



## BLACKBOOK

UNIVERSITY OF MIAMI LAW REVIEW

Volume 71  
2016–2017



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## Chapter I: Introduction

### § 1. Overview of the *Review*.

The *University of Miami Law Review* is a professional journal that is committed to publishing articles on legal issues that are of interest to academics and practitioners. The membership's task is to ensure that every article is accurate and reliable.

The *Review* currently publishes four issues each calendar year, containing lead articles, student-written articles, surveys of developments in the law, symposia, brief notes of recently decided cases, essays, and book reviews. All *Review* candidates and members edit these works. Lead articles and book reviews, written by law-school professors, practicing attorneys, or other professionals, pass through the same extensive editorial review that an Executive Board-selected student work undergoes. Even the most thorough and well-written articles contain substantive as well as technical errors. Every *Review* member shares the all-important task of criticizing, reconstructing, and polishing each piece, ensuring that it is ready for publication.

The writing requirement is one of the most enriching aspects of *Review* membership. You must complete the writing requirement by the end of the year following an invitation to become a candidate. The process of researching, writing, and rewriting an article is a unique educational experience. You will appreciate the value of working closely with the student-writing editors and law-school faculty while reworking your article extensively. The writing program is demanding, but rewarding, more so than any prior research and writing you have done. The excellence, and thus the reputation, of the *Review* grows with the quality of its student writing.

### § 2. Organization of the *Review*.

The Executive Board governs the *Review*. This body includes the Editor-in-Chief ("EIC"), three Executive Editors ("EEs"), one Senior Articles Editor, two Senior Notes & Comments Editors, one Senior Writing Editor, one Eleventh Circuit Editor, one Online Editor, one Symposium Editor, one Managing Editor, and six Articles & Comments Editors ("ACEs"). The position of Communications & Outreach Editor is discretionary. These officers perform special editorial functions, review all of the articles submitted for publication, confer regarding major decisions, and provide overall guidance to the *Review*. *Review* candidates and members comprise the Editorial Board and are listed on the *Review*'s masthead.

Directly responsible for all *Review* affairs, the EIC is both a chief executive who manages the *Review*'s operations and a chief editor who approves every article before it goes to press. The EEs, Senior Articles Editor, Senior Notes & Comments Editors, and the Managing Editor assist the EIC in managing the *Review*'s work. The EEs are primarily responsible for technical editing and for guiding each article through the editorial process. The Eleventh Circuit Editor is responsible for technical editing and for guiding each of the articles for the Eleventh Circuit issue through the editing process. The EEs, along with the Eleventh Circuit Editor, supervise the article-editing process by overseeing and working with the ACEs. This process includes the first executive edit of all articles the ACEs submit. The ACEs coordinate candidate assignments and

each ACE is responsible for his or her publication group's assignments. The Senior Writing Editor organizes the Student Writing Competition. The Symposium Editor organizes any *Review*-sponsored symposia. The ACEs edit every piece accepted for publication by working closely with those candidates assigned to their publication group. The Online Editor supervises all aspects of the *Review* website, including publication of the Online Companion *Caveat*, blog posts, and administering the *Review*'s social media presence. The Managing Editor oversees the operational matters of the *Review*, including ensuring a ready office space, organizing events, and facilitating alumni relations. If necessary alumni relations can be handled by the Communications & Outreach Editor.

There are other *Review* leadership positions. From time to time, the EIC forms committees that provide candidates and members more opportunities to participate in directing *Review* activities. Third-year members are required to join a committee.

One full-time law-school staff member serves as the program coordinator for the *Review*. The *Review*'s Senior Program Coordinator is Farah Barquero. The *Review*'s faculty advisor is Caroline Mala Corbin.

### **§ 3. The *Review* Offices.**

The *Review* is located in room B-346 on the Law Library's third floor. Exit the main elevator and turn right, then turn left at the first row of books. B-346 is the second door on the left.

There are two rooms in the *Review*'s office. The first room contains the *Review*'s primary work space. Additionally, this room contains all of the *Review*'s editing supplies: shelves that hold office supplies and the printchair boxes and a set of drawers that hold pens, pencils, paper clips, and scissors. Office bulletin boards display announcements, correspondence of general interest, humor, and job notices. Finally are the candidate and member mailboxes, with the exception of the Executive Board's mailboxes, which are located in the second room.

**Note:** Check your mailbox and your email every day for work assignments. Failure to do so can considerably delay the publication process.

The second room houses a group of law-school computers. This room also contains the Executive Board members' mailboxes, a water cooler, a coffee machine, and a small food-preparation and storage area.

### **§ 4. Services Provided by the *Review*.**

All candidates and members may use the telephone in the main office for local calls.

- Dial 9 to get an outside line.
- Dial (305) 284-2465 to reach the *Review* from outside.
  - Dialing the number will cause the phone to ring in the staff's office and the main office.

*Review* officers, candidates, and members may use the computer terminals and copier for *Review* business.

## **§ 5. An Overview of the Publication Process.**

### **a. Student Writing for Publication**

*Topic Generation.* The *Review* maintains a pool of current topics and cases for producing articles and casenotes. This topic pool not only sustains the writing program, it also gives the Senior Notes & Comments Editors a perspective from which to recommend topics that will be timely and of value to our readers. We recommend consulting with the faculty about recent trends and developments in their fields of study. Additionally we recommend reading the *New York Times*, the *Wall Street Journal*, the *Washington Post*, the *Miami Herald*, and various periodicals. The flow of ideas and information that leads to good writing springs only from an energetic topic search. If you encounter a topic that you yourself cannot address, please notify the Senior Notes & Comments Editors, so he or she may add the topic to the pool.

*Writing.* After selecting a topic, submitting the topic, and receiving approval from the Senior Notes & Comments Editors, the student author will carefully outline the article and write a first draft under the Senior Notes & Comments Editor's supervision.

*Rewriting.* A student author usually writes two or three drafts before the editorial process may begin. Between drafts, the student author must meet with their assigned Senior Notes & Comments Editor—and, if applicable, their faculty advisor—to critique their most recent draft and to discuss revisions.

After the student author has submitted a final draft, a committee of at least three student editors examines the work to determine whether it is of publishable quality and meets the minimum-certification criteria. If the committee and the EIC agree that the draft needs improvement, the committee returns it to the student author for revision and resubmission.

After the committee approves or rejects the student author's final draft, the EIC makes the final ruling whether to grant law-review certification. If the EIC certifies the work, the committee decides whether to accept the piece for publication.

*Deadlines.* As with all *Review* work, meeting deadlines is critical. This is perhaps the most crucial aspect of student writing, as it facilitates the entire writing process. By strictly adhering to the schedule set by the Senior Notes & Comments Editors, student authors produce better work and avoid the unnecessary and unpleasant effects that delay entails.

### **b. Outside Authors**

Law professors, practicing attorneys, and others submit articles to the *Review* for publication. When the *Review* receives the article, it is given to the Senior Articles Editor, who performs an initial review. A small number of articles are accepted at this stage. Often the Senior

Articles Editor confers with a faculty member who specializes in that particular area of law for additional perspective. Once the Senior Articles Editor considers an article publication worthy, they submit it to the EIC and to the EEs. Once reviewed, the EIC and the Senior Articles Editor decide whether to extend a publication offer.

The EIC notifies the author when an article is accepted. Although authors may immediately accept the publication offer, sometimes they are considering offers from other law reviews. If an author accepts the publication offer, the *Review* and the author execute a contract, which usually grants the *Review* copyright over the article. The author submits a final draft, and the article enters the editorial process.

### **c. Special Issues and Topics**

The *Review* retains discretion to publish special articles or entire issues relevant to the practice of law. These articles may include anything of general interest either to law students, academics, or practicing attorneys. A small section titled “Special Issues and Topics” is available in some *Review* issues for this purpose. This section is designed to provide interesting and creative law-related material.

The *Review* encourages candidates, officers, and members to generate ideas and suggest topics for student-written “Special Issue” articles. Once the EIC and the Senior Articles Editor—or the Eleventh Circuit Editor, if it is for the Eleventh Circuit Issue—approve a proposal, the Executive Board will invite student members to write for an upcoming issue. By affording such flexibility, these articles can come to life late in the editorial process. This allows the *Review* to generate informative and timely articles without the usual constraints imposed by our strict publication schedule.

## **§ 6. General Review Policies.**

### **a. Requirements**

Candidates and members are responsible for completing the following assignments during their second and third years:

- **Candidates:** All candidates must complete at least three subchecks and two administrative hours.
  - The EIC, EEs, and ACEs retain discretion to assign additional subchecks and administrative hours to each candidate. The EIC and EEs also have discretion to reduce this amount of subchecks, should the circumstances arise.
- **Members:** The Editor-in-Chief may assign members to complete editorial assignments on an as-needed basis. In addition, members must fulfill the following requirements to remain in good standing:
  - Members must serve on one (1) committee
  - Members must edit one (1) candidate blog post, discussed in § 9 *infra*

- Members must hold monthly office hours in the *Review* office for a period of two to three (2-3) hours to provide their resources to candidates

## **b. Sanctions**

ACEs provide candidates an opportunity to correct deficient assignments. But any candidate who completes two or more assignments that their ACE considers unacceptable post-correction will not be invited as *Review* members during their second year. To retain the opportunity to become a member during their third year, the candidate is still required to fulfill their other *Review* obligations. Any non-invited candidate must fulfill all candidate requirements during their third year.

Any candidate or member who is not in good standing may not indicate affiliation with the *Review* on their résumé. Only candidates and members in good standing are affiliated with the *Review*. Others shall not claim that honor.

## **c. Criticism**

Constructive criticism is the core tradition of any first-rate law review. As an author, proofreader, or editor, you should not grow discouraged if others provide constructive criticism or make suggestions. In fact, many suggestions will improve your work. A scholarly journal can attain high quality only through searching self-criticism.

## **d. Feedback**

Feedback is essential for candidates to correct recurring mistakes, identify concerns early on, and gain confidence by knowing that they have done a good job. Accordingly, ACEs provide feedback to each candidate after each subcheck. The EEs provide general feedback to the candidates after each issue.

## **e. Typing**

Type all *Review* work.

## **f. Deadlines**

Although quality remains paramount in *Review* work, publication timeliness is equally important. The law is constantly changing, quickly rendering articles outdated. A law review must be recent to be relevant. If we want to publish a law review worth reading, we must meet our deadlines.

Editors strive to provide the candidates with reasonable time to complete their assignments. Get in the habit early—turn your work in on time. Because the schedule becomes tighter in the later stages of the production process, expect no extensions without clear

justification and explicit permission. Contact your ACE immediately if you think you will not be able to complete your work on time. Do not wait until the day before the due date.

#### **g. Awards**

At the annual *Law Review* Banquet each spring, the *Review* awards Certificates of *Law Review* Honors to graduating members.

Five awards are given each year. The Soia Mentschikoff Award for Excellence in Scholarly Writing is awarded to the candidate who writes the best student article or casenote; the Senior Notes & Comments Editors nominate a recipient to be approved by the EIC. The Best Casenote Award is given to the candidate who produces the best casenote from the Student Writing Competition; the Senior Writing Editor nominates a recipient to be approved by the EIC.

The Daniel B. Gaubatz Memorial Award is awarded to the candidate or member who shows humor, concern for others, and dedication to the *Review*. The Jack Ankus '58 Memorial Service Award is given to the candidate or member who best exemplifies a commitment to public service. Recipients for these awards are selected based on nominations by candidates and members of the *Review*.

The Daniel E. Murray Distinguished Service Award is presented annually to an alumnus of the *Review* for distinguished achievement in the field of law and continued dedication to the *Review*. The recipient for this award is selected based on nominations by candidates and members of the *Review*.

## Chapter II: Student Writing For Publication

### § 1. Topic Selection.

It is primarily the Senior Notes & Comments Editors' and the candidates' responsibility to generate topics. Nevertheless, the *Review* welcomes suggestions from members who are interested in particular cases or topics.

The first step in student writing is to select a topic. Because of the considerable amount of work that goes into every piece we publish, and because the mere selection of a topic for publication often has considerable meaning in its own right, topic selection is especially important in law-review writing. For example, the well-timed publication of an article on a subject slated for argument in an appellate court could impact the course of the law. Speak with professors, lawyers, and fellow law students to form ideas. Read newspapers and watch the news. Pick a topic early and it will serve you well later on.

#### a. Casenote Topic Suggestions

Casenotes serve two primary purposes. First, the casenote provides a scholarly summary of a recent and significant decision. Second, the casenote refers legal researchers to primary and important secondary authorities that amplify points raised by a decisional analysis, which can and should include sources the student author finds outside of the case itself. In sum, a casenote is not simply a case brief. Rather, it combines scholarly insight and elucidation of underlying legal thought and theory.

