

April 3, 2017

Dear Prospective Law Journal Member:

Emory University School of Law is home to three print law journals: (1) the *Emory Bankruptcy Developments Journal*, (2) the *Emory International Law Review*, and (3) the *Emory Law Journal*; one online-only journal, the *Emory Corporate Governance and Accountability Review*; and one peer-reviewed journal, the *Journal of Law and Religion*. Emory's law journals select new candidates through a joint writing competition. Any first-year student may compete by writing a casenote in response to a packet of materials provided by the five journals and completing a *Bluebook* citation quiz. Each participant submits their casenote and citation quiz to each journal that they wish to join, along with a preference form ranking their interests in the five journals. Each journal then uses its own selection and grading process to select candidates.

This packet provides prospective journal members with important information regarding each of Emory's law journals and the Writing Competition. Please read the information carefully and retain your copy of this packet throughout the Writing Competition. You may e-mail questions to [writeonhelp2017@gmail.com](mailto:writeonhelp2017@gmail.com).

Law journal membership is a highly rewarding experience. We hope that each of you will enter the 2017 Writing Competition and seek membership in one of Emory's law journals.

Regards,

John Green  
Editor-in-Chief  
*Emory Bankruptcy  
Developments Journal*

Lorenia Lopez  
Editor-in-Chief  
*Emory Corporate  
Governance and  
Accountability Review*

Paul Steinig  
Editor-in-Chief  
*Emory International Law  
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*Journal of Law  
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## A Brief Overview of the Law Journals

The *Emory Bankruptcy Developments Journal (EBDJ)* seeks approximately thirty qualified students from the Class of 2019 for its Candidacy Program. Candidates for *EBDJ* are selected based on the strength of their performances in the Writing Competition and to a lesser extent on their law school grades. **Fulfills the upper-level writing requirement and Candidates receive academic credit for participation.**

The *Emory International Law Review (EILR)* seeks approximately thirty qualified students from the Class of 2019 for its Candidacy Program. Candidates for the *Emory International Law Review* are selected in two ways: (1) most candidates will be selected based on a combination of their scores in the Writing Competition and their law school grades, with the Writing Competition performance weighted twice as much as grades; (2) a very limited number of students whose academic standing ranks them in the top 10% of the first-year class may be extended invitations for *EILR* membership. **Fulfills the upper-level writing requirement and Candidates receive academic credit for participation.**

The *Emory Law Journal* seeks approximately thirty-five students from the Class of 2019 for its Candidacy Program. Candidates for the *Emory Law Journal* Board are selected in two ways. (1) Students whose academic standing ranks them as one of the top fourteen students in the first-year class will be offered candidacy on *Emory Law Journal*, **if they indicate it as their first choice.** In exceptional circumstances, a top-fourteen candidate may be denied candidacy upon a supermajority vote of the Executive Board. (2) Additional candidates will be selected on the basis of a weighted average: one-third grades and two-thirds performance in the Writing Competition. In certain circumstances, a student may be offered candidacy based solely on the quality of an exceptional casenote. **Fulfills the upper-level writing requirement and Candidates receive academic credit for participation.**

The *Emory Corporate Governance and Accountability Review* seeks approximately thirty qualified students from the Class of 2019 for its Candidacy Program. Candidates for the *Emory Corporate Governance and Accountability Review* are selected in two ways: (1) most candidates will be selected based on a combination of their scores in the Writing Competition and their law school grades, with the Writing Competition performance weighted twice as much as grades; and (2) a very limited number of students whose academic standing ranks them in the top 10% of the first-year class may be extended invitations for *ECGAR* membership. **Candidates receive academic credit for participation.**

The *Journal of Law and Religion* seeks 8–12 qualified students from the Class of 2019 as Staff Members. *JLR* selects its Staff Members through the write-on competition. The student editors and senior staff members of *JLR* make the selection decisions. **Staff Members will receive academic credit for their work on *JLR*. Participation with *JLR* also fulfills Emory's upper-level writing requirement.**

# *Emory Bankruptcy Developments Journal*

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

## **A LEADER IN BANKRUPTCY SCHOLARSHIP**

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

Many bankruptcy scholars, professionals and judges subscribe to *EBDJ*. As a result, the publication is frequently cited in judicial opinions. Notably, Justice John Paul Stevens of the United States Supreme Court cited an *EBDJ* student Comment written by Jodi F. Manko of the Class of 2005 (546 U.S. 459). Kaylynn Webb of the Class of 2017 had her *EBDJ* student Comment quoted by the Central District of California Bankruptcy Court.

## ***EBDJ* BENEFITS: MORE THAN BANKRUPTCY**

Bankruptcy scholarship necessarily addresses the interrelationship between the Bankruptcy Code and other areas of law. Writing about the Bankruptcy Code is the consistent foundation from which *EBDJ* members work. However, each member is encouraged to delve into other areas on which they are interested in writing. *EBDJ* members gain valuable knowledge researching and writing about diverse practice areas including religion, healthcare, and international law. Since individuals, businesses, and municipalities may file for bankruptcy relief, the range of subject matter from which a student can draw is very broad. Recent student Comments have focused on topics such as collective bargaining agreements, gay marriage, and educational expense deductions.

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

Students gain important statutory interpretation skills when studying the Bankruptcy Code. These skills are applicable to any federal or state statutory scheme. The skills gained include how to (1) effectively and accurately interpret statutory provisions; (2) understand and define the interrelationship of two or more provisions in the same statutory scheme; and (3) identify and apply the appropriate weight afforded to pre-Code case law. Important legal subjects such as

evidence, intellectual property, environmental, tax, and employment law are all based on important statutory codes analogous to the Bankruptcy Code.

*EBDJ* membership is worth the time and effort it demands. The research, writing, and editing responsibilities inherent in *EBDJ* membership provide Members with an invaluable educational and professional experience. Students whose work is published through *EBDJ* receive national exposure, providing them with enhanced professional opportunities. A number of Comments will be published in *EBDJ* each year with publication recognized as an outstanding credential for any law student beginning a legal career. Additionally, students will fulfill their upper-level writing requirement by writing a student Comment for *EBDJ*. Students will also have access to a wide range of bankruptcy practitioners at two annual events, the *EBDJ* Symposium and end-of-year Banquet, as well as other optional networking opportunities throughout the year.

### ***EBDJ'S CANDIDACY PROGRAM***

*EBDJ* membership entails a substantial commitment to the required tasks, including cite-checking assignments and the completion of a student Comment of publishable quality. Rising second-year students are invited to join *EBDJ* as Staff Members. Students who successfully complete the Staff Member year will be invited to join the *EBDJ* Editorial Board. A select few Staff Members will become members of the *EBDJ* Executive Editorial Board by election of the entire student membership.

