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Guide for Student Writing and Editing 1979-80

Georgia Journal of International and Comparative Law

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Georgia Journal of International
and Comparative Law

GUIDE FOR
STUDENT WRITING
AND EDITING
1979 - 80

TABLE OF CONTENTS

INTRODUCTION TO THE JOURNAL-----	1
Purpose-----	1
Format-----	1
Organization-----	1
Faculty Advisors-----	1
Managing Board-----	1
Editorial Board-----	3
Executive Secretary-----	3
PUBLICATION PROCESS-----	3
Step I: Writing-----	3
Step II: Spading-----	3
Spading Generally-----	3
Spading Notes and Recent Developments-----	4
Step 3: Cite-check-----	5
Step 4: Galley-----	5
Step 5: Page Proofs-----	6
WRITING PROCESS-----	7
Recent Developments-----	7
Recent Decisions-----	7
Purpose-----	7
Format-----	7
Recent Statutes or Treaties-----	11
Notes-----	11
Purpose-----	11
Format-----	12
Introduction-----	12
Background-----	12
Analysis-----	12
Conclusion-----	13
Writing a Note-----	13
Research Suggestions-----	15
Writing Suggestions-----	16
A Development Technique-----	16
Writing Style-----	17

1. INTRODUCTION TO THE JOURNAL

The Georgia Journal of International and Comparative Law is an incorporated student publication.

1.1 Purpose

As former Dean Lindsey Cowen explained in his foreword to the first volume, "[T]he Journal is designed to be of value not only to the scholar and the specialist in international and comparative law, but also to the practitioner who suddenly finds himself confronted in his regular practice with these kinds of problems which are arising in Georgia with increasing frequency." To fulfill these two objectives, the Journal publishes both student and non-student works.

1.2 Format

Currently there are two forms of student writings: (1) Notes--analyses of significant problems or developments in international law and (2) Recent Developments--comprehensive commentaries on specific cases, treaties, or statutes. The author's name appears at the end of the student piece.

Non-student writing consists of two types: (1) articles contributed by scholars and practitioners in international law and (2) book reviews written by prominent scholars on new publications in international law.

Each year one volume of the Journal is published. Volume X (for which this year's staff is responsible) will consist of three issues.

In each issue, articles (sometimes grouped as colloquia or symposia) appear at the beginning. These are separated from student writing by a masthead listing the members of the managing and editorial boards, and editorial board candidates. Following student writings are book reviews.

1.3 Organization

1.31 Faculty Advisors

The Journal has two faculty advisors who supervise its finances and take an active interest in its affairs: The Honorable Dean Rusk, Sibley Professor of International Law, and Professor Gabriel Wilner, currently working at the United Nations Transfer of Technology Division of UNCTAD in Geneva.

1.32 Managing Board

The Managing Board formulates the policies of the Journal and determines its content. It consists of 10 editors elected

during the spring quarter of their second year. For Volume X, the following positions comprise the Managing Board:

Editor-in-Chief: The Editor-in-Chief is ultimately responsible for and participates extensively in all Journal operations. Some of his/her more specific duties include: (1) representing the Journal to the administration and outside interests; (2) making final approval and review of all manuscripts in the publication process; (3) checking the progress and quality of work by Editorial Board members; and (4) conducting all Managing Board meetings.

Executive Editor: The Executive Editor bears primary responsibility for the publication process. He supervises everything from the selection of manuscripts to the final publication of an issue. Consequently he is responsible for the quality of all published material and coordinates writing deadlines to insure that publication deadlines will be met.

Articles Editors (2): The Articles Editors are responsible for soliciting, reviewing, and selecting for publication all contributed articles. They also perform primary editing of all articles published and maintain correspondence with contributing authors.

Notes Editors (2) and Recent Developments Editors (2): These Editors are responsible for supervising the Journal's student writing program. They work with students in the selection of topics and the development of publishable writing, select student works for publication, and edit all student writing.

Research Editors (1): The Research Editors' primary responsibility is to provide students with suggested Notes and Recent Developments topics. All topics must be cleared through them. These editors also supervise Book Reviews.

