legal standard applies and why; (3) explain the history of how that legal standard has been applied to issues such as yours (any splits of authority, unresolved issues, etc.); (4) address any current/pending case law or legislation; and (5) any cases or statutes that will be discussed in the analysis section. The background section and introduction should be 15 pages minimum.

Note: Any primary sources that are discussed at length must be referenced in the background section. “At length” means that the primary source is substantially necessary. The source adds substance to the writer’s argument and is relied on to make their argument. If the writer provides any sort of background information or conclusory statements (more than a sentence or two) the source is considered to be used “at length.”

5. Analysis

The analysis section uses argumentative and persuasive language to articulate a side of a legal issue. The writer must make specific legal assertions in this section and must select a side of the legal issue. The point headings provided in the analysis section should use argumentative language and should break down the legal standard at the heart of the comment. The analysis section is not the place for background information or additionally explanatory information. The legal parameters and structure for your argument should previous be set in your introduction and background section. Do not add any additionally cases or introduction.

The analysis section must contain predominantly primary sources. A writer is permitted to use up to 5 secondary sources in the analysis section as long as they have a primary source to support the legal assertion. The secondary sources must play a substantial role in what the writer is attempting to argue. Writers are permitted to use more than 5 secondary sources if (1) the secondary source provides additional facts or arguments not presented in the case or (2) the secondary source uses a novel interpretation by a law professor that cannot be directly taken out of the cases or statute that the process examines because it is the professor’s own interpretation.

Examples of legal arguments include: (a) arguing the constitutionality of a statute/case; (b) criticizing a case as misapplying a test/standard; (c) arguing that a case was decided incorrectly/did not properly consider precedent; (d) comparing similar laws/cases; (e) arguing the validity of a new law; (f) proposing a new test applied in other legal standards.

6. Policy Recommendation

The policy recommendation is a statement that identifies the consequences or societal effects of applying the particular answer, principle, or rule. It does not have to be structured in a particular way. This section is not required but is strongly recommended and should be no more than 5 pages of a 45-page comment. After the 45 page minimum is written, expanding the policy recommendation beyond 5 pages is at the discretion of the Note & Comment editor. The policy recommendation is not included in the 30 page minimum analysis page requirement. If a policy recommendation is included, it must be supported by citations and references to sources. If the idea is 100% original, the writer can discuss the use of citations and support with his/her Note & Comment editor. This will be evaluated on a case-by-case basis.

7. Conclusion

The conclusion should do more than simply restate the thesis. It should be limited to 2 to 3 pages but can be as short as 3/4 of a page. The conclusion must be supported by citations and does not count towards the 30 page minimum analysis requirement.

8. Headings

Any heading in the Analysis and Policy Recommendation section must be **argumentative and must be in complete sentences**. For examples on argumentative headings, please refer to the sample emailed to you. The main headings (Introduction, Background, Analysis, Policy Recommendation, Conclusion) do not need to be argumentative. Background headings should also not be argumentative. Rather, a simple and short phrase summarizing the content of the Background will suffice.

All words should be capitalized in subheadings **except** for conjunctions (and, but), propositions of four letters or less (such as with, to, in, for) and articles (a, an, the). There should be no floating or widow/orphan headings. This requires that all headings begin on the same page as any subsequent text.

All main headings should be single-spaced, Courier New, 12-point font, bolded, in small caps, with the roman numeral starting at the left margin and the title indented 1/2 inch from the numeral. If any of the headings have subheadings, the writer should provide at least two (2) subheadings. Initial subheadings should be indented 1/2 inch from the margin and the point heading should be indented an additional 1/2 inch from the letter.

Secondary subheadings should be labeled with 1, 2, 3, etc. Secondary subheadings should be indented 1 inch from the margin and the point heading should be indented an additional 1/2 inch from the numeral. Any tertiary or subsequent subheadings should be labeled as follows: (1) i, ii, iii and (2) a, b, c. These subheadings should be indented 1.5 inches from the margin, with the point heading indented an additional 1/2 inch.

I.	INTRODUCTION
II.	BACKGROUND
III.	ANALYSIS
IV.	POLICY RECOMMENDATION
V.	CONCLUSION

9. Grammar

Writers are expected to write their comments using a professional and formal writing style. The comment must be clean of proofreading, spelling, and grammar errors. A writer who turns in a final submission with 5 or more glaring proofreading errors will receive an automatic technical resubmit.

Writers **should not** use colloquialisms (informal language), passive voice, legalese, verb tense disagreement, contradictions, double negatives, choppy sentences, run-on sentences, contractions, incorrect spelling, and other standard proofreading errors.

Writers can find the JGSPL grammar sheet in this handbook.

TECHNICAL REQUIREMENTS

1. Page Requirements

The comment must be **45 pages** minimum and cannot exceed **80 pages**. 15 Pages of the 45-page mandatory minimum **must** consist of introductory work and background discussion. The comment also **must** include 30 full pages of legal analysis. The policy recommendation and conclusion are not counted towards the 30 pages of legal analysis.

2. Font, Spacing, Margins & Widow/Orphan Control

The entire comment must be in 12 point, Courier New font (i.e., above the line text, below the line text, and page numbers). The margins should be set at 1-inch both horizontally and vertically and the text of the comment should be double-spaced (both above the line and below the line – footnotes). After each period, there should be two spaces included.

To eliminate unnecessary space between text and footnote, writers must turn off widow/orphan control. For some versions of Microsoft word, this may require the writer to turn off widow/orphan control for each page. To turn off widow/orphan control: (1) select the text and the footnotes separately; (2) right click on the selected text; (3) select paragraph; (4) select the line and page breaks tab; and (5) uncheck all of the boxes available.

With widow/orphan control unchecked, there still may be unfilled lines at the end of the text on a given page because the following sentence has a citation in it. Because there is only one line on the page left, the text and beginning of the footnote cannot both squeeze into that space so they are moved to the following page – that is acceptable. Additional space between text and footnotes is acceptable to avoid floating or widow/orphan headings.