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

- An *EBDJ* two-day orientation session and a series of seminars designed to assist the Staff Members during the research and initial writing process;
- Bankruptcy course during the 2L Fall semester;
- One student Comment of publishable quality written during the second year in law school; and
- Cite-checking assignments (referred to as “spading” and “Galleys”).

#### ***Enrolling in “Bankruptcy”***

*EBDJ* Staff Members are required to take the Bankruptcy course for academic credit in the fall semester of their second year. Staff Members are automatically enrolled in the fall semester Bankruptcy course so there is no need to pre-register for the course.

#### ***The Student Comment***

The article that each Staff Member writes during the second year of law school is called a “Comment.” This writing requirement is in addition to the Write-On Competition casenote submitted as a part of the journal membership application. Successful completion of the Comment is a prerequisite for elevation to the Editorial Board and simultaneously satisfies the upper-level law school writing requirement. The Editorial Board will then select the best Comments for publication in the following year’s issues of *EBDJ*. The number of student Comments published varies from year to year. In 2017, approximately twelve student Comments were selected for publication.

### ***Cite-Checking***

Each article chosen for publication in *EBDJ* is subjected to a rigorous examination for substantive and technical accuracy. This process is colloquially known as “spading.” Spading requires the Staff Member to gather original copies of every authority cited by the author to verify the accuracy and interpretation of all legal principles noted in the article. Verification of correct *Bluebook* form in each footnote is a vital part of preparing the article for publication. Spading also entails editing the body of the articles, which includes making grammatical corrections and editorial suggestions.

### ***Galleys***

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

### ***Moot Court and Mock Trial***

*EBDJ* Candidates may not participate on Moot Court or Mock Trial.

### ***Academic Credit***

Staff Members and Editorial Board Members receive academic credit for their participation on the *Emory Bankruptcy Developments Journal*. Staff Members are eligible for two hours of graded credit in the spring of their 2L year. Members of the Editorial Board are eligible for two hours of pass/fail credit in the spring of their 3L year. Journal credit is counted toward the member's credits for graduation, but does not count toward the Emory University minimum semester requirement. Students will therefore still be required to maintain a minimum of twelve hours of academic credit in addition to *EBDJ* membership to be considered a full-time student.

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

### ***Deadlines***

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

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

### ***Quality of Work Product***

The Editorial Board will review the accuracy and thoroughness of each Staff Member's work. Cursory, careless, or otherwise incomplete spading or Comment submissions will be returned to the candidate for satisfactory completion. Such deficiencies will be noted in that Staff Member's

performance. Dismissal from the *Emory Bankruptcy Developments Journal* may result if the problem persists. *EBDJ*'s reputation is dependent upon quality work.

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

### ***Professional Conduct Code***

All students participating in the Write-On Competition who are seeking a Staff Member position on *EBDJ* must comply with the Emory Law School Professional Conduct Code.

## **HOW ARE *EBDJ* STAFF MEMBERS SELECTED?**

*EBDJ* selects members each year from participants in the Writing Competition. *EBDJ* Editorial Board Members will judge casenotes submitted in accordance with the rules of the Competition. Several Board Members, including at least one Executive Board Member, will read and grade each anonymous casenote and *Bluebook* quiz. Casenotes will be evaluated on the basis of clarity of writing, analysis, and proper citation formats.

Submissions will be identified by student identification numbers only; no names will appear on the submissions. Including any identifying information other than your student identification number will result in automatic disqualification from the Writing Competition.

By participating in the competition, a student is deemed to have granted permission to the Dean's Office to release his or her grades for examination by the Executive Board. Exceptional submissions may be scored without regard to grades.

*EBDJ* will call candidates to offer an invitation to join *EBDJ* as soon as possible after grades are released and Competition papers are graded. *EBDJ* will notify all participants concurrently with other journals. The journals anticipate making offers sometime in July.

### ***Annual Fee***

Each Candidate and Member of the Editorial Board will be assessed an annual fee, to be determined at a later date. Dues may be waived by the Editor-in-Chief.

# *Emory Corporate Governance & Accountability Review*

*Emory Corporate Governance and Accountability Review (ECGAR)* is Emory's first student-run journal in 30 years. Focusing on the relationships between corporations and society, *ECGAR* encompasses a range of corporate law topics including corporate political involvement, white-collar crime, securities regulations, and a plethora of other topics under the corporate umbrella. Designed to compete in the modern digital age, *ECGAR* is exclusively an online publication. *ECGAR* publications range from short perspectives to traditional law journal articles.

## **WHY ECGAR?**

*ECGAR* is thrilled to welcome new Candidates! This is an exciting time that will shape the future of the Journal. *ECGAR* is a young journal with a determined and dedicated Executive Board that is committed to helping Candidates succeed and become active Members. The 2017-2018 Executive Board is working hard to ensure that the Journal prospers and provides its Candidates with all of the necessary tools to succeed. *ECGAR* enables students to gain experience and knowledge in the broad areas of corporate and business law. While the name implies that *ECGAR* only delves into governance and accountability matters, *ECGAR* topics are not narrowly tailored; the journal explores a wide array of matters.

***Publication Opportunities:*** *ECGAR*'s commitment to addressing current business and corporate governance issues requires students to produce multiple pieces during their 2L year. The increased writing product produced furnishes Candidates with a greater opportunity to have their work published. In addition, *ECGAR*'s online publication medium provides Candidates with a broader and more diverse audience for their published works than traditional print law journals.

***Interview Opportunities:*** *ECGAR*'s varied online presence affords candidates a unique opportunity to conduct recorded interviews with practitioners. This allows candidates to establish a working relationship with attorneys, who Candidates can later reach out to for mentorship or employment opportunities. The interviews also enable candidates to develop their knowledge in an area of the law that is of particular interest to them while simultaneously diversifying their skill sets.

## **SELECTION PROCESS**

Every case note is anonymously read and graded by at least three members of *ECGAR*. Additional assessment is made by the Editor-in-Chief and the Executive Articles and Essays Editor. The faculty is not involved. Readers assess casenotes for accuracy and completeness of legal discussion, quality of legal analysis, clarity of expression, legal citation, grammar, mechanics, and style.

By submitting a casenote to the competition, students grant permission to the Emory Law School Registrar to release their grades to *ECGAR*'s Editor-in-Chief, Executive Articles and Essays Editor, and Executive Articles Editor. By accepting an offer from *ECGAR*, Candidates agree that they will not participate in Moot Court or in Mock Trial during their candidacy (2L) year. *ECGAR* will notify all Candidates of invitations to join as soon as possible.