Managing Editor (1): The Managing Editor manages Journal business and finances. He/she keeps the books, purchases supplies and equipment, oversees subscriptions and other income-producing projects, manages the distribution and mailing of each issue, and insures that the Journal attempts to maintain fiscal integrity. In addition, he/she supervises the workload of Editorial Board members during the publication process.

1.33 Editorial Board

The Editorial Board is composed primarily of second year students who complete the fall workshop program or its equivalent. During the academic year members of the Editorial Board must meet 2 requirements: (1) the writing requirement and (2) the publication process requirement. The writing requirement consists of writing either (a) one "publishable" Note or (b) two "publishable" Recent Developments. The publication process requirements include "spading" "cite checks", "galley", and "page proofs." All Editorial Board members share responsibility for the success of the Journal.

In the summer or in a workshop during the early fall, candidates for the Editorial Board begin their training in the Journal's Try-out Program. During each period the student candidate must demonstrate familiarity with the Bluebook and produce either a completed, publishable Recent Development or a detailed outline for a Note.

1.34 Executive Secretary

The Journal employs a secretary 40 hours a week. His/her responsibilities include typing all correspondence and manuscripts and keeping financial records. All typing will be funneled through the Editor-in-Chief.

2. PUBLICATION PROCESS

The publication process through which a manuscript passes is basically the same for student and non-student manuscripts. This section focuses on student writing. The process consists of a sequence of finely synchronized steps. Thus, delay during any step forces the delay of publication deadlines.

2.1 Step I: Writing (see 3. Writing Process)

2.2 Step II: Spading

Essentially spading is a personal memorandum to the supervising editor regarding the substantive and technical accuracy of a work submitted for publication.

2.21 Spading Generally

The spade will be assigned at a conference between the student and the supervising editor. The spader will be given the work proposed for publication (generally a rough draft, including footnotes) and a brief list of background materials which should be read initially to acquaint the spader with the relevant subject-area. The following steps should then be taken:

1. Read the work several times, or until you are satisfied that you understand its content and structure.
2. Shepardize all cases.
3. Obtain a stacking permit from the library staff and gather all materials cited by the author. (Generally the author of a student piece will have gathered the material in advance.)
4. Go through the work section by section, considering each textual statement and the footnote supporting it. Look up each citation, check it for accuracy, and determine whether the material cited supports the corresponding proposition in the text (or the textual footnote). Though bluebooking is not the primary task of a spader, you should note all clearly erroneous citation forms. Carefully record every error in the use or interpretation of source-materials made by the author.
5. Submit all corrections and notations to the supervising editor, along with the manuscript. Ordinarily you will be given ten days to complete the spading assignment.

2.22 Spading Notes and Recent Developments

Obviously the extent to which the Journal may modify the style and content of Articles is somewhat limited. But where student work is involved, the spader is expected to offer constructive criticism and to aid the Managing Board in determining whether a given piece is publishable. Thus when you are asked to spade a Note or a Recent Development, you should take the following measures in addition to the steps outlined above:

1. In determining whether cited authority adequately supports textual statements, assume the role of devil's advocate. Indicate clearly on the memorandum the discrepancies you find, and where appropriate draft new phrasings which more accurately reflect the authority.
2. Subject to the discretion of the supervising editor, you may be asked to alter the organization of the manuscript or rewrite sections of the text which substantially misinterpret information found in the source-material. If it becomes obvious that the manuscript will require extensive rewriting, notify the editor immediately.
3. Consult the writer when necessary.
4. When the spade is completed, be prepared to give the supervising editor your overall evaluation of the work, including your opinion on the sufficiency of the writer's research and the amount of effort which will be necessary to prepare the manuscript for publication.

2.3 Step 3: Cite-check

After the editor in charge has fashioned a complete manuscript from both the writer's and the spader's work, he sends it to the Executive Editor, who edits a copy of the completed manuscript, focusing on Bluebook form, grammar and word usage. The Executive Editor, then gives it to the Editor-in-Chief for final editing.