#### b. Desirable Cases

- Cases that indicate a change in existing law. This is the single most important factor—other factors below are mostly variations of this one. Although we do not publish casenotes that simply present well-settled law, if there is reason to believe other jurisdictions have reached a contrary result—or if the subject looks like a promising casenote topic—abstract the case and indicate the jurisdictional conflict.
- Cases of first impression.
- Cases that impact the practicing attorney.
- Cases that interpret a significant provision of a common statute—such as the Uniform Commercial Code—or a statute that is significant for other reasons, especially if the cases reach a surprising result.
- Cases that first apply a statute or indicate a legislative trend.
- Cases that appear incorrect in their reasoning or in their principle. However, do not over-emphasize this factor.

- Cases that tie together a number of legal principles, the interrelation of which is not often revealed.
- Cases that involve rarely litigated and recently fallow corners of the law. Certain fields, though very significant, produce relatively few cases. Although many contract and tort issues remain unresolved, this type of case more likely will be found in such fields as corporation law, commercial law, federal constitutional questions decided in the state courts, and so forth. Such cases are not necessarily candidates for casenotes, but they should be read with considerable care and reported if they seem to be promising casenote topics.
- Cases that apply an old rule to a new situation, extending that rule to new facts.

### **c. Factors that Indicate Notable Cases**

- A closely divided court.
- A fairly persuasive dissenting opinion.
- Unpersuasive efforts to distinguish earlier decisions.
- Acknowledgment by the court that the point is new or difficult.

Carefully describe these factors in your case abstract. In the initial assignment, err on the side of overinclusion.

In addition to advance sheets and opinions, class discussions, informal discussions with faculty members, research you do for the *Review* and for other purposes, and newspaper and periodical reading provide other sources of casenote topics. Candidates and members should report topics they find to their Senior Notes & Comments Editors.

### **d. Article Topic Suggestions**

Articles present thoroughly researched, scholarly commentary that usually centers on a topic rather than on a given case. Articles are the most significant and important pieces published in the *Review*. As each year brings forth a new outpouring of periodical legal literature, it becomes increasingly difficult to locate topics that are original and worthwhile. Every candidate and member should therefore seek potential article topics by listening carefully in classes, reading advance sheets and periodicals, and doing library research. Specifically, incoming candidates should acquire the habit when reading cases of considering not only whether the cases would be suitable for a casenote, but also whether they exemplify a problem, factual situation, or area of law that may warrant article treatment. Also, think back over last year's course work for any topics that impressed you as presenting legal questions of a particularly confused or a particularly undeveloped nature. If a good idea occurs to you, jot it down with the appropriate citation and share it with the Senior Notes & Comments Editors.

Faculty, practicing lawyers, and interested readers sometimes suggest article topics. But heavy reliance is placed on the candidates' and members' judgment and inventiveness. As you

can see by examining recent issues, the range of possible comment topics is broad. Good articles may be written when an established area or concept in the law is in a state of confusion, or when recent decisions alter or clarify a concept. Articles may also suggest changes in an unsatisfactory area of the law or predict the impact of new legislation or a new rule of law. Members should not feel confined to topics that seem strictly “legal” and case-oriented. Topics that explore legal history, jurisprudence, the administration of law, or the need for legislation often yield some of the most interesting articles. To suggest an original topic that provides the basis for a successful article is one of the substantial contributions that a candidate or member can make to the *Review*.

## **§ 2. Preemption Check.**

Once you choose a topic, you must conduct a preemption check. Preemption checks ensure that another author has not already published an article or casenote on the same topic.

The major tools used in preemption check are the Index to Legal Periodicals and the Westlaw and Lexis databases. Check every relevant heading. Be alert for an occasional change of heading between volumes. Do not stop reading the entries under one heading because they go on for a few pages. You have some discretion, however, about how far back you should look; a rule of thumb is that you need not search for articles over fifteen years old. Then run a similar check in the *University of Miami Law Review* indices. The research librarians are an invaluable resource when completing a preemption check.

After finishing the index check, complete two other tasks. First, list all index headings checked and for what years for the Index to Legal Periodicals, the *University of Miami Law Review* index, and any other additional checks. This is done to inform the Senior Notes & Comments Editors of the avenues that you have explored and the ones you have not. Second, discuss—or at least mention—all worthwhile sources you found. If a source is available and seems relevant, thumb through it to determine its importance.

## **§ 3. The Writing Process.**

### **a. Generally**

In large measure, the *Review* provides a forum for student writing. Write your piece with an eye toward publication. The *Review*'s reputation depends on the quality and accuracy of its student writing.

### **b. To Ensure the Quality of Your Work**

*Outline.* A good outline helps to produce a good article or casenote. Repetition invariably occurs without an outline. A student will often have four or five differently worded sentences that on close examination say the same thing. Discuss your outline with your faculty advisor and your Senior Notes & Comments Editor. This is an ideal stage to identify the weaknesses and strengths of your approach.

*Organization.* Simple, straightforward organization is preferable to complex, esoteric organization. Each sentence should follow in logical order. Include every step necessary to reach your conclusion. Omissions may indicate more than just carelessness—your argument may be unsound. State the assumptions that are implicit in your reasoning.

*Transitions.* Each part of your note should flow into the next. Your overall organization may be faulty if it is difficult to draft a transition. Convey to your reader the structure and approach of your note. Words that indicate organization are extremely important. For example, to sequence ideas, use “First, . . . Second, . . . Third, . . .” Although variation is inevitable and acceptable, transitions create continuity throughout a piece.

*Style & Usage.* Ordinary writing techniques come into play. Most important, however, is clarity. Nothing is more important than clear language that says exactly what you mean. For *Review* purposes, consult references in this order: (1) the *Review* style guide, (2) *The Bluebook: A Uniform System of Citation* (20th ed. 2015), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (3d ed. 2006), and (4) *Merriam-Webster’s Collegiate Dictionary* (11th ed. 2005).

*Bias.* Consider and develop both sides of an issue. Anticipate worthwhile counter arguments to complete and strengthen your own analysis. You should be careful, however, not to set up straw arguments to bolster your position. In addition, avoid unsupported, value-laden terms, such as “clearly” and “obviously.”

*Precision.* Be careful not to overstate or overgeneralize legal propositions as derived from a case or group of cases. Be particularly concerned with the relevant facts. Remember, members of the legal profession will rely on your statements. They may use your statements to lead them to cases or authority for a proposition. The *Review*’s reputation will suffer and a reader may be aggravated if the author misstates or misuses a source.

*Brevity.* Achieve brevity without sacrificing clarity. Omit needless words. Student writers tend to disregard Strunk & White’s advice:

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. This requires not that the writer make all sentences short, or avoid all detail and treat subjects only in outline, but that every word tell.

WILLIAM STRUNK JR. & E.B. WHITE, *THE ELEMENTS OF STYLE* 23 (4th ed. 1948).

*Clarity.* Have someone unfamiliar with the topic read the article. Does he or she understand it? Good legal writing makes the reader feel intelligent, not stupid.

*The Last Step.* Outline your completed paper by paragraph to ensure that each paragraph contains one basic point. This final outline will help you discover redundancies, organizational problems, and gaps or faults in your logic.

### c. Deadlines

Deadlines on writing assignments—as on all *Review* work—must be met. There is some room for flexibility, but it is presumed that the time allotted is adequate to complete any task. If you find yourself “spinning wheels,” speak to your ACE and your Senior Notes & Comments Editor. Often, a short break will enable a fresh approach. And feel free to discuss problems with your Senior Notes & Comments Editor as they arise, even before your first draft is completed.

Candidates should write every draft to publication quality—do not embarrass yourself and do not embarrass the *Review*. This includes proper Bluebook form, footnoting, and thoughtful organization and language choice. Errors may survive edits. If errors are eliminated before the editing process begins, then the later production stages progress more quickly and easily. Correcting mistakes during later stages becomes increasingly difficult and costly. Therefore, there is no excuse for leaving problems to “a later time” merely because a piece must go through further editing or technical procedures.

### § 4. Casenotes

*Purpose.* Casenotes serve two purposes. First, the casenote is a scholarly report of a recent and significant decision. As such, it should:

- Inform the reader of the case’s facts, procedural history, and holding.
- Put the case in perspective, i.e., show why it is significant.
- Analyze the court’s decision.
- Give scholarly comment on the decision.

Second, a casenote is an important legal research tool. To this end, the note should analyze and clarify the decision’s importance in the applicable area(s) of law. The footnotes should:

- Refer the reader to primary and important secondary authorities that amplify points raised by your analysis but that are beyond the piece’s principal scope.
- Briefly and concisely discuss points raised by your analysis but that are collateral to its primary significance.
- Refer the reader to other applicable sources when a full-length discussion would be impossible, collateral, or distracting.
- Provide legal authority (preferably primary) for statements and conclusions in the text.

*Research.*

- Upon deciding to write a casenote, write to the court or to the participating lawyers and request the briefs of counsel on both sides of the case (or check Westlaw and Lexis for these materials). You may not receive the briefs until you have completed your first draft, but it is important to examine the briefs no matter when they arrive because they may shed light on neglected arguments and key facts. Moreover, the lawyers may provide additional insight, such as a pending appeal, that you might otherwise overlook. When

work on the casenote is finished, you are responsible for returning the briefs to the court or to counsel if they so request.

- Read all of the authorities cited within the decision, including the majority opinion and any dissents and concurrences. By this point, you should have acquired a solid understanding of the applicable law. If you have found a case on point, read the cases cited in that case for additional insight. Additionally, you may uncover more source material by Keyciting or Shepardizing each of the sources you read.
- Maintain careful notes summarizing each source, perhaps even pulling quotations. It will save you valuable time later if you record the full cite and significant quotations immediately. Your notes should be preserved in a document where they may be easily referred to during editing. When you come to the final write-up, however, do not cite a case on the strength of the notes you have made—read the case again. You may find something inconsistent with your argument that you did not notice at an earlier stage of your research.
- Carefully examine the position of the decisionmaker(s) in your case. Was there an unusual alliance? Is the choice of judge to write the opinion of the court significant? Look for any legal or political implications that result from a particular person or group making the decision.
- Do not forget that empirical data relating to the general area from which the controversy of the case arose may be particularly useful in helping to explain the significance of the decision.

### *Format.*

Although some cases may require an entirely different treatment, the following suggested format offers a well-tested way to write a casenote. Aside from the casenote paragraph (the first paragraph), however, you should not be afraid to bend and shape the format to meet your purposes. Also, previously published casenotes can provide helpful organizational templates.

#### **a. Introductory Section**

Begin the casenote with an engaging sentence, quote, or hypo that will “grab” the reader’s interest. This section should include a broad thumbnail sketch of the case, identifying basic issues and themes, and explaining why the case is significant.

#### **b. Background**

This section demands attention. The casenote section, the first section of your note, must be “tight”—concise, clear, and as brief as possible—while addressing all material elements. It should include the general theme that will be the focus of the casenote. This section must contain the case’s:

- Operative facts (parties and factual background material to the decision);
- Procedural history; and
- Holding.

The section must make clear what the court held. For example:

“The [appellate court] [affirmed or reversed] the [lower court], holding [state the holding].”

**Examples:**

“The Supreme Court of Florida, on conflict *certiorari* review, reversed and remanded the Third District Court of Appeal, holding uninsured motorist coverage is intended . . . .”

“On *certiorari* review, the Supreme Court of the United States, reversed and remanded the Eleventh Circuit, holding violation of a Fourth Amendment right by a federal officer . . . .”

**c. Roadmap**

This short section should explain the structure of your casenote and identify the thrust of your argument.

**d. Prior law/perspective**

The section(s) following the casenote section should provide perspective. Such perspective may be “historical” (analyzing the development of the law leading to the step taken in the noted case), “current” (e.g., showing that the case is a product of present phenomena or places itself on one side of a present split of authority), “situational” (resulting from a particular situation, e.g., geographical or technical), or any combination of these.

This discussion should examine the state of the law on which the noted decision builds or from which it departs. The analysis should answer the question: What led to this new development? Corollary questions: What was the previous rule of law in this jurisdiction? What forces were eroding or extending that rule? For a decision by a court of appeal(s) on which the Supreme Court granted *certiorari*, your analysis at this point should clarify some of the reasons why the Supreme Court did so. The discussion should tell the reader why the case is significant.

**e. Main Case**

After putting the principal case in perspective, the note should state the main case. It should include relevant information about the parties, procedure, and facts.

The writer should analyze the majority's primary legal reasoning and question the authorities the majority cites for these points. Do they support the rationale? The holding? Dissenting and concurring opinions may prove useful here.

Clarify the decision: What does the case stand for?

- If the case presents a "test" or rule, state it and explain its implications.
- Explain whether the court's phrasing or the facts limit the holding.

#### **f. Analysis**

The argument section is the most important part of your casenote. Some questions the writer may ask himself or herself at this point are:

- Does the decision solve applicable problems, or does it leave questions unanswered? Why?
- Does the decision raise problems or raise new questions? Why?
- What difficulties may attorneys or courts and scholars face in applying the decision?

