

## I. INTRODUCTION

On March 15, 1913, a meeting was held in Minor Hall at the University of Virginia to consider establishing a law journal, to be published by the students of the Law School. On April 23, 1913, the *Virginia Law Review* was permanently organized. Volume I carries this foreword:

With this number the *Virginia Law Review* begs to introduce itself to an indulgent public. The editorial work is entirely in the hands of . . . students, not one of whom has had previous experience with work of this character. It is hoped that the crudities of this first effort in the line of published comment on the work of the courts may be less glaring in the future numbers when the editors have become more experienced.

This year, the *Virginia Law Review* enters its ninety-fifth academic year as one of the most respected student legal periodicals in the country. Its objective is to publish a professional periodical devoted to legal and law-related issues that can be of use to judges, practitioners, teachers, legislators, students, and others interested in the law. Only in the legal profession do students have the responsibility of publishing a majority of the contributions to the professional literature. The *Law Review* currently has a circulation of over 1700 and, when the pass-along readership rate is added, the circulation surpasses 17,000. In addition, the *Law Review* appears in electronic databases, including Westlaw, Lexis, HeinOnline, and JSTOR.

The *Virginia Law Review* is published eight times a year, in March, April, May, June, September, October, November, and December. Individual issues average between 200 and 300 pages. As may be seen from a quick look through any of its volumes, each issue of the *Law Review* consists of any combination of tributes, articles, essays, notes, and book reviews. Once a year, an issue may be devoted to a single legal problem or issue. In November 2007, for example, we published essays and responses from our symposium on contemporary political theory and private law.

*What is a Law Review?* A law review is a professional legal publication produced and edited by law students. Most articles are devoted to exclusively legal topics, although law reviews often publish articles on interrelated topics of more general legal concern, ranging from economics and finance to psychology and urban policy. Law reviews remain, however, technical legal journals with a focus on legal reasoning. The *Virginia Law Review* places a premium on accuracy in all respects – in propositions of law, points of grammar and usage, forms of citation, and analytical reasoning.

*Who are our authors and readers?* Most articles are written by law professors from various schools across the country. Occasionally, articles or essays are written by judges (past contributors include Chief Justice John G. Roberts, Jr., the late Chief Justice William Rehnquist, and Judge Richard Posner), and less often, by legal practitioners. Law review articles are read first and foremost by legal academics, and many of the debates contained in law reviews are essentially scholarly. Judges also use law review articles, however, and it is not uncommon to see pieces from the *Virginia Law Review* cited in judicial opinions, including opinions of the Supreme Court.

The *Virginia Law Review* prides itself on producing a quality publication, on publishing on time, and on maintaining excellent working relationships with our authors. This manual provides an overview of the *Virginia Law Review* and the various stages of our editing process.

## II. ORGANIZATION OF THE *VIRGINIA LAW REVIEW*: THE MANAGING BOARD

The *Virginia Law Review* is divided into two boards, the Managing Board and the Editorial Board. The outgoing Managing Board selects the incoming Managing Board, and Managing Board members take office in late February of their 2L years. The Editorial Board contains the entire 2L *Law Review* class, as well as approximately fifteen to twenty 3L members. In addition, our Office and Business Manager, Valerie Listorti, oversees the operation of our offices, works closely with the Managing Editor on financial issues, and provides the necessary institutional memory and stability as the Managing Board turns over each year. A brief description of the various Managing Board positions follows. The responsibilities of the Editorial Board are addressed in Section III of this manual, which describes the editing process.

**Editor-in-Chief (“EIC”)**: The Editor-in-Chief oversees the entire operation of the *Virginia Law Review*. He presides at meetings of the Managing Board and Editorial Board and serves as the *Law Review*’s representative to the administration, faculty, and the rest of the Law School. He also interacts with every member of the Managing Board at various stages of the production process. He is a member of all pools – Articles, Notes, and In Brief – and tracks and monitors pieces as they go through the production process. In addition, he conducts a “final read” of the entire issue before it goes to print, working with the Executive Editors on final edits. The EIC, along with the Managing Editor, oversees the *Law Review*’s budget and investments and works closely with the Articles Development Editor, the Notes Development Editor, and the In Brief Editor on larger issues such as article selection strategy and the journal competition. More generally, the EIC is responsible for leading the Managing Board and Editorial Board in policy changes and overseeing of all aspects of the *Law Review*. James Nelson currently serves as the Editor-in-Chief.

**Managing Editor (“ME”)**: The Managing Editor is responsible for ensuring that the *Law Review* is published on time and is in charge of developing the yearly production schedule. She makes all Editorial Board assignments, and works with the Articles and Notes editors to gauge the necessary amount of Editorial Board staffing on individual pieces. The ME also oversees the various social events held by the *Law Review*, ranging from informal breakfasts and dinners in the office during busy times of year to our formal banquet held in the spring. She also works with the Editor-in-Chief to develop the annual budget and works closely with our Office and Business Manager, Valerie Listorti, to ensure proper accounting and payment of bills. Kara Gorski is the current Managing Editor.

**Articles Development Editor (“ADE”)**: The two Articles Development Editors are in charge of selecting the articles that are read and considered by the Articles Pool. The *Virginia Law Review* receives approximately 3,000 article submissions every year, and it is the responsibility of the ADE to cull the best pieces as quickly as possible so that good articles are not lost to competing law reviews. The ADE must also ensure that the pieces which are sent to the Articles Pool represent a wide range of legal topics. Currently, the two ADEs divide submissions equally between each other and, while consulting informally, make independent decisions on what to refer to the Articles Pool. In addition to reading submissions, the ADEs discuss pieces with faculty members, and in consultation with the Editor-in-Chief, negotiate offer terms with authors whose pieces have been accepted by the Articles Pool. The ADEs attend every Articles Pool, and are in charge of any Law School events sponsored by the *Virginia Law Review*, such as symposia. James Y. Stern and Bill Vigen are the current Articles Development Editor.

**Notes Development Editor (“NDE”):** The two main responsibilities of the Notes Development Editor are overseeing the Notes Pools and running the annual journal competition. The NDE monitors the progress of all Notes that are published in the *Law Review*, and works with the Notes Editor assigned to the piece to advise the author of major substantive and structural changes that are required before the piece will be sent to the Editorial Board for editing. In addition, the NDE leads the Notes Pool and meets with student authors to discuss criticisms raised in the Pool. Finally, the NDE serves as the Chair of the Unified Journal Tryout Committee, a committee comprised of representatives from all journals at the Law School. In this capacity, in consultation with the Editor-in-Chief and the Committee, he selects the tryout topic and format, and administers the tryout in the spring. He also arranges for information sessions about the journal competition and he is in charge of coordinating tryout grading. Joseph Warden is the current Notes Development Editor.

