Volume

9

THE WILLIAM & MARY JOURNAL OF WOMEN AND THE LAW

Member Handbook

2002-2003

Member Handbook

Thank you for accepting a position on *The William and Mary Journal of Women and the Law*! Being a member of a journal is a challenging yet rewarding experience. No matter what your position on the journal, your contributions and dedication are crucial to the success of *The Journal*. Organization is key, as is emphasized throughout this manual. It is impossible to keep track of an article through the editorial process without being organized.

Instead of having a separate membership manual, AE manual, and Cite Checker manual, each member receives one manual that encompasses all three. The goal of the Manual is to increase everyone's familiarity with the positions on *The Journal*. For example, it is imperative that the Articles Editors know what to expect of the Cite Checkers, and it is equally important for the Cite Checkers to know what to expect of the Articles Editors. The Manual explains every step of the editorial process, and following this guide is crucial to the success of *The Journal*. Please refer to this manual throughout the year. Thank you!

Jonathan M.H. Short

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Chapter 1

Purpose and Staff Responsibilities

Purpose

The William and Mary Journal of Women and the Law was established in 1993 to provide a forum for scholarly debate on gender related legal issues. As a facilitator of scholarly debate, *The Journal* does not promote a fixed ideology, but is instead a forum for open discussion and varying viewpoints. *The Journal's* mission is to become one of the nation's top specialty journals by publishing cutting edge pieces and to provide law school students with a forum through which they can write and publish on gender related topics.

Although tailored to gender related legal issues, topics covered by *The Journal* may incorporate many areas of the law and may address public policy and social issues. *The Journal's* scope encompasses many areas, including but not limited to: labor law, international law, administrative law, tort law, reproductive rights, and the criminal and civil justice systems. Each issue of *The Journal* will include all or some of the following sections: Professional Articles, Professional Essays/Comments, Symposium Pieces, Student Notes/Comments, and Book Reviews.

Decisions concerning membership and positions within *The Journal* are made absent consideration of gender, race, religion, national origin, or sexual orientation.

Professor Jayne Barnard has agreed to serve as *The Journal's* Faculty Advisor for the 2002-2003 academic year.

Staff Organization

The Journal is a completely student-run organization. The Executive Board consists of the Editor-In-Chief, the Managing Editor, the Executive Editor, the Senior Articles Editors and the Senior Notes Editor. The Editorial Board consists of the Executive

Board, Junior Notes Editor, and the Articles Editors. All decisions are made by consensus when possible, with the Editor-In-Chief making all final decisions.

COMMITTEES

Several committees exist as necessary to facilitate the success of *The Journal.* The following committees exist for the 2002-2003 academic year:

- Articles Selection Committee: This committee consists of the Editor-In-Chief, the Executive Editor, and the Senior Articles Editors. This committee is responsible for reading all articles submitted or referred to *The Journal* and selecting those articles that are appropriate for publication in *The William and Mary Journal of Women and the Law*. Moreover, this committee is the springboard for all solicitations and advertisements of our journal on a local and national level. This committee will be active throughout the year, including the summer.

- Notes Selection Committee: This committee consists of the Editor-In-Chief, the Managing Editor, and the Senior and Junior Notes Editors. This committee is responsible for reading all notes that the 2L note writing class submit. For the 2002-2003 academic year, this committee will be responsible for selecting notes for publication in Volume 8 as well as Volume 9 of *The Journal.* This committee will remain active during note selection seasons only.

- Symposium Committee: This committee consists of the Editor-In-Chief, the Senior Articles Editor, and other volunteers. The Senior Articles Editor heads this committee, and is responsible for writing the symposium proposal and working with *The Journal's* faculty advisor in the creation of the 2002-2003 symposium. The Senior Articles Editor will manage and coordinate the symposium from start to finish, and will delegate responsibilities to the remainder of the committee once that committee is formed. Responsibilities of the Symposium Committee include:

* Working with the faculty and staff in selecting and inviting guest speakers;

* Determining the expenses associated with the symposium;

* Pursuing funding from the Publications Council, the Law School, and outside grants;

* Publicizing the symposium in the Law School, on the undergraduate campus, in the community, and throughout the region;

* Coordinating and planning the symposium and any receptions or luncheons;

* Assisting the Editor-In-Chief and the Managing Editor in planning the written symposium issue of *The Journal*; and

* Making conference room reservations and travel arrangements.

POSITION DESCRIPTIONS AND RESPONSIBILITIES

Editor-In-Chief

The Editor-In-Chief oversees all *Journal* operations and has final authority regarding the application of *Journal* policy and procedure, article selection, publication schedule, and budgetary decisions. The Editor-In-Chief is also the principal liaison between *The Journal*, its faculty advisor, the Law School administration, alumni, and the College of William and Mary community. The Editor-In-Chief has ultimate responsibility for ensuring that each issue meets quality standards set forth in *The Journal's* mission statement.

Specific responsibilities of the Editor-In-Chief include the duties to:

- Maintain communication with the Executive and Editorial Boards on all *Journal* matters. In fulfilling this duty, the Editor-In-Chief presides over Board meetings, which should occur at least once a month for the Editorial Board and at least once a week for the Executive Board

- Work with the Managing Editor to plan a publication schedule

- Work with the Managing Editor in planning and executing staff training

- Work with the Executive Editor to develop an annual budget and map an overall plan to meet *The Journal*'s business needs

- Work with the Managing Editor and the Symposium Committee in the planning and scheduling of an annual symposium

- Work with the Student Notes Editors on the development of the student note program and the supervision of the note-writing process

- Call and preside over general staff meetings
- Ensure the content and quality of the publication is consistent with *The Journal*'s mission statement and comparable to other journals published by law students
- Oversee annual review and revision of the Handbook
- Coordinate faculty updates with the faculty advisor
- Participate in the interview and selection process of editors and staff members
- Participate in the selection of articles
- Delegate and assign projects on an as-needed basis
- Attend Publications Council meetings when needed by either the Executive or Managing editor.
- Review professional and student articles before contract offers are extended to authors
- Oversee edits made by the Managing Editor and the Articles Editors before articles are submitted to authors for approval
- Review the entire *Journal* before sending it to the publisher
- Help the Managing Editor revise, coordinate, and execute the Joint Write-on Competition process for rising 2L students
- Oversee the coordination of events between the 1L class and *The Journal* in an effort to foster ties with the new members of the student body and to encourage participation on *The Journal*
- Monitor performance of staff members and recommend sanctions where appropriate

Managing Editor

The Managing Editor is responsible for the "cradle to grave" management of each published *Journal* issue. The Managing Editor works with the Articles Editors and the printing company to oversee the editing and publishing process.