If the case is before the Supreme Court on *certiorari* review, how will the Court probably respond to the appellate court's decision? Why? How should the court resolve the issue raised? Why?

The section should draw a synthesis from prior law and explain how your position reverses, extends, or deviates from the prior law. It may be helpful to incorporate the opinions from the lower court.

The argument should also address the implications and potential criticisms of the argument.

#### **g. Conclusion**

This section should summarize your arguments and explain the big picture. It should not include any new material or arguments.

#### **h. Citations**

No maximum or minimum number of citations is prescribed. The first draft should contain too much, rather than too little, authority. The final drafts on recent cases should not, however, contain any non-essential citations.

Cite other courts' recent decisions that address doubtful points in your argument. If the weight of authority is against you on a proposition, never cite a case without giving the contrary authority. Even if most of the cases are with you, it is advisable to cite reputable contrary authority. Treatises may, if necessary, be cited for general statements, but the authorities the treatise cites should be checked. Use of the phrase "weight of authority" in your argument should be avoided—it often substitutes for closer analysis. Never cite *American Jurisprudence*, *Corpus Juris Secundum*, digests, or the like as authority for a proposition.

In addition to providing a method by which to find the latest decisions on a point, Keyciting and Shepardizing citations provides an assurance that a given case or statute is still good law. Keycite or Shepardize every decision and statute cited before turning in your manuscript. Be certain that no source that you have cited has been reversed, overruled, or so distinguished as to destroy it as authority. Candidates should also check recent cases in the table of cases in *United States Law Week*, which often reports subsequent developments in a case before Keycite and Shepard's. This is particularly important if your case is appealable to the Supreme Court, since *Law Week* will generally report *certiorari* petitions and *certiorari* denials much sooner than Keycite and Shepard's. Any subsequent case history—such as *cert. denied*, *aff'd per curiam*, etc.—must be included as a part of the citation.

Consult the following table for the time period you must follow a case to make sure it is not appealed to the United States Supreme Court:

Appeals:

(1) When a federal statute is held unconstitutional	30 days
(2) Civil cases from the United States District Courts (other than (1))	30 days
(a) from interlocutory order	30 days
(b) from final judgment	60 days
(3) Federal criminal cases from the United States District Courts	30 days
(4) Most other appeals	90 days

Certiorari:

(1) All cases from state courts	90 days
(2) Most civil cases from federal courts	90 days
(3) Federal criminal cases	30 days

Use *The Bluebook: A Uniform System of Citation* (20th ed. 2015) for proper citation form. If there is anything unusual about your case or authority, consult your ACE or your Senior Notes & Comments Editor. Candidates must scrupulously Bluebook their work; all cites must be checked so as to ensure that they stand exactly for the proposition indicated in the text.

After your case has gone to press, continue to Keycite or Shepardize the decision and your primary sources—Westlaw or Lexis e-mail alerts are useful for this purpose. Report any new developments to your ACE and your Senior Notes & Comments Editor.

## **§ 5. Articles**

An article's heart is detailed analysis. An article should thoroughly examine a single legal problem's impact and dynamics, pointing out unresolved issues, indicating legal trends that might lead to different results in the future, and discussing the merits and policy considerations of alternative solutions. A comprehensive explanation of existing case law and historical background is imperative. The author's finished work should serve as a fundamental research source for persons working on similar problems.

The topic must be an issue of enough significance and complexity to warrant the exhaustive discussion that an article entails. Often, these issues are found in controversial or unstable areas of the law. Questions that have drawn conflicting responses from several courts, potential legal issues that courts have not yet addressed, and proposed legislation also provide excellent topics. But avoid overbreadth; a topic must be manageable.

An article's format can serve this end well. Although the precise format will vary from topic to topic, it must be structured. For example, some comments cover a very broad area of the law by first generally describing the entire area and then narrowly discussing a limited number of questions in separate subdivisions. Other topics are narrower and break the problem into separate issues and sub-issues. Survey topics cover several related issues in the same area of the law.

For both articles and casenotes, candidates should complete their initial research during the first two weeks of the project.

## **§ 6. Mechanics**

**The following guidelines apply to student articles and casenotes:**

1. Thirty-five to seventy pages in length.
2. Submit three copies of the final draft to your SNCE. E-mail a final copy of your casenote to your SNCE.
3. Title the piece.
4. Use 12-point font.
5. Use Times New Roman typeface.
6. Text must be double-spaced.
7. Block quotes must be single-spaced and properly indented.
8. Use footnotes, not endnotes. Use 12-point font for footnotes. Place one space between each footnote.

9. All footnotes must be in Bluebook form.
10. Observe law review margins: 1.25" left and right; 1" on the top and bottom.
11. Alignment: Justify your paper.

## **§ 7. Ensuring professionalism online**

### **a. Blogs**

The Online Editor is primarily responsible for scheduling and editing blog entries and updating the *Review's* website. Any blog entries submitted pursuant to this section, however, must be briefly reviewed and edited by at least one *Review* member prior to publication online.

### **b. Other Updates**

The Online Editor, who independently updates any information on the *Review* website, shall seek the editorial advice and consent of the EIC. This provision applies to any major update to the website, including but not to limited information on the symposium; submissions; membership; and the *Review* in general.

In the event that the EIC updates the website, he or she shall seek the editorial advice and consent of the Online Editor prior to publishing any such updates.

## **§ 8. Blogging Requirement for Candidates**

Each *Review* candidate shall, as a condition of his or her membership, submit one blog entry for the *Review's* website, prior to attaining membership. Blog entries may consist of legal analysis, news about the *Review*, news about notable *Review* alumni, or any other topic approved by the Online Editor.

The actual length, topic, and legal content of blog entries are left to the discretion of the candidate and the Online Editor.

Blog entries shall be scheduled and submitted on a timeline at the Online Editor's discretion.

The submitted blog entry shall be a positive reflection of the *Review's* commitment to student scholarship, academic excellence, and good writing. All submitted blog entries shall be reviewed according to the next section.

## **§ 9. Blogging Requirement for Members**

Each *Review* member shall, as a condition of maintaining his or her membership in good standing, edit at least one blog entry submitted by a candidate pursuant to the previous section.

The Online Editor, with the advice and consent of the EIC, shall be responsible for assigning and facilitating such editing.

Members responsible for editing shall edit for content, grammar, style, accuracy, and any other appropriate matter. Members shall correct grammatical and factual errors in Track Changes, suggest rewriting for style (if appropriate) in Track Changes comments, and submit the edited blog post to the Online Editor. The Online Editor will make additional edits and resubmit to the candidate-author for final approval and for any necessary substantive changes. The EIC reserves the right to review any post for approval before direct publication online.

The published blog entry shall be a positive reflection of the *Review's* commitment to student scholarship, academic excellence, and quality writing.

## Chapter III: The Editorial Process

In addition to the senior author preparing his or her piece for publication, all material passes through our editorial process—ACEs, candidates or members, ACEs again, then EEs and EIC. At the EIC’s discretion, this process might be repeated several times. In fact, repetition is the key to the editing process. Experience shows that this redundancy is anything but wasteful. For example, if you proofread revised page proofs with considerable care you will probably be astonished at the number of errors that escaped our scrutiny. No one catches every error every time, so we must continually check and recheck each other’s work. On the other hand, your awareness that other candidates and members will repeat a particular task is not a license to relax and rely on them to catch the errors you could potentially miss.

The *Review* does not demand thorough repetition for repetition’s sake. The *Review* is a legal research tool. Scrupulous accuracy is essential to publishing a journal so authoritative that our readers may be certain of what every cited source says and where they can find it. The reliability of what we produce today will affect the authority of what we publish in later years. Always remember that each time a candidate or member produces *Review* work product, our reputation is at stake.

### § 1. The First ACE.

When the EIC assigns an article or casenote to an ACE, the ACE performs the first editing step. At a minimum, the ACE reads through the piece several times, subdivides it into individual assignments, and raises specific questions on paper to be investigated and answered by the substance-technical checkers (“subcheckers”). The ACE may prefer to do some basic stylistic and organizational editing before assigning the piece to the subcheckers.

### § 2. The Printchair and the Substance-Technical Check (“Subcheck”).

The printchair is the foundation of all later editing steps; without copies of each cited source, the *Review*’s job would be impossible. Creating the printchair boxes involves finding each cited source, properly Bluebooking and labeling the source, and then alphabetically filing the source in the printchair boxes.

Subchecking begins once a piece’s printchair boxes are complete. This process involves clarifying, reviewing, and verifying each piece’s citations and text. When you receive a subcheck assignment, you are expected to check for both substantive and technical accuracy.

#### a. Track Changes

For this process we use Microsoft Word’s “Track Changes” feature. Before subcheckers edit their portion of a piece, they must simultaneously hit control, shift, and E to turn on Track Changes. This feature records every edit a subchecker makes. For each edit, a subchecker must include a Word comment. This is done by clicking on the “Insert” tab on the Microsoft Word toolbar and dragging down to comment. But comments cannot be inserted into footnotes. So,

when subcheckers must make a comment regarding a footnote, they should insert the comment next to the footnote number as it appears in the piece's text.

## **b. The Printchair**

Subcheckers must find and read the relevant part of all cited sources assigned by their ACE. Print a PDF copy of cases in the United States Reporter from Hein Online. The same goes for Public Laws, Statutes at Large, and law-review articles. Print a copy of a case reported in the Supreme Court Reporter or any other reporter via Westlaw's West Reporter Image. If you cannot get a PDF image of a specific cases, law-review articles, Public Law, or Statute at Large, you should indicate as much and substitute a Lexis or Westlaw printing of the item. Lexis or Westlaw printings of statutes suffice.

For hardcopy sources such as books, obtain a copy from the appropriate library. If a hardcopy source is only cited for a few pages of material, photocopy those pages and return the hardcopy. Make a photocopy of the title page and information page of all books. Always ensure that the printchair contains enough information to accurately verify the source's content.

Use Microsoft Word to create printchair coversheets for each assigned source (your ACE will provide a blank Word printchair template).

- Fill in all of the required information and be very specific (e.g., "Rule 18.2.4"; not "Rule 18") regarding which Bluebook rule you used to obtain the source's proper standard cite (i.e., a full cite without a pincite).
- The *Review* does not need more than one copy of each source.
  - ACEs are responsible for assigning printchair sources in a non-redundant fashion.
  - Nonetheless, ACEs are human. Subcheckers should make sure that the printchair box contains no unnecessary copies of sources before the subcheck begins.
- Write the source footnote number in the upper right-hand corner of the printchair cover sheet.
  - Use only blue or black ink; never use pencil.

Attach a Keycite or Shepard's list for relevant sources (e.g., cases, statutes, etc.).

- If the case is heavily cited, subcheckers may simply print and attach the first Keycite or Shepard's page showing that the source is still valid. Remember, however, to remain cognizant of the piece's context. For example, the author may discuss a case he or she explicitly state has been overruled. In that case, make a note on the printchair comment box that the author is citing the source for that reason.

- Where online cite checking is unavailable, subcheckers must use Shepard's hard-copy books and photocopy the relevant Shepard's pages.
- If you discover cases that may significantly affect the cited case, bring them to your ACE's attention. Change citations from unofficial reporters to official reporters when available (e.g., S. Ct. or L.E. to U.S.).
- Look both for later developments in the cited case and for subsequent law affecting its authority. If only a few cases are noted in the Keycite or Shepard's list, look at them all.
- If the number is substantial, a rule of thumb is to look only at cases with a significant notation and at later litigation in the same case, signaled by "s" (same case), "a" (affirmed), "m" (modified), or "r" (reversed). Any case marked in Shepard's by an "o" (overruled), "c" (criticized), "l" (limited), or "q" (questioned) should be looked up regardless of the levels of the initial and subsequent courts. Check out cases marked "d" (distinguished), "e" (explained), "f" (followed), or "h" (harmonized) if the subsequent court is of the same level or higher than the initial court (if this number becomes unmanageable, eliminate the "f" cases first and the "d" cases last). If there is a large number of "d" cases and you cannot check them all, then at least look at a few of the most recent ones from courts higher than the initial court.
- The depth to which you should read cases noted in Keycite and Shepard's lists varies, but you should always see what the later case says about the cited case and be sure that no change or addition to the cite is required.
- Always check *United States Law Week* to see if a recent case in a federal court of appeals, a three-judge federal-district court, the Court of Claims, or a state court of last resort is being taken to the United States Supreme Court. Keycite and Shepard's are invariably a few months behind, but *Law Week* is up to date. Be sure to check under the names of both parties.
- In addition to Keycite, Shepard's, and *Law Week*, many fast-developing areas of the law are covered by looseleaf services. Become familiar with the services in every area in which you work.

Report any sources that you were unable, after due diligence, to locate and verify. If you find a source only after encountering difficulty, note its location so that the ACE can locate it easily, if necessary.