**In Brief Development Editor (“IBDE”):** The In Brief Development Editor, along with the In Brief Editor, is responsible for all technology-related issues, including the *VLR* website, the computer systems and servers, the intranet, and the outline file. The IBDE is in charge of implementing the long-term plans for additional upgrades to the *Review’s* web presence, including the solicitation of articles and continuing development of our online component, *In Brief*. He also provides technical support to members of the Managing Board and Editorial Board. Additionally, in consultation with the Editor-in-Chief and Managing Editor, he oversees all materials on file with the *Virginia Law Review* Association. The current In Brief Development Editor is Jared Kaprove.

**In Brief Editor (“IBE”):** The In Brief Editor works closely with the In Brief Development Editor. Her primary responsibility is to perform or oversee the editing of the *In Brief* essays. Secondly, she publishes new issues of the print edition on the *VLR* website, timed to coincide with the mailing of the physical copies, and maintains the forthcoming pages, with abstracts of future articles. She also performs the initial formatting of the print pieces before the editing process begins and is available, along with the In Brief Development Editor, for technical support. The current In Brief Editor is Catherine Finegan-Dollak.

**Articles Editors:** The Articles Editors are in charge of selecting and editing articles and essays for publication. Along with the EIC and ADEs, they sit on the Articles Pool. After the Pool selects an article/essay, the article/essay is assigned to an individual Articles Editor. The Articles Editors then supervise a team of Editorial Board members through the initial edit and cite check phase of production. The Articles Editors compile the edits provided by the Editorial Board and advise the author on structural and grammatical edits. They often meet with the ADEs and EIC when larger substantive changes are in order. The Articles Editors are Chris Bornhorst, Josh Bradley, Christie Ives, Matthew Nicholson, Lee Peifer, Scott Schwartz, Michael Seitz, and Cleland Welton.

**Notes Editors:** The Notes Editors, along with NDE and EIC, sit on the Notes Pool and select Notes for publication. Like the Articles Editors, the Notes Editors edit accepted notes and supervise a team of Editorial Board members. It is their responsibility to incorporate the edits suggested by the Editorial Board and to work with the NDE and author in addressing major structural and substantive issues. Notes Editors also serve as Notes Advisors for members of the *Law Review*, and inform their notes advisees about deadlines, advise them about seminars and independent studies, and read drafts. The current Notes Editors are Doug Andre, Emily Hartman, Matthew Lee, and Philip Trout.

***Executive Editors*** (“Execs”): The Execs handle the final edits of a piece, editing for Bluebooking, grammar, and substance; each piece is eventually read by three different Execs. The Execs are also responsible for formatting the pieces and communicating with our printer. In addition, they interact with the EIC during the final stages of the process to incorporate his changes from the Final Read. Lastly, the Execs are in charge of all citation rules and conventions, and develop and update the *Slatebook*, the *Law Review*’s proprietary supplement to the *Bluebook*. The Execs are James Cass, Brandon Graves, Robert Wallis, Michael Wolin, and Charity Wyatt.

### **III. SELECTING PUBLISHABLE MATERIAL AND THE EDITING PROCESS**

This section describes our processes and strategies for selecting publishable material and for editing the pieces that we accept for publication. In short, the Articles and Notes Pools select the pieces, and the piece is then passed on to an Articles or Notes Editor for editing. Collectively, these editors are often referred to as Departmental Editors, or “DEs.” The Managing Editor assigns members of the Editorial Board to each piece, and Ed Board members work directly with a DE. DEs arrange meetings with their Ed Board team to discuss the piece, highlight areas of the argument that need additional work, and discuss potential citation problems.

There are three stages of our editing process: the Initial Edit, the Cite Check, and the Executive Edit. Members of the Editorial Board are heavily involved in the Initial Edit and Cite Check, and new Editorial Board members should consult the sections below to learn more about these two stages of the editing process. Ed Board members write memos to their DEs detailing their edits, drawing attention to any outstanding citation issues, and giving a substantive critique of the piece — an appendix at the end of this manual contains a sample Ed Board memo. Most of the substantive changes, however, are contained within the document itself through the use of the Track Changes tool.

#### **a. SELECTING PUBLISHABLE MATERIAL**

##### **A. ARTICLES AND ESSAYS**

Law reviews at top-tier law schools operate under intense competition for high-quality articles. Every year we receive nearly 3,000 unsolicited articles and essays from academics, jurists, and practitioners. These pieces arrive throughout the year, but we receive the bulk of our submissions in March, April, September, and October. Efficiency in sorting through manuscripts during these peak submission periods is absolutely crucial to obtaining desirable material. A delay of even just a few days creates serious risk that authors with top articles will turn elsewhere to publish their manuscripts.

To maintain its competitive edge, the *Virginia Law Review* has structured its selection process to maximize the efficient selection of articles for publication. We are capable of receiving, screening, pooling and deciding whether to publish an article in less than forty-eight hours. In recent years, this level of efficiency has enabled us to land top pieces before other journals even have an opportunity to consider the submissions. We achieve this efficiency through a two-stage process. The first stage is an initial screening conducted by the two Articles Development Editors (“ADEs”). The second stage is a review by the Articles Pool.

The ADEs are responsible for the initial review of all article submissions. Currently, the two ADEs divide submissions equally between each other and, while consulting informally, make independent decisions on what to refer to the Articles Pool. The ADEs screen for topicality, writing quality, argument structure, length, and, most importantly, significance of contribution to the relevant field of scholarship. Less than 5% of submissions survive this first stage of the selection process. As a courtesy, submissions by Virginia faculty members skip this stage and are automatically “pooled.” We also often receive requests for expedited review from authors who have received offers of publication at other journals. These requests usually have extremely short time frames of anywhere between eight hours and a few days for us to complete our review.

The second stage of the process consists of review by the Articles Pool. Currently, the work of the Articles Pool is divided between two pools that each meet roughly twice a week during peak submission season. Each pool consists of four of the eight Articles Editors, the Editor-in-Chief, and both ADEs. When a manuscript is “pooled,” the ADE who has selected the piece distributes a copy to each member of the Pool. The pool then meet to discuss the article, to argue its merits, and to decide whether it should be published, tabled for further discussion, or rejected. Pieces must receive five positive votes for an offer to be extended.

If the Articles Pool decides to accept an a piece the ADEs contact the author to extend an offer of publication. When conferring with an author, the ADE will discuss a publication date, the possibility of responses on *In Brief*, and answer any questions the author might have about the editing process. The *Law Review* has an “exploding offer” policy. Non-UVA faculty authors have twenty-four hours to accept our offer and, as a courtesy, UVA faculty have one week to respond to an offer. In some cases, non-UVA faculty authors may be given two hours to accept. Submissions with expired offers are *not* reconsidered. Combined with the efficiency of our review process, this policy promotes our competitive advantage by enabling us to secure an early commitment from authors of articles we have accepted.

We usually select articles four to six months before the issue in which they will appear. Annually, we publish about sixteen articles (about two per issue) and eight Essays (about one per issue), all of which are selected through this process. The publication numbers simply reflect past selection decisions; pieces are selected on their own merit and there is no Articles or Essays quota. Whether a submission is called an “Article” or an “Essay” is largely left up to the author. Generally, Essays have encompassed responses to previous articles, pieces on more offbeat topics, and shorter “thought pieces” that advance something approximating an idea rather than an argument. In addition, the *Law Review*’s annual Ola B. Smith Lecture is published as an Essay.