Specific responsibilities of the Managing Editor include the duties to:

- Maintain regular communications with the Editor-In-Chief on all issues regarding the editing process and the publications schedule
- Maintain regular communications with the Articles Editors to ensure the timeliness and high quality of the editing/cite checking tasks
- Assign articles to the Articles Editors
- Assign cite checking teams and team readings
- Create and manage both a paper and online calendar to keep all journal members aware of journal events.
- Participate in the review of edits made by the Articles Editors before articles are submitted to authors for approval
- Participate in the editing of page proofs from the publisher
- Determine printing needs and financial capabilities by working with the Publications Council and the Executive Editor. This includes maintaining communications with the Publications Council concerning any new printer bids.
- Understand and revise *Journal* printing specifications, including the method of printing, number of copies, printing schedule, mailing costs, and timeline
- Maintain communications with Western Publishing
- Order catalogs of forthcoming publications in order to select books for *The Journal* to review. This is an old aspect of *The Journal* that we wish to bring back, so this process will need to be reinvented and may involve the formation of another committee.
- Fill in for the Editor-In-Chief in emergencies and for short periods when the Editor-In-Chief is otherwise unavailable

- Work with the Editor-In-Chief in developing and executing staff training (this includes Westlaw, LEXIS, Bluebook, and library tours)
- Help the Editor-In-Chief revise, coordinate, and execute the Joint Write-on Competition process for rising 2L students
- Recruit and participate in the selection of staff members.
- Maintain current records on staff members
- Ensure the smooth transition between outgoing and incoming editorial boards

Executive Editor

The Executive Editor is responsible for overseeing all financial matters of *The Journal* as well as helping the Editor-In-Chief and the Managing Editor with their day-to-day obligations.

Responsibilities of the Executive Editor include the duties to:

- Work with the Editor-In-Chief to develop an annual budget
- Maintain *The Journal* checking account(s)
- Receive and deposit all cash receipts from subscribers
- Maintain a database of all subscribers, including shipping and billing information, subscription agents, and subscription terms
- Generate invoices for billing and following up on all delinquent accounts
- Assist the Articles Selection Committee with the article selection process and with advertising
- Work with the Managing Editor in setting the number of issues to be printed, as well as the price

- Act as the financial liaison between *The Journal*, the Law School, and the College of William and Mary
- Report the financial status of *The Journal*, with supporting documentation (such as bank reconciliations) on a monthly basis

- Recruit and participate in the selection of staff members

- Create an editing/Bluebooking exam and questionnaire for prospective members (with the help of the Managing Editor)

- Maintain regular communications with the Editor-In-Chief and Managing Editor on issues regarding the editing process (this includes conducting correspondence with authors, professors, and the publisher as needed)

- Maintain regular communications with the Associate Editors as needed (**including ensuring that all carrels are up to date and that no books are overdue**)

- Assist the Editor-In-Chief and the Managing Editor with the day to day management of *The Journal* as needed

- Assist the Editor-In-Chief and the Managing Editor with edits at all stages in the publishing schedule

Senior Articles Editor

The Senior Articles Editor is primarily responsible for soliciting articles for publication and ensuring publication of high-quality articles that are within the scope of *The Journal*. The Senior Article Editors work with and supervise staff members in the editing, cite checking, and team reading process.

Responsibilities of the Senior Articles Editor include the duties to:

- Maintain and update a professional article solicitation database. Suggestions for soliciting articles include: consulting AALS listings and conducting a mass mailing to all law school professors who list gender issues as a specialty, revising the list of practitioners who have authored articles in the past few years and conducting a mass mailing, sending a Call for Papers to organizations with newsletters that deal with relevant areas of the law or advertise a Call for Papers in legal publications such as the *ABA Journal*, assigning staff members to gather personal contacts from the faculty, and utilizing personal contacts of *Journal* members

- Prepare mass mailings to persons who may be interested in submitting work to *The Journal*

- Participate in the articles selection process through the Articles Selection Committee

- Research each article to ensure the issue it timely and has not been preempted

- Make offers to authors after obtaining final approval from the Editor-In-Chief (as needed when the Editor-In-Chief needs assistance)

- Send contracts to authors who accept an offer for publication

- Accomplishing all responsibilities as a member of the Symposium Committee

- Act as an Articles Editor throughout the year. Information on these duties can be found under the description of the Articles Editor position (below)

Senior Notes Editor

In order to become a credit-conferring journal, *The Journal* must maintain a successful student notes program. The Senior Notes Editor holds ultimate responsibility for this program (under the supervision of the Editor-In-Chief). Most importantly, the Senior Notes Editor is responsible for half of *The Journal*'s 2L note writing class throughout the academic year.

Specific responsibilities of the Student Notes Editor include the duties to:

- Create the Student Note Manual

- Ensure that each note writer is paired with either the Senior or Junior Notes editor who will review drafts for style, substance, citation accuracy, and effectiveness of organization

- Assist note writers in developing a suitable topic

- Establish a schedule of deadlines for topic selection, outlines, rough drafts, and final copies

- Review topic selections, outlines, rough drafts, and final copies of their student notes, making sufficient comments for each

- Serve as Articles Editor for notes during the academic year

- Ensure that the quality of the notes produced is comparable to that prepared for other William and Mary credit-conferring law journals

Junior Notes Editor

The Junior Notes Editor works with the Senior Notes Editor in all aspects of the Student Notes process. Most importantly, the Junior Notes Editor is responsible for half of *The Journal*'s 2L note writing class throughout the academic year.

Specific responsibilities of the Junior Notes Editor include the duties to:

- Ensure that each draft is reviewed for style, substance, citation accuracy, and effectiveness of organization

- Assist note writers in developing a suitable topic

- Establish a schedule of deadlines for topic selections, outlines, rough drafts, and final copies of student notes, making sufficient comments for each

- Assist the Senior Notes Editor in management of the Notes process

- Assist the Senior Notes Editor with creation of the Student Note Manual

Articles Editor

The Articles Editors are responsible for working with authors once the Selection Committee has selected an article for publication. The Articles Editors also work with and supervise staff members in the editing, cite checking, and team reading process.

Responsibilities of the Articles Editor include the duties to:

- Act as primary contact with and update authors on the progress of the editing process
- Make initial suggestions to authors about any reorganization or additional research, and assist the author with such matters
- Assist in training Associate Editors in Bluebooking and editing skills throughout the academic year
- Ensure that all materials (including ILLs) that are checked out to the carrel are returned to the appropriate library in a timely manner
- Create and maintain an updated source sheet for the article being edited
- Oversee work of staff members assigned to an article to ensure editing, cite checking, and team reading and performed in a satisfactory and timely manner
- Edit articles and answer cite checking problem sheets
- Ensure that all changes are made to the electronic copy
- Keep the Managing Editor apprized of progress on articles
- Approve final edits before submitting the completed article to the Managing Editor and Editor-In-Chief for publication

- Report directly to the Managing Editor and the Editor-In-Chief on a regular basis

Associate Articles Editors

The Associate Articles Editors (Cite Checkers) are responsible for ensuring the accuracy of the articles published by *The Journal*. This includes reviewing drafts for style, substance, citation accuracy, and effectiveness of organization.

Responsibilities of the Associate Articles Editor include the duties to:

- Verify that the sources cited actually exist
- Verify that the sources support the proposition asserted by the author
- Verify that the source cites the proper publication or reporter, date, page number, etc.
- Verify that the exact words of the source are quoted when the author refers to a quotation
- Ensure that proper parentheticals are used when necessary either due to Bluebook rules or to increase understanding as to the relevance of the cite
- Check out all books and materials to the appropriate carrel. This includes books and materials from SWEM (if a source is not available at William and Mary, ILL the source (*see* Chapter 7 of this Handbook))
- Edit all text and footnotes completely and thoroughly, and to follow the rules of the 17th Edition Bluebook and the Chicago Manual of Style
- Attempt to solve all problems with the cite check before returning the cite check to the Articles Editor
- Revise and redo a cite check when necessary, either due to revisions made by the author, or mistakes in the original cite check
- Participate in the team reading process

Chapter

2

Membership Obligations & the Disciplinary Process

General Participation

Membership on *The Journal* is a two-year obligation. One of the first obligations of a new staff member is to participate in a comprehensive training program, which will include instruction on editing, Bluebooking, and general library research.