After the manuscript has been fully edited and typed for the printer, the Managing Editor assigns it to a cite-checker. The cite-checker must insure the authenticity of quotations as well as the form of footnotes. The footnotes should conform to the rules contained in the latest edition of A UNIFORM SYSTEM OF CITATION. Since the cite-checker's work might not be rechecked, it is essential that his work be flawless.

The following procedure provides a guideline for the cite-checker:

1. Read the text checking for misspelled words, poor grammar incorrect punctuation or capitalization.
2. Check footnote numbers in the text to insure that they are consecutive and correspond to the numbering in the footnotes.
3. Examine footnotes form (proper Bluebook citation, ommissions, abbreviations, dates).
4. Correct page numbers of cited materials and insure accuracy of quotations.
5. Insert parallel citations where needed, e.g., Case Name, ____ Ga.____, ____ S.E.____ (date).
6. Return the cite-checked manuscript to the Managing Editor.

2.4 Step 4: Galley

The Executive Editor transposes changes from the cite-checked manuscript on to the clean original manuscript and sends it to the Editor-in-Chief, who, after reviewing it, sends it to the printer.

From the printer, the Journal receives galley proofs--long computerized rolls of printing with separate sections for text and footnotes. After the Journal receives the galley proofs the Managing Editor distributes the galley sheets and the original manuscript to two-person teams for proofreading, under the supervision of the Editors. Each role of galley is read by two teams.

In reading galley, the proofreaders must insure accuracy of the printer's work and complete those items missing from the manuscript (e.g., page numbers in recently published articles). To insure accuracy one person reads the original manuscript aloud as the other checks for errors on the galley proof. All punctuation, type face, capitalization, and unusual spellings are enunciated. Errors are marked on the galley sheet itself-- the Journal's errors are marked in blue, the printer's errors are marked in red, and the line where the error occurs is circled. After galley has been read, both team members initial the galley proof and return it and the original manuscript to the Managing Editor.

Although this procedure is tedious, it usually takes little time. Efforts to circumvent the procedure result in errors. Such errors detract from the stature of the Journal and support an inference that the publication process is less than first-rate. Equally important, the cost of alteration rises exponentially after the galley stage. Alterations represent the largest variable cost outlay sustained by the Journal. Thus the Journal's ability to operate within the necessary budget limits depends greatly upon the care exercised by galley readers. The continued quality of the Journal depends largely on the conscientious work of its galley readers.

2.5 Step 5: Page Proofs

After the Executive Editor transposes corrections onto the master galley tape, the galley rolls are returned to the printer. Approximately ten days after receiving the galley the printer sends back page proofs to the Journal. The Managing Editor distributes page-proofs to two-member teams for proofreading.

The following procedure should be used in checking page proofs.

1. Footnotes: Check to insure that footnotes are numbered consecutively in the text and that the footnote numbers in the text are the same as those in the footnotes. If a footnote cites another page in that issue of the Journal, find that page number and insert it in the incomplete footnote.
2. Pages: Insure that pages are numbered consecutively and that the "running heads" at the top of each page are consistent.
3. Galley errors corrected: Check to see that all galley errors have been corrected on the page proofs.
4. Final Reading: One team member reads aloud from the page proofs while the other checks for errors on revised galley rolls to check for any new errors which the printer may have made or any previously undetected mistakes.

5. Return page proofs, initialed by page proofreaders to the Managing Editor.

The Executive Editor transposes all corrections onto the master page proofs and sends the whole issue to the printer who assembles and binds it within three weeks.

Most major problems in the publication process involve the accuracy of the work done by Editorial Board members. These problems occur most frequently during the spade, cite-check and galley. It cannot be overly emphasized that the hallmark of an outstanding Journal is its accuracy. If a reader cannot rely on the accuracy of information, citations and quotations, he may suspect the validity of the Journal's work, however valuable that work may be.

3. WRITING PROCESS

Although the Editorial Board member's duties include spading, site-checking, page proofing, performing short reasearch assignments and participating in various clerical tasks, his primary duty is the development of either (1) two publishable Recent Developments, or (2) one publishable Note. To be publishable, a student's work must be researched accurately, written in a lucid manner, cited in proper Bluebook form, and written on a timely topic.