- If you cannot find a source on the first few tries, follow these steps. Check the Barons System. Ask at the library circulation desk whether the book is checked out; if so, either ask who has it or ask the librarian to get it for you. If a source is simply missing and it is a law reporter, major legal periodical, or standard treatise, tell the librarian it is imperative you borrow it from the Faculty Library or Inter-Library Loan (ILL). Ask whether the author, ACE, or other subcheckers know where the source is located.

- If you can only obtain your source via ILL, notify the Senior Writing Editor via the law library's website to request an ILL. Include the source's proper Bluebook citation and specifically state how you attempted to locate the source.

Attach the completed printchair form to the front of the source and attach any Keycite or Shepard's list to the back of the source.

File the source in the appropriate printchair box alphabetically based on the first Bluebook citation component.

- For example, for cases use the first party appearing in the case name; for books use the author's first name (Bluebook Rule 15 does not list the author's last name first); etc. Always file printchair sources alphabetically using this method.

The next step in the editing process is the subcheck.

### **c. The Subcheck**

#### **1. Electronic Editing**

ACEs will receive a manuscript of the author's article or casenote. ACEs must save and maintain a clean original copy.

Once the ACE has decided how to divide the piece's editing responsibilities among their candidates, they will email a copy of the entire piece to each of their candidates.

- ACEs must explain to their candidates the sections of the copy for which the individual candidates are responsible.

Candidates are responsible for editing their portion of the piece. Once the candidate has completed this process they must save their edited version as a new document.

- Candidates must title their edited portion appropriately—e.g., “[Article Title] As Edited by [insert candidate's name]”
- Candidates must email to their ACE the same edited copy.

ACEs must then read, critique, and adopt or reject their candidates' edits and comments in a new version of the piece that incorporates all of the candidates' changes (i.e., do not save over any prior versions).

- ACEs must appropriately title this new version: “[Article Title] As Edited by [insert ACE's name] Showing Mark-up”

- Once the ACE has done so, they should add their own edits within this same version of the piece.

Finally, the ACE must create another new version of the piece that incorporates all of the changes the ACE considers appropriate.

- In other words, the ACE thinks this version should be published in the *Review*.
- ACEs must appropriately title this new version: “[Article Title] As Edited by [insert ACE’s name] Changes Accepted”

## 2. Version Summary

1. Original Manuscript Copy.
2. Candidates’ Copy.
3. Candidates’ Edited Copies.
4. ACE’s Copy Containing Candidates’ and ACE’s Edits.
5. ACE’s Copy With Appropriate Changes Accepted.
  - a. The ACE must send versions 4 and 5 to the relevant EE.

## 3. The Subcheck

First, the subchecker must briefly read the entire piece and read his or her portion of the piece several times to gain a feel for the subject matter.

Second, subcheckers must edit their assigned portion of the piece for grammar and overall readability. This, however, is a delicate process. Subcheckers must avoid changing the text’s meaning and destroying the author’s voice. Use the *Review* style guide and *The Redbook* for all questions regarding grammar, usage, and style. Remember, subcheckers must (1) document their edits using Word comments, and (2) always explain why they made a change.

A difficult problem arises if you determine that large scale rewriting may be in order. Contact your ACE if you encounter this issue. If you both decide a major reorganization or rewrite is necessary, indicate what improvements have been made.

Third, subcheckers must ensure each footnote contained in their assigned portion is properly Bluebooked.

Fourth, and most importantly, the subchecker must cite-check each footnote against the source hardcopy contained in the article’s printchair boxes. The fourth step involves several sub-steps:

- *Find the cited text*. Search for the source text that supports the author’s stated proposition. For shorter sources (approximately 5–10 pages in length), the subchecker should read the

entire source to ensure accuracy. For longer sources, read enough of the source to ensure accuracy. Do not merely skim the source.

- Often the author's pincite is correct, but mistakes do occur. Subcheckers should start looking on the pincited page, but if that page does not contain the relevant text they should expand their search.
- *Highlight, label, and tab the text.* Once the subchecker locates the relevant text, she must highlight the text and include the following information in the margin:
  - a. Footnote number.
  - b. Article or casenote page number where the footnote appears.
  - c. Source page number where the cited text appears (for cases use the primary reporter's page numbers when available).
  - d. The date.
  - e. The subchecker's initials.
  - f. Subcheckers must also tab the source page where the cited text appears, labeling the tab with the proper footnote number.
- *Correct citation errors.* If the author's cite is inaccurate for any reason, subcheckers must record this information in the margin, add a comment in their electronic copy of the piece and correct the citation error.
- *Add necessary footnotes.* Sometimes authors are a tad lax when citing. If a proposition needs a citation, add one. Always attempt to add a complete citation. But if you are unable to find the proper source, insert a blank footnote along with a Word comment explaining that the author must supply a source for the proposition.
  - At a minimum, there should be a footnote whenever a case name is first fully cited in text, whenever a statute is referred to, whenever the author quotes a source in text, whenever an assertion lacks support and whenever a cross-reference to another portion of the article would clarify the textual discussion.
- *Verify the printchair form's accuracy.* Check the accuracy of the printchair form included with the source.
  - Subcheckers must record that they verified the form's accuracy by filing in the relevant form portions.
    - Since the printchair form is already complete, subcheckers must fill in the relevant form sections by hand. Use a blue or black ink pen; never use pencil.

- If the printchair form contains errors, the subchecker must correct these errors and use the form's comment box to note that she has done so.
- *Save an electronic copy.* Save electronic copies of the articles and casenotes edited.

Consider the context of the cited material when checking for substantive accuracy. The subcheck is the means the Executive Board uses to evaluate individuals for greater editorial responsibilities, so remember that your work is a reflection of self.

Although the subcheck encompasses ordinary editing, it emphasizes above all the critical investigation of an article's substantive adequacy and authenticity. As subchecker, your function is to find flaws and to suggest organizational, analytical, and stylistic changes. Probe behind the face of the argument. Criticize and correct the argument in light of what the sources really say or mean. Use your imagination and aggressiveness in making any and all changes that would improve the draft. Do not just suggest that a change is called for; draft a proposed modification and use a Word comment to indicate why change is desirable.

#### **4. Answer Questions and Work Diligently**

When responding to your ACE's questions or commenting on the article, organize your remarks so that your ACE can easily understand each point you make. Always document your edits with Word comments. Remain in contact with your ACE via email and phone when necessary. Finally, meet your deadlines—inability or unwillingness to do so impacts everyone's work on the *Review*.

#### **5. Word Comment Examples:**

P2 L1: The cited case does not support the author's proposition because . . . . I suggest a citation to *Stotzky v. Mentschikoff*, 365 So. 2d 613 (Fla. 1980), because . . . .

P3 L6: This sentence adds nothing. I suggest we omit it.

P3 L16: I suggest the following punctuation change: "unconstitutionally vague. On the other hand,"

P5 L5: The remainder of this paragraph is tangential and should be moved to a footnote.

P6 L2: "In *Erie*, the court . . . error." This sentence could be clearer. I suggest the following revision: . . .

#### **6. Use the Bluebook**

Every subcheck assignment includes Bluebooking all citations. Everything that appears in the *Review* must conform to the rules in *The Bluebook: A Uniform System of Citation* (20th ed.

2015). If you have any doubt about a Bluebooking point, look it up—the index is your friend! You will save time by becoming familiar with the Bluebook in advance.

### **§ 3. Second ACE.**

During the checking process, the subcheckers should confer regularly with the ACE who initially edited the piece to discuss ideas, comments, or problems that may be difficult to reduce to writing. When the subcheckers turn in their assignments, the ACE reviews the article and their work product. If the ACE has further questions about any part of the article, or if the work product is incomplete or unsatisfactory, the ACE may return the assignment to the subchecker for further work.

When the subcheckers have satisfactorily completed their assignments, the ACE collates their work product and prepares a final draft of the article. Usually, a fairly extensive revision is necessary to incorporate all of the information gathered. The relevant EE reviews the ACE's final draft and may suggest further changes and revisions to the ACE and to the subcheckers.

### **§ 4. Executive Edit.**

After the Second ACE, a piece undergoes an executive edit. This is primarily performed by the EEs, but can be performed by the Senior Articles Editor, Senior Notes & Comments Editors, Senior Writing Editor, Symposium Editor, or any ACE, at the EIC's discretion. The executive edit involves checking the accuracy and necessity of the edits produced during the earlier stages, while adding additional edits.

### **§ 5. Editor-in-Chief and Executive Editors.**

At this stage the piece should be almost perfect, so the EEs and EIC should only encounter minor technical errors. If this is not the case, they may return the piece to the ACE for further modifications and corrections.

When the EIC determines that the piece is satisfactory, the EIC sends the piece to the author for approval.

### **§ 6. First Page Proofs.**

The printer composes the article from our disk and sends us three copies of "first proofs." The first proofs show us exactly how the printed article will look, combining text and footnotes on each page. We immediately send one copy to the author for approval and correction. Our staff members proofread one copy.

The EIC carefully compares the new first proofs against the original to ensure that the printer has not introduced new errors. All of the printer's errors are neatly marked in pen in the margins, using the proper printer's mark. More importantly, any *Review* errors not corrected in previous editing must be identified. Mark the exact location of each error in the line by drawing a

line out to the margin and indicating the necessary correction conspicuously in the margin, all in pen.

Printed articles look different from articles on the computer—errors, bad writing, even poor logic can somehow stand out. As the first careful reader of the printed version, the EIC should catch these flaws. Marking and keeping a separate tally of all blank page and volume numbers and of all citations to unofficial reporters is required when checking footnotes. An assigned Editorial Board member checks these cites against the official sources, if they have appeared.

Do not assume that the printer's computer hyphenated all words correctly at the end of a line. In early proofing assignments, almost every hyphenation should be checked against the dictionary (e.g., req-uisition, but re-quiem). Word-breaking is something that few do well. All but the most obvious hyphenations should be checked. Improper hyphenation and all other printer's errors become chargeable as *Review* errors if overlooked at the first proof stage; when later corrected at the revised proof stage, they cost nearly twice as much money.

The following is a checklist of the operations that proofreaders must perform during first page proofs:

- The reader reads aloud from the original; the follower follows along on the first proof to ensure that it corresponds. Both the reader and the follower must watch for errors in spelling, punctuation, spacing, grammar, hyphenation, and similar technical problems.
- Verify that the footnotes are consecutive and appear on the same page as the textual reference.
- Make sure that the first line on each page does not repeat or improperly continue the last line on the preceding page.
- Match article outline, if any, with the headings in the text for identical wording, capitalization, enumeration, and type style. Center each textual heading.
- Check all margin alignments, especially paragraph indentations and BISSed quotations.
- The follower must mark every error neatly. You may neatly print short insertions (only a few lines long) in the margin. Type substantial insertions on a separate slip of paper, indicate the point for insertion on the proof, mark "insert copy" in the margin, and include the insert as an additional page
- Mark your questions, comments, or notes for the page poster in the margin near the passage in question.

The EIC posts on a third copy of the first proof those corrections made by the proofreaders and by the author. The EIC then sends the posted corrections to the printer when all

articles in one issue are posted. After receiving the corrected first proofs for a particular issue, the printer returns the entire issue as Revised Page Proofs.

### § 7. Revised Page Proofs.

Revised proofs are paginated continuously and show exactly how the entire printed issue will appear. When revised proofs arrive from the printer, every member of the Editorial Board is considered available to proofread them as quickly and as accurately as possible. This stage is the absolute last bite at the accuracy apple—errors missed here will appear in the *Review* issue.

The instructions for proofreading revised proofs are generally the same as for first proofs, with the exception that page headings now require checking.

Left page heading:

000 UNIVERSITY OF MIAMI LAW REVIEW Vol. 00:000

Right page heading:

198 SHORT TITLE OF ARTICLE 000

Similarly, at the revised proof stage the correct page numbers appear for the first time. The outline for each article, the table of contents, the issue index, and any cross-citations to other pieces in the same issue are also added.

The proofreaders must carefully compare the revised proofs with the previously corrected portions of the first proofs to ensure that the printer did not introduce new errors while correcting old ones. Where additions or deletions were necessary, the subsequent lines may now break differently than in the first proof, introducing new possible hyphenation errors.

As with first proofs, the proofreaders must keep track of all blank spaces and unofficial citations. A staff member completes all blank cross-citations while another checks for official reporters that may have appeared since first proofs.

The EIC posts these corrections on a duplicate set of revised proofs and returns them to the printer. At this point, the EIC and the EEs read the entire book. After the printer returns contract proofs for a final check, the EIC and the EEs proofread only the revised page changes (“redlining”) and post any additional changes. Changes at this point are very expensive and may delay receipt of the issue. The EIC returns the posted contract proofs to the printer for final printing.