Staff members are also required to attend staff meetings and any additional training sessions as needed, assist in administrative duties as needed, and participate in *Journal* recognition activities.

As *The Journal* is a scholarly legal journal, staff members are expected to treat all assignments and obligations as priorities. As such, any member who fails to fulfill his or her duties in a satisfactory and timely manner may be asked to resign upon the recommendation of the supervising editor and at the discretion of the Editor-In-Chief.

If a member does resign from *The Journal*, s/he must remove their participation in *The Journal* from their resume. Additionally, the resigning member will be required to inform any employers with whom they have interviewed OR have received an offer of employment about their resignation from *The Journal*. At the discretion of the Executive Board, the Managing Editor may investigate to ensure that the resigning member has fulfilled these requirements.

The Journal will maintain a file on each member during the course of his or her membership. This file shall contain, at a minimum, Article Editor evaluations, his/her student note, disciplinary letters, letters of exemplary service, and any other relevant information.

Cite Checking and Editing

A primary responsibility of all staff members consists of assisting in the process of manuscript publication by cite checking articles and participating in team reads. The staff member is required to cite check articles for grammatical, substantive, and Bluebook citation errors. Specific duties include: verifying quotations word for word, Shepardizing cases and providing subsequent history, ensuring all statements that need citations have footnotes, adding additional footnotes as needed, and providing pinpoint citations where necessary.

The Managing Editor assigns each staff member to a team led by an Articles Editor. Each staff member will receive editing and research assignments from his or her team leader. In addition to regular cite checking and editing duties, staff members may receive random assignments within their teams, including database searches and general research.

Writing Requirement

All *Journal* members **are required** to write a note during the second year, confining the note to the broad subject matter of "gender and the law." All note writers will be supervised by a Student Notes Editor who will assist the note writer in formulating a topic, performing preemption checks, and reviewing drafts for organization, citation accuracy, and style. Note writers who successfully complete their note will obtain academic credit from *The Journal* and will fulfill the Law School's legal writing requirement.

Disciplinary Process

With a smaller Editorial Board and no 1L membership, quality, efficiency, and punctuality are key for the 2002-2003 *Journal* staff. Therefore, **guidelines will be strictly enforced** for all *Journal* members. The following disciplinary process will apply:

- The first time a member fails to meet a deadline (a fulfilled deadline means that the work was turned in on time and was complete), that member will be informally notified of his/her delinquency and will be warned concerning *Journal* policies. A note of this warning will be made in the member's file.

- The second time a member fails to meet a deadline, a report will be placed in the member's file and the member will again be warned of their delinquency. Moreover, the member will be notified that any further disciplinary actions will result in a disciplinary hearing.

- The third time a member fails to meet a deadline, a second report will be placed in the member's file and the member will be notified of their disciplinary hearing. At this hearing, the Executive Board will meet to review the member's performance and future on *The Journal*.

    - The member shall be given written notice of such proceeding at least ten (10) days in advance and shall have the opportunity to speak on her/his behalf at a meeting of the Executive Board.

    - In any disciplinary decision, extenuating circumstances will be taken into account, as well as the severity of the lateness, the importance of the deadline, and whether the member notified the Executive Board of a potential time conflict.

    - At the end of the hearing, the Executive Board may vote (by a majority of the votes cast) to remove the member from *The Journal*. The Editor-In-Chief will break any tied vote. In the event that the Executive Board votes for removal, the Executive Board will notify the faculty advisor.

The goal of these guidelines is simple. We must adhere to a schedule and be mindful about communication when conflicts arise. The Editor-In-Chief will do everything possible to assist you in your position on *The Journal*, and to explore alternatives before disciplinary action becomes necessary.

Journal Dues

Each year the Executive Board may establish a fee to be due from each member. These monies shall be used to cover operating expenses for *The Journal*. These dues will also be used to fund social activities and to purchase certificates and awards for graduating members. The Executive Board shall take action to secure funds from other sources to keep the fee as low as possible. If you have questions or concerns about *Journal* dues, please contact the Executive Editor.

Chapter

3

The Editorial Process

A Brief Overview

The following outline explains the editorial process from the time an article is selected to the time an issue of The Journal is published. Please refer to the chapter regarding your particular position for more detailed information including a timetable describing how much time is allotted for each step.

- Senior Articles Editor creates a contract for selected authors and sends them to the authors for signature.
- Managing Editor assigns each article to an Articles Editor.
- Articles Editor prepares the article for their cite checking team.
- Cite Checkers receive their packets, retrieve sources, carefully check each and every footnote and quotation, and thoroughly edit the article.
- Articles Editor compiles all the edits received from the Cite Checkers into a clean copy. Any sections that have not been appropriately checked will be returned to the Cite Checker for immediate correction.
- Executive Board receives the clean, edited copy from the Articles Editor. Two members of the Executive Board will be assigned to editing each article at this stage. Any further Bluebooking and textual edits will be neatly added to the article.
- Articles Editor, with the help of Edith Simms, will input all edits electronically into the article. It is important to note that Edith is only available for helping with this process when her time permits, and when an article is edited in a neat and orderly fashion. It is the Articles Editor's responsibility for making sure edits are entered, with or without help from Edith.

- The Articles Editor and the Cite Checkers conduct a team read comparing the pencil edits with the edits that were entered in the computer to ensure that all edits were entered and to correct any discrepancies. The Articles Editor will correct these discrepancies in the computer.

- The Articles Editor will send the revised article to the author for final review. Simultaneously, the Executive Board will prepare the article for submittal to Western Publishing. Any appropriate author suggestions will be inputted, and the article will be sent to the publisher.

- Western will send a redline copy of the entire issue to the Executive Board for proofing. Any changes will be marked and returned. Western will then send a blueline copy of the issue to *The Journal*. One more check of the issue will be made, and then the issue will be published in book form.

Library Policy with Respect to Carrel Collections

The following policies must be followed when setting up, using, and maintaining a carrel collection for *The Journal*. These rules apply to all members of *The Journal* staff.

- Do not take red-tagged books, reserved books, current periodicals, reference books, Shepard's indexes or loose-leaf services to a carrel. They will be removed.

- Books may be carrel slipped to *Journal* cite checking carrels for a period of thirty (30) days. Renewal must be obtained after the initial thirty-day period. You must include a carrel number on the sign out slip, and the book must not leave the assigned carrel.

- If the source cited is an article or case, make a copy of the case or article. You may use the Journal of Women and the Law copy-card that is located at the Reference desk. Put the copy of the article in the source binder that has been created for the article and file it in the carrel.

- No food or drink is allowed in a carrel.

- The Articles Editors are responsible for renewing and returning the books used during the editorial process. Because items will be checked out at different times, the Articles Editor must be diligent in making sure there are no overdue books in the carrels, and making sure that all materials are safely returned to the appropriate library.