3.1 Recent Developments

Recent Developments include recent treaties and statutes as well as recent decisions. This method of organization allows the Journal to concentrate on changes in existing law brought about by legislative or administrative processes as well as by the judicial process.

3.11 Recent Decisions

3.111 Purpose

The two main purposes of a Decision are (1) to present a comprehensive, reliable summary of the existing law on an important issue, and (2) to suggest what the law on that point should become. For both these reasons absolute accuracy is essential. No authority can be omitted, and each authority must be used correctly. This high standard of accuracy is required in order to attract the attention of those responsible for changing or developing the law.

3.112 Format

Recent Decisions are written basically in a three-part format: (1) Facts, (2) Law, (3) Ratio Decidendi and Conclusion.

Section 1: Facts--The first section contains a statement of the relevant facts of the case and a one-sentence statement of the holding.

Headnote: The Decision begins with a brief statement, in large and small capitals, of the important aspects of the case. The first word or words, the "key words", are in boldface and denote a broad topic for indexing purposes--Admiralty, Trademarks,

European Economic Community. These are sometimes followed by a second key word in large and small caps--Salvage Rights, Free

Movement of Goods.

Relevant facts are then presented concisely and lucidly. The past tense is used, except for the holding, which is always in the present tense.

Only "identification" footnotes (citation of statutes, lower court opinions, etc.) or footnotes giving important collateral information (substitution of parties, other issues passed on by the court, noteworthy points in the dissent not mentioned elsewhere in the decision, etc.) are used in the fact section.

Generally, refer to parties by their legal names, omitting articles--"defendant demurred," not "Joe Smith demurred"--unless the character of one of the parties is important; then the party may be referred to as "theFTC," "the union," or "respondent-judge."

The next-to-last sentence gives the court's disposition of the case--e.g., "On appeal, held, reversed." It is a complete sentence and held is italicized.

The last sentence states the holding in the present tense as an abstract proposition of law. This is followed by the full citation of the principal case with any subsequent history, e.g., "petition for cert. granted." The statement of the holding is most important, and accordingly, much thought and effort should be devoted to its quality.

Just before handing the Decision in, check for recent developments in the case, such as filing, denying or granting of a petition for certiorari.

Section 2: Law--The second part is the research section in which the development of the law is traced up to the time of the Recent Decision. The law paragraphs are compact exhaustive developments of important points of law. Each should start with

a relatively broad proposition and conclude with a case or cases which constitute the most direct authority for or against the holding of the principal case. Propositions must be fully documented with cases, statutes, and where possible, useful secondary authority--treatises, law journals, etc. (but not C.J.S. or Am. Jur.). Important side aspects of cases and pertinent collateral issues are briefly treated in textual footnote discussions. The principal case is never cited in the law section.

Every proposition in the Law Section should have adequate support. Case support is the best support, and although other materials are helpful, they should not be relied on as the sole support for a rule of law. Don't support a statement with law journal commentary alone or insert law journal citations merely to fill up the page. If you cannot find case law on the point perhaps that is an indication that it is not a valid proposition. If it is a very elementary point, try to choose the leading case supporting it, and cite that case along with a treatise.

When constructing a law paragraph, use one case to support a broad, general proposition; use a different case to support specific examples of that general proposition. This rule may have to be ignored on occasion, but as a general principle it is sound.

A criticism of many Decisions is that they contain too much hornbook law at the beginning of the law section and too little analysis at the end. A good starting point for most Decisions is the point at which the treatises end. If the points are well covered by treatise, don't repeat what they have already said. Give the reader the benefit of your background research, not a rehashing of it.

Once the proper initial proposition has been selected to orient the reader, the next sentences should follow logically and directly to the precise issue posed. But this ultimate goal of a perfect law paragraph must never tempt the writer to omit a relevant authority or to stretch a case into saying something that it does not. When the issue has been reached, show the reader how every other authority has handled this same or a closely related problem. The concluding, or apex, case should be the one from the most authoritative court dealing with the problem. An apex case should not be cited prior to the apex. Each issue in the case is discussed in a separate law paragraph, and every paragraph should have an apex case.