3. Background & Analysis Ratio

A comment must maintain a 1:2 background to analysis ratio throughout the comment. This means that a writer must have **twice** as many pages of analysis as background. For purposes of the 1:2 ratio, the term background includes both the introduction and background sections.

4. Text & Footnote Ratio

Writers must provide support for every legal assertion. This means that writers should have footnotes after each sentence. In addition to having the required number of footnotes, writers must maintain a maximum 1:1 ratio of text to footnotes on each page. A 1:1 ratio requires that approximately half of the page contain above the line text while the other half contains footnotes with citations and parentheticals. To meet the technical requirement, **80%** of the comment must satisfy the 1:1 text to footnote ratio.

The 1:1 ratio is not required where a writer makes use of creative signals. Creative use of signals is strongly encouraged. Examples include (1) citations with compare signals (if a comparison of a current statute or case to another statute or case is relevant to the point being made in the article, a comparison cite that breaks a 1:1 ratio of text to footnotes is acceptable); (2) necessary string cites (if a citation relies on a principle that is mentioned or discussed in a case or statute, and that principle cannot be fully or otherwise accurately understood by examining only that case or statute, then a footnote with multiple referenced citations that breaks a 1:1 ratio of text to footnotes is acceptable); and (3) technological cites (if a citation has a long technological cite and cannot be cite to a printed source, it is acceptable for the writer to break a 1:1 ratio of text to footnotes).

Exceptions to the 1:1 ratio requirement will be evaluated on a case-by-case basis and encompass some of the examples provided above.

5. Citations

Generally every sentence in the comment should have a footnote with **95% of the comment having footnotes after each sentence**. Accordingly, every footnote should have a signal and a parenthetical. Signals are not required where cited authority states the proposition. Bluebook rules 1.2, 1.3, and 1.4 govern the use of signals. A writer, however, shall not include text before or after a citation in the footnotes that is not within a parenthetical (i.e., FN 8: Wisconsin’s slayer statute is different from other statutes. Wis. Stat. Ann. § 854.14 (West 2009) (...) However, the state has typically been interpreted similarly. Smith v. Smith . . .)

There are some instances where a footnote is not warranted. Footnotes are not needed for (1) topical sentences; (2) a novel policy argument; or (3) another articulated reason.

Responsive Parentheticals

A topical sentence is an opening or closing statement to a paragraph that either contains no legal argument to necessitate any citation support or precedes or follows a sentence that will explain the argument in greater depth and will cite to the authority that would have been used to support the uncited sentence. Alternatively, a novel policy argument does not warrant a citation because the writer will not be able to find a reasonable citation to support it as the idea is new and unique. Other exceptions can be discussed with editors on a case-by-case basis to determine if a citation is appropriate and necessary.

Parentheticals should be used to support all legal assertions. All parentheticals should be responsive. A parenthetical is responsive if it further explains or presents additional information that is helpful to a reader to better understand the text. Conversely, a parenthetical is not responsive if it merely rewords the statement in the text.

Responsive parenthetical example: Most recently, the Wisconsin Court of Appeals did not apply the slayer rule to acts of assisted suicide in the case of *In Re Estate of Schunk*. See No. 2007-AP-2690, 2008 WL 4348618, ¶ 13 (Wis. Ct. App. Sept. 25, 2008) (holding that the slayer statute does not apply to assisted suicide because it is not a “killing”).

Unresponsive parenthetical example: Most recently, the Wisconsin Court of Appeals did not apply the slayer rule to acts of assisted suicide in the case of *In Re Estate of Schunk*. See No. 2007-AP-2690, 2008 WL 4348618, ¶ 13 (Wis. Ct. App. Sept. 25, 2008) (holding that the slayer statute does not apply to assisted suicide).

Some citations will not need a parenthetical. For example, a citation of a statement that directly states a fact will not require additional information. Similarly, a parenthetical is not required if the cited authority directly states the proposition. If a signal must be used, then the citation is not directly stating the proposition. Accordingly, a parenthetical would be warranted.

A list of gerunds can be found in this handbook.

Writers are expected to comply with the **Rule of 5** used during the write-on process. The rule of 5 requires that if the same cite appears within the five preceding footnotes, then a short cite is required. Writers must also comply with the articulated uses of *supra* and *infra*. Writers should use *supra* in footnotes only after providing a full citation for a secondary source such as an article, book, or website. *Supra* cannot be used as short citations to primary sources. Alternatively, *infra* should only appear in the roadmap when referencing Parts II through V of the writer’s comment.

6. Quotations

Quotations of words, phrases, and sentences should be used sparingly in above the line text and in parentheticals in footnotes. Quotes are permitted where the words of a statute or a case are particularly important when the writer is deconstructing the language of the statute or a test in a case.

EXPLANATION OF TEXT FORMATTING FOR DRAFTS

I. INTRODUCTION (12 POINT, COURIER NEW, SMALL CAPS)

Text starts here - text is double-spaced and indented one-half tab in normal paragraph form (like this). Footnotes are also double-spaced, Courier New size 12 font, including the footnote numbers themselves. Note where the text changes from small caps to italicized to regular. Note also that the page numbers are in Courier New size 12 and the margins are one inch.

II. BACKGROUND

A. *First Heading (12 point, Courier New, Italics)*

Text starts here - indented one-half inch from the margin of your paper (which should be one inch all around - you must check your computer settings, because many computers set their default margins at 1.25 inches).

B. *Second Heading*

Text starts here

III. ANALYSIS

You can have some text here, or you can wait until after your first heading to begin your text - it's your choice.

A. *First Heading (Make Sure Your Headings Are Single-Spaced and Indented One-Half Inch)*

Text starts here. You must have some logically-placed headings within your Background, Analysis, and Policy Recommendation sections, but you can have as many or as few headings/subheadings as you like, so long as you never have an "A" without a "B" or an "1" without a "2". Below are examples of how your headings could look.