- Some materials will be located at SWEM library. Those materials may be checked out from SWEM with a Journal of Women and the Law library card that may be checked out at the Law School's Reserve desk. It is the responsibility of the Associate Articles Editors (Cite Checkers) to check these books out from SWEM, return them to the Law School, and check them out to the appropriate carrel.

Chapter
4

The Articles Editor's Procedure in Detail

The following detailed description of the Articles Editor Procedure should be followed precisely for every article and note edited.

PHASE 1: DAY 1 THROUGH DAY 5

Articles Editor receives article and prepares it for cite checking

During Phase 1, the following must be accomplished:

- Begin filling out your time sheet that will document the time you spend on this assignment (see disk for form).
  - Note: There is no minimum or maximum amount of time we are looking for on your time sheet. Rather, the Executive Board is trying to gain a better understanding of how long each phase of the editing process takes, so that timelines can be appropriately adjusted in the future.
- Compile a comprehensive source list showing the location and status of every source (see disk for template). This source list should also indicate who is responsible for acquiring each source.
- Create a source binder and include any sources provided by the author. Make sure this binder (or binders) has sufficient room for the addition of other sources as the editorial process progresses. Organize sources alphabetically by the author's last name (if unavailable by the first word in the title of the piece). If a source is in the source binder, be sure to note that on the source list.

- Create a quotation binder that is easily organized by footnote for your Cite Checkers.

- Review the article and make your own initial edits. Make sure that you identify places where extra support is needed and where pinpoints and parentheticals are missing.

- Prepare the article for distribution.

    - All text should be in Courier 12 point font and double spaced

    - All footnotes should be in Courier 10 point font and double spaced

- Make 3 copies of the article and divide it equally among your cite checking team.

    - Keep the original.

    - Place one copy in the carrel (in its own binder, called the drafts binder)

    - Divide one copy amongst your team

    - Reserve one copy for your personal use later when you need to compile the edits onto a clean copy

- Contact the author, introduce yourself, and discuss any problems.

    - If there are hard to find sources, talk to the author and ask if she/he could let you borrow the source, or see if they have an idea as to where you can find the source.

    - Give the author an approximate timetable concerning their article, and let them know when they will be receiving their article for review. Inform the author of the length of time they will have to review the article (seven days) and alert them to the necessity of this tight turn around schedule. Never surprise the author; always give advance notice.

    - If the author asks you about last minute changes, tell the author that all changes must be received BEFORE the article goes out for cite checking. *The Journal* policy, as will be stated in the contract, is <u>no</u> substantive changes late in the process.

- Create a packet for your Cite Checkers that includes a memo to your Cite Checkers, the cite checking assignment, problem sheets, an editing symbol sheet, a time sheet, a source sheet, and a checklist (see disk for forms). This memo should include a clearly defined due date AND time, a list of any foreseen problems, and hints for this particular article. Please refer to your disk for a template for this memo and the rest of the items that need to be given to your Cite Checkers.

PHASE 2: DAY 5 THROUGH DAY 12

Cite Checkers review and edit the article.

During Phase 2, it is imperative that you are available to your Cite Checkers for questions or problems. During this week, the following must be accomplished:

- Set up hours where you will be available at the Law School (either in *The Journal* office or in a carrel) and describe where you will be located.

- Review the article on your own. This includes making organizational changes that may be necessary to improve the clarity of the article. It also includes proactively resolving problems that Cite Checkers are noticing BEFORE you are in a time crunch the following week.

PHASE 3: DAY 12 THROUGH DAY 18

Articles Editor compiles all edits and prepares the article for the Executive Board.

Phase 3 may be the most demanding time for the Articles Editor. However, it is imperative that the articles are not delayed during this critical phase of the process. The following must be accomplished during Phase 3:

- Immediately check all of the cite checks that have been returned to you. If there are any problems or incompletion, return the assignment back to the Cite Checker <u>the same day</u> as it was received by you. Give them a 24-hour time period to properly complete the assignment. Notify them in person, by telephone, and/or by e-mail that you have returned the cite check. If you have any problems, contact the Managing Editor or Editor-In-Chief.

- Spot check every cite check. This includes making sure that the Cite Checkers have not made any mistakes in their editing of the article.

    - NEVER insert a change you do not understand and do not ignore the change either. Consult the Bluebook and/or the Cite Checker.

- Respond to all problems that are listed on the problem sheet, and note how the problem has been resolved.
    - Keep in mind that certain changes can effect the entire article. If a case has been reversed or overruled, this could be very significant to the article if the author had relied on a previous ruling. Always be aware of these "red flags" and bring them to the attention of the Executive Board.
- Compile the cite checks and Shepard's printouts into one folder or binder. At this point, you should have the following binders:
    - Source Binder
    - Quotation Binder (this will have been compiled by the Cite Checkers, but you will need to ensure the completeness and neatness of this binder before turning your article over to the Executive Board)
    - Drafts Binder (this will now include the original draft, the Cite Checker draft, and any Shepard's printouts)
- Before turning the article over to the Executive Board, make sure that all of the following steps have been taken
    - Entire article is in correct Bluebook format
    - All problems have been resolved
    - All pinpoints and parentheticals have been added
        - A pinpoint is required at virtually every cite. Exceptions: *see generally's* do not need pinpoints and cases that are cited just as a citation (not to a specific holding)
        - For information in when parentheticals are needed, please refer to the Bluebook and/or to Chapter 6 of this Handbook.
- Grammar has been changed according to the grammar tips in the Bluebook and the Chicago Manual of Style.
        - You should only change the style of an article when it will substantially improve the clarity of what is being stated. Remember, in the end this is the author's article and it needs to stay in the author's voice.

PHASE 4: DAY 18 THROUGH DAY 21

Executive Board reviews edits and Articles Editor conducts evaluations.

Phase 4 provides the Articles Editor with a break from the editing process, as the article will now be in the hands of the Executive Board. The following must be accomplished by the Articles Editor during Phase 4:

- Ensure your availability to the Executive Board by providing them with a schedule of when you will be available for questions concerning the article (see disk for form).

- Meet with Cite Checkers and provide them with comments, critiques, and where necessary additional training.

    - This step is crucial, for without feedback, the same mistakes will reoccur during the next cite check.

    - You may meet individually or collectively with your Cite Checkers, but make sure that each member of your team has been given individual feedback (either written or verbally) during this phase.

    - Inform your Cite Checkers of the team read, and let them know the dates during which this process will take place (see Phase 6).

- Fill out the Cite Checker Evaluation form (see disk) and return it to the Managing Editor.

    - Fill out the form and try to note areas of improvement

    - These forms are necessary for <u>all</u> Cite Checkers (<u>not</u> just 2L's).

PHASE 5: DAY 21 THROUGH DAY 25

Articles Editor inputs all edits into the computer.

During Phase 5, the following must be accomplished:

- All edits (including those by the Executive Board) must be entered into the computer. If Edith is helping you with this process, fill out an article cover sheet (*see* form on disk).
    - Save every version of the article with a numbered name (i.e., author.1, author.2, author.3). It is important to save often and to save different versions in case one version becomes corrupt.

  Remember: Edith is only available for entering edits when her time permits, and when an article is edited in a neat and orderly fashion. It is the Articles Editor's responsibility for making sure edits are entered, with or without help from Edith.

PHASE 6: DAY 25 THROUGH DAY 28

Articles Editor organizes and executes team read.

