Writing for Scholarly Publications

Step 1: Decide What Type of Article You Want to Write
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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1 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.