1. First Subheading

You can have some text here, or you can wait until after your first sub-subheading - your choice. Note that the heading itself is italicized, but the number "1" is not italicized.

a. First Sub-subheading

Text starts here. You must have some logically-placed headings within your Background, Analysis, and Policy Recommendation sections, but you can have as many or as few headings/subheadings as you like, so long as you never have an "A" without a "B" or an "1" without a "2". Below are examples of how your headings could look.

b. Second Sub-subheading

Text starts here.

i. Tertiary Subheading

Text starts here

B. Second Heading

Text starts here

C. Third Heading

Text starts here

IV. POLICY RECOMMENDATION (OPTIONAL: a policy recommendation section is not required)

A. *First Heading*

Text starts here

B. *Second Heading*

Text starts here

V. CONCLUSION

Text starts here

GRADING

As an initial note, Note & Comment Editors are not permitted to grade their assigned writers. During grading, each comment will be reviewed by 2-3 editors who did not serve as the writer's assigned editor.

Publishable

A comment earning a "Publishable" designation has satisfied the Journal's writing requirement and will be published in the American University Journal of Gender, Social Policy & the Law. A publishable comment examines an area of law and/or policy that will enhance the Journal's reputation as a voice for social justice.

A comment of publishable quality contains all of the required substantive sections and satisfies the minimum 45-page requirement as well as the minimum 30-page analysis requirement. In addition to satisfying all of the substantive requirements, the comment satisfies all of the technical requirements with respect to formatting, Bluebooking, and footnote structure. The writer has satisfied at least 95% of the required 1:1 footnote to text ratio as well as the required 1:2 background to analysis ratio. The comment contains **less than 3** blatant proofreading errors (grammar, spelling, missing words, missing punctuation, etc.)

The background section contains accurate and needed information that sufficiently lays the foundation for the writer's legal argument. Put another way, a person who is completely unfamiliar with the topic would be able to have a sufficient understanding of the topic prior to proceeding into the analysis portion.

The argument presented in a "Publishable" comment is clear. This means that it is obvious to the reader what the author is arguing, how the argument is laid out, what the legal conclusion is, and how the writer got to that point. The comment also contains a clear, concise, and legally sound argument. The comment also contains a clear, concise, and legally sound argument. Each section of the argument should be strong standing alone but is a cohesive part of the overall argument. A publishable comment also includes a policy recommendation. The policy section puts the ramifications in perspective for the reader.

In addition to having satisfied the substantive requirements of the comment, the writer has also satisfied the technical aspects. Each sentence contains the necessary footnote and parenthetical. All parentheticals add or clarify necessary and pertinent information to the argument. The analysis section may contain fewer than 5 secondary sources, but any secondary source used in the analysis is supported by primary sources and adds to the writer's argument in a meaningful way.

The author will be required to make the necessary and proper changes needed for publication.

Pass

A comment receiving a “Pass” has satisfied the Journal’s writing requirement but will not be published with our journal. The comment contains all of the required substantive sections and satisfies the minimum 45-page requirement as well as the minimum 30-page analysis requirement. In addition to satisfying all of the substantive requirements, the comment satisfies all of the technical requirements with respect to formatting, Bluebooking, and footnote structure. The writer has satisfied at least 80% of the required 1:1 footnote to text ratio as well as the required 1:2 background to analysis ratio. The comment must contain **less than 5** blatant proofreading errors (grammar, spelling, missing words, missing punctuation, etc.) and less than 5 different bluebooking errors. A Bluebooking error that is repeated throughout the comment will only count as 1 error.

Moreover, the substance of a comment receiving a “Pass” is close to publishable. Put another way, there are minor issues with the comment’s legal framework or structure. The background section contains accurate and needed information that lays the foundation for the writer’s legal argument. Put another way, a person who is completely unfamiliar with the topic would be able to have a sufficient understanding of the topic prior to proceeding into the analysis portion. The comment also contains a clear, concise, and legally sound argument. This means that there are minimal issues with how the argument is framed, presented, and argued. The writer has minimal changes to make a decent legal argument into a clear one.

A comment that receives a Pass will not be published in the Journal of Gender, Social Policy & the Law.

Technical Resubmit

A comment receiving a “Technical Resubmit” contains only technical errors that must be fixed in order to satisfy the Journal’s writing requirement. These errors are limited to technical errors. Examples of errors warranting a technical resubmit include: (1) having more than 5 blatant proofreading errors; (2) more than 5 different Bluebooking and citation errors; (3) failure to adhere to the 1:1 text to footnote ratio 80% of the time; (4) incorrect font anywhere in the document; and (5) formatting issues on the cover page and/or table of contents.

Although the document contains technical errors, the substantive legal aspects of the comment are considered pass worthy. The writer will not have to make substantive legal changes to the document.

A comment that receives a “Technical Resubmit” designation is eligible for resubmission. A comment that is resubmitted must comply with all of the requirements set forth under the “Pass” grade and must receive a “Pass” designation. Upon receiving a “Technical Resubmit” grade, the writer will be assigned a resubmit editor who will work with the writer to make the necessary changes to satisfy the “Pass” designation. The writer must comply with **all** Journal requirements and incorporate all suggested edits. If the writer fails to make the necessary changes, the resubmit editor will recommend whether the writer should “Fail” or receive a final

opportunity to make changes. The writer should generally receive one week from the issuance of the technical resubmit determination to complete those edits.

Substantive Resubmit

A comment receiving a “Substantive Resubmit” contains significant errors that must be corrected in order to satisfy the Journal’s writing requirement. Although there are significant concerns, the comment has satisfied the 45-page minimum requirement and the 30-pages minimum of analysis. A comment failing to satisfy the 1:2 background to analysis ratio but containing 30 pages of analysis receives a substantive resubmit.

A comment with a Substantive Resubmit designation lacks a coherent argument and contains an undeveloped legal analysis. The writer does not have a strong legal standard that is supported by primary sources. The comment may contain more than 5 secondary sources in the analysis without primary sources for support. The writer does not reach a clear and articulable conclusion about what they are arguing or what side they have chosen. Put another way, after the reading the comment a reader would be confused about what the author actually said and what the author was trying to say. An analysis section filled with background and policy arguments can also constitute a “Substantive Resubmit” designation.

A comment that receives a “Substantive Resubmit” must be re-submitted. A comment that is re-submitted must comply with all of the requirements set forth under the “Pass” grade and must receive a “Pass” designation. Upon receiving a “Substantive Resubmit” grade, the writer will be assigned a resubmit editor who will work with the writer to make the necessary changes to satisfy the “Pass” designation.