## CANDIDACY REQUIREMENTS

***Expectations and Responsibilities of Candidates:*** ECGAR candidacy is a rigorous and time intensive commitment. Candidates are responsible for the timely completion of all writing assignments by the associated deadlines. Although extensions may be granted under extenuating circumstances, such extensions are at the Editor-in-Chief's discretion and should not be relied upon by Candidates. Candidates are expected to be able to balance their ECGAR work and, candidacy requirements with all other outside commitments.

ECGAR expects writing and editing work of publishable quality from its Candidates. Students who are invited to join ECGAR as Candidates are not guaranteed to maintain this status. A student's candidacy status is contingent on completion of all requirements to the satisfaction of ECGAR's Executive Board. Candidates will be required to attend an orientation meeting, as well as all other scheduled meetings throughout the year. A Candidate's failure or inability to complete all responsibilities will result in dismissal from ECGAR.

***Elevation:*** Rising second-year students are invited to join ECGAR as Staff Members. Students who successfully complete the Staff Member year will be invited to join the ECGAR Editorial Board. A select few Staff Members will become members of the Executive Board by election of the entire student membership.

***Writing Requirements:*** Candidates are expected to produce three (3) publishable quality pieces during their 2L year. These pieces will consist of two (2) perspectives and one (1) comment. Candidates are also expected to actively participate in the publication process by completing all assigned spading. Candidates will be required to meet with the LexisNexis representative during the first semester of their 2L year to begin planning comment topics.

***Spading:*** A substantive and technical examination of footnote accuracy is paramount to preserve the reputation of any journal. This process is known as "spading." Spading assignments are an important aspect of the candidacy requirements. Candidates are expected to spade outside submissions to the journal, in addition to fellow Candidate's submissions. The spading process includes: (1) verification of all citations to ensure they are in proper *BlueBook* form (2) ensuring that propositions are supported by the corresponding footnote, and (3) cursory editing of submissions.

***Interview Requirement:*** Candidates are required to meet the interview requirement during their 2L year. This can be accomplished in two ways: (1) by creating interview questions, contacting a practitioner, and conducting a recorded interview, or (2) by creating a list of interview questions on a topic determined by the Editor-in-Chief. If the Candidate chooses the second option, the questions may be used by another Candidate or Member to interview a practitioner.

## ADDITIONAL INFORMATION

***Deadlines:*** The Editor-in-Chief will set deadlines for member perspectives, comments, and spading assignments. Failure to meet deadlines will be noted as a deficiency in the Candidate's performance, cause the Candidate to incur points, and unexcused delays may result in dismissal from the Candidacy Program.

**Academic Credit:** Members receive academic credit for their participation in *ECGAR*. Members are eligible for two units of pass/fail credit during the spring semester of their 3L year. Candidates have the option to build upon one of their *ECGAR* writing assignments with a directed research paper to be eligible to receive two units of graded credit, and fulfill their writing requirement in the spring of their 2L year.

**Annual Fees:** Each member of *ECGAR* will be charged an annual fee which will be determined at a later date. Dues may be waived by the Editor-in-Chief for those candidates with a financial hardship.

**Orientation and Training:** Incoming *ECGAR* Candidates must attend an orientation program, which will commence at the outset of the fall semester. Additionally, Candidates will be required to attend training seminars at the beginning of the academic year that will familiarize them with *ECGAR* procedures and teach editing, research, and writing skills.

**Disciplinary Procedures:** *ECGAR* follows a full disciplinary code, with penalties up to and including expulsion from the Journal. The system is based on points that are assigned for various failures including but not limited to: the Candidate's failure to meet a deadline, failure to attend a meeting, or an unsatisfactory work product. The point system will be further explained during orientation.

**Mock Trial and Moot Court:** *ECGAR* Candidates may not participate on Moot Court or Mock Trial.

**General Expectations:** The *ECGAR* Candidacy Program is a rigorous process. No student who is invited to join is ensured Membership; it is dependent on completion of all requirements to the satisfaction of the Executive Board. A "good faith" effort is not sufficient to meet these standards. Candidates must meet their training, spading and editing, and writing responsibilities concurrently with the demands of class work, the interviewing season, part-time jobs, and any other activities in which the student may be engaged.

## *Emory International Law Review*

The *Emory International Law Review* enjoys an international reputation as a leader in international legal scholarship. *EILR* publishes articles and essays submitted by scholars, professionals, and students from around the world on a vast array of topics ranging from human rights to international arbitration and international intellectual property. *EILR*'s reputation has flourished due to the concerted efforts of past Editorial Boards to focus individual editions on important and pertinent topics in international law. For example, several years ago, *EILR* published a 700-page special issue on freedom of religion in Russia. Several hundred copies were flown to Russia on Air Force 2 and distributed to members of the Russian Parliament. In the last few years, *EILR* has featured articles on women's health, patent and trade agreements in the global fight against HIV/AIDS, the sixtieth anniversary of the Universal Declaration of Human Rights, appropriate venues for prosecuting detainees in the so-called War on Terror, international legal responses to natural disasters, and the tenth anniversary of the International Criminal Court. By publishing articles and commentaries by Jimmy Carter, Mikhail Gorbachev, Desmond Tutu, Boutros Boutros-Ghali, and Shirin Ebadi, *EILR* has become a destination for high-profile discussion of pressing international law topics.

*EILR* is edited entirely by students and is known for excellence in scholarship, legal research, analysis, and professionalism in the publication process. The growth of *EILR* and the enthusiasm of its members reflect the increasing significance of international law at Emory Law School and in the legal field. In addition to collaborating regularly with Emory Law School's stellar international law faculty and the Emory International Humanitarian Law Clinic, *EILR* is especially fortunate to have worked closely over the years with The Carter Center, Justice Buerghenthal of the International Court of Justice, international law firms based in Atlanta and around the country, and numerous other international organizations. *EILR* also hosts an annual Symposium that presents professional perspectives on contemporary international legal issues. In 2017, *EILR*'s Symposium featured a discussion on Brexit's economic and social implications internationally. In addition, *EILR* is developing a tradition of publishing a themed issue each year, with topics ranging from women in international law to Peace and Conflict Resolution in Syria.