## **B. BOOK REVIEWS**

The *Law Review* typically publishes one or two book reviews per year, although the practice is waning. The ADEs secure book reviews in two ways. The ADEs may select an unsolicited manuscript or proposal submitted by a professor. In this case, the selection procedure is virtually identical to the process used for selecting articles and essays. More often, however, the ADEs select a book and specifically commission a review of it. The ADEs receive dozens of new publications from publishers including treatises, volumes on legal history, biographies, and books advancing new theories of law or related disciplines.

Law review book reviews are considerably longer those that appear in most newspapers and magazines, but they tend to be significantly shorter than the average law review Article, Note, or Essay. The target length is a maximum of 5,000 to 6,000 words, including footnotes.

## **C. STUDENT NOTES**

Each year the *Virginia Law Review* publishes between eight and twelve student-written Notes. Notes may only be submitted by J.D. candidates at the University of Virginia. Although many of the published Notes come from *Law Review* members, any law student may submit a Note for publication, and all are encouraged to do so. The authors of Notes we accept for publication who are not currently members of the *Review* are invited to become members.

There are four submission periods during which students may submit a Note for publication: in January, March, May and September. Upcoming Notes Pools are announced in the weekly Law School events emails and a sign is posted outside of the *Law Review* office with specific submission instructions.

Once the submission deadline has passed, the Notes Development Editor (“NDE”) collects all of the submitted Notes, divides them in half, and gives one half to three members of the Notes Pool (which consists of the NDE, the four Notes Editors, and the EIC) and the other half to the other three members. Each group of three then meets in what is called a “mini-pool” to select two to four Notes that the whole six-person group will review. Once each mini-pool has met, the NDE distributes the selected Notes from each mini-pool to the whole group. The full Notes Pool then meets to select anywhere from one to four Notes for publication. The identity of Note authors is not known to the Notes Pool until after selection decisions have been made. Immediately after the Notes Pool meets, the NDE contacts those who submitted Notes to inform them of the Notes Pool’s decision. Those authors who would like feedback on their Note are encouraged to meet with the NDE.

Once a Note is selected for publication, the NDE and the Notes Editor assigned as the Departmental Editor for the piece work with the author to get it ready for publication. The process is very similar to that used for Articles, but we require an additional, preliminary round of editing for Notes prior to the Initial Edit. During this early phase, we encourage the author to make the large substantive and structural changes we think necessary to prepare the piece for publication. The rationale behind this extra step in the process is that even the best student Notes often require a significant amount of structural changes in order to make the argument as clear and strong as possible. Once the author has returned the Note to us after making his or her first-round revisions, the Managing Editor assigns Editorial Board members to begin working on the Initial Edit. The whole process from selection to publication usually takes about six to twelve months.

## **b. THE EDITING PROCESS**

### **A. INTRODUCTION**

Once a piece has been selected by the relevant pool, it is ready to enter our editing process. Roughly stated, editing proceeds in several steps, most of which are discussed in greater detail later in this section. First, a departmental editor (“DE”), either an Articles Editor or a Notes Editor, is assigned to the piece. DEs are Managing Board members responsible for the Initial Edit and Cite Check stages of the editing process. The Managing Editor then assigns Editorial Board members to the piece. The DE distributes the piece to the Editorial Board, along with a memo describing the particularly important elements of the edit, and soon thereafter meets with the Editorial Board members to discuss the piece and any potential problems for the edit.

Second, the Editorial Board completes the first round of editing, referred to as the “Initial Edit” or “IE.” This entails gathering sources to verify substantive support, editing the piece above and below the line, and providing the DE with a memo that notes problems in the process and comments on the piece generally.<sup>1</sup> The DE then enters the changes and provides the author

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<sup>1</sup> Because student notes often, but not always, require more significant revisions, they are often required to undergo an additional Pre-Initial Edit round of editing. In this earlier round, the Notes Editor assigned to the piece and the Notes Development Editor provide the author with a written memo detailing major

with a detailed memo. The author is generally given two weeks to work on the proposed changes.

Third, once the author returns the piece, the second round of editing, called the “Cite Check,” or “CC,” commences. For most pieces, the same DE will oversee the IE and the CC. The Editorial Board members again provide a memo and marked-up manuscript to the DE, who enters the appropriate changes and sends a memo to the author. The author is then given two more weeks to address the changes.

Fourth, once an author returns the piece following the Cite Check, it is turned over to the Executive Editors (“Execs”), who are responsible for the final steps in the production process. Working with the DEs and the Editor-in-Chief, the Execs perform three separate stages of detailed editing, addressing Bluebooking, grammar, style, and the cohesiveness of the argument. At this stage, substantive issues are not the focus, as the Execs assume they have been addressed in the earlier rounds of editing. Execs typically do not consult the sources; they rely on the Editorial Board editors and the DEs to thoroughly check the substantive support. Once the Execs have done their three reads, the Editor-in-Chief reads all of the pieces; this is called “the final read.” Thereafter, the Execs enter any changes recommended by the Editor-in-Chief, address any final issues, format the piece, and send it to the printer, located in Lincoln, Nebraska.

## **B. THE INITIAL EDIT**

The Initial Edit, in many respects, is the most important stage in the entire editing process. The Editorial Board members assigned to the Initial Edit check every source cited in a piece to ensure that the source accurately supports the proposition to which it refers. A halfhearted initial edit can weaken the academic contribution made by a piece and undermine the *Law Review’s* reputation. If an initial editor misses a substantive error, there is a significant chance that the error will not be caught and that it will end up being included in the publication. *Although the cite check editors are also responsible for verifying substantive support, the primary burden for all substantive edits is on the initial editors.*

Upon completion of an initial edit, Editorial Board members will turn in two separate documents: (1) an electronic version of the piece with tracked-changes edits; and (2) a memo. The initial edit can be divided into seven separate tasks. These are: (1) gathering the sources; (2) verifying substantive support; (3) checking citations for correct *Bluebook* and *Slatebook* form; (4) editing for style and grammar; (5) critiquing the substance of the piece; (6) editing the piece electronically; and (7) drafting a memo to the DE. These seven tasks are described in more detail below. Please note that, after handing in an initial edit or cite check, members of the Editorial Board remain “on call” for up to one week. During the on-call week, a DE can contact the editor and request completion or revision of any unsatisfactory parts of the edit. Failure to make requested revisions or edits during the on-call period may result in appropriate remedial measures.

### **1. Gathering and Copying the Sources**

The point of gathering and copying sources is to create a quick reference file for DEs. That is, as the DE checks the text and accompanying footnotes, s/he should be able to pull a copy of

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substantive and structural changes the piece requires. The author makes these changes before the Initial Edit.

each cited source and its bibliographic information to check for substantive support and correct citation information.