Keep experimenting with the law section until it shows clearly the different theories used by the courts in approaching the issues and the controlling factual distinctions between the cases. Do not be misled into following a questionable rationale used in the principal case. If the court has taken an improper approach, give the traditional approach in the law paragraph, and show what the proper one is in the conclusion.

Footnotes: Propositions advanced in the law section should be supported by authority, preferable at least two cases. Thus, one sentence may have several footnotes. But never lump cases for several points into one footnote at the end of the sentence. Also, propositions should be presented as concisely and authoritatively as possible. This requires a good deal of experimentation with cases and signals to show exactly how each case supports the statement. The distinctions made by proper use of Bluebook signals are often aided by the use of explanatory parentheticals after the case. In the selection of cases, consideration must be given to the type of support given, the prestige of the court, and the date. There is some dictum or holding for almost every absurdity in the law; our purpose is to present only the currently accepted absurdities.

Section 3: Ratio Decidendi and Conclusion--The third part is a synopsis of reasoning of the court deciding the principal case, and an evaluation of the significance of the case, including the writer's conclusion on what the law should become.

The conclusion will reflect the author's opinion as to whether the court's resolution of the issue in point was correct and desirable. Beyond that, the writer may want to consider whether the court used the proper reasoning, whether it ignored relevant facts, and whether it correctly interpreted existing laws. A most important topic to be covered is the legal significance of the holding. What will the effect be if the rationale of this case is widely accepted? Has the court made a noteworthy extension of existing principles, or has it opened up an entirely new approach to the problem?

The conclusion is too often a neglected part of the Decision, written at the last moment to keep the law section from being the end. It is easy to write a superficial conclusion paraphrasing a concurring or dissenting opinion and telling whether the case follows the weight of authority. Such a conclusion tells the reader nothing new and fails to fulfill the important function of showing what the law should become. The writer should keep his conclusion in mind while he is doing the research and make a rough outline of a conclusion as soon as an idea occurs to him.

The above format is to serve as a basic guide for writing Recent Decisions. It should not be used as a substitute for thought and imagination. Each case has its own peculiarities which may require unique treatment. The writer, however, should first discuss any deviation from the basic format with the Recent Developments Editors. Become familiar with the Journal format for Recent Decisions by reading carefully such former Decisions as 6 Ga. J. Int'l & Comp. L. 309, 348 and 5 Ga. J. Int'l & Comp. L. 285.

3.12 Recent Statutes or Treaties

The category of Recent Statutes or Treaties enables the Journal to examine developments in foreign laws affecting the United States as well as review United States statutes and treaties affecting foreign activity. The format of a Recent Statute or Treaty will follow closely the requirements previously mentioned for the writing of a Recent Decision.

Headnote: The Recent Statute or Treaty begins with a brief statement, in large and small capitals, of the important aspects of the statute or treaty. The "key words" are in boldface and denote a broad topic for indexing purposes-- Drug Control, Jurisdiction. These are followed by key words in large and small caps containing a brief one sentence statement of the purpose of the treaty or statute. See 6 Vand. J. Transnat'l L. 624 and 633. 5 Ga. J. Int'l & Comp. L. 297.

Introductory Section (Facts) This opening paragraph of the Recent Treaty will consist of a short introduction to your topic, briefly explaining the Treaty or Statute and its purpose, similar in content and idea to the fact paragraph of a Recent Decision. At the conclusion of your introductory paragraph, the last sentence will state the official name of the Treaty or paragraph and its citation. The name of the treaty or statute will appear in italics. E.g., Protocol Amending the Single Convention on Narcotic Drugs, 1961, Executive J. 82d Cong., 2d Sess. (1972).

Background Section (Law)--This part will consist of the specific events, conferences, ideas, etc., which led to the specific treaty or statutes. As with the law paragraph of a Recent Decision, each specific occurrence is to be fully supported by authority.

Content Section--This part will discuss the specific and important measures of the treaty or statute and will designate how these measures will change existing practices of the countries involved. If the United States is an indirect party to the action, care must be taken to explain the effect on current policy of the United States.