The writer must comply with **all** Journal requirements and incorporate all suggested edits. If the writer fails to make the necessary changes, the resubmit editor will recommend whether the writer should “Fail” or receive a final opportunity to make changes.

Grading of resubmits for substantive issues will be done as thoroughly and extensively on resubmit as it is was on the original submission. Two (2) editors will confirm that the resubmission satisfies the “pass” requirements.

A writer who is given a substantive resubmit will generally receive 2-3 weeks to complete a substantive resubmit. the resubmit editors will meet and assign the writer a new grade. At this point:

1. if the writer gets a technical resubmit, the writer will receive generally one week to complete the technical resubmit and receive a “Pass” or “Fail”;
 - a) in the case that the writer gets a “Fail”, he/she gets another week, and receive a “Pass” or “Fail”;
2. if the writer gets a substantive resubmit, the writer will receive generally three weeks to re-submit and receive a “Pass” or “Technical Resubmit” or “Fail”;
 - a) in the case that the writer gets a “Technical Resubmit”, the writer will receive generally one week to complete the resubmit and receive a “Pass” or

- “Fail”. Going forward, if the writer gets another “Fail”, he/she gets another extra week, and receive a “Pass” or “Fail”; or
- b) in the case that the writer gets a “Fail”, he/she needs to meet with SNCE and EIC, and has one week to complete the resubmit, receiving a “Pass” or “Fail”.

Fail

A comment receiving a “Fail” contains a number of issues. A writer will fail if:

- 1) The comment does not satisfy the minimum requirements of the comment process. The minimum requirements are: each comment must have 15 pages of introduction and background AND at least 30 pages of analysis. Failing to meet the 1:2 background to analysis ratio is a substantive resubmit.

OR

- 2) The comment lacks a coherent argument that fails to provide clear analysis. The comment does not include plausible legal analysis, contains only policy, and/or is solely based in legal theory.

OR

- 3) A writer that has received demerit for failure to meet deadlines, failure to incorporate comments, or failure to meet mandatory page requirements may receive a “Fail.”

If a writer fails at the first grading meeting, they must immediately meet with their SNCE & Graders and will undergo a re-submit process. At the same time, the writer will be assigned a resubmit editor who will work with the writer to make the necessary changes to satisfy the “Pass” designation.

- 1) If a writer fails only as a result of not satisfying the minimum requirements, he/she will re-submit the comment to meet the minimum requirements. Upon completion, the writer will receive either a pass or fail from his/her editors. The comment must satisfy the “Pass” requirements listed above; or
- 2) If the writer fails as a result of legal plausibility, policy, or legal theory, then the writer will meet with the Senior N&C editor and graders. The writer will go through a complete re-submit process. This process will require substantially re-working the comment, such as re-writing sections, changing arguments, adding sources, etc., to correct the identified issues. The comment must ultimately comply with all of the requirements set forth under the “Pass” grade and must receive a “Pass” designation. The editors will set a resubmit timeframe based on the changes required. If the writer subsequently fails to receive a “Pass” designation, then he/she will receive a second “Fail” and may be dismissed from Journal.

Grading of resubmits designated as a “Fail” will be done as thoroughly and extensively on resubmit as it is was on the original submission. Two (2) editors will confirm that the resubmission receives a “Pass” designation.

A comment that receives a “Fail” designation will not be eligible for publication with JGSPL. If a writer receives a “Fail” designation twice, the author may be dismissed from the Journal.

SUBMISSION CHECKLISTS

TOPIC PROPOSAL AND ANNOTATED OUTLINE CHECKLIST

1. Have you included a tentative title?
2. Does your submission include a novel issue, factually or legally?
3. Have you provided an outline with all of the relevant sections and headings?
4. Does the analysis section of your annotated outline have persuasively written headings?
5. Do you have a legal standard, which you will be able to flesh-out over a minimum of 30 pages?
6. Do you have at least 10 primary sources in your source list?
7. Have you conducted a preemption check?
8. Does your preemption paragraph contain all the required pieces?
9. Have you contacted a professor to serve as your advisor?

20-PAGE DRAFT CHECKLIST

1. Does your submission contain:
 - a) Title Page with all of the necessary information
 - b) Table of Contents with corresponding page numbers
 - c) 5 Pages of Introduction
 - d) A roadmap within the introduction
 - e) 10 Pages of Background
 - f) 5 Pages of Analysis
2. Have you prepared one document that contains all necessary sections?
3. Did you use Courier New, 12 Point font throughout the document?
4. Do you have 1-inch margins on all sides of the document?
5. Are both your footnotes and above the line text double-spaced?
6. Have you turned off widow-orphan control?
7. Are your headings in your table of contents single-spaced and compliant with the capitalization requirements provided in the journal handbook?
8. Do you have any orphan headings?
9. Do you have a footnote after each sentence?
10. Are your footnotes properly Bluebooked?
11. Do you use signals and parentheticals with each citation?
12. Do you have 1:1 text to footnote ratio?
13. Have you complied with the Rule of 5 and short cite requirements where appropriate?

30-PAGE DRAFT CHECKLIST

1. Does your submission contain:
 - a) Title Page with all of the necessary information
 - b) Table of Contents with corresponding page numbers and fully developed point headings
 - c) 5 Pages of Introduction
 - d) A roadmap within the introduction
 - e) 10 Pages of Background
 - f) 15 Pages of Analysis
 - g) Brief conclusion
2. Have you prepared one document that contains all necessary sections?
3. Did you use Courier New, 12 Point font throughout the document?
4. Do you have 1-inch margins on all sides of the document?
5. Are both your footnotes and above the line text double-spaced?
6. Have you turned off widow-orphan control?
7. Are your headings in your table of contents single-spaced and compliant with the capitalization requirements provided in the journal handbook?
8. Do you have any orphan headings?
9. Do you have a footnote after each sentence?
10. Are your footnotes properly Bluebooked?
11. Do you use signals and parentheticals with each citation?
12. Do you have 1:1 text to footnote ratio?
13. Have you complied with the Rule of 5 and short cite requirements where appropriate?
14. Have you incorporated all substantive and technical edits from your editors from your 20-page draft?