**Plastic Bins:** For every piece, there will be one or more plastic boxes, which will contain tabbed folders arranged by footnote number. The boxes are located in the library carrel assigned to the piece.

When you copy or print a source, staple the pages together, find the correct tabbed file, and place the photocopy in the bin. At the top of each photocopy, write the footnote number in a corner. Please note that often a footnote will contain multiple sources. When this occurs, identify each source by the footnote number and the number of the source within the footnote. For example, if footnote 16 has three different sources, and you are doing the second source, write “16-2” in a corner and place it in the bin after footnote “16-1.”

**Uploading Source Documents:** In addition to printing or copying the specific page ranges cited in a particular footnote, if it is the first time a source is referenced in the piece, the editor should upload the full source being cited to the VLR Intranet. For example, if a footnote contains a cite to *Roe v. Wade*, the editor should upload a PDF file of the entire case (available on HeinOnline) to the appropriate folder on the Intranet. The first page of the case and the specific pages being cited should be printed out and placed in the source box. *The entire source document should never be printed and placed in the source boxes, unless there is no electronic version of the document available to be uploaded.* If you are unsure which pages to print and place in the source box, contact your DE, make a notation in your electronic version of the piece, and/or print the entire range of possible pages and highlight the passage(s) you think are most relevant.

**What to Photocopy:** The *Slatebook* provides a detailed checklist of what must be copied for the various kinds of sources that we typically encounter. Please refer to those checklists when compiling your photocopies to make sure you are copying all relevant materials. There are, however, **six general guidelines:**

(1) The overriding principle of the source gathering process is to upload / copy everything you and your DE will need to verify both the substance (checking that what the author is saying is supported) and the form of the citation (making sure the citation is in correct *Bluebook/Slatebook* format). When you encounter a source that is not in the *Slatebook* checklists, make sure to copy all that is required to do these two things. Please note that oftentimes sources are available in multiple forms, and the *Bluebook* prioritizes one over others (e.g., Supreme Court cases should be uploaded and printed from the PDF of the U.S. Reporter, available at HeinOnline, unless the particular volume of the U.S. Reporter is unavailable. Please note that Westlaw PDF files are generally not from the U.S. Reporter.).

(2) There must be separate copies for each citation in every footnote—even if a source has appeared previously, the relevant pages still must be copied and put in the proper order in the bins. This includes supra citations to previously cited works.

(3) The full source document only needs to be uploaded (or copied, if unavailable electronically) the **first time** it is cited within the entire piece. If a source appears in your section of the piece, after having been previously cited in another section, do not upload the full source document if it is already uploaded on the VLR server; instead, only print the first page (or bibliographic information) and the relevant pin-cite pages. The pin-cite pages include the actual pages cited, as well as one page before and one page after the cited pages.

(4) If you are doing a Cite Check and come across copies that were not done properly during the Initial Edit, the default rule is that you must make the necessary copies, unless the DE indicates otherwise.

(5) If you determine that a footnote is needed in the text and you are aware of the source that should be cited (typically this will be the case when the citation is to a previously cited source), you should make those copies, place them in the box, and write on the copies “New Fn., To be Placed Between Fns \_\_ and \_\_.”

(6) Anytime a citation is to a book, in addition to copying the relevant pages (usually the title page, table of contents, and pincited/surrounding pages) the book itself should be checked out to the carrel and left there for the DE. Obviously, ILL’d sources need to be checked out to a person, so check them out using your DE’s social security number, which is provided in each DE memo introducing the initial edit or cite check.

***Strategies for Collecting and Photocopying Sources:*** After you have done several Initial Edits or Cite Checks, you will likely develop your own methods and strategies for collecting, uploading, and photocopying sources in the most efficient manner. Typically, pieces are broken down by footnote, so that one Editorial Board member does the footnotes and accompanying text for footnotes 1 to 50, another does the footnotes for 51-100, and so on. The DE will break up the piece according to the number of sources in a particular block of footnotes to try to even out the workload as much as possible. This means that often more than one Editorial Board member will be responsible for the same sources. But this method also gives individual Editorial Board member more ownership over a particular section of the piece, and leads to better substantive critiques.

After reading the entire piece, most Editorial Board members make up a list of the sources they are responsible for—the benefit of making this list before starting the copying is that it allows Editorial Board members to see when a given source is cited multiple times, so that all of the copies can be made at once. While there is no general requirement that you make such a source list, some DEs may request that you do make such a list; please read the memo from your DE carefully to determine whether a source list is required for your edit or not. Making this kind of working list will also allow you to keep track of which sources you have been unable to find. Once you have a list of all sources, try to locate the hard-to-find sources first—these will typically be books and other materials that must be obtained from other libraries on campus, or materials that must be ordered via Interlibrary Loan. Your DE may have requested ILL books or recalled books before sending out the edit; if you are unsure of whether your DE has started this process or not, contact your DE as soon as possible and clarify. If you have difficulty finding a source and have fully exhausted your search, you should consult Kent Olson or another other research librarian. Please note that a key section of the memo you turn in to your DE is a description of the sources you could not find or sources you requested but which did not arrive before the edit was due. You must also note, in your memo, the date on which you placed any ILL or recall requests; your DE will ask you to follow up with the sources after their arrival. It is very important that you make any source requests as soon as possible, since delaying will not excuse you from doing the necessary follow-up work upon their arrival. Please keep in mind that many sources are cited throughout a piece, and several Editorial Board members may be looking for the same source at the same time. Making a working list should allow you to make all the copies of a single source at one time, thereby minimizing the time others do not have access to a source. Regardless of the manner you find most helpful, please be considerate both of other Editorial Board members and other library patrons who may be looking for the same source.

## 2. Verifying Substantive Support

After you have gathered the sources, you are responsible for verifying that the cited material actually supports the author's stated proposition. There are four aspects to this process: (a) checking that the source substantively supports the proposition it is being cited for; (b) checking the accuracy of quotations; (c) determining whether a pincite can be added for general citations; and (d) determining whether a footnote has been unnecessarily included and recommend its deletion, or determining whether a footnote may be needed and recommend its inclusion. You should always highlight the relevant passages that you used to verify substantive support on the physical copy of the source.

(a) Check the substance of the citation. The Editorial Board is responsible for ensuring that cited material substantively supports the author's position and that pinpoint citations are correct. Read the cited page and *highlight the portion or portions that support the assertion in the article*. Specifically, check to see that the author has not distorted the support or stated it without its limiting factual conditions. Read the introduction to a law review article or the headnotes to a case when the author cites to the entire article or case. This ensures that the article or case supports the stated proposition. Obviously, you must read all pinpoint cites to verify substantive support. You also should scan the surrounding (or introductory) material to make sure that the pinpoints are not taken out of context. If you run into a substantive support issue, write a full description of your concerns in a note to your DE (see below for the proper form for these notes) in your electronic version of the piece. It is important that you note any substantive support problems, even if they are relatively or seemingly minor, and that you give adequate explanation of the problem and *suggest possible remedies*.