## Chapter IV: *University of Miami Law Review* Bylaws

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(Amended February 28, 2015)

## **ARTICLE I. NAME**

Section 1. The name of this organization shall be the *University of Miami Law Review* (the “*Review*”).

Section 2. The organization shall be located at and affiliated with the University of Miami School of Law (“*Law School*”) at Coral Gables, Florida.

## **ARTICLE II. PURPOSE**

The purpose of the organization is to publish quarterly a law review. The publication shall contain scholarly articles written by the faculty, students, and other persons associated with the legal profession for the purpose of enhancing the study of law.

## **ARTICLE III. ORGANIZATION**

Section 1. The Editorial Board shall consist of all candidates and members of the *Review*.

Section 2. The Executive Board shall consist of the officers of the *Review*, as listed in Article V of these Bylaws.

Section 3. Candidates shall be students selected for candidacy on the *Review*, but not yet members of the *Review*.

Section 4. The Faculty Advisor shall be selected by the Law School in consultation with the Dean of the Law School and shall perform duties prescribed by the Editorial Board and these Bylaws.

## **ARTICLE IV. EDITORIAL BOARD**

Section 1. *Duties and Powers.* The Editorial Board shall determine the general policies of the *Review* and perpetuate itself as provided in these Bylaws. It shall have the power to perform any act or acts authorized by these Bylaws. The individual members of the Editorial Board shall perform the duties assigned by the Executive Board.

Section 2. *Academic Credit.*

(a) Any academic credit authorized by the faculty of the School of Law for *Review* writing shall be offered, controlled, administered, and awarded by a member of the faculty of the Law School. The granting of, or refusal to grant, academic credit for any manuscript submitted to the *Review* for publication shall in no way affect the determination of the acceptability of any student-written work submitted to meet the membership writing requirement.

(b) Any academic credit authorized by the Dean of the Law School for Editorial Board participation shall be offered, controlled, administered, and awarded by the Editor-

in-Chief, with the pass/fail grade given by the Faculty Advisor in his/her capacity as a member of the faculty of the Law School. A maximum of two (2) academic credits, considered independent research, is allowed for an Editorial Board member during his or her tenure on the Editorial Board. All positions of the Editorial Board are able to receive academic credit on a pass/fail basis at the discretion of the faculty.

Section 3. *Award of Certificates.* All members of the *Review* shall receive certificates upon graduation if they have served on the *Review* for two full semesters as either a candidate or member, have performed assigned duties to the satisfaction of the Editorial Board, and have fulfilled their writing requirements. A two-thirds majority of the Editorial Board, not including officers of the Executive Board, may deny a member a certificate upon recommendation of the Executive Board that the particular member's award would not be justified.

Section 4. *Active Membership on the Editorial Board.* Any duly elected member of the *Review* shall be considered as active until graduation, unless the member shall have resigned or been expelled in accordance with the provisions of these Bylaws.

Section 5. *Alumni Members.* Members of the *Review* who have graduated from the school shall be classed as alumni members of the Board, entitled to a complimentary subscription to the *Review* for one year.

Section 6. *Writing Requirements.*

(a) *Generally.* To receive a *Review* certificate, each member must fulfill the *Review* writing requirements. Every topic must be approved by a Senior Notes & Comments Editor before the candidate conducts extensive research. Unless accepted by the Editor-in-Chief as publishable, an article shall not fulfill the writing requirement. Subsection (d) of this section specifies the deadlines for submission of articles. Failure to submit an article of publishable quality within the time allotted shall constitute a ground for denial of membership and/or ineligibility for election to the Executive Board.

(b) *Format for Student Writing.* Each *Review* candidate will be required to write one article of publishable quality. The structure and focus of these articles will be flexible and directed by a Senior Notes & Comments Editor.

(c) *Criteria for Publication.* Criteria for publication of student work will be established by the Senior Notes & Comments Editors with final approval of the Editor-in-Chief. The criteria shall be distributed at the candidate orientation meeting.

(d) *Deadlines.* All articles must be submitted according to publication schedules set by the Senior Notes & Comments Editors and approved by the Editor-in-Chief. A candidate's failure to complete a publishable article in time for slated publication will preclude his/her eligibility for membership.

Section 7. *Administrative Responsibilities.* Each member of the Editorial Board shall be available for service at reasonable times. Each member of the Editorial Board shall check their assigned boxes in the *Review* office and their school email accounts on a regular basis.

Section 8. *Unsatisfactory Evaluations.*

(a) *Notification.* In the event that a candidate's assigned Articles & Comments Editor determines that the candidate's submitted printchair or subcheck is unsatisfactory, the Articles & Comments Editor will notify the candidate of his or her substandard performance within thirty days of the submission.

(b) *Process for Appeal.* Upon notification, the candidate will have four days in which to request an initial meeting with the Articles & Comments Editor, and may, within ten days of this meeting, petition the supervising Executive Editor for review of any adverse decision. The Executive Editor's decision as to whether a printchair or subcheck is unsatisfactory will be final.

(c) *Sanctions.* The Editorial Board will deny membership into the *Review* to any candidate receiving greater than two unsatisfactory printchair or subcheck evaluations. A candidate denied membership, however, may preserve his or her candidacy during the following year, by completing his or her further obligations as a candidate.

Section 9. *Duties of Members.*

All members of the *Review* are required to participate in one committee as assigned by the Editor-in-Chief. Members of the Executive Board satisfy fulfillment of this requirement. Examples of committee responsibilities include, but are not limited to: assisting with the evaluation of the Writing Competition papers, completing research with a faculty member, evaluating 2L casenotes and articles, editing articles, and assisting with the coordination of the Symposium. Any member who does not successfully complete an assignment shall be subject to disciplinary action as set forth under these Bylaws. Nothing in this section shall be construed in any way to limit the power of the Editor-in-Chief to assign work to any candidate or member of the *Review*.

## **ARTICLE V. EXECUTIVE BOARD**

Section 1. *Composition and Duties.* There shall be nineteen members of the Executive Board, not including the Editor-in-Chief. The Executive Board shall act as an advisory board for the Editor-in-Chief, shall be responsible for working out the details for making effective the general policies established by the Editorial Board and the Editor-in-Chief, and shall perform other duties prescribed by these Bylaws. The Editor-in-Chief or the Executive Board may revise the duties of the Executive Board only by an amendment to these Bylaws.

Section 2. *Editor-in-Chief*. The Editor-in-Chief shall be directly responsible for the entire management of the affairs of the *Review*. The Editor-in-Chief must pass final judgment on each and every article and item submitted to the *Review* for publication; assign duties not otherwise assigned to officers, members of the Editorial Board, and candidates, and make necessary changes in assigned duties; preside at all meetings; determine all matters of general policy subject only to the guidance of the Editorial Board; supervise and direct all officers in the discharge of their respective duties; officially invite qualified students of the school to become candidates; notify candidates of their election to the Board when so elected; admonish and discipline officers, members of the Board, and candidates; and sign Certificates of Membership on the Board. His or her authority shall be commensurate with his or her duties.

Section 3. *Executive Editors, Senior Articles Editors, Senior Notes & Comments Editors, and Senior Writing Editor*. There shall be three Executive Editors, a Senior Articles Editor, two Senior Notes & Comments Editors, and a Senior Writing Editor who shall take turns in presiding at meetings and otherwise representing the Editor-in-Chief in the absence of that officer.

(a) The Executive Editors shall have responsibility for the editorial process of the *Review*; reviewing articles at all stages of production, assisting in the work of the Senior Articles Editor, the Senior Notes & Comments Editors, and the Senior Writing Editor; and such other duties as the Editor-in-Chief or the Executive Board may assign from time to time. The Executive Editors shall supervise the editing of all articles by the Articles & Comments Editors, perform the executive edit of articles upon completion of primary editing by the Articles & Comments Editors, review article submissions, and perform such other duties as the Editor-in-Chief may assign from time to time.

(b) The Senior Articles Editor shall coordinate and supervise the article and casenote publication selection process, perform the executive edit of articles upon completion of primary editing by the Articles & Comments Editors, review article submissions, and perform such other duties as the Editor-in-Chief may assign from time to time.

(c) The Senior Notes & Comments Editors are responsible for coordinating all student works published in the *Review*. Specifically, the tasks include: coordinating and developing note topics for student work; assigning topics and preliminary topics to incoming candidates and new members; coordinating the editorial process for reviewing and revising student works; ensuring that the appropriate faculty advisor is assigned to a topic and that the student work occurs according to schedule; and ensuring that the writing and editorial processes are synchronized with the *Review*'s publication schedule for each issue. The Senior Notes & Comments Editors shall also supervise the editing of all student notes and comments, perform the executive edit of student notes and comments upon completion of primary editing by the Articles & Comments Editors, and perform such other duties as the Editor-in-Chief may assign from time to time.

(d) The Senior Writing Editor is responsible for creating, maintaining, and organizing the *Review*'s Student Writing Competition. He or she shall also assist the Senior Notes &

Comments Editors in maintaining a current research file for candidates and members of the *Review* and in obtaining Interlibrary Loans (ILL's) as requested by Candidates. The Senior Writing Editor shall also perform the executive edit of student notes and comments upon completion of primary editing by the Articles & Comments Editors, assist the Editor-in-Chief in inviting all new students to candidacy on the *Review*, oversee any development or survey pieces, and perform such other duties as the Editor-in-Chief may assign from time to time.

(e) Nothing in this section shall derogate from the fundamental authority and responsibilities of the Editor-in-Chief, delineated in Article V, section 2.

Section 4. *Eleventh Circuit Editor*. The Eleventh Circuit Editor shall be responsible for the management of the Eleventh Circuit Issue, to be published annually by the *Review*. The Eleventh Circuit Editor shall, when necessary and with the assistance of the Executive Board, choose a timely theme or topic for this annual issue and solicit authors and candidate notes for the Eleventh Circuit Issue. The Eleventh Circuit Editor shall finalize all publication agreements with all authors for the Eleventh Circuit Issue, facilitate correspondence with authors throughout the publication process, facilitate the submission of articles to the *Review*, perform the executive edit of Eleventh Circuit Review articles upon completion of primary editing by the Articles & Comments Editors, and perform such duties as the Editor-in-Chief may assign from time to time.

Section 5. *Online Editor*. The Online Editor is responsible for the professional, timely, and independent maintenance of the *Review's* digital identity. The Online Editor's specific responsibilities are as follows:

(a) The Online Editor organizes, edits, and posts blog entries created by students pursuant to the *Review's* blogging requirement. The Online Editor shall endeavor to post an average of one original blog entry per week that school is in session, excluding finals.

(b) The Online Editor maintains and regularly updates the *Review's* social media accounts. Such maintenance shall include efforts to ensure the broadest possible exposure for student work.

(c) The Online Editor maintains current and accurate information on any digital platform purporting to be a home page for the *Review*, and maintains an up-to-date design appearance for any such page.

(d) The Online Editor assists the Law School library staff in managing the *Review's* digital repository.

(e) The Online Editor ensures that the *Review's* digital identity remains autonomous, independent, and student-run, as mandated by Article XV of these Bylaws.

Section 6. *Symposium Editor*. The Symposium Editor is responsible for the planning, management, and operation of a legal symposium. The Symposium Editor shall also edit

essays, student articles, and other such pieces assigned by the Editor-in-Chief, and shall also perform other special projects as assigned by the Editor-in-Chief.

Section 7. *Managing Editor.* The Managing Editor of the *Review* shall represent the Editor-in-Chief in the administrative business of the *Review*; shall maintain detailed financial records; shall maintain records of all editorial assignments and accomplishments of officers, members, and candidates; and shall perform such other duties as from time to time the Editor-in-Chief or the Executive Board may assign. The Managing Editor shall also be responsible for planning *Review* functions, including an annual banquet and formal and informal gatherings of *Review* members, alumni, and candidates.

Section 8. *Articles & Comments Editors.* There shall be six Articles & Comments Editors. Articles & Comments Editors shall have the duties and responsibilities assigned to them by the Editor-in-Chief, the Executive Editors, the Senior Articles Editor, the Senior Notes & Comments Editors, the Senior Writing Editor, and the Eleventh Circuit Editor. There shall be no differences in rank among the Articles & Comments Editors.

Section 9. *Communications & Outreach Editor.* The Communications & Outreach Editor of the *Review* is a discretionary role. If elected, the Communications & Outreach Editor shall be responsible for keeping in touch with alumni members. The Communications & Outreach Editor shall work with the Online Editor, the Editor-in-Chief, and the Senior Program Coordinator to maintain the alumni database for the *Review*. In addition, the Communications & Outreach Editor shall be responsible for drafting an alumni newsletter, planning alumni events in conjunction with the Managing Editor, and shall perform such other duties as the Editor-in-Chief shall assign from time to time.