45-PAGE DRAFT CHECKLIST

1. Does your submission contain:
 - a) Title Page with all of the necessary information
 - b) Table of Contents with corresponding page numbers and fully developed point headings
 - c) 5 Pages of Introduction
 - d) A roadmap within the introduction
 - e) 10 Pages of Background
 - f) 30 Pages of Analysis (excluding policy recommendation or conclusion)
 - g) Conclusion
2. Have you prepared one document that contains all necessary sections?
3. Did you use Courier New, 12 Point font throughout the document?
4. Do you have 1-inch margins on all sides of the document?
5. Are both your footnotes and above the line text double-spaced?
6. Have you turned off widow-orphan control?
7. Are your headings in your table of contents single-spaced and compliant with the capitalization requirements provided in the journal handbook?
8. Do you have any orphan headings?
9. Do you have a footnote after each sentence?
10. Are your footnotes properly Bluebooked?
11. Do you use signals and parentheticals with each citation?
12. Do you have 1:1 text to footnote ratio?
13. Have you complied with the Rule of 5 and short cite requirements where appropriate?
14. Have you incorporated all substantive and technical edits from your editors from your 30-page draft?

FULL DRAFT

1. Does your submission contain:
 - a) Title Page with all of the necessary information
 - b) Table of Contents with corresponding page numbers and fully developed point headings
 - c) 5 Pages of Introduction
 - d) A roadmap within the introduction
 - e) 10 Pages of Background
 - f) 30 Pages of Analysis (minimum)
 - g) Policy Recommendation
 - h) Conclusion
2. Have you prepared one document that contains all necessary sections?
3. Did you use Courier New, 12 Point font throughout the document?
4. Do you have 1-inch margins on all sides of the document?
5. Are both your footnotes and above the line text double-spaced?
6. Have you turned off widow-orphan control?
7. Are your headings in your table of contents single-spaced and compliant with the capitalization requirements provided in the journal handbook?
8. Do you have any orphan headings?
9. Do you have a footnote after each sentence?
10. Are your footnotes properly Bluebooked?
11. Do you use signals and parentheticals with each citation?
12. Do you have 1:1 text to footnote ratio?
13. Have you complied with the Rule of 5 and short cite requirements where appropriate?
14. Have you incorporated all substantive and technical edits from your editors from your 20-page draft?
15. Does your analysis section contain a clear legal argument rather than policy arguments or additional background information?

FINAL DRAFT

1. General Requirements
 - a) Do you have at least 45 pages total (minimum)?
 - b) Do you have less than 80 pages (maximum)?
 - c) Do you have at least 30 pages of analysis (not including your conclusion or policy recommendation)?
2. Have you incorporated all necessary comments from your technical editor, Note & Comment editor, and fresh eyes reviewer?
3. Have you printed 3 copies and placed them in the designated spot articulated by the Note & Comment editor prior to the 10:00 PM ET deadline?
4. Do you have all of the required sections?
 - a) Title Page
 - b) Table of Contents
 - c) Introduction
 - d) Background
 - e) Analysis
 - f) Policy Recommendation
 - g) Conclusion
5. Did you use Courier New, 12 Point font throughout the document?
6. Do you have 1-inch margins on all sides of the document?
7. Is both your footnotes and above the line text double-spaced?
8. Have you turned off widow-orphan control?
9. Are your headings in your table of contents single-spaced and compliant with the capitalization requirements provided in the journal handbook?
10. Do you have any orphan headings?
11. Do you have a footnote after each sentence?
12. Are your footnotes properly Bluebooked?
13. Do you use signals and parentheticals with each citation?
14. Do you have 1:1 text to footnote ratio?
15. Have you complied with the Rule of 5 and short cite requirements where appropriate?
16. Have you incorporated all substantive and technical edits from your editors from your 20- page draft?
17. Does your analysis section contain a clear legal argument rather than policy arguments or additional background information?

GERUNDS LIST

Accepting	Deciding	Holding	Reaching
According	Declaring	Ignoring	Realizing
Acknowledging	Decrying	Implying	Reasoning
Addressing	Defining	Incorporating	Rebuffing
Adjudging	Delimiting	Indicating	Rebutting
Adjudicating	Delineating	Inferring	Recanting
Admitting	Denying	Intending	Recognizing
Adopting	Denigrating	Interpreting	Recommending
Advancing	Denouncing	Insisting	Reconciling
Affirming	Depriving	Invoking	Referring
Allowing	Deriving	Intimating	Refusing
Analyzing	Detailing	Lambasting	Refuting
Announcing	Determining	Lauding	Reiterating
Answering	Directing	Limiting	Rejecting
Applying	Disagreeing	Maintaining	Remanding
Approving	Disallowing	Mandating	Repeating
Articulating	Discounting	Manipulating	Resisting
Asserting	Dismissing	Misapplying	Resolving
Assessing	Discussing	Misconceiving	Responding
Assuming	Distinguishing	Misconstruing	Restating
Avoiding	Doubting	Misinterpreting	Resurrecting
Believing	Elaborating	Mystifying	Reviewing
Calculating	Embracing	Narrowing	Revising
Challenging	Emphasizing	Noting	Revitalizing
Characterizing	Employing	Nullifying	Reversing
Charging	Enjoining	Observing	Ruling
Choosing	Entertaining	Ordering	Saying
Circumscribing	Enunciating	Overlooking	Settling
Citing	Establishing	Overruling	Seeking
Clarifying	Evaluating	Overturning	Speculating
Commanding	Examining	Permitting	Stating
Conceding	Expanding	Partitioning	Suggesting
Concluding	Explaining	Preventing	Thinking
Condemning	Extrapolating	Proffering	Touting
Condoning	Flouting	Prohibiting	Undercutting
Confusing	Following	Providing	Upholding
Considering	Finding	Questioning	Vacating
Contending	Granting	Quoting	Viewing
Contradicting	Grappling with	Raising	Voicing
Construing	Harmonizing	Rationalizing	Waiving