Team reads will be conducted in the following manner:

- The cite checking team will be divided into teams of two, and the article divided equally amongst those teams. Each group of two will receive a section of the pencil-edited article and the corresponding section from the most recent version of the article (with edits entered by the Articles Editor).
- The objective of the team read is to ensure that the edits made to the article were entered fully and correctly into the computer. Any corrections that are found by the team readers should be clearly noted in pencil on the clean (revised) copy.
    - All cross-references should be checked again at this time. Provide your team readers with footnote reference sheets to help them with this process (*see* form on disk).
- After the team read has been executed, the Articles Editor shall review the article and input any changes that need to be made. Two new copies of the article should then be printed.
    - One copy will be given to the Executive Board.
    - One copy will be sent to the Author via next day mail (*see* Phase 7).

PHASE 7: DAY 28 THROUGH DAY 35

Article is in the hands of the author.

On day 28 (when you prepare the article for the author) make sure that you include the following in your packet:

- Make sure that you send a letter to the author detailing any changes that have been made, problems that were encountered, or questions that you may have. This letter should clearly indicate that the author has one week to return the article (see disk for a template).

- Emphasize that the author's review is to review our edits only – this is not the time for substantive changes.

- Request that the author make his or her edits ONLY on the clean copy.

- Give the entire packet to Edith and ask her to please send it via next day mail to the author.

PHASE 8: DAY 35 THROUGH DAY 38

Finalize your edits.

This is your last phase! Please do the following:

- Alert the Managing Editor if the author made any substantive changes.

- Enter the author's changes into the computer.

- Give the final copy to the Managing Editor.

Chapter

5

The Cite Checking Procedure in Detail

In General: This critical stage of the editorial process ensures the accuracy and consistency of an article. The following guidelines should be followed for every cite check.

EDITING PROCEDURE IN GENERAL

- Edit only with pencil. Make marks legible and with care. Completely erase all editing errors.

- Use the editing symbols that have been provided for you in your packet. Never use "awk." or "?", etc. If something is incorrect, attempt to change it. Conversely, if something is not "wrong" but is just a stylistic choice of the author, you should suggest a change only if the change would drastically improve the flow of the sentence.

- When new footnotes and parentheticals need to be added, please write these edits on a clean sheet of paper and place it behind the page needing the addition. Clearly mark where the inserstion should be located.

- Follow the citation and grammatical rules located in this Handbook (Chapter 6), the 17th Edition Bluebook, and the Chicago Manual of Style.

BEGINNING YOUR CITE CHECK: THE FIRST 48 HOURS

After the Articles Editor has prepared your section of the article for cite checking, you will be given a maximum of one week to complete your cite checking duties. <u>During the first 48 hours after you have received your cite check</u>, it is imperative that you accomplish the following:

- Read through your section to determine the degree of difficulty of this particular cite check.

- Make sure that, in addition to your section of the article, you have received a memo from your Articles Editor, problem sheets, an editing symbol sheet, a time sheet, a source sheet, and a checklist. If you have not received these things, contact your Articles Editor immediately. If you cannot reach your Articles Editor, please contact either the Managing Editor or the Editor-In-Chief.

- <u>Pull all sources to the appropriate carrel, or copy those sources that cannot be checked out</u>. Please refer to the "Library Policies" that are described in Chapter 3 of this manual. A source list will be in the carrel with an explanation of the status of all the sources. If a source in your section is not on the source list, notify the Articles Editor and add it to the list. For EVERY source listed in a Cite Checker's section, the Cite Checker (within the first 48 hours) is expected to:

    - Go to the shelves of the Law Library for cases, statutes, and Law Review/Journal Articles. Materials that cannot be checked out to the carrel should be photocopied; books and journals should be checked out to the assigned carrel.

    - Go to SWEM and check out any books that are listed as "available at SWEM" on the source sheet.

    - Locate and copy any microfiche/microfilm materials, either from the Law Library or from SWEM.

    - ILL any sources that are not at the law library or at SWEM. Please refer to the ILL procedure outlined in Chapter 7 of this Handbook.

- Once you have copied a source and put it in the source binder, checked a source out to the carrel, or ILL'd a source, please put your initials and date in the box provided on the source sheet.

- Begin filling out your time sheet that will document the time you spend on this assignment.

    - There is no minimum or maximum amount of time we are looking for on your time sheet. Rather, the Executive Board is trying to gain a better understanding of how long each phase of the editing process takes, so that timelines can be appropriately adjusted in the future.

EDITING FOOTNOTES

- Check all footnotes for both accuracy (check with the actual source) and Bluebook form (e.g., correct form of case name, page(s) cited, court and date of decision, correctness of signal used). After a footnote has been thoroughly checked, place a check ([) next to that footnote.

- If the author has written explanations or other material within the footnote, edit the text of the footnote just as you would if it appeared within the body of the article.

- Verify that all *supra* and *infra* references include the correct footnote numbers. A full copy of the article will be located in the assigned carrel in a binder labeled "Article Drafts" for this purpose.

- Add footnotes if there is insufficient authority to support a proposition or if a blanket assertion remains has not been cited to proper authority. Err on the side of over-citing.

- Indicate additional footnotes with the number of the preceding footnote paired with a letter (e.g., "1a," "1b" between footnotes 1& 2). Mark the appropriate location of the insert in both the text and footnote areas. If you do not have enough space to add the footnote in the footnote area, please write the footnote on a sheet of notebook paper and insert the sheet into your section of the article after the page on which the footnote should appear.

General rule: You need to add a footnote if the text is stating facts, or is based upon a factual statement. You do not need to add a footnote if the text is stating the author's opinion.

CHECKING AND EDITING QUOTATIONS

The cite checking procedure for quotations is the same regardless of whether the quotation is in the body of the article or in a footnote.

Quotation tips: Irregularities in the quoted source count! For example, if the source capitalized words in mid-sentence, make sure those are copied exactly in the quote.

If any words in the quotation are underlined, see if they are italicized or otherwise emphasized in the original (quoted) source. If the author added the emphasis, the citation must reflect that fact (emphasis added). See Rule 5.2

- Photocopy the quotation from the original source. Highlight the quotation on the photocopy. Label the photocopy with the page number and footnote number from the article. Place the quotation in the quotation binder, organized chronologically by footnote.

- Read the quotation and source word-by-word (including punctuation marks) to ensure the quotation appears exactly like the text. Authors are allowed to alter quotations, but only in those ways specified in the Bluebook (Rules 5.2 and 5.3).

    - Punctuation rule: Always place a comma or period inside a double quotation mark; place a colon or semicolon inside or outside according to the context of the sentence.

- Count the number of words in every quotation and, if the number exceeds thirty-five words, write the number in the right margin next to the quotation. Quotations of fifty or more words ("block quotes") should be single-spaced and indented. Delete quotation marks from blocked quotes. Refer to your editing symbols sheet for information on how to signify these changes.

- Place your initials by every quotation to verify that they have been checked.

CHECKING CASES

- Check all cases for proper citation form.

- Shepardize all cases. Provide all negative subsequent history. Only give the indirect history if it is important to the point the author is making.

Remember: Cases never "hold," the courts do. Change "Penn v. Columbia held" to "the court in Penn v. Columbia held."

- Remember that if a case has been cited in the previous five footnotes, change a full cite to a short form (or the converse if appropriate).