### SELECTION OF CANDIDATES

*EILR* will extend approximately **thirty invitations** for candidacy in any given year. *EILR* may extend invitations for candidacy to a maximum of ten rising second-year students who rank in the top 10% of their class and include *EILR* in their online preference forms. *EILR* selects rising second-year students, who do not grade-on, on the basis of their results in the Writing Competition. Writing Competition casenotes will be anonymously judged by the Editorial Board of *EILR*. Casenotes, and all other materials submitted for review, will be identified solely by student identification number. Each submission will be graded by at least three members of the *EILR* Editorial Board. Evaluation will focus on legal analysis, proper *Bluebook* form, style, and organization. The due date is final, and no extensions will be granted. The casenote and accompanying *Bluebook* citation quiz typically make up two-thirds of a student's overall score; the other one-third will be the student's cumulative law school grade point average. However, **the Editorial Board of *EILR* reserves the right to disregard grades altogether and extend**

**invitations to individuals who write an especially impressive casenote.** The Board will notify prospective candidates by phone as soon after the grading process as possible.

## **RESPONSIBILITIES AS CANDIDATES FOR THE BOARD OF *EILR***

*EILR* candidacy requires a *significant* amount of time and energy and a *strong commitment* to hard work and excellence. Candidates play an integral role in the publication of each *EILR* issue by thoroughly “spading” (cite-checking and editing) articles and proof reading “galleys” (proofs from the publisher). In addition to spading and galleying assignments, candidates are required to write a Comment of publishable quality on a novel issue or aspect of international law.

### ***Participation in the Publication Process***

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

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

### ***Deadlines***

*EILR* has recently transitioned from a two- to a four-issue volume in order to increase the quality of published content. As a result, *EILR* must follow a strict publication schedule to publish two issues in the fall and two in the spring. *EILR*’s ability to meet publication deadlines is highly dependent on the hard work and timeliness of all Candidates. The Editor-in-Chief and the Executive Notes and Comments Editor set deadlines for students’ Comments. The Editor-in-Chief also sets deadlines for spading and galleys. Failure to meet deadlines will be noted as a deficiency in the Candidate’s performance and may result in disciplinary action.

### ***Writing Requirement***

*EILR* is well known for the strength of its student Comments. Second-year candidates must submit a Comment of publishable quality on a novel issue or aspect of international law. All Candidates must submit final Comment drafts for purposes of elevation, and the Executive Board will select several student Comments for publication in future *EILR* issues based upon their

timeliness and overall quality. The Executive Board does not choose a set number of Comments for publication. Ten Comments were chosen for publication from the most recent round of Comment submissions.

Candidates will work closely with members of the Board and faculty advisors in choosing their topics and producing a Comment of publishable quality. There are myriad international topics to explore. Nearly every area of domestic law has an international correlate. Comments in past years have probed such diverse subjects as international regulatory schemes, terrorism, missile defense systems, immigration law, citizenship issues, jurisdictional issues, admiralty and the law of the sea, government expropriations, international criminal law, international intellectual property, human rights, environmental law, international business transactions, LGBT rights and gay marriage in the European Union, treaty and trade agreements, and international dispute resolution. Successful completion of the Comment satisfies the upper-level writing requirement.

### ***Course Requirement***

In addition to the above-mentioned responsibilities, candidates are **required to enroll in International Law in the fall of their second year** if they have not yet taken it. This three-credit course requirement provides students with an overview of international law issues, which will prove invaluable in the completion of their other candidacy requirements.

### ***Academic Credit***

All second-year students who accept invitations for candidacy will receive **two graded course credits in the spring semester of their candidacy year** for work on their Comment. Third-year Board members who fulfill their editorial obligations are eligible for two hours of pass/fail credit in the spring of their third year. Thus, students may receive a total of four credits over the course of their involvement on *EILR*. The extension or withholding of academic credit in the third year is within the sole discretion of the Editor-in-Chief of *EILR*. Withholding of academic credit will be made in cases where an *EILR* member fails to meet the journal's workload requirements.

### ***Elevation and Election to the Executive Editorial Board***

Upon successfully completing the spading, galleying, Comment, and course requirements, candidates are elevated to the *EILR* Editorial Board at the end of their 2L year. A candidate who fails to meet all of these requirements is subject to dismissal from the journal. Accuracy, timeliness, and thoroughness are taken very seriously in the evaluation of candidates. Candidates also may be elected to the Executive Editorial Board based on the quality of their Comment and the accuracy and timeliness of completing their spading and galleying assignments. Overall, the candidacy experience is both demanding and richly rewarding.

### ***Moot Court and Mock Trial***

*EILR* candidates may not participate in Moot Court or Mock Trial.

### ***Annual Fees***

Each Candidate and Member of the Editorial Board will be assessed an annual fee, to be determined at a later date. The Candidate fee for the 2016–2017 academic year was \$150. Dues may be waived by the Editor in Chief for those candidates with a financial hardship.

## WHY JOIN THE *EMORY INTERNATIONAL LAW REVIEW*?

*EILR* is thrilled to welcome the next round of second year candidates to the law review. International law is not only a rapidly expanding field of study, but international issues now pervade almost every area of the law. It is increasingly likely that lawyers working in transactions, litigation, public interest, or any other aspect of the legal field will encounter issues of international law. The lawyers on the cutting edge today are those with backgrounds and exposure to international law.

*EILR* is an invaluable opportunity to gain this exposure to international law. *EILR* candidates are exposed to the vast array of sources used in the international legal field, from treaties and United Nations documents to international arbitration agreements and foreign case law. Through spading and research for Comments, candidates also have the opportunity to learn about cutting edge issues in international law. Simply being able to identify, locate, read, and understand these sources of international law are valuable skills that candidates are uniquely positioned to acquire through their work with *EILR*. However, *EILR* candidates acquire not only these basic skills, but also learn to analyze and critique international legal sources and scholarship in international law. For these reasons, *EILR* candidacy is highly regarded by prospective employers. International organizations and firms find participation on an international law journal to be an essential experience for potential employees. Law review membership is also critical for consideration for judicial clerkships. Furthermore, the essential skills—effective research, legal analysis, writing, and editing—are invaluable to any legal career. Prospective employers value the practical experience offered by law review membership, and thus rank law review experience high among selection criteria for summer associate positions.

*EILR* members enjoy the special distinction of contributing to an exciting and rapidly developing area of study, which is marked by swift change and increasing prominence. Indeed, an understanding of international law is often a prerequisite to a successful career in such areas as corporate, environmental, and tax law. Furthermore, a published student Comment receives wide exposure and greatly enhances professional opportunities at an international level.

*EILR* candidates also benefit from joining an organization of accomplished and dedicated students. The *EILR* Editorial Board is not only dedicated to publishing an exceptional law review; we are also committed to creating a welcoming and collegial environment for our Candidates. *EILR* Editorial Board members will serve as mentors and, we hope, friends to our Candidates. Candidates will have the opportunity to benefit from the skills and experience of the Editorial Board members, both in the publication field and in the larger world. The *Emory International Law Review* encourages all first-year students to participate in the Writing Competition. We look forward to working with you.

