

NOVA LAW REVIEW

&

ILSA JOURNAL OF INT'L AND COMPARATIVE LAW

WRITE-ON COMPETITION PACKET

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I. INTRODUCTION

In this packet, you will find all the necessary materials for writing your paper. Additionally, you must download and complete the Bluebook Quiz in order to successfully complete the Write-On Competition.

A. Eligibility to Compete

- Write-on competition participants must have a minimum **cumulative** 2.50 GPA following the Winter Semester grade posting.
- Participants must have received an **anonymous number**. Anonymous numbers will be distributed during the preceding spring semester.
- Papers and Quizzes must be marked on the first page with this number. Without it, no paper or quiz will be evaluated.
- Invitations will be extended as soon as possible, after the Editors of both publications have reviewed all submissions. You will be notified only by those publications that extend you an invitation, and you may receive up to two invitations. You must notify the publication of your decision to become a candidate as soon as possible after receipt of the invitation(s). You may **only** accept membership on either *Nova Law Review* **or** *ILSA Journal*.
- There is no predetermined number of participants who will be selected to become candidates or members of the respective publications.
- The Bluebook Quiz is **MANDATORY**.

B. Limitation to Packet Materials

The rules of the write-on competition require that you strictly limit yourself to the materials and sources contained in this packet when writing your paper. You may, however, consult other works and secondary sources in order to get a better grasp of the materials, but you may **not** cite such materials. *Furthermore, it is recommended that works published in the Nova Law Review or ILSA Journal be examined for style and format purposes in structuring your paper.* You are prohibited from using any material not listed in this packet, and **it is an Honor Code violation to confer with anyone.**

C. Anonymity Instructions

In order to maintain anonymity, you must make sure your identity is not revealed in any way on the face of your work and you must name your file according to your anonymous number, for example, 1234paper.doc and 1234quiz.doc. In addition, your identity must not be revealed in the file properties embedded within your submission. To remove identifying properties from a Microsoft Word file, please follow these steps before submitting your work:

Microsoft Word 2007

1. Click the “Office Button” located in the top left hand corner of your screen.
2. Move your cursor to “Prepare.”

3. Click on “Properties.”
4. At this point make sure that the “Author” field contains nothing but your anonymous number.
5. Save the document

Microsoft Word 2003

1. Click “Tools.”
2. Click “Options.”
3. Click the “Security” tab.
4. Select “Remove any personal information from file properties on save.”
5. Click “OK.”
6. Save the document

Any paper or quiz that does not strictly adhere to these requirements is an unacceptable effort and will result in an immediate disqualification from the write-on competition. Read all instructions carefully.

D. How to submit your paper and quiz on TWEN

In order to submit your write-on paper and quiz on TWEN, please follow these steps:

1. Log on to the 2011 Write-On Competition TWEN page;
2. Click “Write-on Submissions” on the left hand side of the page;
3. Click on “Submit;”
4. Click “Browse” to upload your file;
5. Click “Submit.”

E. Evaluation of your paper and quiz

PAPER

Each paper is evaluated individually by members of the *Nova Law Review* and *ILSA Journal*. In order to become a candidate for membership on *Nova Law Review* or *ILSA Journal*, a write-on participant’s paper must be chosen by the Executive Board of the appropriate publication. Each publication is looking for work that demonstrates an ability to write in a scholarly legal manner, while remaining within the structure of the write-on competition. Scholarly legal writing exhibits a high degree of legal analysis, writing style, organization, and attention to technical detail (i.e., correct spelling, punctuation, grammar, and citation form). Each publication is looking for individuals who pay attention to detail, meet deadlines, and follow instructions as provided. Additionally, each publication is interested in those papers demonstrating superb “Bluebooking” skills.

*All papers are evaluated anonymously; you must not attempt to identify yourself in your paper in any way. Identification other than by number will lead to automatic disqualification in the competition. Competitors should have received an anonymous number, so do **not** disclose your identity in your submission. No paper will be considered without an anonymous number. There is*

no predetermined number of participants who will be selected to become candidates or members of the respective publications.