(b) Check the accuracy of quotations. It is remarkable how many quoted passages are ever-so-slightly wrong. It is the Editorial Board's job to *carefully* compare the original source with the quote in the article. First, highlight the quotation in the copy of the source. Then, in the manuscript, *place a checkmark above each and every word, capital letter, and punctuation mark in the quotation*. This helps the DE ensure the quotation's accuracy. It is especially important that you check that all quoted material has been photocopied.

It is also important to check for proper use of ellipses and also mark that you have checked any odd punctuation or capitalization so that the DE can be sure that you checked them. The rules about ellipses are particularly difficult, so indicate the omitted material on the photocopy. If you have any doubts, consult your DE. If you fail to resolve a problem before you turn in your edit, note the problem and what you did in an embedded comment to your DE. You should make any necessary changes in your section of the piece electronically using track changes.

(c) Check whether a pincite can be added for general citations: Citations to an entire law review article, case, or book are disfavored, and it is frequently possible to locate the exact page or pages being referenced. When you encounter a general citation without a pincite, it is your responsibility to provide the pincite. When the point being made is truly a general one, a pincite to the introduction or conclusion is often an appropriate way to direct the reader without making the cite too narrow. Again, make sure that the photocopies include the pages for the added pincite. One way to find pincites for cases or articles is to pull up the source on Westlaw or Lexis, and search for key terms or quotes. Remember, though, that you generally cannot use non-PDF Lexis or Westlaw printouts for photocopying purposes (except where the *Slatebook* rules permit these sources).

(d) Determine whether a footnote has been unnecessarily included and recommend its deletion, or determine whether a footnote may be needed and recommend its inclusion. Footnotes serve two primary purposes in a law review article: (1) to provide substantive support for a given proposition, so that a reader could go to the cited source and find clear support for the stated proposition; or (2) to address or highlight an issue tangential to the above-the-line discussion, and to provide brief commentary on it, or to otherwise lead the reader to more sources on a given topic if the reader is interested. This section concerns the first use; the second use is largely a stylistic and strategic decision for the author.

The subject of when footnotes are and are not required in law review articles is one of some contention, and law reviews are often criticized for excessive footnoting. The *Virginia Law Review*, unlike many of its peers, does not engage in a practice of adding significant amounts of footnotes to the piece during the editing process. *To the contrary, excessive footnoting is disfavored.* It is our belief that footnotes after every sentence are not required to ensure that a piece is substantively supported, and that excessive footnoting decreases the readability of the piece. Furthermore, adding footnotes increases the burden on the Editorial Board (to make more copies), and hurts our relationship with authors because adding footnotes may require us to ask the author for an appropriate source. Our approach is instead fairly even-handed: We do not add a significant amount of footnotes to the piece, and we often recommend to the author when we feel footnotes or below-the-line material can be deleted. Student notes are often unnecessarily heavy in their footnoting.

Unfortunately, it is difficult to describe any hard-and-fast rules for when a footnote is or is not required. However, here are a few guidelines and examples:

- (i) When footnotes are required: There are three paradigmatic situations where footnotes are required:
  - a. Official Sources: when a case, statute, regulation, or other official source is cited.
    - i. Ex. A footnote to the case would be added after this sentence: “In *Hipolite Egg Co. v. United States*, the Supreme Court held that Congress could regulate the interstate transport of contaminated eggs.”
  - b. Quotes: whenever a source is directly quoted, a footnote is always required.
  - c. Factual assertions that are non-obvious to those with knowledge of the law:
    - i. Ex. No footnote would be required for: “Alexander Hamilton wrote many of the Federalist papers.” A footnote would be required for: “In the 2003, the House of Representatives considered approximately 340 different pieces of legislation concerning gun control.”
- (ii) When footnotes are not required. *Footnotes are not required to support general propositions that are common knowledge to a reader with knowledge of American law, or of the area of academic discussion more specifically.*
  - a. Ex. Footnotes would not be required for the following propositions: (i) A contract requires offer and acceptance; (ii) Transaction costs impede optimal bargaining.

Again, make sure that *all* material statements are covered. For example, for the statement “John Jay was elected as governor of New York in 1795 by a popular majority,” the cited material should support the fact that John Jay was (1) elected governor; (2) of New York; (3) in 1795; (4) by a popular majority. Also, for numbering purposes, *do not add or delete footnotes*

*below-the-line using track changes.* Instead, include an embedded note to your DE above-the-line at the place where you believe a footnote change is required.

### **3. Check Citations for Correct *Bluebook* or *Slatebook* Form**

Never assume that you know the *Bluebook* or *Slatebook*, or even that you are remembering certain rules or abbreviations correctly—always look it up. If you make significant or obscure *Bluebook/Slatebook* changes, *be sure to note the Bluebook/Slatebook page and rule number in your memo.* You do not need to note the relevant *Bluebook* or *Slatebook* rule number or page number for all of your edits; only include this information if you are a) unsure of which rule ought to apply and you want to indicate the one you selected (in this situation, you should also include an embedded comment indicating which other rules might be applicable), or b) if the rule is particularly obscure or complicated. Make sure you are familiar with how the *Bluebook* and *Slatebook* interface. When editing your section, you should make all *Bluebook* and *Slatebook* edits directly to the piece through electronic track changes.

### **4. Editing for Style and Grammar**

You should edit for style and grammar both above and below the line. In your assigned section, please make all of these edits directly to the piece using track changes. For any significant stylistic or substantive edits, please also include an embedded comment to your DE explaining why you made the edit. As you do this, be careful that you do not change the author's argument.

### **5. Critiquing the Substance of the Piece**

Editorial Board members critique substance in both embedded comments and in their memo to the DE. Editorial Board members should give their comments about the style, structure, and substance of the piece. You should comment generally about the entire piece, and more specifically about the section you have been assigned. To clarify, only embed changes and comments in the electronic version of the piece for your assigned portion of the piece, and use the memo to discuss the piece as a whole. In the memo, you should be focused on macro-level comments, such as suggestions or thoughts about the structure of the piece, the argument generally, persistent stylistic problems or issues, or any other comments that are not specific to a particular page or section. Most of your comments should be very detailed and should be embedded in your electronic version of the piece – both above and below the line – as notes to your DE.

The substantive critique is a great opportunity for you to have major input on the development of a piece. Please do not overlook the importance of substantive comments on the piece. Be specific – do not simply say you dislike a certain section of the piece, but *suggest ways to improve it*, or explain why deleting it altogether would not hurt the flow of the argument. DEs relay the substantive comments of the Editorial Board to the author and find it very helpful to be able to say “this section would be stronger if . . .” The comments of the Editorial Board are like a small-scale survey that the DE uses to decide which substantive issues to address, how to address them, and what suggestions to send to the author. Making substantive comments and edits is a required part of the editing process; if an editor fails to make substantive comments, they may be asked to re-read the piece and send comments and suggestions to the DE.