GRAMMAR AND STYLE SHEET

1. Numbering. When using numerals to enumerate text items, enclose them in full parentheses. Example: She made three points, (1) ..., (2) ..., and (3) Spell out all numbers from one to one hundred, round numbers (hundreds, thousands, millions, etc.), and numbers that begin sentences.
2. Dates. Always omit apostrophes: 1960s, not 1960's. Include centuries in years at every reference: 1960s, not 60s or '60s. A month and a year are not separated by a comma: July 2011, not July, 2011. A month and a day are set off from a year by a comma, and the year is set off from succeeding text by a comma (or semicolon or period, if appropriate): On August 31, 2011, this Style Sheet was revised.
3. Serial Commas. A/k/a oxford comma. Use a comma between the next-to-last and last items in a series. Example: Yesterday, today, and tomorrow.
4. Possessives. To make a name that ends in "s" possessive, add "'s" unless there is a compelling reason not to do so. See Chicago Rules 6.19–6.30 for further explanation. Examples: Charles's book, Texas's legislature, but Euripides' plays. When in doubt, or to avoid infelicity, rephrase: the plays of Euripides, the Texas State Legislature.
5. Ellipses. The use of the ellipsis in legal writing is complex and technical. Review Bluebook Rule 5.3, Omissions, carefully and frequently.
6. Em dash. Use the em dash (—, ctrl-alt-[numeric keypad hyphen]) to separate parenthetical elements, if called for by the author. Do not use two hyphens or an en dash. Do not leave a space before or after a dash. Example: Adopting an order-maintenance strategy in order to distribute more equally a constitutionally recognized substantive good—fear from crime—is therefore consistent with constitutional aspirations.
7. En dash. JGSPL does not use an en dash. Use a hyphen to separate ranges of numbers. Example: pages 5-8, not pages 5–8.
8. Compounds. Use closed, rather than hyphenated, compounds where possible. Consult Chicago Rules 7.37, 7.82, and 7.90 for instructions. Examples: socioeconomic, sourcecite, homeowner, stepmother, workforce, nondiscriminatory, taxpayer, nonpublic. Note especially fact finder but fact-finding mission, decisionmaker and decisionmaking, policymaker and policymaking.
9. Hyphenation. Use hyphens to join the words in any phrase that modifies a noun, unless the phrase is an adverbial phrase with an adverb other than "well." Examples: fur-lined jacket, poorly chosen words, well-dressed editor-in-chief, pay-as-you-go arrangement.
10. Dependent clauses. (1) Dependent clauses that precede an independent clause should be set off with a comma. Example: Because I love editing, I chose to participate on the

editorial board. (2) However, no comma is used between the clauses when an independent precedes the dependent. Example: I am happy because class was canceled. Not: I am happy, because class was canceled. (3) Unless they begin or end a sentence or independent clause, dependent clauses should generally be set off by commas at both ends. Example: The article is bad, but, if we are willing to revise heavily, it can perhaps be saved. Some dependent clauses are so short that the preferred form is not to use a comma at either end

11. That and which. That is the defining, or restrictive pronoun, which is the nondefining or nonrestrictive. Authors frequently use which when they mean that. Examples: The article that I like is Rosenthal's; Stevenson's isn't as good. (Tells which article I like.) The article, which I like, is being published in the spring. (Adds a fact about the only article in question.)
12. Reason that. Use "the reason that," not "the reason why."
13. Toward. Use "toward," not "towards."
14. Farther and further. Use farther with distance, further with time or quantity.
15. Self references. Capitalize Article, Note, Case Note, Part, Section, Subsection, and similar words when they refer to the piece in which they appear or a division thereof. Do not capitalize when referring to other pieces. Example: In Section II.B of this Note, I will discuss Calabresi and Melamed's article. Also, always make sure an article refers to itself as an Article (capitalized, e.g., "this Article attempts to . . .") and not a paper or essay.
16. Third person singular. The preferred generic pronoun is the third person singular feminine. The plural should not be used to convey the generic singular. Example: When a judge decides a case, she considers many factors. But not: If any employee is concerned about their compensation package, they should see the personnel director. Note: The third person singular of "the court" is "it," not "they." Example: The court found reversible error because it found the lower court's factual analysis to be clearly erroneous.
17. Passive voice. Avoid the passive voice where possible.
18. Put statements in positive form. Make definite assertions. Use the word not as a means of denial or in antitheses, never as a means of evasion. Example: He usually came late. But Not: He was not very often on time. Not: Not honest, did not remember, not necessary. But: dishonest, forgot, unnecessary.
 - a. Placing negative and positive in opposition makes for a stronger structure. Example: Not charity, but simple justice.
 - b. Negative words other than not are usually strong. Example: Her loveliness I never knew / Until she smiled on me.

19. This. Avoid using this as a pronoun, especially at the beginning of a sentence. Example:
We provide food at many meetings. This expense accounts for forty percent of our budget.
Not: We provide food at many meetings. This accounts for forty percent of our budget.
20. Capitalization after a colon. Generally, if the colon introduces a single sentence the letter following the colon is Not capitalized. If the colon introduces two or more sentences or a quotation, the first letter is capitalized. See Chicago Rule 6.64 for a more detailed explanation.
21. Spacing after punctuation. Use a single space after a colon. Use two spaces after a period that ends a sentence.
22. Capitalization generally. Capitalize most formal nouns, but when in doubt use lower case. See Bluebook Rule 8 for further guidance. Examples: district court, president's advisory board, federal, District Court Judge Tom Jones, the South, southern, the Constitution, constitutional, American, Congress, congressional, Senator Smith, fifty senators, the State of Idaho, state action, Due Process Clause, Equal Protection. Note that "black" and "white" are lower-case when used to describe racial groups, but ethnic and religious groups are capitalized: Hispanic, African-American, Jewish, Catholic, Native American, Caucasian, Asian, Latino, Italian-American.
23. Subdivisions.
 - a. The largest subdivisions of JGSPL articles are Parts, which start with a Roman numeral and have title-case capitalization. JGSPL articles do not start the first part called "Introduction" with a Roman numeral. In addition, "Background", "Analysis," and "Conclusion" do not have Roman numerals. Examples: II. THE RIGHT TO EQUAL PROTECTION AGAINST LAWBREAKERS; see *infra* Part II.
 - b. The second-level subdivisions are Sections, which begin with a capital letter. Examples: A. No One Reads the Laws; see *supra* Section II.A.
 - c. The third-level subdivisions are Subsections, which begin with an Arabic numeral. Examples: 1. Banning Inadequate Settlements; see *infra* Subsection III.B.1.
 - d. A fourth-level subdivision exists, but should be used very sparingly. It begins with a lower-case letter and is not italicized. Self-reference should be to "Subsection." Examples: b. The Deposition Alternative; see *supra* Subsection IV.D.2.b
 - e. All subdivision headings have title-case capitalization (that is, all the words are capitalized except for articles and prepositions and conjunctions of four or fewer letters, see Bluebook Rule 8.