QUIZ

Each quiz is graded against a model answer. The quality of answers in the quizzes must demonstrate the ability to research the Bluebook thoroughly and find the correct rule and proper citation format.

F. Junior Staff Member requirements

Once you are selected by either journal, or grade on you must then write an additional paper of publishable quality over the course of the summer following the write-on, on a legal topic of your choice. An Editor is assigned to mentor you during this writing period. In addition to writing the second paper, you must attend four classes over the course of the summer. If your paper is assigned a “grade” of C+ or better, it will qualify as the requisite writing requirement. **If you write-on (or grade-on) and do not complete these requirements, your membership will be subject to termination.**

II. HONOR CODE OATH

Write-on competitors shall neither seek nor receive aid relating to preparing, researching, or writing their papers from any source or other than those listed in the write-on competition packet. Also, a Write-on Competitor is not permitted to seek any unauthorized help in the researching and writing of this paper or completing the quiz. “Unauthorized help” includes, but is not limited to:

1. Professors of any kind, at any institution, foreign or domestic.
2. Discussion with any *Nova Law Review* or *ILSA Journal*, write-on competitor, candidate, or editor or staff member.
3. Discussion with any faculty or staff members
4. Any other law student.
5. Discussion with family, friends, or legal practitioners.
6. Use of any computer software program, other than a spell checker, to check *Bluebook* form, grammar, or word choice.

NOTE: Librarians may be consulted **ONLY** for the purpose of locating a challenging source. Librarians are not otherwise permitted to offer any other kind of help to a competitor with their competition paper in any other way.

Violation of this policy will terminate consideration of an individual’s candidacy for membership on either of the two publications, and will result in an honor code complaint being filed against you.

NOTE: If you are writing or printing your paper or quiz on the computers or printers in the law school, do not leave your work unattended or leave “trash” copies of your paper behind. Less than honest people may steal your work and submit it as their own.

III. FORMAT AND TYPING INSTRUCTIONS

Failure to conform to the following requirements will result in disqualification of your paper:

A. Typing/Printing

All papers must be submitted in Word or Word Perfect format, typed, using single-spacing for text. Citations must only appear in a footnote format—endnote, or any other means of citing authority, is strictly prohibited. Footnotes are located at the bottom of each page and are single spaced. All margins should be one inch. Number each page at the bottom center, starting with page one of the text. You must use **11 pt, Times New Roman** font, for your paper's main text, and footnote text must be in **Times New Roman 9 pt** font. If you are confused as to the format, consult a prior *Nova Law Review* Article.

B. Page Length

The text must be no more than seven (7) full single-spaced pages in length. The title page is **not** counted as a page. There is no lower limit on page length. And remember, that less is usually more.

C. Title Page and Table of Contents

Papers are submitted anonymously. The title page must contain only the title of your paper and your anonymous number. You may **not** identify yourself in any other way. The title page does **not** count towards page length limitations.

Papers should include a table of contents similar to those found at the beginning of a *Nova Law Review* article. Unlike the title page, the table of contents **is** considered as part of the first page of text. The table of contents should include the title of each section and subsection of your paper, along with the corresponding pages.

D. Footnotes

Your paper **must** contain footnotes. Footnotes appear at the end of each page. Footnotes must conform to the Nineteenth edition of *The Bluebook*.

E. Deadline

Your paper and quiz must be submitted on TWEN. The release date of the materials and the deadline to submit the write-on paper will be disclosed following the conclusion of the spring semester exams.

F. Mandatory Forms

All competitors **MUST** complete a copy of The Certification of Awareness of the Write-On Policy Form *and* the Write-On Feedback Form contained at the end of this packet.

IV. THE WRITE-ON PAPER

A. Writing the Paper

The text of your paper may not exceed seven (7) single-spaced pages. As a guideline, it is recommended that you review the format of a *Nova Law Review* or *ILSA Journal* article. The following **may** serve as a guideline for structuring your paper.