# *Emory Law Journal*

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

The functions of the *Emory Law Journal* are threefold: (1) to foster excellence in legal research, writing, analysis, and editing; (2) to provide the legal community with reliable and thoughtful commentary on new developments and trends in the law; and (3) to enhance the reputation of the Emory University School of Law.

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

## **WHY JOIN THE EMORY LAW JOURNAL?**

The *Emory Law Journal* Editorial Board is delighted at the prospect of welcoming the class of 2019. We are confident our new Candidates will find their experience on the *Journal* both challenging and rewarding. It is an honor to be a part of such a high-quality scholarly publication and a privilege to work in the company of students with such talent and dedication.

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

The Editorial Board extends a cordial and sincere invitation to each rising second-year student to enter the Writing Competition. We strongly encourage you to take the Write-On process

seriously and to produce your finest work. We look forward to reading your casenotes and to working with the new Candidates next fall.

### SELECTION OF CANDIDATES

The Board will offer Candidacies to students whose cumulative class rank places them within the top fourteen students in the first-year class, **provided that they have ranked the *Emory Law Journal* first on the submission form.** In exceptional circumstances, the *Journal* may deny candidacy to a top-fourteen student upon a super-majority vote by its Executive Board.

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

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

By submitting a casenote to the competition, students grant permission to the Emory Law School Registrar to release their grades to the *Journal's* Executive Notes and Comments Editor and Editor-in-Chief. By accepting an offer of *Emory Law Journal* candidacy, students agree that they will not participate in Moot Court or in Mock Trial during their candidacy (2L) year. The *Emory Law Journal* will notify all Candidates of invitations to join the *Journal* as soon as possible.

### THE CANDIDACY PROGRAM

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

#### ***Orientation and Training***

Incoming *Emory Law Journal* Candidates must attend an orientation program, which will be held in August 2017 at the outset of the fall semester. The orientation program will familiarize the Candidates with *Journal* procedures and teach valuable editing, research, and writing skills.

#### ***Comment***

Each Candidate must write a Comment of publishable quality during the second year of law school. Candidates are given broad latitude to choose their subject area, but they must write on a topic that is noteworthy, substantial, and manageable, with an approach that offers a novel contribution to legal scholarship. A finished product will be a well-researched, well-written work of legal scholarship. Each Candidate will choose a faculty advisor and will be assigned a Notes

and Comments Editor to help guide them through the comment-writing process. The Editor in Chief, Executive Notes and Comments Editor, and Executive Articles Editor will choose approximately twelve completed student Comments for publication in future issues of the *Emory Law Journal*. The *Journal* also offers special prizes for the two most outstanding student Comments written by *Emory Law Journal* Candidates: the Mary Laura “Chee” Davis Award for Writing Excellence and the Myron Penn Laughlin Award for Excellence in Legal Research and Writing.

### ***Spading and Editing***

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

### ***Symposium***

Each spring the *Emory Law Journal* hosts the Randolph W. Throver Symposium, at which prominent legal scholars convene to present and discuss their work in a key area of law. Recent symposia have addressed topics as diverse as federalism, legal science, and the practice of law in public health emergencies. Each Candidate must attend the symposium and provide assistance as coordinated by the Executive Symposium Editor.

## **ADDITIONAL DETAILS & CAVEATS**

### ***Deadlines***

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

### ***Spading and Editing***

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

### ***Professional Conduct Code***

Every *Emory Law Journal* Member, Candidate, and Writing Competition Participant must comply with the Emory Law School Professional Conduct Code. Failure to comply with the Code may result in dismissal from consideration for candidacy for the Board and or dismissal from the Candidacy Program.

### ***Academic Credit***

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

### ***Annual Fee***

Each Candidate and Member of the Editorial Board will be assessed an annual fee, to be determined at a later date. The fee for the 2016–17 academic year was \$150. Dues may be waived by the Editor-in-Chief for those candidates with a financial hardship.

### ***Moot Court and Mock Trial***

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

### ***Disciplinary Procedures***

The *Emory Law Journal* follows a full disciplinary code, with penalties up to and including expulsion from the *Journal*. Each Candidate is advised to read the *Journal's* Bylaws to become thoroughly familiar with the *Journal's* procedures.

### ***Expectations for Excellence***

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

## *Journal of Law and Religion*

The *Journal of Law and Religion* is the oldest and most distinguished journal publishing in the field of law and religion. For twenty-eight years, *JLR* was independently edited by a consortium of scholars and published with the support of Hamline University. In 2013, *JLR* moved to Emory University where it is edited by the Center for the Study of Law and Religion and published in collaboration with Cambridge University Press.

The *Journal of Law and Religion* is a faculty-edited, interdisciplinary, and peer-reviewed journal. Editorial policy and decisions are made by the Co-editors: Silas W. Allard, Michael J. Broyde, M. Christian Green, Michael J. Perry, and John Witte, Jr. The Managing Editor, Silas W. Allard, runs the daily operations of *JLR*. The Book Review Editor, M. Christian Green, and the Associate Book Review Editors, Hina Azam and Justin J. Latterell, develop book review content. *JLR* publishes the best scholarship from authors in law, theology, religious studies, philosophy, political science, sociology, anthropology, and other disciplines analyzing important issues at the intersection of law and religion. All articles for *JLR* undergo a rigorous peer review process before being considered for publication. The Co-editors make final publication decisions.

The *Journal of Law and Religion* publishes cutting-edge research on religion, human rights, and religious freedom; religion-state relations; religious sources and dimensions of public, private, penal, and procedural law; religious legal systems and their place in secular law; theological jurisprudence; political theology; legal and religious ethics; and more. *JLR* provides a distinguished forum for deep dialogue among Buddhist, Confucian, Christian, Hindu, Indigenous, Jewish, Muslim, and other faith traditions about fundamental questions of law, society, and politics.

Participation on the *Journal of Law and Religion* is an opportunity to work closely with some of the best faculty in the field of law and religion in advancing cutting-edge scholarship in this field. Engaging the interdisciplinary scholarship published in *JLR* is an opportunity to deepen your understanding of religion and the law, as well as improve your analytical capacities by thinking outside of disciplinary boundaries. By working on a faculty-run journal of international prominence you will benefit from the experience and expertise of the faculty editors.