Conclusion--The conclusion of a Recent Treaty will be in the same form as that of a Recent Decision.

3.2 Notes

3.21 Purpose

The Note is designed to inform a completely uninformed but intelligent lawyer about a specific area of the law. The area

of the law treated must be reasonably confined in order to develop an in-depth analysis. The topic should be of interest (and hopefully, of some use) to both the writer and the legal profession. The Note may provide information, analyze and solve a problem, or propose legislation.

3.22 Format

By their nature, Note topics are more amorphous than those for Recent Developments; thus, the Note format must be more flexible. Most Notes, however, can be developed successfully if they contain the following sections: (1) an introduction, (2) a summary of the background of the area from which the problem evolved, (3) an analysis of the problem, the form of which will depend upon the topic, and (4) a conclusion suggesting a solution.

3.221 Introduction

The introductory statement should define the problem, establish the limits of the writer's inquiry, and tell the reader exactly what the writer proposes to consider. Its purpose is to prepare the reader for the material to follow. See, e.g., 7 Ga. J. Int'l & Comp. L. 148, 8 Ga. J. Int'l & Comp. L. 145.

3.222 Background

The background of the problem must be examined in order to acquaint the reader with the relevance and timeliness of the Note. When the background treatment is completed, the reader should feel that he knows the origin of the problem, how it has developed, and that he is in a position to understand later discussion of the merits of judicial or legislative handling, and proposed solutions. For an example of a short but lucid background summary, see Note, 4 Ga. J. Int'l & Comp. L. 179-81. For a more lengthy approach, see Note, 7 Ga. J. Int'l & Comp. L. 679-82 and for a detailed consideration of the legislative history of the statute in question, see Note, 3 Ga. J. Int'l & Comp. L. 147-53.

3.223 Analysis

The focal point of the Note will be the writer's legal analysis. Each analysis will be different. Your analysis may follow the steps of a transaction (8 Ga. J. Int'l & Comp. L. 409-440), analyze a statute, section-by-section (8 Ga. J. Int'l & Comp. L. 159-173), explain a statute and its judicial interpretation (8 Ga. J. Int'l & Comp. L. 177-193), discuss a legal problem (8 Ga. J. Int'l & Comp. L. 451-55), or suggest changes in the law (8 Ga. J. Int'l & Comp. L. 458-61). The list above is not exhaustive; moreover, a given Note may do several of the tasks above.

The following questions are proposed in the hope that they will be helpful in leading the writer forward in his/her analysis.

- What is the rule of law involved?
- Is it legally sound?
- Is it "fair" and "equitable"? (If not, do the courts seek to avoid applying it?)
- How is the rule applied?
- What facts are crucial to its application?

Particularly valuable for the practicing lawyer are those Notes which anticipate the problems of applying and interpreting recently enacted legislation. In this type of Note, analogy is an effective tool for analysis.

Remember that the more successfully written notes will be those which thoughtfully propose what the law in a specific area should be. Notes which are descriptive serve a useful purpose where little is known about a particular subject. But the truly outstanding Notes move from mere description to well-supported and logically-reasoned proposals which can be used to improve the law.

The foregoing suggestions are by no means exclusive. They are merely offered to indicate the type of analysis demanded for a publishable Note.

3.224 Conclusion

The conclusion should give the reader an overview of the Note itself, since the reader may read the conclusion first to discover whether the Note is worth his attention. Thus, the conclusion should be carefully considered and not a perfunctory gesture dashed off in several minutes.

It is difficult, however, to generalize about the conclusion since its form is dictated by the writer's organizational scheme. It can either be the capstone of the discussion, a summary or a brief restatement of the analysis. In either case, it is so much a function of the individual author that no particular Note can be used as an example. You may wish to browse through a few Conclusions from Notes in Volumes 7 and 8.

3.23 Writing a Note

The process of writing a Note for the Georgia Journal has been broken down into a series of steps, linked to a timetable. The successful completion of these steps will help the writer to pace himself/herself, to focus his/her research efforts, and to have the benefit of the wisdom (such as it is) of the Editor(s). This process will also keep the Editor(s) apprised of the writer's progress, allow them to supervise somewhat, and to coordinate the writer's efforts with those of the rest of the staff. Each step will be reviewed by at least one Notes Editor,

and conferences will be held between writer and Editor(s) when necessary.

