



## Writing for Scholarly Publications

### **Step 1: Decide What Type of Article You Want to Write<sup>1</sup>**

Law review articles come in a variety of structures and styles. An easy place to start is to consider what style of writing most appeals to you. Use the list below to help guide you.

- Do you prefer persuasive or objective writing?
- Historical or cutting edge topics?
- How much of your paper and time do you want to dedicate to policy considerations or original thoughts?
- Do you prefer legal theory or real world data?
- Do you have a background in another discipline and/or experience writing in that area?

### Types of Law Review Articles

- *Case Cruncher*: analyzes case law in an area that is confused, in conflict, or in transition and offers a solution.
- *Law Reform Article*: argues that a legal rule or institution is inequitable or unfair, and the author advocates for a specific change.
- *Legislative Note*: analyzes recently enacted or proposed legislation and offers criticism.
- *Interdisciplinary*: shows how insights from other fields, such as psychology, economics, or sociology can enable law to deal better with some recurring problem.
- *New Legal Theory*: examines developments in the law and suggests they are part of a new legal theory or trend.
- *Continuing Debate*: summarizes past debates and positions and offers new criticism or commentary.
- *Legal History and Comparative Law*: pieces of research that suggest past events or other legal systems offer insight into current problems.
- *Case Note*: examines a recent decision and considers the real world implications and full context of the case.

### **Step 2: Select a Topic**

- Pick something that is interesting to you!
- Find one new point, insight, or way of looking at a piece of law.
  - Your article should argue, illustrate, and defend, and illustrate how your new point works in practice.
- One good place to look for a topic is casebooks—authors consider points in the notes and comments sections that often do not have an answer.
- Do a preemption check. This means checking law review databases and cases to ensure that your topic has not already been covered. If it has been, then consider adding a new angle or commentary on the topic.

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<sup>1</sup> The following handout is based on Richard Delgado's *How to Write a Law Review Article*, 20 U. San Francisco L. Rev. 445 (Spring 1986).



### **Step 3: Research and Writing**

- Scour relevant journal articles for their footnotes.
- Keep a research log and thoroughly organized notes
  - This can be done through Lexis or Westlaw's online folders, which allow you to save research inquiries and highlighted resources.
- Write an abstract and heading first
  - Your paper should have 4-5 clearly defined sections.
- Tackle the sections one at a time.
- Cite correctly the first time
  - This will save you the headache of trying to edit over 80 footnotes later on.
- Start by recording yourself!
  - If you're feeling overwhelmed with your research and starting to write, a great way to get started is to record yourself talking through your research and notes. Programs on Siri, Microsoft Word, Apple products, or apps can convert your speech into text.

### How Scholarly Articles are Different from Legal Memos

- Scholarly papers include an abstract and often an in-depth introduction to the topic
- Citations should be in footnotes
- Writing style is more casual, conversational, and thoughtful.
  - There is more room for creativity and individual thought, although this should still be supported by citations to relevant influences.
- Brevity is not at a premium.
  - Although you should still endeavor to be clear and concise in your sentences, journal articles emphasize depth and thoroughness over brevity.