1. *Introduction*

Approximately 1 page maximum (Recommended, less than a page). The introduction presents the subject matter of your paper and the issue(s) to be addressed. It should tell the reader why something is an issue, and why it is important that it be resolved. You want to “hook” the reader if you can. This section should end with a very pedestrian explanation of the structure of your paper; e.g. Part 1 of this paper will present . . . Part 2 will analyze . . . Then, in part 3 this paper will explain . . . Finally, this paper will conclude that

2. *Explanation of the Issue*

Approximately 1-3 pages. Present and explain the core legal authority, both primary and secondary, that forms the issue. You do not have to use all of the sources contained in this packet in the text of your paper. The text should contain those sources that you believe are essential to the issues addressed in your paper. Place any tangential material in the footnotes. A good legal writer knows what material should go in the text and what should be placed in a footnote. When referring to cases, you should provide a short statement of the facts in the case and the court’s holding. You may also want to include procedural history if relevant, but keep this to a minimum or place it in a footnote.

3. *Analysis and Argument*

Approximately 1-2 pages. Objectively explain, supported by relevant authority, the logic and reasoning utilized by the authorities in addressing the issue. How and why did they decide the way they did? How did they reach their decision? What public policy or law did they rely upon? How should the issue be resolved?

4. *Your Opinion*

Approximately 1 page maximum (Recommended, less than a page). There are very few rules and no shortcuts to this section. You must look past the authoritative expressions and determine the meaning and impact of the cases, statutes and proposed legislation. Your goal is to persuade the reader of your point of view using reason and logic. Keep emotion and sarcasm to a minimum.

This section is obviously highly individualistic, and there is no right or wrong answer. This is the portion of the paper that can set you apart from the other writers, and it should be given considerable attention.

Some questions to consider when forming your opinion include: Which line of reasoning is correct or most sound, and why? What legal principal or facts have been overlooked by the courts and other authorities? Why is one line of reasoning more persuasive than another? What do you propose the standard or rule should be?

5. *Conclusion*

Approximately 1 page maximum (Recommended, less than a page). Do not simply repeat the introduction. Point out what is important about adopting your position on the issue(s). What impact will adopting your position have? Conclude with a strong, positive statement.

B. Footnotes

1. *Types of Footnotes*

Footnotes provide authoritative support for textual statements. There are two types of footnotes:

- a. Citative footnotes → guide the reader or practitioner to the primary support. They are designed to expedite research by directing the reader to primary and secondary authority for the textual proposition. From citative footnotes, the reader can locate the appropriate source as well as propositions within a case. Remember the value of string citations.
- b. Speaking footnotes → explain and expound points made in the text. Speaking footnotes allow the writer to explore an issue in greater depth than allowed by the relevancy or textual length of the paper.

2. *The Bluebook: Your Most Valuable Reference Tool*

Focus on citing accurately and appropriately. You need to spend some time perusing *The Bluebook* because it contains many rules of which you may not be aware. A good place to start is the Table of Contents and the tables listed in the back of the book, especially table T.6 relating to case names and table T.13 dealing with periodicals. Please realize, however, that while *The Bluebook* is extensive in its coverage of citation rules, it does not cover every possible source, and you may have to create a citation form by applying general citation rules.

You may quote and cite sources that are contained within the material you have been given, but do so carefully with an eye on *The Bluebook*. If you quote something, provide a correct cite to the source, use quotation marks, and copy the quotation exactly as it appears in the source. Remember that there are rules regarding quotes within quotes, quotes within opinions that cite other opinions or sources, and quotes over a certain length. (For issues on quotation and grammar, it is permissible to consult *The Chicago Manual of Style*).

Keep in mind that the citation listed on top of published cases does not necessarily follow proper *Bluebook* form.

3. *Typeface for Footnotes*

The use of correct typeface for footnotes is extremely important, and you will be evaluated on this point. Know what needs to be in regular typeface, italics, or in large and small capitals.