- f. As a general (aesthetic) rule, there should be at least a few sentences separating levels of headings. In other words, do not have a Section heading immediately after its Part heading with no text in between.
24. U.S. v. United States: U.S. is only used as an adjective, and always keep the periods when abbreviating U.S. When using a noun, write out “United States.” Examples: U.S. history.
But: History of the United States.

UPPER LEVEL WRITING REQUIREMENT INFORMATION

1. Purpose of Requirement

As a requirement for graduation from the Washington College of Law, all students must meet a minimum legal writing requirement after completion of the first year of legal study. The purpose of the upper-level writing requirement (ULWR) is to ensure that prior to graduation each student shall have demonstrated competency in legal research and writing by composing, under faculty supervision, a product that evidences qualities of legal scholarship, writing ability, and craftsmanship. Faculty supervision means faculty involvement in the selection of the topic and research plan, formation of the outline, review of the rough draft, and critique of the final draft after submission. Faculty includes members of the full-time and adjunct faculties.

Once a faculty member has undertaken to supervise a written work product, the student may not submit that product for review by another faculty member for any purposes without compelling circumstances being present in the view of both faculty members, and without their consent or that of their designees.

2. Fulfilling the Requirement

The ULWR may be satisfied by writing a single topic paper of not less than 30 pages in connection with a law school seminar or other law school activity of at least two credit hours, as long as it is prepared under faculty supervision. Textual footnotes which contain substantial legal analysis (i.e., such as are found in student scholarly journals) may count against the page length requirement only with the consent of the faculty member supervising the project. The 30 page minimum length may be varied when the supervising faculty member determines in the exercise of her or his discretion that exceptional circumstances exist which warrant such action.

Jointly written products are presumed not to meet the requirement in the absence of special justification, including the ability to separately identify the work product of the student seeking credit and an evaluation by a WCL faculty member that this portion of the joint product, standing alone, satisfies the ULWR. See III.A.2.a., *infra*, for special rules pertaining to interschool moot court briefs.

Fulfilling the requirement through a Seminar

If a particular course or seminar by which a student wishes to produce her or his ULWR will not satisfy the policy's page length standards, the student has three options:

Elect not to satisfy the ULWR through that course or seminar.

Elect to satisfy the ULRW by writing a paper that meets the 30-page requirement without seeking any extra credit for the work that exceeds the course or seminar requirement.

Elect to satisfy the ULWR and seek extra credit for the additional work by registering for an Independent Study Project and complying with the page length guidelines governing such projects (see separate policy statement for this law school program). For example, if the requirement for a course or seminar is a 20 page paper, and a student writes a 40-45 page paper, an additional hour of credit could be earned through an Independent Study Project by the addition of the 20- 25 pages to the original 20 pages. The number of credits applied for on the Independent Study Contract should list only the additional credits for the independent study, and must exclude the number of credits to be received through the seminar itself.

Fulfilling the Requirement through a Law School Journal

Student notes or comments which have been recommended for award of full credit by the appropriate editors of one of the four law school student scholarly journals are eligible for consideration for meeting the ULWR. If a student seeks to use written work on a journal to fulfill the ULWR, approval by a faculty member at the outset is mandatory; faculty members are prohibited from approving any writing project intended for journal submission that is first presented to the faculty member after it has been written. This approval must be reflected in a contract setting forth the proposed topic and timetable for the paper (see sample form 1).

It is expected that journal editorial staff will play a significant role in the development of the written work, as per requirements in each journal's policy manual. Over the course of the preparation of the paper, meetings must be held between the student and the editor to ensure a discourse and appropriate review. For each meeting, a synopsis of approximately one page must be prepared by the editor and signed by the student and the editor outlining the contents of the meeting, the suggestions made regarding the paper, and an updating of the timetable established for the completion of the paper. A copy of each report will be provided to the faculty member directly upon completion of the meeting.

Upon receipt of these reports, the faculty member may contact the student to discuss concerns regarding the paper.

Typically, this student/editor interaction should involve a meeting to discuss the selected topic, a meeting to critique the initial outline, a meeting to review a rough draft, and a meeting to review the final draft.

Suggested forms are attached. In order to fulfill this requirement, documented meetings addressing the topic, outline, rough draft, and final draft must occur.

At the conclusion of the journal's final review of the project, the faculty member should receive a copy of the final draft of the paper and a critique and analysis of the paper by the editor. Like the meeting summaries submitted throughout the course of the project, the critique is not intended as a grade but rather as an objective opinion of the editor regarding the paper.

The critique must state that the paper satisfies the journal's publishable quality requirement in order to meet the requirement that the ULWR be satisfied by a written work product produced in connection with a law school program weighted at 2 credit hours; journal staffers receive 2 credits for satisfying the publishable quality standard and performing a certain number of hours of work.

Upon receipt of these materials, a faculty member will review and evaluate the paper submitted by the students, and may: 1) accept the paper and certify that the standards of the ULWR have been met; 2) make recommendations for changes in a final draft by the students; 3) reject the paper as insufficient to satisfy the ULWR. Because the faculty member is only deciding whether the paper meets the ULWR, a negative decision by a faculty member does not prevent the journal for which it was produced from accepting it as meeting its publishable quality requirement and awarding academic credit without incorporating the changes required by the faculty member for the purposes of certifying compliance with the ULWR.