## ARTICLE VI. ELECTIONS

Section 1. *Eligibility.* Any member of the Editorial Board who has completed one article of publishable quality shall be eligible for the election to any office on the *Review* provided he has at least one full year of resident work in the school remaining to be done before graduation, and provided further that he expects to be available for the duties of the office during the year for which elected, except that any member of the Editorial Board graduating in January (“January graduate”) of the calendar year following the election shall be eligible to run for the position of either Senior Writing Editor or Articles & Comments Editor for a one semester term, in accordance with the provisions of section 2 of this Article.

(a) The Editor-in-Chief, the Executive Editors, and the Managing Editor shall alternate performance of their obligations during the period between any required work periods so that the administrative functions of each of the offices, and the presence of one throughout the summer shall not excuse the others from the fulfillment of their obligations. Each officer, however, shall remain responsible for the editorial function of his particular office.

(b) The Articles & Comments Editors and Symposium Editor shall remain responsible for the editorial function of their particular offices, as determined by the Editor-in-Chief, the Executive Editors, and the Managing Editor, throughout the summer.

(c) This section shall not be construed to prevent any member of the Executive Board from engaging in full-time employment during the summer period between any required work periods.

Section 2. *Time.* Election of officers shall be held at a meeting or meetings of the Editorial Board duly called for that purpose at least two months before the end of the spring semester. All officers shall be elected for a term of one full year; except that a January graduate may be elected to the position of either Senior Writing Editor or Articles & Comments Editor for a term of one semester. In the event that a January graduate runs for a one-semester term as the Senior Writing Editor or as an Articles & Comments Editor, the following rules and procedures shall apply:

(a) When nominating himself, pursuant to section 4 of this Article, the January graduate must indicate, in a parenthetical following his name, that he is running as a January graduate. Eligible Editorial Board members may thereafter nominate themselves as successors to the January graduate. The drop-down provisions of section 4(b) of this Article apply to successor positions.

(b) The Executive Board shall determine the date on which the term of the January graduate, if elected, shall expire, and the date on which the term of his successor shall commence. Such determination shall be made no later than the second day before the election is held.

Section 3. *Vacancies.* Should any office become vacant during the term for which the officer was elected, a successor to that office shall be elected by the Editorial Board at a special election meeting to be held as soon as practicable after the vacancy arises, to serve in that office for the duration of the vacating officer's term. The Editor-in-Chief, with concurrence of the Executive Board, shall have the power to appoint a temporary successor until the special election is held.

Section 4. *Nomination.* Nominations and election for each office shall be separate for each office in the following order: Editor-in-Chief, Executive Editors, Senior Articles Editor, Senior Notes & Comments Editors, Senior Writing Editor, Eleventh Circuit Editor, Online Editor, Symposium Editor, Managing Editor, and Articles & Comments Editors, and successor(s) to January graduate Articles & Comments Editor(s). Nominations for Communications & Outreach Editor may also be had.

(a) Sign-up list. At least three weeks before the election meeting, the Editor-in-Chief shall post in the *Review* office a sign-up list for nominations. The Editor-in-Chief shall remove the sign-up list at 5:00 p.m. on the third day before the election meeting.

(b) Drop-down provision. Nominations will be self-made, by each nominee's signing the list. Each nominee must sign up for the highest office for which the nominee desires to run; nominees may sign up for alternative offices. A nominee who runs unsuccessfully for an office shall be presumed eligible to run for any subsequent office to be filled at the election meeting. A nominee must be present at the election meeting in order to run for a position on the Executive Board. A nominee may be exempted from this requirement with the approval of the Executive Board.

(c) Speeches by nominees. All nominees shall be given an opportunity to speak on their own behalf at the election meeting. Members of the Editorial Board shall have an opportunity to question the nominees. There shall be a general discussion of the nominees by Editorial Board members after all nominees have spoken and have left the room. The Election Chair shall rule out of order any question about a candidate's willingness to run for any subsequent office under the dropdown provision.

(d)(i) Election procedure. Before the day of the election meeting, the Executive Board shall adopt election procedure rules, which shall include time limits for the nominees' opportunity to speak on their behalf, for questioning of the nominees by the membership, and for the general discussion period.

(d)(ii) No person who is a candidate for an Executive Board position shall be present in the room during the general discussion related to the position that person is running for.

If during the general discussion of the candidates someone raises an issue regarding a candidate not addressed during the candidate's speech or question and answer period and a voter believes it would be unfair to not have that candidate address the issue, then the voter may make a motion to bring the candidate back in the room for the sole purpose of addressing the issue. If another voter seconds the motion then a vote shall be held as to whether the candidate should return to the room to address the issue.

If a majority of the people in the room vote to allow the candidate to address the issue, then the candidate shall return to the room and the Election Chair shall paraphrase the issue to the candidate. The Election Chair shall then allow the candidate a reasonable amount of time to respond to the issue.

The identity of the person who raised the issue about the candidate causing these procedures to be invoked shall never be revealed to anyone not in the room when the issue was originally raised. Any person who violates this rule may be subject to both expulsion from the *Review* and referral to the Honor Council for additional sanctions.

(e) Code of Silence. No person present during the discussion of the candidates for office shall discuss what was said to any person not present during the discussion, including the candidate for office. However, anything said during the discussion that is in and of itself an Honor Code violation shall be reported to, and only to, the Honor Council.

Section 5. *Balloting.*

(a) Generally. Balloting for each office shall be conducted separately. All Editorial Board members, including nominees, may cast one ballot each. When casting a ballot, a member may vote for a number of nominees equal to the number of positions to be filled, and no member may give more than one vote to a single nominee on any particular ballot. The nominees shall be ranked according to the number of valid ballots cast for each nominee.

(b) Votes necessary to win.

i. Majority Needed. A majority of votes is required to win. If no majority is garnered in the first election, the top three vote-getters will have a runoff. In this second election, if none of the top three gets a majority, a runoff of the top two vote-getters shall take place.

ii. Articles and Comments Editors. Each nominee receiving a majority of the valid ballots cast shall be elected. In the event that fewer than six candidates receive a majority of votes, the field shall be cut to the top vote-getters equivalent to twice the number of remaining open ACE positions, plus ties. Any subsequent runoffs shall be conducted in the same format. The number of votes each member may cast in runoffs shall be equal to the number of positions open.

Section 6. *Absentee and Proxy Voting.* The Executive Board by a majority vote may allow absentee balloting. Such ballots must be deposited with the Managing Editor before the election meeting.

Section 7. *Assumption of Authority.* The assumption of authority by the officers-elect shall take place on a date set by the Editor-in-Chief as soon as is convenient after elections, but in no case later than the last day of the academic semester.

Section 8. *Special Elections.* If after the annual election of officers any position(s) remain unfilled, the Editorial Board at a special election to be held as soon as practicable after the annual elections may fill such position(s). For the purposes of this section absentee ballots shall be permitted only if:

(1) notice of the meeting is posted for at least one week before the meeting,

(2) the member has a reasonable excuse for missing the meeting as determined by the Executive Board before the commencement of the meeting,

(3) the absentee ballot is in writing and specifies how the member wishes to vote on each matter to be raised that the member wishes to vote upon.

The outgoing Editor-in-Chief shall be responsible for providing those voting via absentee ballot with the information they would receive if attending the election so that their vote may be informed.

## ARTICLE VII. IMPEACHMENT

Section 1. For good cause shown, impeachment charges may be filed against any officer of the *Review*. These charges shall be filed by any member of the Executive Board with the concurrence of a majority of the Executive Board, or as a result of direction by petition signed by one-third of the members of the Editorial Board.

Section 2. Following the filing of such charges, the officer shall be entitled to reasonable notice of the charges, a hearing before the Editorial Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances. Each Editorial Board Member shall render a verdict of either: “Guilty as charged” or “Not guilty.” A two-thirds majority of the active membership of the Editorial Board shall be necessary to impeach. A member found guilty under this section will be removed from office, but will otherwise remain a member of the Editorial Board.

## ARTICLE VIII. EXPULSION

Section 1. For good cause shown, any member of the Editorial Board who is not an officer may be expelled from the Editorial Board of the *Review* by the Editor-in-Chief and a majority of the Executive Board. Before such action, the member shall be entitled to reasonable notice of the charges, a hearing before the Executive Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances.

Section 2. The expulsion of any member or members of the *Review* shall be announced by the Editor-in-Chief at the next regular or special meeting of the Editorial Board following the expulsion—or by email if no meeting is scheduled within two weeks. Any former Board Member who feels he has been unjustly expelled from the *Review* may present his case at such meeting. Upon the recommendation of a majority of the Editorial Board, such member will be reinstated.

## ARTICLE IX. CANDIDATES

Invitations to candidacy shall be granted based on the following formula:  
On the day that the registrar releases grades and at the end of two full semesters in residency:

If class size is equal to or fewer than **299** students, those students in the top ten percent (**10%**) of each first-year section or the top ten percent (**10%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **300–349** (inclusive) students, those students in the top eight percent (**8%**) of each first-year section or the top eight percent (**8%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **350–399** (inclusive) students, those students in the top seven percent (**7%**) of each first-year section or the top seven percent (**7%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **400–449** (inclusive) students, those students in the top six-and-a-half percent (**6.5%**) of each first-year section or the top six-and-a-half percent (**6.5%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **450–499** (inclusive) students, those students in the top six percent (**6%**) of each first-year section or the top six percent (**6%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **500–549** (inclusive) students, those students in the top five-and-a-half percent (**5.5%**) of each first-year section or the top five-and-a-half percent (**5.5%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **550–599** (inclusive) students, those students in the top five percent (**5%**) of each first-year section or the top five percent (**5%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is between **600–649** (inclusive) students, those students in the top four-and-a-half percent (**4.5%**) of each first-year section or the top four-and-a-half percent (**4.5%**) of the first-year class as a whole will be extended invitations to candidacy.

If class size is equal to or greater than **650** students, those students in the top four percent (**4%**) of each first-year section or the top four percent (**4%**) of the first-year class as a whole will be extended invitations to candidacy.

The number of invited candidates shall be calculated by the Registrar's Office, and is done by multiplying the section size of the class size by the assigned percentage.

(b) Invitations must be accepted in writing and received at the office of the *Review* within thirty days of receipt of formal notice. The absence of an acceptance as herein prescribed will be considered an irrevocable declination unless good cause is shown for failure to so respond.

## Section 2. *Invitations to Candidacy Based on Writing Competition*

(a) At the end of each academic year, the Editor-in-Chief and the Senior Writing Editor will extend to members of the first-year and second-year classes an invitation to compete in a writing competition.

*If the first year class is made of up 249 students or less:* For the second-year class, the invitations will be extended to the top 50 percent (top half) of the class. For the first-year class, the invitations will be extended to the top 50 percent (top half) of the first-year class as a whole and the top 50 percent (top half) of each section of the first-year class. *If*

*the first year class is made of up 250 students or more:* For the second-year class, the invitations will be extended to the top 33 1/3 percent (top third) of the class. For the first-year class, the invitations will be extended to the top 33 1/3 percent (top third) of the first-year class as a whole and the top 33 1/3 percent (top third) of each section of the first-year class.

The number of invited candidates will be calculated by the Registrar at the end of the second semester of the academic year by multiplying either the class or section size by .333, rounded up or down to the nearest whole number (except .5000 will be rounded up to the nearest whole number).

(b) Such invitations must be accepted in writing and received within a time period and in a manner set by the Editor-in-Chief.

(c) The competition will be based solely on a writing assignment, the exact nature and conduct of which will be determined by the Senior Writing Editor with the concurrence of the Executive Board.

(d) The *Review* will make reasonable accommodations for special consideration of students with disabilities who submit a formal request. The assistance conferred by “special consideration” is limited to deadline extensions and the mechanics of the Writing Competition itself, and will not affect the evaluation of potential candidates. Additionally, the final deadline extended for students given special consideration due to disabilities shall not extend beyond 24 hours preceding Orientation for new *Review* members. The Senior Writing Editor, in consultation with the Editor-in-Chief, reserves the right to define “reasonable accommodations” as circumstances dictate.

(e) The completed assignment will be evaluated by at least three persons designated by the Senior Writing Editor and the Editor-in-Chief. The Editor-in-Chief and the Senior Writing Editor will then issue invitations to candidacy to persons submitting the best work, as selected by the evaluators.

(f) The maximum number of persons so invited shall not exceed: (1) 5 percent of the first-year class determined as of the beginning of the entrants’ second year, and (2) 15 candidates from the second-year class. The *Review* reserves the right not to accept candidates from the Writing Competition unless the papers meet the *Review* standards as set by the Senior Writing Editor with the concurrence of the Executive Board.

(g) The *Review* will grade the assignment on an anonymous basis. Each competitor will be assigned a number (to be placed on all work) by the Senior Program Coordinator or some other party who is not a member or candidate of the *Review*. At the conclusion of the competition, the Senior Writing Editor and the Editor-in-Chief will present the number of each successful candidate to the Senior Program Coordinator (or such party) and the Senior Program Coordinator (or such party) will then match the numbers selected with the names and inform the Editor-in-Chief and the Senior Writing Editor of the names of the successful competitors.