4. *Detail*

It cannot be overemphasized that you must pay close attention to detail in your paper, especially in the footnotes. For example, you must know and indicate whether there is a space between So. and 2d, whether there is a space between L. and REV., whether a period goes before or after a footnote number, or before or after a quotation mark, and whether the “c” in “court” is capitalized.

It is the attention to detail that comes into play when we edit an article for publication. Everything counts in citation. If in doubt, look it up. If not in doubt, look it up. If you are confused about proper citation or choice of rule, make the best choice and use it consistently. It is better to be wrong but consistent than sometimes right and sometimes wrong when applying the same rule.

V. SCHOLARLY LEGAL WRITING STYLE

As in all effective composition, there are many rules to follow for the Write-On Competition. Some are absolutely necessary for quality writing; others fit an individual author’s style. Here are some of the rules of legal writing that have the broadest application for the greatest number of law students. If followed closely, they should be of great use to those with no experience in law review writing.

A. **Eliminating Unnecessary Words**

Inexperienced writers use more words than necessary to express an idea effectively. The problems usually stem from what Dean Wydick, in *Plain English for Lawyers*, 66 CAL. L. REV. 727 (1978), calls glue words: and, the, by, and other kinds of words that string together the words with meaning. When these are overused, a clever concept is so cluttered that the reader is lost in a welter of connectors.

<u>TAKE OUT</u>	<u>REPLACE WITH</u>
for the reason that	because
inasmuch as	and
in accordance with	met

Inexperienced writers should learn to cut out unnecessary words. Authorities on the subject agree that “vigorous writing is concise. A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts.” W. Strunk & E. White, *The Elements of Style* 17 (1973).

B. Write Simply

Many writers clutter sentences with extra modifiers and write overly long sentences and paragraphs. This makes students' works excruciatingly difficult to read. Often, the writer is simply evading a clear commitment to his or her own ideas. These authors reason that no one will be able to criticize their analysis if they hide it behind a fog of difficult verbiage. Avoid this dodge, and say what you mean in plain English.

Legal scholarly articles are most often verbally obscured. One reason is the use of words, which are more complicated than necessary to convey the substance of the writing. Follow Ben Franklin's rule: "Never use a long word where a short one will do." Simple words are easier to read; they free the reader to concentrate on your ideas, instead of your terminology. If your legal reasoning is as profound as it should be, the reader will already have plenty to think about.

Avoid the elaborate, the pretentious, the coy, and the cute. Do not be tempted by a twenty-dollar word when there is a ten-center available. In this, as in so many matters pertaining to style, one's ear must be one's guide: Gut is lustier than intestine, but the words are not interchangeable because gut is often inappropriate, being too coarse for the context. Never call a stomach a tummy without good reason. W. Strunk & E. White, *The Elements of Style* 69 (1973).

C. Form, Grammar & Style

1. Language Use

The objective of legal writing style is economy of language and precision of expression. This style is characterized by short sentences that are not cluttered with unnecessary articles and modifiers. Keep in mind the following rules as you write your paper:

1. AVOID using our, me, my, the author, present writer, or similar terms. References to the writer do not belong in the paper.
2. AVOID using hedging statements such as arguably, apparently, it is suggested that, etc. A scholarly legal writing is not a memorandum of law or an appellate brief. The approach is positive, scholarly analysis.
3. AVOID using quotations in the text, unless the precise words inevitably lose their accuracy or value as a result of paraphrasing. Paraphrase and distill what was said, referring to the source in the footnote. Quotations are powerful if used sparingly.
4. AVOID using mechanical means, such as bolding or quotation marks to create emphasis. Emphasize through organization of material, accurate sentence structure, and discrimination in diction and punctuation.
5. AVOID useless phrases. For example, use "to determine" rather than "in an effort to determine."
6. AVOID using both numerical listings and parentheticals in text. These constructions indicate a weak sentence structure.
7. AVOID stating more than two propositions in a sentence. Sentences should generally be limited in length to no more than three lines. Most sentences should be one to two lines.
8. AVOID using slang and colloquial phrases.