- Courts should not be referred to by the case name (e.g., the *Roe* court). This form is only appropriate if referring to the Chief Justice of the United States Supreme Court (e.g. the Warren Court.).

- In the text, "court" is only capitalized if referring to the United States Supreme Court.

- The first time the article refers to one of the federal appellate courts in a particular discussion, write out the full name of the court. Thereafter, an abbreviation is appropriate.

  For example:

  - First time: The United States Court of Appeals for the Third Circuit

  - Second Time: The Third Circuit

- Check to ensure that citation sentences are in proper order: i.e., cases according to the court level and date, cases before law review articles, student notes after professional articles, etc. Look closely at Rule 1.3, Order of Signals.

CHECKING STATUTES

- Check all statutes for proper citation form.

- Check all statutes for subsequent amendment or repeal.

- If the statute has been amended, repealed, or reenacted in a slightly different manner, include this in the cite according to Rule 12.2.1.

- When checking statutes always check to see if the statute has been updated in a supplement. If the statute is found in both the main volume and the supplement, it must be cited following Rule 12.3.1(e).

CHECKING AND ADDING SIGNALS

- Check all signals for proper usage and order. *See* Rule 1.2

- Ensure that parentheticals have been used if required with a particular signal. When the Bluebook says that a parenthetical is suggested, *The Journal* requires it.

- Signals should not be italicized when they are used as verbs in ordinary, complete sentences.

  Example: For a more detailed discussion, see ______________.

  When used in this manner, "*cf.*" Becomes "compare" and "*e.g.*" becomes "for example."

- In string citations, similar signals, including "no signal," are connected by a semicolon. Different signals are separated by a period. *See* Rule 1.2 for the grouping of signals.

FINAL CORRECTIONS AND PROCEDURES

- After making all substantive changes, ensure that major organizational changes are not necessary to achieve a more logical progression or presentation of the author's thought. Also determine whether any major additions or deletions are required.

- Extensive corrections should be noted on a separate piece of paper attached to the cite check.

- If you truly cannot solve a problem, note it on the problem sheet.

- Finish logging the time you have spent on this article and return the cite check to your Articles Editor.

- Be prepared to participate in the team reading procedure (*see* Chapter 4 of this Handbook).

Chapter
6

Basic Bluebook Guidelines & Journal Formatting Conventions

The following guidelines are meant to provide a general overview of Bluebook guidelines and to inform you of particular conventions that are unique to our journal. The Bluebook should remain your primary reference for all Bluebook rules, and this chapter is not meant to replace that resource.

Formatting Conventions

Citations, titles, and headings all have specific formats as explained in the Bluebook. When editing a manuscript for publication, our Desktop Publishing Macros (DTP) recognize specific formatting conventions. Cite Checkers and Articles Editors should be careful to follow these conventions precisely.

TYPEFACE

Like most law reviews, three typefaces are used in citations: ordinary Roman, *italics*, and LARGE AND SMALL CAPS. The Bluebook uses these conventions and strict adherence to these conventions is essential. When editing a manuscript for publication, use <u>underline</u> to signify italics and two and three underlines (see editing symbols sheet) to signify large and small caps.

HEADINGS AND SUBHEADINGS

Headings and subheadings differ in student articles and professional articles.

- Headings and subheadings in student articles are not numbered or alphabetized, and the introduction does not have a heading.

- Headings in professional articles are numbered sequentially with roman numerals, capital letters, Arabic numerals and lower-case roman numerals. The introduction does have a heading.

Regardless of author, main headings are set in large and small caps and centered over the text. Subheadings are set in italics, flush with the left margin. Second subheadings are set in italics with a paragraph indent. Third subheadings are double indented and also set in italics.

The way in which the author's name is presented also varies according to whether the article is written by a professional or a student.
- Authors' names in professional articles are set in large and small caps, centered below the title.
- Authors' names in student articles are set in large and small caps, flush left, at the end of the article.

Publication titles for both professional articles and student notes are set in all large caps, centered.

Heading Reminders:

- Every word, except prepositions less than four letters, unless it begins the title, should be capitalized. Example: The Mob and Their Women.

- If the Article contains a Table of Contents, the Table of Contents should follow the typeface headings in the article.

- Case names in titles and headings are italicized. Case names in subheadings are set in Roman type. If the case name is the entire heading or subheading, however, the typeface remains unaltered from the format explained in the previous paragraph.

- Be certain titles and subtitles are consistent. Indicate the typeface with proper marks.

Tip: When unsure of what format to use, please refer to previous issues of The Journal for examples of headings!

MISCELLANEOUS CONVENTIONS

- Periods ending a sentence should always be followed by two spaces.

- Place a comma at the end of a list.

  Correct: The colors of the flag are red, white, and blue.
  Incorrect: The colors of the flag are red, white and blue.

- Watch out for the incorrect use of "that" and "which."

  > "That" is restrictive, meaning the clause following "that" is essential to the meaning of the sentence.
  > "Which" is nonrestrictive, meaning the clause following "which" is not essential to the meaning of the sentence and may be set off by commas.

- "While" and "since" should only be used to connote time. Instead, use "as," "whereas," or "because."

- "Where" should only be used to connote location.

- "Feel" is a sensory term. One feels heat or emotion. Do not use "feel" to describe a mental process ("the judge felt the law of South Carolina should be applied.") Instead, use "believed," "thought," "considered," or "reasoned."

- Omit "or not" after "whether."

- The word "only" should directly precede the word it modified. For example, say "The court gave only three reasons" NOT "The court only gave three reasons."

- Avoid using parenthetical phrases in the actual body of the article.

- Sentences should not begin with conjunctions ("and" or "but") or with transitional words ("nevertheless," "however," or "thus.")

- Always discuss cases in the past tense.

- Avoid rhetorical questions.

- Spell out numbers up to ninety-nine in the text, and up to nine in footnotes. *See* Rule 6.2 for exceptions.

- Avoid hyphens where possible. Words preceded by "pre," "non," and "anti" are almost never hyphenated in American usage.

- The Bluebook says that "state" should be capitalized "[o]nly if it is part of the full title of the state, if the word it modifies is capitalized, or when referring to a state as a governmental actor." See Rule 8. Determining when a state is a governmental actor has proven difficult. To be consistent, capitalize it when it is part of an official title or when it is the object or subject of a sentence. If state is used, however, to delineate a place, do not capitalize it (e.g. "Most of the judges in the state were elected before the constitutional amendment.")

An Overview of the 17th Edition Bluebook and Bluebooking Tips

RULE 1.2: SIGNALS

The signals below appear in the order in which they should appear in the footnotes:

1) **No signal** when the cited authority
   a) identifies the source of a quotation, or
   b) identifies an authority referred to in the text,
   c) or directly states the proposition.
2) "***E.g.,***" When authority directly states the proposition, but other authorities state the proposition as well, and citation to them is neither helpful nor necessary.
3) "***Accord***" when two or more cases clearly support the proposition but the text refers to only one.
4) "***See***" if the cited authority clearly supports the proposition. The proposition is not directly stated by the authority, but obviously follows from it. An inferential step is required.
5) "***See also***" if the cited authority gives additional source material that supports the proposition. Use a parenthetical.
6) "***Cf.***" if the cited authority supports a proposition different from the main proposition, but sufficiently analogous to lend support. Use a parenthetical.
7) "***Compare . . . with . . .***" if comparing cited authorities. Parenthetical

explanations are extremely important if an author uses this signal.