Rough Outline: the first step following the Prelim (see separate Memo on "Prelims") is the submission of a fairly brief (2-3 pages) Rough Outline. This should be done within a couple of days after the Prelim if the writer is working steadily. This outline will show the scope and organization of the Note as the writer foresees it. A brief explanation of your scheme of attack on the topic, your organizational approach, and a brief statement of what each major section of your Note will contain, should do nicely.

At this time the student should also express his/her opinion of how far his/her research will extend, and may include ideas which he/she intends to substantiate upon further research. This outline is meant to inform the editors of the intentions of the writer, and to allow the writer a chance to discuss with the editors available research materials for development of his/her Note.

Written Introduction: "Ya tell'em what yer gonna tell'em, then ya tell'em, then ya tell'em what ya told'em."* The Introduction of a Note must tell the reader what the writer plans to do in the rest of the Note. (The Introduction may do other things also: provide background, tell a tale to entice the reader, etc.) Thus if the writer can already set down in fairly polished (but not necessarily final) form what he/she proposes to do, the writer is brought a step closer to "telling'em." The Introduction should be a page or two in length, and should be ready 5-7 research-filled days after the submission of the Rough Outline.

Detailed Outline: a handful of days later, the Detailed Outline will be submitted by the writer. This Outline stands perhaps midway between the Rough Outline and the First Draft. The Detailed Outline will include the Introduction, a one-sentence summary of each paragraph you intend to write, and a draft of your Conclusion. A Contents page would be helpful in understanding the organization of the Note. This outline should not include any ideas or conclusions which cannot presently be substantiated by the writer's research. At this point, a conference will be held by the Notes Editor(s) and the writer to discuss the sufficiency of the research accomplished and alternate approaches to the subject matter.

Rough Draft: this step is included in order to give the student writer the benefit of his/her own rewrite. This Draft should be a prose version of the Detailed Outline, written with more regard for substance than style. Footnotes should be included, acknowledging all authority used. At this point there should be no research left to be done. Since this Draft is for the writer's benefit, it need not be submitted to the Notes Editor.

* Professor Robert Lillich, Hague Academy of International Law.

First Draft: This Draft will follow upon the heels of the Rough Draft. A typed copy (double or triple spaced) is greatly preferred over a handwritten copy. The First Draft should be submitted by the writer only when he/she is satisfied that the Note is ready for publishing. The writer should not rely upon spaders and cite-checkers and editors to perfect the Note. The writer should perfect his style in the text, support his contentions with authority, and check his footnotes for Bluebook form. The writer's main task is now complete. However, the writer should be available for discussions with the editors (and possibly re-writing), the spaders and the cite-checkers. The writer should also keep his/her sources stacked, if possible, to facilitate the work of the spader. The Note is now ready for the process of editing, spading and cite-checking, after which the writer will be required to read over the finished product to determine whether any mistakes were made in interpreting his/her ideas during these processes.

3.3 Research Suggestions

One of the rewards in developing a publishable work is becoming skilled at independent research. To become a good lawyer one must know how to do more than stumble through Am. Jur. and case reporters. The student who has also mastered the use of newspaper, government and United Nations indices and who is familiar with microfilm, microfiche and microform will have developed research skills he/she can exploit to his advantage his entire legal career. Thus, the student writer is encouraged to be creative in tracking down the best possible resource materials and persons.

The amount of time the student has to complete his publishable work is, however, tragically brief. Thus, in addition to being creative, the student must be efficient in his research. Efficiency is primarily determined by two principles: (1) the investigation efforts must be focused so that the discovery process is always heading in a profitable direction; (2) useful information encountered must be recorded in a form sufficient to identify the nature and source of the authority in order to insure (a) that the same material is never searched twice and (b) that all information for proper citation is accessible.

To satisfy these two principles the following procedure is suggested.