## 6. Editing the Article / Essay / Note Electronically

All of the above five elements of editing should be reflected in your electronic version of the Article / Essay / Note or Book Review that you are editing. The memo from your DE will describe the electronic editing process, although the process will be basically the same for all of the pieces you work on. When your DE initially distributes the editing assignment, s/he will send you an electronic (Microsoft Word) version of the piece. If you do not have Microsoft Word software on your computer, contact Jared Kaprove (the Technology Development Editor) or Catherine Finegan-Dollak (the In Brief Editor) immediately. The first thing you should do is save a version of the piece locally on your computer, with the appropriate file name (e.g., for an article, in the IE stage, by Smith, if your name is Jones, the correct file name would be SmithIE\_A(Jones) (see below for the Guide to File Names)). Then, make sure that the “track changes” feature of Word is turned on. Beginning with the text associated with the first footnote to which you are assigned, make all of the relevant and appropriate edits to the piece directly. In other words, if you think a sentence should be deleted, delete it; if the font for a citation needs to be changed, change it. Track changes will indicate any and all edits that you make. *You should not make any edits without the track changes feature turned on.* Please remember that all substantive or significant edits should be explained in a comment to your DE.

In order to make a comment to your DE, you should use the following format: {DE: I suggest cutting this sentence because it is duplicative of the prior sentence and is therefore unnecessary.} You should not make any comments addressed to the author (although your DE may have some comments embedded in the piece addressed to the author, in the {AU: } format) or to the Executive editors (although, again, the DE may have some such comments, in the {XE:} format). All of your comments should be addressed to your DE.

You should use the embedded (that is, the {DE: }) comment format for any and all comments to your DE. This includes explanation of edits that you have made directly, notations about questions you had about sources or citation format or other issues, comments about the style or substance of a sentence or paragraph, suggestions about where footnotes or text should be deleted or inserted, and anything else you might want to convey to the DE. When in any doubt, use the embedded comment form to communicate anything that might possibly be relevant to your DE.

It is important that the DE be able to distinguish between comments that you write to him or her and edits that you are suggesting directly to the piece. Therefore, please be careful about using the proper form for direct edits and comments.

## 7. Writing a Memo to Your DE

Before returning your IE assignment to the DE, you must write a memo summarizing certain key elements of the edit. The memo you receive from your DE at the beginning of your edit will describe the required components of the memo, and you should read your DE’s memo carefully, as some DEs have unique requirements for the memo you return to them. The basic elements of the memo will, however, remain consistent among DEs and all memos that you write at the end of editing a piece should conform to the basic format. [An example of a typical memo is included at the back of this manual.](#)

Your memo should be divided into two sections; Part I of your memo will be about sources, and Part II will include your general substantive comments.

Under Part I, you must include lists of the following: (1) all sources that you have checked out for the edit, including whether the source was checked out to your DE's personal ID or to the carrel and the due date; (2) all sources that you have ILL'd and their due dates; (3) all sources that you have requested, but not yet received via ILL and the date that you requested them; and (4) all sources that you have recalled from within the UVA library system, and any other sources you have requested, but not yet received, and the date on which you requested them. Outstanding sources under (3) and (4) are still your responsibility to track, check, and add to your edit when they do arrive at the library – even if they arrive after your edit is completed and returned to your DE. If there are any other problems or issues with your sources, you should note them in this part of the memo as well. For problems with citations to particular sources, your comments, questions, or suggestions should be embedded in the electronic version of the piece wherever the problematic source appears.

Part II of your memo is about the substance of the piece, and should include: (1) your overall thoughts and comments on the piece, (2) any substantive or stylistic problems that appear throughout the piece, (3) any structural or organizational comments or suggestions, and (4) any other substantive comments that do not pertain to a specific part of the piece. All comments relating to your specific section of the piece should be embedded in the piece itself. Remember that our goal is to suggest to the author(s) ways to make the argument and writing stronger, so please indicate possible solutions to the problems you identify in your memo and embedded comments.

At the end of the edit, please upload a copy of your memo to the piece's folder on the VLR Intranet and e-mail a copy of the memo to the EIC, ME, and DE as well.

### **C. THE CITE CHECK**

When the Initial Edit is turned in to the DE, s/he will incorporate necessary changes, and will send the author a copy of the piece with all changes in "track changes" format. The author has approximately two weeks to accept or reject each change. This is also the last time when an author can add new material to his/her piece. The author will send back his/her changes and the DE incorporates these new changes before sending the piece out for the Cite Check.

The Cite Check is the second phase of Editorial Board editing and does not differ significantly from the Initial Edit. You should follow all the steps outlined above for an Initial Edit, namely, making sure all sources are uploaded and copied, that the sources substantively support the text, and that the *Bluebook* form is correct. You should also make stylistic edits and write a memo to the DE.

There are several things to be aware of when doing a Cite Check:

***New Sources/Footnotes:*** The major difference in a Cite Check is that many of the sources have already been gathered. Cite Checks, however, present their own challenge: the edits made during the Initial Edit and by the author have often resulted in new footnotes with new citations, and photocopies made during the initial edit are unlikely to be assigned the same footnote number. Editorial Board members on Cite Checks are responsible for reordering the footnotes, and making all necessary copies to ensure a full set. Your DE will provide some guidance in corresponding the IE footnote numbers to the numbers in the CC manuscript, but you are responsible for ensuring that your section is accurately numbered and complete before you turn it in to you DE. (Note that you can access the VLR Intranet and look at earlier versions in the IE folder for the piece; if you have questions relating to footnote numbering or changes that have

been made, earlier versions are the first place you should look. The next step is to consult with you DE. If you still have questions about particular sources or edits after consulting your DE, you may also contact the Editorial Board members who worked on the Initial Edit.)

It is imperative that you locate and copy any sources that were unavailable during the Initial Edit. You should also check all copies that have already been made to ensure that the proper pages are cited—very often, pincites change and additional copies may be required. In addition, if the copies made during the Initial Edit do not follow the copying requirements, these copies must be made during the Cite Check. Lastly, if there are photocopies of sources that are no longer found in the article, remove them from the numbered folders in the bin, write on them “deleted,” and place them in the back of the bins behind the last folder.

***Substantive Support.*** Check all propositions for substantive support. It is essential that you verify substance, even for sources that appear to have been dealt with correctly during the Initial Edit. Very often, sources are moved around in the piece by the author, and in any event, we arrange two rounds of editing specifically so that two sets of Editorial Board members can check for substantive support.

***Bluebooking, Style, and Critiquing the Piece:*** Once again, please be as aggressive in checking Bluebooking and editing for style as you would be in an Initial Edit. Do not assume that the Bluebooking corrections made in the Initial Edit are correct. In addition, please do not refrain from making serious substantive suggestions because you feel it is too late to change anything—many pieces have benefited greatly from the critiques of Editorial Board members during the Cite Check.

When you return the piece to the DE, s/he will incorporate your changes into the manuscript. S/he will send the author a copy of the piece that incorporates all proposed changes. Again, the author will have one or two weeks to accept or reject each change before sending back his/her final version of the article. The DE incorporates the author’s final changes before it becomes the responsibility of the Execs.