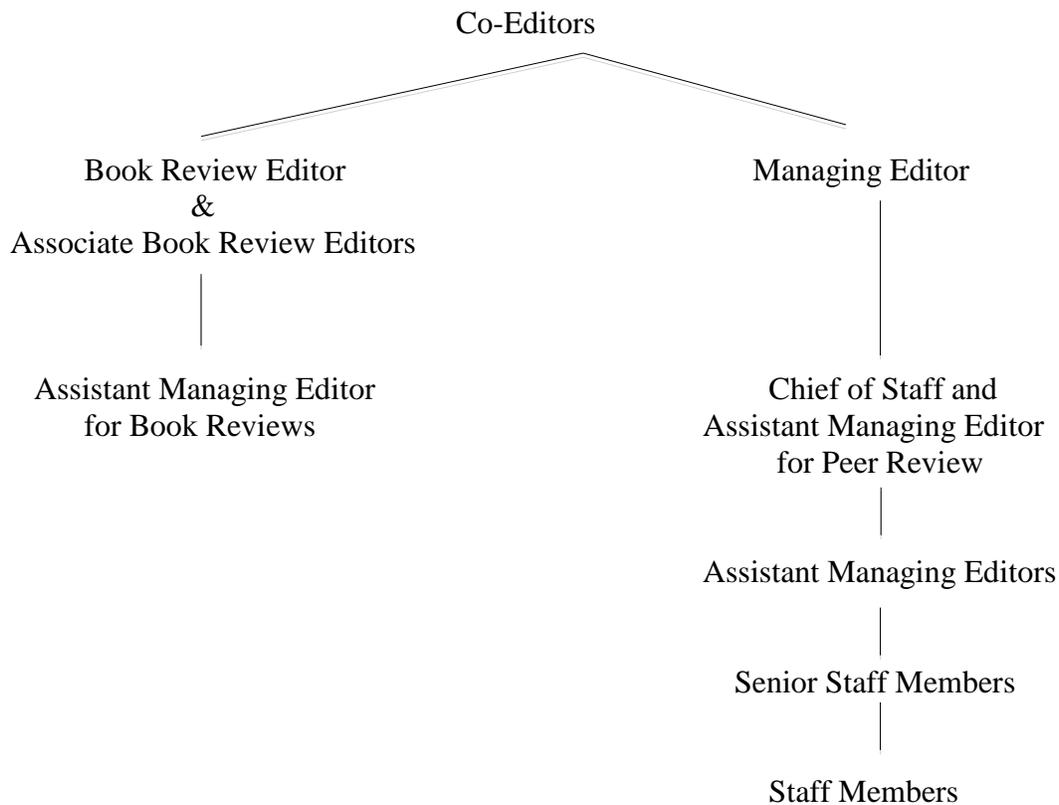
### **SELECTION OF STAFF MEMBERS**

*JLR* will extend **eight to twelve invitations** to join the editorial staff in any given year. *JLR* makes its selection decisions based on the applicant's performance in **the write-on competition**. *JLR* does not have a "grade-on" option; all students wishing to be considered by *JLR* must participate in the write-on competition. Offers to join the Editorial Staff of *JLR* will be made concurrently with offers from the other Emory journals.

### **EDITORIAL STRUCTURE OF *JLR***

As a faculty-run journal, all final editorial decisions rest with the Co-editors. The decisions of the Co-editors are implemented by the Managing Editor. The Editorial Staff works under the

direction of the Chief of Staff, who reports to the Managing Editor. Students in their first year of participation are considered Staff Members. Upon satisfactory completion of their responsibilities as Staff Members, including completion of all editing assignments and the comment, discussed below, the Co-editors will promote Staff Members to Senior Staff Members for their second year of participation. Staff Members may also apply to become Assistant Managing Editors during their second year. The Co-editors will fill the Assistant Managing Editor positions based on how Staff Members perform in editing and writing during their first year of participation. The responsibilities of Staff Members, Senior Staff Members, and Assistant Managing Editors are explained below.



## RESPONSIBILITIES

### *Staff Members*

Staff Members are integral to the publication of *JLR* and to ensuring that the scholarship published is accurate and of the highest quality. Staff Members “spade” all content published in *JLR* by cite-checking and proposition-checking the author’s work. Staff Members may also work with their fellow Staff Members to proof one another’s editing work.

Staff Members also write an article quality manuscript, or comment, on a subject of law and religion, under the direction of a Faculty Advisor. Staff Member manuscripts must conform to the standards of the Emory Law Upper Level Writing Requirement. The Faculty Advisor, a

Senior Staff Member, and the Assistant Managing Editor for Comments will all assist the Staff Member in choosing a topic, as well as provide mentoring and guidance during the writing process. Student manuscripts are considered for online publication through *JLR*'s "comments section." Particularly excellent student manuscripts may be recommended for peer review and, if chosen for publication following peer review, will appear as refereed articles in both the print and online versions of *JLR*. The peer review process is rigorous and all refereed articles, including student publications, must meet the high standards of *JLR*.

### *Senior Staff Members*

Senior Staff Members supervise and review Staff Members' editorial work. Each Senior Staff member will have direct supervision over 2–3 Staff Members, and will ensure that the editorial work done by those Staff Members is accurate and complete before sending it to the Assistant Managing Editor for Spading.

Senior Staff Members also serve as mentors in the writing process. Senior Staff Members will work alongside the Faculty Advisor to assist Staff Members in choosing a topic, developing an outline, and critiquing drafts.

Senior Staff Members may write short (400–500 word) reviews of books for the Bookshelf section.

### *Assistant Managing Editors*

*JLR* has five Assistant Managing Editor positions, each of which works closely with the Managing Editor or Book Review Editor and Associate Book Review Editors on a particular aspect of the journal.

1. The Assistant Managing Editor for Peer Review oversees all article submissions to *JLR*, works with the Co-editors on the internal review process, sends articles for peer review, and assists the Managing Editor in preparing decision recommendations for the Co-editors. The AME for Peer Review also serves as Chief of Staff and is responsible for coordinating all aspects of the journal that involve student work, namely spading and comment writing. As Chief of Staff, the AME for Peer Review works closely with the other AMEs to ensure proper supervision, on time production, and overall quality of *JLR* issues.
2. The Assistant Managing Editor for Spading oversees spading. The AME for Spading works with the Chief of Staff to set the editing schedule, establish deadlines, and make assignments. The AME for Spading also responds to questions from Staff Members and Senior Staff Members about style and usage, monitors progress, and maintains the manuscript files. The AME for Spading coordinates the four AMEs in their collective editing duties described below.
3. The Assistant Managing Editor for Comments oversees the comment writing process. The AME for Comments sets deadlines in coordination with the Chief of Staff, works closely with students to develop topics, coordinates the comment advising of Senior Staff Members, provides feedback on comment drafts, and ensures that deadlines are met.