9. USE the active voice. Active verbs make stronger sentences. For example, “courts apply a rule of reason analysis” rather than “a rule of reason analysis is applied by courts.”
10. USE a minimum of three sentences in each paragraph. Rationale: The paragraph should completely develop your thoughts. If all you had to say could be said in two short sentences, then it is likely that these thoughts should be combined with another paragraph or placed in a footnote.
11. USE gender neutral language except when referring to a specific individual. For example, “Lawyers involved in ethical dilemmas should...” rather than “If a lawyer is involved in an ethical dilemma, he should....”
12. MAINTAIN parallelism as to prepositional phrases and sentence structure. For example, “We judge our friends by both their words and by their actions” rather than “We judge our friends both by what they say and actions.”

2. *Transitions*

Your paper cannot achieve clear expression, cohesiveness, and logical structure without smooth transition techniques.

3. *Maintaining Reader Interest*

Superior law review and/or law journal articles are distinguished in part by their ability to maintain reader interest. Two fundamental rules that may help to establish an interesting writing style are set forth below:

1. Vary sentence structure—Alternate between using introductory clauses, simple sentences, compound sentences, etc. Sentences should vary in length, complexity and style.
2. Avoid repetitious phrases—Phrases involving the court are most abused, especially at the beginning of sentences. Examples include: “The court said . . . indicated . . . reasoned. . . viewed . . . etc.” Some effective alternatives include phrases using the words recognizing, reacting, combining, distinguishing, reasoning, and reaffirming. Appropriate use of other phrases, dictated by the peculiarities of the particular case, may serve the dual purpose of providing variety of expression and aiding clarity. There is no specific list of such phrases.

4. *Closing Comments*

The Write-On Competition paper has a structural sequence and certain minimal do’s and do not’s; however, individuality prevails within these boundaries. General guidelines for a well-written paper are:

1. The text by itself is complete and understandable without reference to footnotes.
2. The text provides the reader with an understanding of the issue, the cases and other sources, their effects, and relevant background.
3. Paradoxically, the reader should be left with the impression that the issues and historical development were so well defined that writing the paper entailed only minimal effort. This results when the work is well organized, clear, understandable, and logical.

VI. FORMS

Please include this at the end of your paper. This page will NOT count toward the page limit in your write-on competition paper. (ONLY if you are e-mailing the paper, you may electronically insert your anonymous number)

1. *The Certification of Awareness of the Write -On Policy*

It is the policy of the *Nova Law Review* and *ILSA Journal* that write-on competitors shall neither seek nor receive aid or advice related to substantive or procedural aspects of the preparation, research, or writing of their papers from any source, other than *Nova Law Review* and *ILSA Journal* instructional materials. Unauthorized help shall include, but not be limited to, a typist's editing or correcting a competitor's text or footnotes, or any other prohibited help as set forth in the *Write-On Packet*. This includes, but is not limited to, grammar, style, and *Bluebook* form.

Violation of the foregoing policies will result in an **automatic** disapproval of a competitor's paper, and the filing of an honor code complaint against the competitor.

By writing my anonymous number below, I understand and acknowledge the above.

Author's Anonymous Number (**DO NOT INCLUDE YOUR SIGNATURE**):

Date:

Please include this at the end of your paper. This page will NOT count toward the page limit in your write-on competition paper. Your remarks will in no way affect the evaluation of your work; remember, all papers and comments are anonymous.

2. *Write-On Feedback Form*

The *Nova Law Review* and *ILSA Journal* would like to thank you for your interest and participation in the write-on competition. As we are constantly striving to improve the competition, we would appreciate any constructive comments or suggestions about the competition. You may submit this form anonymously.

1. Notice of competition and information dissemination:
2. Writing packet (topic, length, contents):
3. Length of time to complete the paper:

YOUR REMARKS WILL IN NO WAY AFFECT THE EVALUATION OF YOUR WORK, REMEMBER ALL PAPERS AND COMMENTS ARE ANONYMOUS.