#### **D. THE EXECUTIVE EDIT**

After a DE has completed the Cite Check, he or she passes the piece on to the Exec in charge of that month’s issue (the “Master” of the issue). The Master shepherds the entire issue through the executive editing process, formats the individual pieces and the issue as a whole, and deals with the printer.

The Master first formats each piece he or she receives from the DEs for the issue. He or she will then distribute the pieces to the “first reader”—the Exec who first edits the particular piece. The first reader also receives copies of the correspondence between *VLR* and the author, particularly if there any changes that the author has previously rejected. The first reader takes the lead role on the individual piece and acts as a liaison between the Executive Editors and the author of the piece. The first reader will read the piece, commenting on grammar, citation forms, and particularly troubling substantive elements (though the time for major substantive changes is long past). The first reader will then give the piece to a second reader, who performs a similar read. The first reader incorporates into the piece both his or her own comments and those of the second reader, and then sends the piece, along with a list of comments and questions, to the author for final review. At the same time, the first reader returns the piece to the DE who did the Cite Check for answers to the Execs’ questions about troubling citations, quotations, and

formatting.<sup>2</sup> When the DE returns the piece, the first reader incorporates the DE's answers to the Execs' questions. Finally, when the first reader receives the piece from the author, he or she incorporates the author's comments, suggestions, and changes. After that process is complete, a third Exec proofreads the finished piece.

After the third read, the Master assembles all of the pieces in a given issue and presents them to the EIC, who also performs a complete (if sometimes expedited) proofread, known as the "final read." In the meantime, the Master finalizes all other aspects of that issue, such as the cover, spine, table of contents, and subscription disclosure statements. Some of this information is determined in conjunction with the Managing Editor, who is responsible for advertisement and subscription information. Once the Master receives the pieces back from the EIC, all of the XEs will page proof the entire issue, piece by piece; this basically means that the XEs continue to proofread each piece until they find no typographical errors.

Finally the Execs send the issue to the printer. The goal to get the issue to the printer is the 15th day of the month before the issue is to be published (i.e., the October issue should go to the printer on September 15). After the Master approves a proof copy of the printed issue returned by the publisher, the book goes to press. The finished issue should hit the stands (and law libraries) eight working days later. When there are no snafus, the entire executive editing process takes about eight weeks.

### **Final Note**

The completion of IEs and CCs is your principal responsibility as an Editorial Board member of the *Virginia Law Review*. A competent and complete edit makes the *Review* run more smoothly and shortens what is an already-long editing process. Be aware that any DE reserves the right to ask Ed Board members to go back and re-do an inadequate IE or CC. In the interests of disclosure, you should also be aware that DEs evaluate Ed Board work after each IE or CC. These evaluations are used to help Editorial Board members improve their future edits, and they are also used during Managing Board selection. Please note that repeated poor work is grounds for disciplinary action, including expulsion from the *Review*. This is, needless to say, a very rare occurrence, but we mention it in order to reemphasize the importance of IEs and CCs to the review.

## **c. ELECTRONIC EDITING**

### **A. TRACKING CHANGES**

Most of you have probably used the Track Changes feature in Microsoft Word before. Track Changes underlines and highlights changes you make to a document so the DEs can easily combine the work of everyone who edited a piece and go through each change quickly. Before the implementation of electronic editing, each editor had to make a spreadsheet with each change documented, and the DEs would manually input each change.

#### **1. How to Set Up Track Changes**

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<sup>2</sup> This process typically happens several weeks after the CC is completed. It is important for the Editorial Board sources to be correctly numbered and substantively accurate so the DE can go back the sources if there is a problem without having to hunt through an entire box.

- A. First make sure you have Word 2002 or later. To check which version of Word you have, go to the Help menu in Word and select “About Microsoft Word.”
- B. Check that you have the most recent updates. It is a good idea to do this anyway.
  - 1. For PCs (Windows XP or higher):
    - i. Go to “<http://office.microsoft.com/en-us/officeupdate/default.aspx>”<sup>3</sup>
    - ii. Click on “Check for Updates”
    - iii. Follow the instructions. If there are updates to download, agree and download.
    - iv. Continue until you get the green shield on the right, which says “Your Office products are up-to-date.”
  - 2. For Macs (OS X or higher):
    - i. Click on the Apple icon in the top right-hand corner of your screen.
    - ii. Select “Software Update.”
    - iii. Follow the instructions. If there are updates to download, agree and download.
    - iv. Continue until you get the green shield on the right, which says “Your Office products are up-to-date.”
- C. Store random number to improve accuracy (PCs only)
  - 3. In Word, go to the Tools menu and select “Options.”
  - 4. Click the “Security” tab.
  - 5. Check box, if not already checked, that says “Store random number to improve accuracy.”
  - 6. Click “OK.”
- D. If you use Outlook to send attachments:
  - 7. Open Outlook.
  - 8. Go to the Tools menu and select “Options.”
  - 9. Click the “Preferences” tab.
  - 10. Click “Email Options.”
  - 11. Click “Advanced Email Options.”
  - 12. Uncheck, if not already unchecked, the box that says “Add properties to attachments to enable Reply with Changes.”
- E. Update your name in Word
  - 13. In Word:
    - i. PCs: go to the Tools menu and select “Options.”
    - ii. Macs: go to the Word menu and select “Preferences.”
  - 14. Click on the “User Information” tab.
  - 15. Enter your name
  - 16. Enter your initials.
  - 17. Click “OK.”

## 2. How to Track Changes

- A. In Word, right-click any tool bar (the parade of small icons across the top of the screen below the menus).
- B. You should get a list of terms. About two-thirds down the list is the “Reviewing” option. Click on “Reviewing,” unless there is already a checkmark next to it.

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<sup>3</sup> Do not include quotation marks when typing in web addresses or anything else. This is particularly important at steps 3 and 5 of *How to access the server*.

- C. You now have the track changes icons on your tool bar. Take a moment to hold the cursor on top of each to learn what each one does.
- D. The red-lined document with a pencil turns track changes on and off. Click it once to turn track changes on.
- E. Now anything you type will appear in a different color and underlined. A dash in the margin opposite any edited text will also appear.
- F. Comments can be added with the “New Comment” icon that looks like a yellow sticky-note on the tool bar.

### **3. To Track or Not to Track?**

All changes within your section should be tracked, both above and below the line. Any changes you wish to suggest outside your assigned section are welcomed, *but do not actually put them into the document*; please include them in the memo to your DE

Equally important, in the places you recommend adding in or taking out a footnote, *do not do so in the original document*. It is fine to put in a note or comment to that effect, but anything that changes the numbering of the footnotes should be addressed in the memo. You must also explain your reasons for adding new footnotes or deleting existing ones.

Consult your DE if you have questions about what form they want your work to appear.