4. The Assistant Managing Editor for Book Reviews works with the Book Review Editor and Associate Book Review Editors to compile the list of books for review, identify potential reviewers, communicate with reviewers, and edit book reviews when they are submitted.
5. The AME for Special Content reports directly to *JLR*'s Special Content Editor. The AME for Special Content is responsible for inviting scholars to contribute to special editions of the journal, such as symposium editions on specific topics within the field of law and religion. The AME for Special Content also helps develop the journal's online content, such as blog entries, and oversees the student publication process. Lastly, the AME for Special Content assists the Chief of Staff in planning social events for the *JLR* staff and Co-Editors.

## **FURTHER DETAILS**

### *Required Course*

To familiarize *JLR* staff with the interdisciplinary scholarship that *JLR* publishes, and to prepare staff to write a comment that engages the field of law and religion, all incoming staff members are **required** to take Law and Religion: Theories, Methods, and Approaches during the fall semester. Students will be enrolled in the course automatically after being selected for *JLR*.

### *Academic Credit*

Students are eligible for academic credit for their work on *JLR*. Staff Members will receive 2 graded credits in the second semester of their 2L year. Senior Staff Members and Assistant Managing Editors will receive 2 pass/fail credits in the second semester of their 3L year.

### *Moot Court Society/Mock Trial Society*

*JLR* Editorial Staff are not eligible to participate in the Moot Court Society or Mock Trial Society, but are encouraged to participate on Emory's Law & Religion Moot Court Team.

## Writing Competition Procedures

This competition is open to all members of the Emory University School of Law who completed the first year of law school in the academic year 2016–2017. A student may enter the Writing Competition only at the end of his or her first year of law school. Any student currently enrolled in a joint degree program, or on a wait-list to become a joint-degree candidate, must indicate this status on the online submission form.

### Competition Periods

#### Period #1: Monday, May 1, 2017 – Friday, May 12, 2017

##### *Participants*

All current first-year students are required to participate during Writing Competition Period #1 unless they are working as a 1L Facilitator for the Emory Trial Techniques Program.

##### *Writing Competition Packets*

Students participating in Writing Competition Period #1 will be emailed the packet containing the casenote topic and citation quiz on Monday, May 1, 2017 at 9:00 a.m. EDT.

Students are allowed twelve (12) days to complete the Writing Competition. The casenote and citation quiz are due at 12:00 p.m. EDT on Friday, May 12, 2017. **Any casenote or citation quiz submitted after the Noon (12:00 p.m. EDT) deadline on Friday, May 12, 2017 will NOT be considered.** Plan ahead so you have time to submit your casenote and citation quiz by Noon (12:00 p.m. EDT).

#### Period #2: Monday, May 8, 2017 – Friday, May 19, 2017

##### *Participants*

Emory Trial Techniques 1L Facilitators are eligible to participate during Writing Competition Period #2. Students helping with Trial Techniques who wish to participate in Period #2 must so indicate when they sign up for the write-on using the Google doc referenced above.

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

##### *Writing Competition Packets*

Students participating in Writing Competition Period #2 will be emailed the packet containing the casenote topic and supporting sources on Monday, May 11, 2015 at 9:00 a.m. EDT.

Students are allowed twelve (12) days to complete the Writing Competition. The casenote is due at Noon (12:00 p.m. EDT) on Friday, May 19, 2017. **Any casenote submitted after the Noon (12:00 p.m. EDT) deadline on Friday, May 19, 2017 will NOT be considered.**

## THE RESEARCH PACKET

*Check your Research Packet for missing pages and materials immediately after receiving it.* The packet will contain a catalog listing all materials that should be contained in the packet.

## FINANCIAL ASSISTANCE

The Journals are aware that the expense of printing the Write-On Competition packet may be burdensome for some students. It is our goal to prevent the cost from being a barrier to participation in the Write-On Competition. If a student is unable to print a copy of the packet due to the cost, the student should contact Rhonda Heermans to discuss the situation. Rhonda's contact information is provided below.

Rhonda Heermans

rhonda.heermans@emory.edu

Senior Staff Editor

404.727. 1842

## CASENOTE ETHICAL REQUIREMENTS

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

### ***Independent Research is Strictly Prohibited***

This is a **closed library competition**. The selected case materials will be made available in the Writing Competition Research Packet. In addition to the main case, you will receive related cases to be used in writing your casenote. These materials, plus *The Bluebook: A Uniform Style of Citation*, *Black's Law Dictionary*, *University of Chicago Manual of Style*, and *Webster's New International Dictionary* (or a general usage dictionary of your choice) are the **only** materials that may be used when writing your casenote. Please note that Emory provides electronic access to the *University of Chicago Manual of Style* through EUCLID.

### ***Professional Conduct Code***

Students are required to work **independently** throughout the Writing Competition. Each individual who submits an entry to the Writing Competition is subject to the Emory University School of Law Professional Conduct Code. Students may not discuss the Writing Competition, the casenote, or the citation quiz with anyone. You may not review any casenote written by a student during a previous year's Writing Competition, except for the sample casenotes provided in the research packet. The casenote is to be written solely from the materials supplied in the competition materials—no outside materials may be used. **Any use of independent research, additional cases, journal articles, or other outside materials, or discussion of the topic with others is a violation of the Emory University School of Law Professional Conduct Code and**

**will result in automatic disqualification from the Writing Competition and possible sanctions by the Conduct Court.**

### **CASENOTE TECHNICAL REQUIREMENTS**

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

#### ***Page Formatting and Casenote Length***

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

#### ***Citations***

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

## CASENOTE SUBMISSION

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

**You must have your student identification number on EACH page of your submission. DO NOT PLACE YOUR NAME ANYWHERE ON THE CASENOTE OR CITATION QUIZ.** Failure to include your student identification number, or inclusion of your name or any personally identifiable information, is grounds for disqualification.

**Your casenote and quiz must be in PDF format with filenames in the following format:** CASENOTE\_<studentID>.pdf and QUIZ\_<studentID>.pdf, where <studentID> is your 7-digit student ID number (do not use angle brackets). Example: QUIZ\_1234567.pdf

### *Preference Form*

Part of the submission process includes an online form indicating your preference in journals. None of the information provided on the preference form will be seen until all grading is complete.

### *Submitting the Casenote*

On or prior to your due date (May 12 or May 19), you must submit your casenote and citation quiz via the submission form found on the Publications page ([www.law.emory.edu/publications](http://www.law.emory.edu/publications)).