8) "***Contra***" if the cited authority directly states a proposition contrary to the proposition in the text.

9) "***But see***" if the cited authority clearly supports a proposition directly contrary to the main authority.

10) "***But c.f.***" if the cited authority supports a proposition analogous to the contrary of the main proposition. Use a parenthetical.

   a) Note: Omit "*but*" from "*but c.f.*" whenever it follows "*but see*."

11) "***See generally***" if the cited authority presents helpful background material related to the main proposition. Use a parenthetical.

RULE 1.4 ORDER OF AUTHORITIES

The author must follow a strict order according to the type of authority, chronology and superiority of court. Note that when more than one signal is used, the signals should appear in a specific order according to Bluebook Rule 1.3. In string cites within each signal, citations must be ordered according to Bluebook Rule 1.4.

Tip: If you come upon a string cite that needs to be reordered, place the number indicating the source's order above the cite and circle. Also write "reorder" in the left margin. Each string cite must be checked

RULE 1.5: PARENTHETICALS

Use: Parentheticals are used to explain the importance of cases, or to give other relevant information. They are also used to show changes in a direct quotation ("emphasis added" is a common notification). Refer to page 31 of this Handbook and to Rule 1.2 of the Bluebook for more information as to when parentheticals are necessary.

Form: The following guidelines should be used when editing parentheticals:

- Place a space before the open parenthesis.

- Start the parenthetical with an "ing" word. But don't use the same "ing" word for every parenthetical.

- Don't capitalize the first word of the parenthetical.

- Typically there is no punctuation at the end of a parenthetical phrase.

- If a case has a subsequent history, the subsequent history <u>follows</u> the explanatory parenthetical.

RULE 3: SUBDIVISIONS

Please make sure that you read Rule 3 carefully, as all of the material is very important. The following are some highlights:

Page References

- Use pinpoint citations for almost every reference.

- Page Spans: When citing material that spans more than one page, give the inclusive mage numbers separated by a hyphen (endash). Always retain the last two digits of the page numbers. Examples: 97-98; 103-09; 1123-25

Note: The page span rule does NOT apply to statutory sections. For statutes, ALL digits must be retained.
Example: §§ 231-235

Multiple Sections and Paragraphs

- Place a space between the section symbol and the number of the section.

- Use two section symbols when citing multiple sections.

- Use one section symbol when citing to multiple subsections with a statute. Example: § 234(a)-(c).

Internal Cross References

- Can be used to refer to portions of the text or to footnotes.
- *Supra*: Material that appears before the reference.
- *Infra*: Material that appears after the reference.
- For more on *supra* and *infra*, see Rule 4.2.

RULE 4: SHORT CITATION FORMS

Id.

- Be wary of improper usage. Remember the period is italicized.
- *Id.* may be used as a short citation for any type of authority except internal cross references.
- Rules 10.9 and 12.9 state you can use *id.* if the full citation can be found within the preceding five footnotes.
- If the source is the same but the page number is different, that must be indicated. Example: *See id.* at 21.

  Note: do not use an "at" before a section or paragraph symbol. Example: *See id.* § 4.

Hereinafter

- **"**Hereinafter**"** is NOT used for cases, statutes, or similar material, and it is not italicized.
- Use hereinafter only

  1) for cumbersome and long cites,

  2) if the same author appears more than once in the same footnote, or

  3) if the regular shortened form would be confusing.

- The shortened form should appear in the same typeface as in the original. *See* Rule 4.2(b).

- *The Journal's* policy about hereinafter is that it should be used only if the same author is cited more than once in a footnote. It *may* be used in very limited circumstances if the short form of the citation is long and cumbersome.

Supra

- *Supra* is most commonly used to refer to journal articles and books.

- *Supra* should not be used to refer to cases, statutes, or constitutions. *See* Rule 4.2 for details.

RULE 5: QUOTATIONS

In General:

- If a quotation is altered, use brackets to show the alteration.

- Leave mistakes as they appear in the original text. Significant mistakes should be followed by "[sic]."

- Check for proper use of quotation marks within quotations (quotation within a quotation). If a non-block quotation, the "outside" marks should be double quotation marks and the "inside" marks should be single quotation marks. In a block quotation, the block is not set off by quotation marks, so the "inside" quotation marks should be double quotation marks.

- When a quoted source is quoting another source, the citation must reflect that fact.

  Example: Robinson v. California, 370 U.S. 660, 666 (1962) (quoting Weems v. United States, 217 U.S. 349, 378 (1910)).

- When quoting a statute, make sure that the margin spacing of the quotation follows the margin spacing of the original text.

- Commas and periods go inside the quotation mark. Other symbols go outside the quotation mark.

- If more than one paragraph is quoted, refer to Rule 5.4.

Omissions and Ellipses

An ellipsis is " . . . " (a space, three periods separated by spaces, and another space) and is used to indicate an omission. If leaving a period intact, the location of the omission is extremely important. Four "dots" will appear, but the spacing will be different depending upon whether the first or fourth of the "dots" represents the true period.

> Example: if the original reads: The frog glanced longingly at the lily pad for he was tired and wanted to rest for a while. He leaped with abandon and landed on the water.
>
> A quotation may look like:
> "The frog . . . was tired and wanted to rest for a while. . . . [It] landed on the water."
>
> OR
>
> "The frog glanced longingly . . . . He leaped with abandon and landed on the water."

*Note: **Never** begin a quotation with an ellipsis. Instead, alter the first letter of the first word used to make it a capital letter and place that letter in brackets to indicate the omission.*

RULE 6.1: ABBREVIATIONS

- Refer to the tables in the back of the Bluebook for lists of abbreviations (including abbreviations for periodicals, case names, services, geographical references, subdivisions, and court documents).

- Spacing in abbreviations:

  - ✓ Close up adjacent single capitals unless a combination of initials would be confusing.
    Example: "E.D. Va." but "D. W. Va."

- ✓ Do not close up single capitals with longer abbreviations. Example: "L. Rev." not "L.Rev."

- ✓ Ordinal numbers (for example, 2d) are treated as single capitals. Example: "F.2d" but "F. Supp."

- Periods in Abbreviations:

  - ✓ All abbreviations should be followed by a period except those abbreviations containing an apostrophe and the last letter of the word (for example, Ass'n, Nat'l).

  - ✓ Well-known initials may be set out without periods (for example, FTC, CBS, NLRB), but not in reporter or code abbreviations or in names of courts of decision (for example, 162 N.L.R.B. 476).

- Abbreviations in case names:

  - ✓ Only Ass'n, Bros., Co., Corp., Inc., Ltd., and No. are acceptable abbreviations in textual sentences.

  - ✓ Consult Rule 10.2.2 for more information on abbreviating citations

  - ✓ <u>Never</u> abbreviate the first word in a party's name.

  - ✓ Note that in some cases abbreviations of plurals require an "s" before the period of the abbreviation. See table T.6. Never abbreviate a word so that it looks like another abbreviation or word (e.g., "lawyer" to "law.").

RULE 6.2 NUMERALS AND SYMBOLS

Numerals

- In text: Spell out zero through ninety-nine. You may also spell out round numbers, such as two hundred.