1. "Scan" much more material than you "get into". There is little research value in the careful reading and complete understanding of an article of marginal significance.
2. Classify the source to be read in order of their likelihood to produce results. The student author will encounter far more relevant material than he will possibly be able to read.

3. Set up a loose subject index which reflects as many sub-topics as possible. The entries to this index will be references to source material relevant to the sub-topic to which the entry is assigned. When the author begins writing on this sub-topic, all relevant sources can quickly be gathered. Entries should identify what the source said and where it can be found.
4. Record each new entry of the subject index on a separate index card and compile these index cards into a "source dictionary". This "source dictionary" should include the exact Bluebook citation for each new source. This citation is then translated to a shorthand, e.g. #1, which can be used in repeated entries from the same source. In this manner entries in the subject need only reflect the variable part of the citation such as the page number, e.g. #1, p. 150. The "source dictionary" should also list the library or other location of each source.
5. Carry the Bluebook with you everywhere. If there are questions about the Bluebook form, check with an editor about correct citation form.
6. Have all contributing sources for a given sub-topic in front of you during the writing process.
7. Have all source material readily available or locatable for spading and cite-checking purposes.

If the research is thorough and retrievable in an organized fashion, the writing process goes much faster. The research process eventually powers down (but never off) and the actual writing takes over as the primary effort.

3.4 Writing Suggestions

3.41 A Development Technique

To overcome the perennial problem of "boiling down" the research material into a publishable work, the following procedure is suggested.

1. Narrow the subject matter of your topic so that the work does not run the risk of being shallow. This will require abandoning carefully acquired research which is so peripheral that it will have no place or purpose in your final work.
2. Determine the basic structure and direction of the paper. Then begin writing in a free, largely undisciplined form. Don't worry about perfect wording until your thoughts are on paper.

3. Review this first draft to determine what changes in structure are indicated by discoveries made during the writing process.
4. After reviewing the structure, discard that which leaves the subject matter of the paper too broad to be dealt with incisively, or is inappropriate, irrelevant or unnecessary. Though it may be difficult, the author must be prepared to abandon some of his favorite sentences, or stick them in the footnotes, where no one will ever see them.
5. After this pruning, re-write, but this time with a more definite direction. If re-organization seems warranted, do it at this point.
6. Evaluate this second draft in order to determine if this re-write has clarified the author's understanding of the thesis. Continue this process until no more changes are indicated.
7. Remember, a student work is a research tool and thus must present information in a well-organized, easily accessible fashion.
8. Exploit the technique of cut-and-paste, particularly where a section of the former draft is to be included in a subsequent draft. Remember, however, that the form of the manuscript should not interfere with a comfortable review of its substance by the editor in charge.
9. During the writing process, footnotes will be deleted and shifted around, and re-numbering will be required. Do not physically re-number notes until the final draft is entirely complete. Leave deleted footnotes as temporary gaps in the number series. Represent shifted notes by their original number (as long as they are unique, sequence is immaterial). When writing is completed, make a list of all footnote numbers, (old and new) in order of appearance in the text. Then go through the notes looking for all infra and supra references. Indicate beside each footnote number the numbers of all the notes which refer to that number. This will show if there are any such references to deleted footnote numbers. After resolving these problems, go down the list assigning new numbers in sequence (do not include deleted footnotes). At this point any references (supra, infra) to each renumbered footnote can be found and quickly corrected with the new number. Finally, run through the list, the text and the footnotes at the same time assigning the new number, double-checking as you go.

3.42 Writing Style

Although style is a personal matter, some general tips should be kept in mind*:

1. Avoid cliches and stock legal phrases. Go easy on the Latin.
2. Create sentences which are refreshing, clear, packed with meaning and pleasing to the senses: in short, magnificent. Vary sentence length.
3. Use quotations in the text sparingly unless the particular words are startling, especially effective, or necessary for interpretation of the language used. Unlimited quotations may be included in the footnotes.
4. When in doubt as to grammar, spelling, style or punctuation, save the Editors some tears and consult the dictionary, a style manual (Fowler's or the Government Printing Office Style Manual), or the Blue-book.

* Free advice---and worth it.