(h) Candidates selected through this Competition will begin their period of candidacy immediately. There shall be no distinction between the candidacy of a student selected as a result of the competition and the candidacy of a student selected on the basis of grades. Successful candidates of the Competition may also not use this distinction during elections.

(i) Administration of this Writing Competition shall be vested in the Executive Board.

(j) The Executive Board will hold whatever orientation meetings with the competitors it feels are necessary for the proper administration of this program.

(k) Participation in this program shall be considered an academic activity of the University of Miami School of Law. Any competitor adjudged by the Executive Board to have materially violated the rules of the competition shall be dismissed from the competition. The Editor-in-Chief shall only then have the power to report violators to the School of Law Honor Council for disciplinary action with regard to possible violations of the Honor Code.

(l) Any member or candidate of the *Review* found to be knowingly giving aid to any competitor or otherwise materially violating the rules of the competition shall be subject to disciplinary action pursuant to section 7 of this Article, Article VII, and Article VIII of these Bylaws and may also be reported to the School of Law Honor Council with regard to possible violations of the Honor Code; however, the final determination as to the violation of writing competition Rules or Bylaws of the *Review* shall be made by the Executive Board.

Section 3. *Transfer Students*. Students who transfer to the University of Miami School of Law from other law schools accredited by the American Association of Law Schools (a “former school”) will be eligible for candidacy or membership of the *Review* as follows:

(a) Students transferring after the completion of two full-time semesters (or the equivalent thereof) from law schools that have reviews where invitations for law-review candidacy are not extended until the end of the second semester will be extended an invitation to participate in the writing competition if their grade point average at the end of two semesters placed them in the top 25% of their class or section, whichever applies, at their former school.

(b) Students transferring after the completion of two academic years (or the equivalent thereof) will be extended an invitation to participate in the writing competition if their grade point average at the end of two academic years placed them in the top 25% of their class at their former school.

(c) In all cases, including where a transfer student was a full member or candidate of a law review at his former school, the decision as to candidacy or membership on the *Review* will be made on a case-by-case basis by the Executive Board. Notwithstanding

the previous subsections, the Executive Board is free to permit a transfer student to join the *Review* under any circumstances it deems appropriate.

(d) If candidacy or membership on the *Review* is granted, the transfer student must comply with these Bylaws of the *Review*, as well as comply with any and all requirements for membership detailed in the Blackbook and as provided by the Executive Board.

Section 4. *Duties.* The duties of candidates shall be the same as members of the Editorial Board, including a writing assignment (casenote, comment, or equivalent legal article), and such other duties as from time to time may be assigned by the officers of the *Review*.

Section 5. *Term.* Each candidate shall serve as a candidate for at least two full semesters. All assigned work must be completed to the satisfaction of the Executive Board. If a candidate participates in an out-of-town externship or otherwise cannot complete the required two semesters of service, the candidate must complete all candidate requirements upon his or her return. Such an arrangement must be approved in advance by a majority of the Executive Board. To fulfill the writing requirement (Article IV, section 6(b)), a candidate's article must be of such quality that it would be acceptable for publication, but this requirement shall not be interpreted to mean that the writing must be accepted for publication or have been published.

Section 6. *Election to the Editorial Board.* At the earliest possible time following a candidate's completion of all of his or her duties and serving the minimum term, the Executive Board, by a majority vote, shall recommend the election of the candidate to the Editorial Board. At a meeting called for that purpose, the Editorial Board shall vote on those candidates recommended by the Executive Board. A majority shall be necessary to elect.

Section 7. *Elimination of Candidates.* Failure of any candidate to be elected to membership on the Editorial Board after one full semester as a candidate due to incompleteness of requirements shall not preclude him from possible membership, and his name may be submitted to the Board for consideration at any time after he has completed whatever additional assignments may be required of him. A candidate, however, may be dropped from the rolls for repeated failure to meet deadlines, or for any other sufficient cause, by the Editor-in-Chief with the concurrence of a majority of the Executive Board, following reasonable notice of the charges, a hearing before the Executive Board, the opportunity to present witnesses and cross-examine opposing witnesses, and any other procedural protections required to guarantee procedural due process under the circumstances. A candidate so dropped may appeal his dismissal to the Editorial Board at the first general meeting of the Editorial Board following his dismissal, but not to exceed two weeks following his dismissal, and may be reinstated by a two-thirds vote of the Editorial Board.

Section 8. *Changes in Eligibility Requirements.* The qualifications of a candidate to become eligible for election to the Editorial Board shall not be made more stringent for

any individual than those in effect at the time the individual first became a candidate of the *Review*.

Section 9. *Voting Privilege*. Candidates shall have full-voting status, equivalent to a member's voting status, upon their participation on the *Review* following a period in which the *Review* is in active operation for four weeks. This power to vote shall not give candidates the right to vote themselves or other candidates into membership.

## **ARTICLE X. AMENDMENTS**

The Bylaws shall be subject to amendment by a two-thirds vote of those present on the Editorial Board provided that the intended amendment has been presented to the Editorial Board via email at least one week before the general membership votes on the proposed amendment. The Amendment must be posted in the *Review* office for at least one week before a vote of the general membership. For the purpose of this section absentee ballots shall be permitted only if:

- (1) notice of the meeting is posted for at least one week before the meeting,
- (2) the member has a reasonable excuse for missing the meeting as determined by the Executive Board before the commencement of the meeting,
- (3) the absentee ballot is in writing and specifies how the member wishes to vote on each matter to be raised which the member wishes to vote upon.

## **ARTICLE XI. INTERPRETATION**

Section 1. Ambiguities found in these Bylaws shall be subject to the interpretation of the Editor-in-Chief as to meaning unless deemed otherwise by a two-thirds vote of the members present at either an Editorial Board or Executive Board meeting. Provided, however, that any interpretation of the Executive Board may be overruled by a two-thirds vote of the Editorial Board.

Section 2. Except where these Bylaws are contrary, "Robert's Rules of Order, Revised" shall be the parliamentary authority.

Section 3. *Ambiguity*.

- (1) The Editor-in-Chief or the Executive Board (by a majority vote) may declare an ambiguity in the bylaws. The ambiguity must be defined in writing as to his or her interpretation.
- (2) The Executive Board, by two-thirds vote, may overrule this determination, and declare the section unambiguous. Should this occur, the interpretation of the Editor-in-Chief shall become effective for the duration of the current semester.

(3) During the pendency of this interpretation, the Bylaw committee shall draft a proposed Bylaw amendment reflecting the Editor-in-Chief's interpretation and present this proposed amendment as a resolution to all voting members and candidates.

(4) This resolution shall be binding for the duration of the semester within which it is issued.

(5) The resolution shall be considered a Bylaw amendment and shall be voted on at the next regularly scheduled meeting. If the amendment fails, the Bylaw Committee shall meet to propose a bylaw that would clarify or eliminate the ambiguity.

#### Section 4. *Bylaw Committee.*

(1) A standing Bylaw Committee shall be appointed by the Editor-in-Chief not later than September 15 of each year.

(2) This Committee shall consist of two members of the Executive Board, two general members, and three candidates. The Committee shall meet as needed throughout the year, and, minimally, shall present a report on any proposed changes at the Spring meeting of the *Review*.

#### Section 5. *Voting.*

(1) Unless otherwise specified, voting on any issue is by majority vote.

(2) Unless otherwise specified, voting on any issue will be by all members and candidates.

(3) Members-only voting will include only those members of the *Review* who have completed all requirements and have been accepted by vote on to the *Review*.

### **ARTICLE XII. RATIFICATION**

All Bylaw revisions or amendments shall have a prospective application only, and shall be effective in the semester immediately following ratification, unless the Bylaw itself specifies differently, in which case the revision shall take effect when specified.

### **ARTICLE XIII. MEETINGS**

Section 1. The Executive Board shall meet regularly to discuss issues regarding administration and publication.

Section 2. The meeting agenda shall be determined by the Editor-in-Chief and distributed to all members of the Executive Board at least twenty-four hours before the meeting. Items not listed on the agenda may be introduced as new business for discussion purposes only; no voting on new business shall occur.

Section 3. Any member of the Executive Board may call for a meeting to vote on the new business. The meeting will occur either (a) upon unilateral decision by the Editor-in-Chief, or (b) with approval of a majority of those Board members present.

Section 4. Absentee voting may be approved for an issue by the Editor-in-Chief. Such decision must be included on the meeting agenda.

Section 5. Proxy voting may be approved for an issue by the Editor-in-Chief. Signed, written instruction must be delivered to the Editor-in-Chief before the call to order.

#### **ARTICLE XIV. VAFs AND BUDGET**

##### Section 1. *VAFs.*

(a) The Editor-in-Chief and Senior Program Coordinator shall have the power to levy dues and promulgate any procedures required to collect such VAFs.

(b) Any member or candidate who is experiencing financial hardship and who wishes to arrange for an alternative payment plan shall apply to the Senior Program Coordinator by the date upon which the VAFs must be paid.

(c) The Editor-in-Chief and Senior Program Coordinator shall make a good-faith effort to use the VAFs funds in accordance with the budget.

(d) In the event that no budget has been provided to the Editorial Board, the Editor-in-Chief's power to levy the VAFs shall be suspended until such budget has been drafted and voted on.

##### Section 2. *Budget.*

(a) As soon as practicable after the election of the incoming Executive Board, the Managing Editor-Elect shall draft a budget with the final approval of the Editor-in-Chief-Elect. This provisional budget shall be posted in the *Review* office no later than two weeks before the last day of classes in the Spring semester.

(b) The Editor-in-Chief-Elect shall call a meeting of the Executive Board-Elect no later than one week before the last day of classes of the Spring semester and the budget shall be submitted to the Executive Board-Elect for their final approval. This meeting shall be open to any Member or Candidate and shall not be adjourned until a budget for the following year has been approved by two-thirds vote of the Executive Board-Elect present at the meeting.

(c) A copy of the budget shall be available upon request to any member of the Editorial Board. Each Candidate shall receive a copy of the budget at the Fall Orientation meeting.

(d) The Managing Editor shall make regular reports to the Executive Board on the status of the budget.

(e) In the event of an extraordinary circumstance impacting the approved budget, the Editor-in-Chief may make adjustments to the budget, which will be submitted to the Executive Board for their final approval after the Editorial Board has been given one week's notice of the proposed changes. This meeting shall be open to any Member or Candidate and shall not be adjourned until an adjusted budget for the current year has been approved by two-thirds vote of the Executive Board present at the meeting.

## **ARTICLE XV. ONLINE IDENTITY**

The guiding principles of the *Review's* online identity are academic excellence and full student control of any website officially affiliated with the *Review*. Therefore, the following rules shall apply to the *Review's* digital presence:

Section 1. The *Review* Executive Board shall maintain at least one institutional website for the *Review*.

Section 2. The *Review* website(s) shall consist of any original student work or news deemed publishable online by the Executive Board. All such information shall be produced, edited, and placed online by *Review* members or candidates.

Section 3. All information published on the *Review's* website shall comport with the *Review's* commitment to professionalism, integrity, academic excellence, and good writing.

Section 4. The *Review's* digital presence shall be fully managed and controlled by *Review* members and candidates. Specifically:

(a) The *Review* Executive Board shall maintain independent, student control over its website, and any other website purporting to be an institutional home page for the *Review*.

(b) The *Review* shall not cede student control over its website, or any other website referenced in Section 3, to anyone not a member of *Review* Executive Board.

## Chapter V: University of Miami Law Review Style Guide

### General style rules

When making punctuation, hyphenation, and other stylistic decisions, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (20th ed. 2015), and (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (2d ed. 2002). Past issues of the *Review* are often a good way to determine the correct way to style something, but note that the sources listed above supersede past issues.

Candidates and Members should read and re-read *The Elements of Style* by William Strunk, Jr. & E.B. White. Additionally, Candidates and Members are encouraged to examine the following books on style and usage: (1) Patricia T. O’Conner, *Woe is I* (Riverhead Books 2003); (2) Bill Walsh, *Lapsing Into a Comma* (McGraw-Hill 2000); (3) Bill Walsh, *The Elephants of Style* (McGraw Hill 2004); and (4) Lynne Truss, *Eats, Shoots & Leaves* (Gotham Books 2003)

### General spelling rules & capitalization

When checking spelling and capitalization of words, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (20th ed. 2015), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (2d ed. 2002), (4) *Merriam-Webster’s Collegiate Dictionary* (11th ed. 2005), and (5) *Webster’s Third New International Dictionary*, unabridged. In matters of capitalization for words not included in this style sheet or in *The Bluebook*, if the dictionary says a word is “often cap” or “usually cap,” then capitalize it. If “often not cap” or “usually not cap,” then it’s lowercase. Read each entry thoroughly—different rules may apply for different definitions.

