

SCHOLARLY WRITING

IDEAS, EXAMPLES, AND EXECUTION

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*To our parents,
the best teachers we know.*

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INTRODUCTION

We would like to start by congratulating you. Perhaps you were recently selected to your law school's law review or other legal journal. Maybe you are about to embark on an LL.M. program in a specialized area of law. Or your achievement could be that you finished your first (or even second) year of law school. Any of these reasons, and any other reason that has led you to this book, is congratulations-worthy!

If you are reading this book, you are about to begin the process of writing a scholarly legal research paper. Your scholarly writing project may take a variety of shapes and meet a variety of purposes. Perhaps your school requires an upper-level legal research paper to graduate with a J.D., a requirement that may be satisfied by writing a note or comment for your journal, writing a paper in a seminar class, or working on an independent writing project. Or maybe you are an LL.M. student tasked with writing a thesis to satisfy your LL.M. program requirements. Whatever your assignment is called, do not be confused by the various names. In this book, we generally use "scholarly writing project" and "scholarly paper," but if your professor talks about a legal research paper or other variation, we have got you covered.

For many students, writing a scholarly paper is their biggest challenge in law school because the project is so large in scope and requires mostly independent work. We developed this book to provide guidance and support as you work on your scholarly writing project. Over several years of teaching scholarly writing, we have worked with hundreds of students writing papers on a wide variety of topics and surveyed law review and law journal student-editors to find out what criteria student-editors use in making publication decisions. Based on this experience and information, we have developed a process that works for all students writing on any topic. Put your fears aside; this book will take you through the process step by step!

Taking on a scholarly writing project is daunting, but it is also your opportunity to tell the world about your ideas and why your ideas are right, or at least worth considering. You might have a thoughtful idea you want to share with the legal community or the world; you might have stumbled across some-

thing in your work in other classes or in reading the latest news and something does not sit right with you. You think there must be a solution, or a better way to deal with a problem. Your scholarly writing project gives you an outlet for developing and sharing these ideas. It is also an opportunity for you to develop expertise on a topic, which you can use to guide your academic or professional career.

We have incorporated real samples of student scholarly writing throughout the book to illustrate many of the concepts we discuss. In our experience, looking at well-executed student papers can help you in crafting your own scholarly paper. We use three student scholarly papers as examples throughout the book: Chris Bruno's paper on parental rights,¹ Shaina Elias's paper on deportation of alien widows,² and Natalie Hrubos's paper on agreements to arbitrate employment discrimination claims.³ We encourage you to read the full-text versions of one (or more) of these papers if you are interested in the topic to help you get a sense of what a scholarly paper looks like.⁴ We have also included an annotated full-text note in the Appendix to give you a comprehensive illustration of the concepts we discuss throughout the book.

Scattered throughout the book are a series of sidebars called "Bright Ideas." These Bright Ideas are intended to give you practical tips for particular concepts or steps in the scholarly writing process. You can easily identify the Bright Ideas throughout the book because they are set off with a shining light bulb icon.

We have also included quizzes and checklists throughout the book. The quizzes are not designed to test whether you read the chapter, but to help you determine where you are in the writing process, what issues you may want to discuss with your professor or supervisor, and whether you are ready to move on to the next stage in the process. The checklists are intended to help you track your own progress and make sure you will meet the next deadline.

1. Christopher Bruno, Note, *A Right to Decide Not to be a Legal Father: Gonzales v. Carhart and the Acceptance of Emotional Harm as a Constitutionally Protected Interest*, 77 GEO. WASH. L. REV. 141 (2008).

2. Shaina N. Elias, Note, *From Bereavement to Banishment: The Deportation of Surviving Alien Spouses Under the "Widow Penalty"*, 77 GEO. WASH. L. REV. 172 (2008).

3. Natalie Hrubos, Note, *Agreements to Arbitrate Employment Discrimination Claims: Pyett Illustrates Need to Re-forest the Legal Landscape*, 18 TEMP. POL. & CIV. RTS. L. REV. 281 (2008).

4. Throughout the book, we use examples from the students' draft papers (which are on file with the authors) as well as the published versions. We have omitted both citations to the papers and citations contained within the papers in favor of a clean presentation. If you are interested in the sources the students relied on in their papers, please consult the full-text published versions.

Our hope is that this book helps you have a positive experience while working on your scholarly writing paper. We wrote this book to offer guidance and support to you, no matter the context—in a scholarly writing class using this book as a course text, in a seminar or other class using this book as a reference or course supplement, as a self-teaching guide throughout an independent writing process, or any other scenario. The book offers advice to students who are working alone, working with a supervisor, or working within a small peer-review group. No matter what framework you are working in and no matter how many resources you have at your disposal, you will likely find yourself doing the bulk of the work on your own. Whether you need some direction, some inspiration, or want to see an example of how another student approached a scholarly writing project, this book can serve as a helpful guide.