## INVITATION TO JOIN A LAW JOURNAL

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

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

**The order in which a student ranks the journals will have no effect on the grading and evaluation of his or her casenote.** All three journals will notify their respective chosen candidates within the same time period, which will be shortly after the law school releases spring grades. Since journals cannot control the timing of spring grades finalization, all Competition participants will receive information on the exact dates and parameters for selection notifications later in the summer.

### *“Grading On”*

A student may be invited to participate in a journal by grades and class rank alone. This is called “grading on.” Class ranks will not be available until well after the casenotes are due. Therefore, we recommend that all students interested in joining a journal plan to submit a casenote. However, those students who hope to “grade on” to one of the journals, and thus decide not to participate in the Writing Competition, **must fill out the online submission form** indicating

their journal preferences before the end of their Writing Competition period. **If you fail to fill out the online submission form, you will not receive an offer for candidacy from any of the journals. There is no additional opportunity for students who do not participate in the Writing Competition to compete for journal membership.**

## CANDIDATE ELIGIBILITY

### *First Year JD Candidates*

The Writing Competition is open to JD students who will be entering their second year in Fall 2017.

### *Invitations to Joint-Degree Candidates*

The Writing Competition is open to eligible joint-degree and “study abroad” students who will be returning to the law school for a full academic year immediately following participation in the competition. Students will not be eligible to participate in more than one year’s competition. Eligible students who may participate in the Writing Competition must do so in the first summer in which they are eligible. A joint-degree student may **NOT** participate in the Writing Competition and defer membership to the following year. Those students who will return to the law school for only one of the two semesters immediately following the Writing Competition must receive special permission from the Executive Board of each journal the student wishes to apply to.

### *Accelerated JD Candidates*

The Writing Competition is open to Accelerated JD (AJD) students. A “Supplemental Information” form will be provided to AJD students participating in the Writing Competition. AJD students who accept an offer to join a journal will participate in the program for one year according to each journal’s policy.

### *LLM Candidates*

The Writing Competition is not open to LLM students.

### *Transfer Candidates*

The Writing Competition is open to students who transfer to Emory after their 1L year. These students must participate in the Writing Competition during the summer before their 2L year. Transfer students may not participate in the Writing Competition during the summer before their 3L year. The Transfer Student Writing Competition will take place later in the summer after the Writing Competition

# Instructions for Writing a Casenote

## A. PURPOSE OF A CASENOTE

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

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

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

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

## B. FORM OF A CASENOTE

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

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

### 1. Headnote and Fact Section

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

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

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

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

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

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

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

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

## 2. Law Section

### *The Text*

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

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

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

The law section should lead the reader to the precise issue you have identified as being posed in the main case. Experiment with the law section until it shows clearly the different analytical

theories used by the courts in approaching the problem and the controlling factual distinctions between the cases.

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

### *The Endnotes*

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

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

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

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

You may use the cases, statutes, or secondary authority provided to you to discuss side issues and history. However, concentrate on analyzing the cases cited in the law section. **A frequent criticism of many casenotes is that they contain too much history and too little analysis.**

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

If you are using a PC, your keyboard is probably equipped with a shortcut to place an endnote: Ctrl + Alt + D. Alternatively, the usual shortcut for footnotes is: Ctrl + Alt + F. You can then convert all footnotes to endnotes: Insert > Reference > Footnote > Convert. To quickly move from a superscript number to the endnote that it indicates, simply double-click on that number.

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

### **3. Discussion Section**

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

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

### **4. Conclusion**

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

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

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

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

## C. HOW TO WRITE THE CASENOTE

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

### 1. Dealing with the Main Case

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

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

From the case you might glean the following reasoning:

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

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

- e. **Conclusion:** What is the court's authority for its reasoning? As part of the conclusion, analyze the case to see if it is based on the law. For instance, the court may have used a case incorrectly. Analyze the authority on which the court relied.

## 2. "Research"

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

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

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

From the outline, write a draft and continue writing until you are ready to submit the casenote.

**Do not submit your casenote unless you are willing to have it go to print as it stands. The editors reviewing your casenote will assume that the submission is the best work you can produce.**

## 3. Citation Form and Style

All citation of authority is governed by the *Bluebook* (proper citation includes typeface). Every citation should be checked. Citation form will be evaluated. In the rare circumstance that a situation is not covered by the *Bluebook*, you should reference *Webster's New International Dictionary* (or a general usage dictionary of your choice) or the *University of Chicago Manual of Style*. As a last resort, e-mail writeonhelp2015@gmail.com. **If the case you are using cites a case not provided in the competition materials, and you want to cite to the case you do not have, you must cite the unlisted case according to the following format:**

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

#### 4. Checklist for Casenote Preparation

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

##### a. Heading

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

##### b. Fact Section

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

##### c. Law Section

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

##### d. Discussion

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

##### e. Conclusion

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

##### f. Endnotes

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

##### g. Technical Issues

- i. Pages are numbered.
- ii. Student ID # on each page of your submission – NO NAME ANYWHERE
- iii. Casenote and Quiz in PDF format and filenames are in the format: CASENOTE-<studentID>.pdf and QUIZ-<studentID>.pdf

#### 5. Good luck!

## Preparatory Resources

1. EUGENE VOLOKH, *ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, SEMINAR PAPERS, AND GETTING ON LAW REVIEW* 213–51 (4th ed. 2010).
2. *Bluebook 101*, UNIV. WASH. SCH. L., GALLAGHER L. LIBR., <https://lib.law.washington.edu/content/guides/bluebook-101> (last visited Mar. 7, 2015).
3. *Understanding Citations*, ELON UNIV. SCH. L., L. LIBR., <http://www.elon.edu/e-web/law/library/bluebook-videos.xhtml> (last visited Mar. 7, 2015) (providing a list of introductory videos designed to help law students construct citations in accordance with the rules set out in the nineteenth edition of *The Bluebook: A Uniform System of Citation*).
4. *The Bluebook for Legal Scholarship: Presentation by Jennifer Murphy Romig*, YOUTUBE (May 6, 2015), <https://www.youtube.com/watch?v=t38f9MFFKhg&feature=youtu.be>.

**NOTE: The aforementioned resources, and ALL EXTERNAL RESOURCES** (i.e. YouTube videos, print resources, non-print audio resources, and or consultation with others) **beyond the write-on packet are not to be consulted following the distribution of the Write-On Competition materials, on May 1, 2017.** Violations of this rule will result in automatic disqualification, removal from consideration for candidacy for *all* Emory journals, and may result in disciplinary action.

## Questions

Beginning April 3, 2017, and continuing through the entire competition, all questions concerning the Writing Competition should be directed via e-mail to:

writeonhelp2017@gmail.com

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