Table of Contents

Page

ACKNOWLEDGMENTS v

Chapter One. Introduction: Scholarly Writing in Law School **1**

A. Legal Scholarship 1

B. Seminar Papers, Student Law Review Articles, and Law Review Competition Papers 4

1. The Comment: Examining One Aspect of the Law 5
2. The Casenote: Analyzing One Opinion 9
3. The Law Review Competition Paper: A Special Case 11

C. The Process of Scholarly Writing 12

Chapter Two. Inspiration: Choosing a Topic and Developing a Thesis **14**

A. Choosing a Topic 18

1. Finding a Topic 19
2. Narrowing Your Topic 20

B. Distinguishing Topic and Thesis 22

C. Finding and Developing a Thesis 26

1. Keeping a Reading Journal 26
2. Probing Text 28
   a. Ask Questions 29
   b. Read for Argument Type 30
   c. Read for Inconsistency, Logical Error, and Omission 33
   d. Take a Problem–Solving Approach 36
   e. Read for Jurisprudence 37
   f. Read for Rhetoric and Style 38
3. Probing Context 40
   a. Examine the Legal Context 40
   b. Probe the Broader Context 43
4. Experimenting With Freewriting 45
5. Still Fishing? Further Thoughts 47

D. Refining and Testing Your Thesis 47

Further Reading 51

Chapter Three. The Mostly Research Stage **52**

A. Gathering Information 53

1. Be Thorough 53
2. Ask Someone 55
3. Start With Secondary Sources 55
4. Be a Savvy Internet User 58
5. Stay Current 59

Page

B. Assimilating Information 59
Further Reading 61

Chapter Four. The Writing Process: Getting It Down on Paper 62

A. Working Toward an Outline 63
1. Working on a Statement of Purpose 63
2. Freewriting "Dump" or "Zero" Drafts 64
3. Using Charts and Diagrams 68
a. Case Charts 68
b. Cluster Diagrams 69
c. Issue Trees 70

B. Creating an Outline 71
1. Adapting the Traditional Casenote or Comment Outline 71
2. Using Paradigms 73
a. The Problem/Solution Pattern 73
b. Comparative Paradigms 74
c. Cause and Effect Pattern 77

C. Writing the Draft 77

Chapter Five. The Writing Process: Revising and Polishing 80

A. Revision and the Reader 80
B. Gaining Perspective 82
C. Revising: Content 82
D. Revising: Organization 85
1. Large–Scale Organization 86
Exercise 5.1 89
2. Small–Scale Organization 90
3. Signposts 90
a. Headings 90
b. Section Introductions and Conclusions 93
c. Topic Sentences and Transitions 93
Exercise 5.2 95

E. Polishing: Paragraph Structure 97
Exercise 5.3 99
F. Polishing: Sentence–Level Revision 100
G. Polishing: Proofreading 101
Proofreader's Marks 102
Further Reading 103

Chapter Six. Footnotes and the Ethical Use of Borrowed Materials 104

A. Authority 106
B. Attribution, Plagiarism, and Fair Use 111
C. Textual Footnotes 117
Exercise 6.1 118
Exercise 6.2 120
Exercise 6.3 123
Exercise 6.4 124

Page

Chapter Seven. Writing With Care **125**
A. Grammar and Usage 125
1. Agreement: Subject/Verb and Pronoun/Antecedent 125
2. Avoiding Sexist Language 126
Exercise 7(A)(2) 127
3. Beginning Sentences With Conjunctions 127
4. Complex Subjects 127
Exercise 7(A)(4) 128
5. Interrupting Clauses and Phrases 128
6. Modifiers: Misplaced and Dangling 128
Exercise 7(A)(6) 129
7. Nominalizations 129
Exercise 7(A)(7) 129
8. Parallel Construction 130
Exercise 7(A)(8) 130
9. Passive v. Active Voice 130
10. Sentences as Narrative 131
Exercise 7(A)(10) 132
11. Sentence Coherence: Using the Right Word 132
Exercise 7(A)(11) 132
12. Split Infinitives 132
Exercise 7(A)(12) 133
13. That or Which 133
Exercise 7(A)(13) 134
14. Verb Tenses 134
15. Who or Whom? 134
Exercise 7(A)(15) 135
16. Wordiness: Diagnosis and Cure 135
Editor's Abbreviations 136
B. Punctuation 137
1. Punctuation Styles 137
2. Periods 138
3. Commas 138
Exercise 7(B)(3) 140
4. Semicolons 140
Exercise 7(B)(4) 140
5. Colons 141
6. Dashes 141
Exercise 7(B)(6) 141
7. Apostrophes 141
Exercise 7(B)(7) 142
8. Quotation Marks 142
9. Ellipses 142
Review Exercise 143

Chapter Eight. Writing With Style **144**
A. Memorable Titles 145
B. Intriguing Introductions and Satisfying Conclusions 147
1. Use Narrative 148
2. Open or Close With a Quotation 150
3. Begin Quickly and End Forcefully 151

Page

C. Creative Syntax 154
1. The Syntax of Conversation 154
2. The Syntax of Ceremony 156
D. Diction 159
E. Mixing Styles 161
F. Some Final Thoughts 163

Chapter Nine. The Law Review Process: Evaluating and Editing the Work of Others 164
A. Student Authors 165
1. Gatekeepers: Scoring Law Review Competition Papers 165
a. Characteristics of a Good Competition Paper 166
b. Tips on Scoring 166
2. Midwives: Peer Editing 168
a. Beginning (The Reading and Exploring Stage) 168
b. Drafting (Getting Ideas Down on Paper) 169
c. Revising (Writing for Readers) 170
d. Polishing 172
B. Outside Authors 173
1. Gatekeepers: Selecting Articles From Outside Authors 173
2. Midwives: Editing the Work of Experts 176
C. Writing Constructive Comments 178
1. Editing Protocol 178
2. Types of Feedback 179
a. Exploratory Feedback 179
b. Descriptive Feedback 179
c. Prescriptive Feedback 179
d. Judgmental Feedback 180
3. Organizing Your Comments 181
D. Chain of Authority: Editorial Cooperation & Communication 184

Chapter Ten. Getting Mileage: Winning Awards, Publishing Your Work, and Joining the Conversation 185

Appendix A. Sample Casenote/Competition Paper 191

Appendix B. Answers to Exercises 201
A. Chapter 5 Answers 201
Exercise 5.1 201
Exercise 5.2 202
Exercise 5.3 205
Exercise 5.4 206
B. Chapter 6 Answers 208
Exercise 6.1 208
Exercise 6.2 210
Exercise 6.3 212
Exercise 6.4 212
C. Chapter 7 Answers 213
Exercise 7(A)(2) 213
Exercise 7(A)(4) 213
Exercise 7(A)(6) 213

Page

C. Chapter 7 Answers—Continued
Exercise 7(A)(7) 213
Exercise 7(A)(8) 213
Exercise 7(A)(10) 213
Exercise 7(A)(11) 214
Exercise 7(A)(12) 214
Exercise 7(A)(13) 214
Exercise 7(A)(15) 214
Exercise 7(B)(3) 214
Exercise 7(B)(4) 215
Exercise 7(B)(6) 215
Exercise 7(B)(7) 215

Appendix C. Scholarly Writing Workshops and Courses **217**
A. Workshops 217
B. Scholarly Writing Seminars 218
1. Syllabus: Two–Term Scholarly Writing Seminar 219
2. Syllabus: One–Term Scholarly Writing Seminar 221
3. Schedule for Writing Projects in a Doctrinal Seminar 222
C. Collaberative Groups 222

INDEX 225