Assuming the paper is approved by the faculty member, s/he shall submit the standard one-page ULWR certification form to the Office of the Registrar. All other documentation regarding the paper and the oversight of the paper must be maintained by the student.

In the event the journal does not recommend that the student paper meets the journal's publishable quality standard, with the result that the student will not receive 2 hours of academic credit from the journal, the student may request the same faculty member to sponsor a 2-credit Independent Study Project and tender the note or comment in satisfaction of the written work product requirements of the project. The faculty member is not obligated to undertake sponsorship of such an Independent Study Project under any circumstances (and especially if the request is made in the student's last semester of law school when there may not be sufficient time for the faculty member to have an educationally appropriate impact on the development of the final work product). Further, the faculty member, in her or his discretion, may require the student to make any changes in the note or comment s/he feels are necessary and appropriate in order to permit her or him to award 2 hours of academic credit and certify compliance with the ULWR.

Fulfilling the Requirement Through a Journal's Long Write-On Competition

A student may also fulfill the ULWR through participation in a law school journal's Long Write-On Competition. Faculty supervision differs slightly from that outlined in the above section. In this instance, the faculty member and the student agree upon a topic, and the student then writes the long write-on article for the competition without faculty input. After the article is accepted by the journal, the sponsoring faculty member again becomes involved by receiving the outline meeting memo, rough draft meeting memo, etc., as described above. The faculty member can suggest changes retroactively as a condition of her/his willingness to certify compliance with the ULWR.

3. Nature of the Product

While the writing requirement may take the form of a traditional seminar paper, the product does not have to appear in a traditional form. Products evidencing qualities of legal scholarship and craftsmanship can range from highly abstract to eminently practical contributions. The product may emphasize a variety of skills, such as:

Problem Solving: The student may define a problem or a series of problems and propose and evaluate solutions using the processes of the law. This product could include opinion letters, analyses or drafts of proposed legislation, petitions for or comments on agency rule or the like.

Empirical Research: The student may undertake empirical research as a method of inquiry in to a legal problem and analyze the results, and have such writing considered for the requirement.

Legal Advocacy: Legal writing in the context of real or simulated litigation (i.e., advocacy courses, interschool moot court competitions, and clinical programs) may qualify only if it exhibits significant legal scholarship and analysis of complex subject matter, and otherwise satisfies all the requirements of the ULWR. For example, a trial brief which analyzes the legal and evidentiary issues of the litigation or memoranda and motions on complex or novel issues could qualify under this section.

Special Rules for Interschool Moot Court Briefs

An upper-level interschool moot court brief cannot satisfy the ULWR if the student has only written half of a 30-page brief and argued the case. The decision whether to approve a given moot court product for the ULWR is to be made on a case-by-case basis by the sponsoring faculty member.

As a matter of length, each student must submit a coherently written legal analysis of the issues for which s/he is responsible that satisfies the general length requirement. In practice, competition maximum brief length limitations will require that the student either present a 30-page draft brief covering her or his issues that has been carefully edited, or expand the final brief to satisfy the length requirement.

In addition, the quality and complexity of the legal analysis in the submitted work must be on the same level as that expected from any other item considered for the ULWR.

4. Criteria for Scholarly Quality

The requirement of a grade of C or better is to ensure that the written product demonstrates a minimum measure of scholarly quality. Scholarly quality is not measurable solely in terms of the number of hours devoted to the legal research or the number of pages of the final product. These objective measures, however, often may be an indication of the

student's seriousness of purpose, the useful learning hours devoted to the project, and the thoroughness of the final product. What is essential, is that the written product is informed and reflective; and, given the purpose of the project and the method(s) used, reflects appropriate legal craftsmanship. In sum, the final product should reflect a substantial commitment of time, effort, and thought, and should demonstrate competency in legal research and writing.

Students should be advised of the desirability of completing this requirement prior to their last semester of legal study in order to have sufficient opportunity to satisfy the scholarly quality component. Since all product submitted for ULWR certification must be produced under faculty supervision, which will assist the student in generating the necessary level of scholarly quality, sufficient time must be allowed in the opinion of the faculty for that supervision to occur. With the permission of the instructor, a student may be given an incomplete if the paper does not meet minimum requirements in order to provide an opportunity for additional research and writing to bring the paper up to the minimum level required for certification of compliance.

If the faculty member gives a paper a grade of A and, further, believes it is of high excellence and makes a substantial contribution which will be of value to others in the same field, the faculty member shall submit a copy of the paper for deposit in the WCL library. In addition, a letter signed by the Associate Dean for Student Affairs shall be placed in the student's permanent file with a copy to the student noting that the paper has been designated an outstanding paper and deposited in the library. To facilitate the administration of this section, a faculty member who certifies a paper as meeting these standards should forward a copy of the Certification of Compliance form to the Associate Dean, with the required signature allowing the law school to deposit the student's work in the library, in compliance with federal privacy laws, the original and a copy of the paper being given to the Registrar for transmission to the Pence Law Library.

5. Administration

Faculty teaching a course or seminar requiring a written paper that satisfies the ULWR shall so certify in writing to the Registrar's Office prior to advance registration for the course or seminar. In order to certify that a student has complied with the ULWR, the completed Certification of Compliance form must be submitted to the Registrar at the completion of the project. The form may be obtained from the Registrar's Office (suite 304) or the Student Affairs Office (suite 301).

For compliance other than with a course or seminar meeting the above requirement, the requirements of an Independent Study Project, Externship, or Field Component must be met. When the requirement is to be satisfied by any of these programs, it must be for a minimum of 2 credit hours. As a practical matter, the only way a written product produced through an Externship or Field Component activity can satisfy the ULWR is when the student is given a single topic assignment, such as a brief, court opinion, or the like, of sufficient complexity that it will require at least 30 pages of analytical text to address properly. It is not possible to

submit memos, draft briefs, opinion letters, etc., on different topics and add the pages together to reach the 30 page minimum requirement.