- In footnotes: Spell out zero through nine.

Symbols

- In text: Spell out words such as "section" and "paragraph."

- In footnotes: Use symbols such as "§" and "¶."

RULE 10: CASES

The Bluebook thoroughly covers citation of cases in Rule 10. Also note that under Bluebook Rule 10.4, the parenthetical at the end of a case citation contains the court that decided the case and the year the case was *decided*. For state cases, include the state and the name of the court, but do not give the court name if it is the highest court in the state. Also, do not list the jurisdiction if it is evident from the name of the reporter. If citing to the regional reporter the state name must be included in the parenthetical. For example, cite an Ohio case decided by the Ohio Supreme Court to the regional reporter in the following manner:

> Herrick v. Lindley, 39I N.E.2d 729, 731 (Ohio 1979).

In general, always cite to the preferred reporter or service. Consult Rule 10.3.1 for guidance. Also, if the relevance of a cite is otherwise unclear, parenthetical information is recommended. Consult Rule 1.2 in conjunction with Rule 1.3 for guidance.

Short Forms

- If "United States" is a party to a cited case, do not use the "U.S." abbreviation.

- Use the short form for cases in the following three situations:

    1) If the full case name has been used in the same general textual discussion.

    2) If the case name has been cited in full earlier in the <u>same footnote.</u>

    3) If the case has been cited (including a short form or *id.*) in the preceding five footnotes. See Rule 10.9 for examples.

Case Names

- Consult Rules 2 and 10.2 in order to establish the correct case name form and ensure its consistent use throughout the article.

- Case names are italicized when used in textual sentences. Full case names are in Roman type when they are part of a citation. However, the short form of a case in a citation is italicized.

- The first time a name is mentioned in the text the full name must be used and the case should be footnoted. The footnote should not include the name of the case, only the cite. Once cited in full in the same textual discussion, the case may be referred to by one of the party's names without further citation (for example, the Court stated in *Brown* that "separate is inherently unequal.")

- Read Bluebook Rule 10.2.1(f) carefully for geographical terms in case names. Remember to omit "the" as the first word of a party name.

- If a party name could be written in more than one way, consistency is the name of the game. Be consistent with the name throughout the article and, even better, find out how such a name may have been written in past volumes of *The Journal*.

- All Latin phrases that are not part of normal American usage should be italicized. Procedural phrases (even in footnotes) should also be italicized (e.g. "*In re.*")

Citations

- For United States Supreme Court cases, cite to the United States Reports (U.S.) if it is available. If the official reporter has not yet been published, cite to the Supreme Court Reporter (S. Ct.), Lawyer's Edition (L. Ed.), or the United States Law Weekly (U.S.L.W.), in that order.

- For state cases, cite only to the regional reporter, not the official state reporter. Often authors will cite both. After limiting the cite to the regional reporter remember to include the name of the state court in which the case was decided.

- If a case is cited to any reporter other than the primary regional or federal reporter, check to see if the case has subsequently been published in the primary regional or federal reporter. If it has, cite only to the primary regional or federal reporter. If not, then consult Rule 10.3.1(b) to determine which reporter should be used.

- For cases cited only on Westlaw or LEXIS, consult Rule 18.1. You should not have to use this rule often.

- Always give pinpoint cites, unless you are citing to a case generally or are citing the case after mentioning it for the first time in the text.

- If citing to a footnote, give the page on which the footnote appears, plus "n." and the footnote number with no space in between. If citing to multiple footnotes use "nn." (e.g., *UNC*, 74 F.2d at 120 n.4). Consult Rule 3.3 (b).

Common Mistakes and General Tips

- Do not use *cert. denied* unless

1) it concerns the casenote case.

2) the case you are citing is two years old or less.

- Never use the word "held" when describing a dissenting or concurring opinion.

- If the first party in a case name is the government, use the second party's name in the short form citation.

RULE 12: STATUTES

- Statute names always appear in LARGE AND SMALL CAPS.

- A full citation includes:

  1) the volume number,

  2) the abbreviated name of the statute (*see* Table 1),

  3) the section, the paragraph, or article number of the statute,

  4) the publisher (unless compiled by federal or state officials), and

  5) the year of the code.

- If the text of any of the sections to which the cite refers has been altered by a subsequent pocket part or supplement, you must refer to that supplement in the cite. This does not mean that you cite only to the year of the supplement.

- Cite to an official code if at all possible. If not, see Table 1 for all official and unofficial code listings.

- Always check to see if a statute has been amended or repealed and provide that subsequent history when appropriate.

- *See* Rule 12.9 for appropriate short forms for statutes.

RULE 13: LEGISLATIVE MATERIALS

- Federal Bills or Resolutions (unenacted) should be cited according to Rule 13.1

- Committee Hearings are on microfiche in the Law Library. Hearings are cited as follows:

  Discrimination on the Basis of Pregnancy, 1977: Hearings on S. 995 Before the Subcomm. on Labor of the Senate Comm. on Human Resources, 95th Cong., 1st Sess. 31 (1977) (statement of Ethel Walsh, Vice Chairman of EEOC).

- Federal Reports should be cited according to Rule 13.4.

RULES 15 AND 16: ARTICLES AND BOOKS

In General

- A full cite for an article generally includes the full name of the author(s), the title (italicized), the volume number, the title of the publication (in LARGE AND SMALL CAPS), the page number on which the article begins, the pin point cite if appropriate, and the year of the publication.

- A full cite for a book includes the full name of the author(s) (in LARGE AND SMALL CAPS), the title (in LARGE AND SMALL CAPS), the page number, and the year of publication.

- If the work has two authors, order the names as they appear in the original. The order is not necessarily alphabetical.

- With more than two authors, use the first author's name followed by "et al." Note that "et" does not have a period. However, if all author names are particularly important, they all may be listed (this is a new rule in the 17th edition).

Remember, this chapter of your handbook is only meant to highlight a few important points concerning Bluebooking . This is by no means a comprehensive representation, and is merely supposed to be a starting point for familiarization with the Bluebook.

Chapter

7

The Inter-Library Loan Procedure

If a source in not at William and Mary, the following procedure will be followed:

- Double check to make sure that the article is not available through William and Mary.

- Log into FirstSearch (access is available through the Law Library's website) and find the source.

- Print out a copy of the FirstSearch result, and attach it to a completed ILL form.

- Follow all of Joan's ILL procedures exactly, as this will expedite the receipt of the source(s). Read Joan's "Ten Commandments."

- Fill out the appropriate information in *The Journal's* ILL book (located outside of Joan's door).

- Be kind to Joan. She is very helpful to us and we should appreciate her efforts to find sources for us.

- Be diligent about respecting the due dates on ILL'd materials. Before returning an ILL'd source, please copy the following:

  1) Title page

  2) Publisher information page

  3) All pages referenced in any manner within the article being published by *The Journal*.

4) If the book is a compilation of chapters written by different individuals, make sure the first page of any cited chapter has been copied as well.

Appendix

A

Appendix

THE FOLLOWING CHAPTER ENTITLED "INTRODUCTION TO CITE CHECKING" WAS MADE AVAILABLE ONLINE BY WEST LEGAL STUDIES.

IT IS AVAILABLE ONLINE AT:

http://www.westlegalstudies.com/pdf/bouchoux_chap01.pdf