*Capitalization.* We capitalize words indicated as sometimes capped or often capped in *Merriam-Webster’s*. However, capitalization rules may differ based on the word’s meaning: puritan (one who practices or preaches a purer moral code than what prevails) / Puritan (member of a sixteenth- and seventeenth-century Protestant group); gypsy (wanderer) / Gypsy (Ethnic group). Always check *The Bluebook*, R. 8.

*Meaning.* Read the meaning carefully to make sure the writer is using the correct word for what he or she intends: historic (important in history) / historical (relating to history); one-time (occurring once) / onetime (former); ensure (guarantee) / insure (to provide or obtain insurance on). Many of these easily confused words are also contained in a section in *Words into Type* (“Words Likely to be Misused or Confused”) or as separate entries in books such as *The Careful Writer, A Dictionary of Modern American Usage*, and *Good Grammar & Word Usage*.

Check for homonyms: discreet (prudent, tactful) / discrete (distinct); vice (moral depravity) / vise (clamp); forgo (forsake) / forego (precede); mnemonic (assisting

memorization) / mnemonic (relating to the lungs or pneumonia). Spell-check won't catch these, so read carefully!

If a dictionary has several variations on a word (geographic/geographical; toward/towards), use the first listing.

## Abbreviations

Check abbreviations in this order: (1) this style sheet, (2) *The Bluebook: A Uniform System of Citation* (19th ed. 2010), (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (2d ed. 2002), and (4) *Merriam-Webster's Collegiate Dictionary* (11th ed. 2005).

Some commonly used abbreviations:

U.S. (adjective only)	Washington, D.C.
UK (noun and adjective)	L.A. (Los Angeles)
USSR (noun and adjective)	a.m. and p.m.
	a.d. and b.c.

*Exception:* No spaces between ampersands in abbreviations: R&R, R&B, AT&T.

## Capitalization after a colon

If what follows a colon is a grammatically complete clause, capitalize the first letter. Example: It was obvious: The U.S. immigration landscape had change forever. We now know who will pay the price: employers and labor unions.

## Commas

\* Use serial/Oxford commas: red, white, and blue.

\* Use commas to separate independent clauses: Everyone present was startled by the news, and several senators who had been standing in the hall rushed into the room to hear the end of the announcement. He stood up, he walked out of the room, and he locked the door.

\* When possible, omit the comma in a second independent clause: Babs had gone to Naples with Guido, and when Baxter found out about it he flew into a rage.

\* Sometimes a comma is needed between two imperatives for readability: Don't dawdle, and get there early.

\* Do not use a comma to separate parts of a compound predicate where both verbs have the same subject: He had accompanied Sanford on his first expedition and volunteered to remain alone at Port Royal.

\* No commas for one-word introductory adverbial phrases such as today and now (subject to readability). But use a comma for one-word introductory phrases that end in -ly: Usually, things run pretty smoothly.

\* Do not use commas after two-word introductory adverbial phrases when the result reads smoothly: One day I will go there. Once, he had a plan to take over the world.

\* Use a comma to separate proper names from other capped words or numbers: In 1987, Natasha flew home. In July, Hope had some difficulty.

\* For more information on commas, consult *The Redbook* §§ 1.2–1.3.

## Compounds

When deciding whether to hyphenate compounds, consult references in this order: (1) this style guide, (2) *The Bluebook: A Uniform System of Citation* (20th ed. 2015), and (3) Bryan A. Garner, *The Redbook: A Manual on Legal Style* (2d ed. 2002).

1. Examples: an unheard-of proposal, a brand-new car, a well-known band, a well-trained athlete. But an athlete who is well trained.

2. Hyphenate adverb + participle combinations before a noun: a sweet-smelling flower, square-jawed man.

\* If the adverb ends in -ly, the hyphen isn't necessary: equally effective cures. (Since some adjectives end in -ly, adjectives and adverbs in this construction must be carefully distinguished: an early-morning stroll, a scholarly-looking man [early and scholarly are adjectives].)

3. Hyphenate noun + noun (e.g., city-state governance) and adjective + noun combinations before a noun (e.g., small-state senators).

4. Hyphenate *and* combinations before a noun: a silk-and-lace handkerchief.

5. For words not in dictionaries:

*Hyphenate*: adjectives preceded by well, ill, better, best, little. Example: best-laid plans, ill-prepared brief.

*Do not hyphenate*: adjectives preceded by most or least; proper names used as phrasal adjectives (the Monty Python school of comedy).

## Dates

See *The Bluebook*, T.10, for a list of the months' abbreviations.

## Ellipses (See *The Redbook* § 1.43)

*The Bluebook* and *The Redbook* control ellipses. Read Rule 5.2 carefully. *The Bluebook* is cryptic, so also read the *Bluebook Primer*.

*After a complete sentence:* no space between the last letter of the sentence and the period; one space between each period. *Example:* harassment. . . . Being

*In the middle of a sentence:* one space on either side and one space between each period. *Example:* 'sex stereotyping' . . . . [and] court

*If a full paragraph or more is omitted:* Here *The Bluebook* and *The Redbook* differ. Ask an ACE, EE, or the Editor-in-Chief which is the preferred rendering. Consult the following:

- (1) *Bluebook* Rule 5.1(a)(iii)
- (2) *Redbook* § 1.44(b)

*Use hard spaces!* See the entry for hard spaces below.

## Em-dashes (See *The Redbook* § 1.49):

Insert an em dash through insert → symbol → special characters. Alternatively, in Windows, type in 2014 and then press Alt + X. There should be no space on either side. *Example:* "There is no comparable justification, however, for routinely searching any room other than that in which an arrest occurs—or, for that matter, for searching through all the desk drawers or other closed or concealed areas in that room itself." *Chimel v. California*, 395 U.S. 752, 763 (1969).

## En-dashes (See *The Redbook* § 1.52):

\* An en dash means "to" and is inserted through insert → symbol → special characters. Alternatively, in Windows, type in 2013 and then press Alt + X. *Example:* a score of 10–2, fiscal year 2000–01., *id.* at 23–24.

\* The en dash is also used in place of a hyphen in a compound adjective when one of the elements of the adjective is an open compound (such as New York) or when two or more of the elements are hyphenated compounds:

New York–London flight  
San Francisco–based author  
quasi-public–quasi-judicial body

Cambrai–St.-Quentin direction  
Arts and Crafts–style furniture

## Hard Spaces

Hard spaces keep ellipsis dots (and anything else) together. *See Redbook* § 1.47(a): “Use a nonbreaking (‘hard’) space to prevent the ellipsis dots from being separated by a line break. Use a hard space (see 4.13) between the dots and also between the dots and also between the last quoted word and the punctuation if the quoted sentence continued in the original.”

*Making a hard space.*

- (1) For non-Macintosh computers, press ctrl+shift+space.
- (2) For Macintosh computers, press option+space
- (3) For the future, when these commands change, look it up on the Internet.

## Infinitives

“Although from about 1850 to 1925 many grammarians stated otherwise, it is now widely acknowledged that adverbs sometimes justifiably separate the *to* from the principal verb {they expect to more than double their income next year}.” *The Chicago Manual of Style* ¶ 5.106 (15th ed. 2003).

Generally, try to avoid split infinitives, but, if the adverb bears the emphasis in a phrase, leave the split infinitive alone. The two considerations are emphasis and sound.

For example, “it’s best to always get up early” has a meaning (it’s best to get in the habit of waking up early) different than “it’s always best to get up early” (in any given situation, getting up early is the best option).

Likewise, “to go boldly where no man has gone before” lacks the ring of “to boldly go where no man has gone before.”

## Italicizing Latin Words

Legal writers use a lot of Latin words and phrases. The issue often presents itself, whether a particular Latin word or phrase should be italicized. The resolution is quite simple, and *The Redbook* proves more helpful than *The Bluebook* on this issue (which sometimes is the case. Check *The Redbook*!)

(1) *Bluebook* Rule 7 states: “Italicize on-English words and phrases unless they have been incorporated into common English usage. Latin words and phrases that are

often used in legal writing are considered to be in common English usage and should not be italicized.”

(2) But how do you know whether Latin words and phrases are considered to be “in common English usage”? *The Redbook* has the answer, in § 3.3: “The surest guide for legal terms is *Black’s Law Dictionary*”; “check it to see whether phrases such as *de novo*, *habeas corpus*, *in loco parentis*, and *nunc pro tunc* should be italicized (the first two aren’t; the last two are). The appearance of the dictionary’s headword—the main entry—will tell you.”

## Numbers

*The Bluebook’s* Rule 6.2(a) controls. Spell out numbers from zero to ninety-nine; use numerals for numbers over 100.

If a number has a decimal or decimal point, use numerals (1.33 or 1/3). The same goes for addresses (19 Spring Lane); dates (January 13, 2007); and decisional splits (a 5–4 decision). Also, use numerals to describe section or other subdivision numbers (§ 1441 of 28 U.S.C.).

Spell out numbers for ages (a ten-year-old). The same goes for money (ten dollars) and percentages (fifty-four percent), unless the paper repeatedly refers to percentages or dollars. If the paper repeatedly refers to percentages or dollars, spell out the amount (12% or \$55).

No matter what, notice Rule 6.2(a)(iii), which controls a list of numbers (a \$2225, \$20, and \$40 vase. *But* he owes Bob, Josh, and Derek ten dollars, fifteen dollars, and eighty-eight dollars, respectively).

## Possessives

\* Use ‘s after singular words, even with words ending in *s*: Congress’s commerce power, Joe’s book, Justice Roberts’s decision, Los Angeles’s smog, Paris’s lights. After plural words ending in *s*, add only an apostrophe: the puppies’ tails, the Justices’ decision.

## Punctuation

Some examples of frequent mistakes and their corrections:

- “She told him so.” *Not* “She told him so”. Rule 5.1(b)(iv) of *The Bluebook* is instructive: “Always place commas and periods inside the quotation marks; place other punctuation marks inside the quotation marks only if they are part of the original text.”
- The Ninth Circuit Court of Appeals has held that “there is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.” *Or*

The Ninth Circuit Court of Appeals has held, “[T]here is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.” *But not* The Ninth Circuit Court of Appeals has held that “[T]here is no constitutional mandate forbidding the use of deception in executing a valid arrest warrant.”

- Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant,” the agent . . . . *Not* Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant”, the agent . . . . *And not* Despite the court’s holding that deception is acceptable during execution of a “valid arrest warrant[,]” the agent . . . .

### Quotation marks

Make sure that Microsoft Word is set to default to “smart quotes” (Tools → AutoCorrect Options → AutoFormat → Replace “straight quotes” with “smart quotes”). This means the quotation marks will be curved and not straight.

*Example:* “The question of how Title VII’s prohibition against discrimination ‘because of . . . sex’ applies to transsexuals is a complex one. Every federal court that has dealt directly with this issue has held that ‘Title VII does not prohibit “discrimination” based on an individual’s transsexualism.’”

### Spaces

Place one space between sentences.

- “Zed’s dead, baby.·Zed’s dead.”
- *Not* “Zed’s dead, baby.··Zed’s dead.”

Similarly, place one space between citations. Example: The court held that directors owe a duty of loyalty to shareholders.·Guth v. Loft, 5 A.2d 503 (Del. 1939).·Place one space between citations that are separated by semi-colons. Example: *Id.* ¶ 96,052, at 91,705;·*see also* U.S. CONST. art. I, § 8, cl. 10.

To make sure sentence spacing is uniform in the article you’re editing, use the find-and-replace function to replace all instances of two spacebars with one. Do this with track changes off.

### Supra, hereinafter + infra

Note that *supra* and *hereinafter* should not be used with cases, statutes, constitutions, legislative materials (other than hearings), restatements, model codes, or regulations, unless there is some ridiculous circumstance *See The Bluebook*, R. 4.2 (noting that “hereinafter” is appropriate for *In re* Multidistrict Private Civil Treble

Damage Antitrust Litig. Involving Motor Vehicle Air Pollution Control Equip., 52 F.R.D. 398 (C.D. Cal. 1970)). For short forms of cases, see Rule 10.9 of *The Bluebook*.

### **Titles of books + other works**

Lowercase all articles, conjunctions (and, or, nor, but, for), and prepositions (in, on, off, to, with, etc.) that are four letters or fewer, unless they begin the heading or title, or immediately follow a colon. See *The Bluebook*, R. 8.

To determine what part of speech a word is, look up the word in the dictionary. Note that words may be used as different parts of speech (e.g., *out* can be used as an adverb, verb, preposition, adjective, or noun)—make sure you know how the word is being used so you can determine which part of speech it is and capitalize accordingly.

*Exception:* Prepositions that are an inseparable part of a verb should be capped: Going Out the Door, Wrapping Up the Party. Check verbs in dictionaries; many verbs appear with prepositions as separate entries.

\* For rules on capitalization of hyphenated compounds in titles, see *The Redbook* § 2.10(c).