## **B. PRINTING AND COPYING**

### **1. From Your Laptop to the VLR Printer**

VLR has its own printer / copier machine. It is located in the “copy room” – the small room to the right of the main office entrance along with the fridge and supply cabinet. The Ricoh printer / copier machine is for VLR-related work only. It is cheaper for VLR to print to our own printer than to use the school printers, so we strongly encourage, when possible, for Editorial Board members to use the VLR machine when doing edits. However, due to the volume of printing during August Week, it is necessary to print to the library printers as well. Most copying should be done in the library since that is where the books are.

You are strongly encouraged to be present in the office when printing your documents. This way you can monitor how busy the printer is and claim your jobs right away. Unclaimed jobs are put in a basket to the right of the printer. You can also delay your job so that it prints late at night or early in the morning.

Once you have set up the printer, any time you wish to print to the VLR printer, go to the File menu and select “Print” and select “VLR Printer” from the drop-down “Name” box.

### ***How to set up the VLR Printer (PCs instructions)***

- A. Go to [www.ricoh-usa.com](http://www.ricoh-usa.com), click on downloads from the top right, under multifunction B&W scroll all the way down for “Aficio 3035/3045” and select Go. Click English and Windows XP.
- B. Click on “Windows XP.” After you are sent to a list of drivers for your operating system, click on the arrow in the download column on the right for the “RPCS Driver.”
- C. A dialogue box should pop up. Click on “Run.”
- D. Click on “OK” to start the Winzip self-extractor.
- E. Enter “C:\DRIVERS” and click on “Unzip”
- F. You should get a message like “Extraction is complete.”
- G. Click on “Close”
- H. Go to “Printers and Faxes” on your start menu or Control Panel.
- I. Right click and select “Add printer.”
- J. Select “Next.”
- K. Select “Local Printer Attached to this computer” Do not checkmark the box for automatic detection. Select “Next.”
- L. Select “Create a new port” and change “Local Port” to “Standard TCP/IP Port.” Select Next.
- M. Select Next.
- N. Type in “128.143.28.119” for the IP address, but without the quotation marks.
- O. Select “Ok.”
- P. Select “Have disk”
- Q. Select “Browse”
- R. Select your C:\ drive and open the DRIVERS folder.
- S. Open “english,”
- T. Open “disk1”
- U. Select “rc33e12k” and click on “OK”
- V. Select “Ricoh Aficio 3035” and press “OK”
- W. Name the printer “VLR Printer.” Do not set as your default. Select “Next.”
- X. Do not share the printer. Select “Next.”
- Y. Print a test page. Select “Next.”
- Z. Click on “Finish” and check the printer for your test page.

### **How to set up the VLR Printer (Mac Instructions)**

- A. Go to [http://ricoh-usa.com/downloads/downloads.asp?tsn=Ricoh-USA&path=http://support.ricoh.com/bb/html/dr\\_ut\\_e/rc2/model/x3035\\_45/x3035\\_45en.htm](http://ricoh-usa.com/downloads/downloads.asp?tsn=Ricoh-USA&path=http://support.ricoh.com/bb/html/dr_ut_e/rc2/model/x3035_45/x3035_45en.htm).
- B. Download the driver for Mac OS X v10.1-10.4 or Mac OS X 10.5 (whichever you have) and install it. If the installation asks you to select your printer from a list, click cancel.
- C. Go to <http://www.linux-foundation.org/en/OpenPrinting/MacOSX/pxlmono>. Download three .dmg files:
  - a. Pxlmono-1.1.dmg
  - b. Foomatic-RIP
  - c. Either gplgs-8.61-ub.dmg (if you have Leopard, Tiger, or Panther) *or* gplgs-8.61-jaguar-ppc (if you have Jaguar).
- D. Install Foomatic-RIP, then whichever version of gplgs you downloaded, and finally pxlmono-1.1.dmg
- E. Open System Preferences → Print & Fax, Add a printer
- F. Make sure you’re looking at the IP tab
- G. Set Protocol to Line Printer Daemon – LPD. Type in “128.143.28.119” for the address. Name is for your reference; call it whatever will make sense to you when you’re trying to choose which printer you want to use. For “Print Using,” select Ricoh Aficio 3035 PXL.

- H. To print a test page, go back into the Print & Fax menu. Double click the icon for the new printer. This will open the printer queue. From the menu bar at the top of the screen, choose Printer → Print Test Page.

## 2. From Your Laptop to Other School Printers on the VLR Account

Printing and copying can be done in the library on the VLR account. Consult the “Student Copying and Printing Guide” in LawWeb to determine how to install a library printer on your computer. To make copies, you first need a PIN. Log into LawWeb, click on “Student Copying and Printing Guide” under Administrative Services. Click on “How do I use the copiers” under FAQs. Then click on “establish a PIN code.” Do this at least a day before you want to make copies.

Once you have your PIN, go to a copier.

- A. Type in your Computing ID, for example thm9b. Hit Enter.
- B. Type in your PIN. Hit Enter.
- C. Type in the VLR code, which is 164. Hit Enter. (If you are making copies for yourself, do not type anything, just hit enter.)
- D. When you are done, click F3.

You can also charge print jobs to the VLR code. To learn how to do this, go to the “Student Printing and Copying Guide” and click on “Student Organizations and PAS.” This will explain how to change you billing code to the **VLR Code**, which is **164**. This can only be done from a computer in a computer lab.

**IMPORTANT:** You must remember to change the billing code back to “None” when you are finished. Otherwise all your personal printing will be charged to VLR and the Managing Editor will seek reimbursement from you.

## C. THE VLR INTRANET

VLR rents space on a server so that we can more easily share files. The server will be the main way you will exchange documents with your DEs and with each other. Server access is restricted to VLR members only. The following instructions show you how to set up the server and how to use the server. Your DEs may have additional uses for the server beyond what is discussed here, and they will explain what they want in their memos to you. If you have questions or problems, contact the Technology Development Editor immediately.

### 1. Setting up the Server

#### **First: Set your password**

- A. Go to “<https://www.web.virginia.edu/passchk/>”
- B. Type in your user id (e.g., your email id) and existing LawWeb, Home Directory, or Mulberry passwords.
- C. If one of these works, remember it. That is your password for the Intranet.
- D. If none of them work, go to “<https://www.web.virginia.edu/pswd>”
- E. Click on “Click here to enter.”
- F. Enter information.
- G. *Create a new password:* Using one of your existing passwords is always a good idea; however, read the password requirements carefully – they can be difficult to comply with.

H. Wait fifteen to twenty minutes and your password should be set.

### ***How to access the server***

#### **A. For PCs:**

- a. Go to “My Computer”
- b. Click on Tools > Map Network Drive
- c. For folder, type in “\\es1.eservices.virginia.edu\valaw\_shared\$”
- d. Click on “Connect using a different user name.”
- e. Enter “eservices\[Computing ID]” for user name. For example, the TDE’s computing ID is thm9b, so he would enter “eservices\thm9b.”
- f. Enter your password.
- g. After a few moments a window will open with one folder labeled “Content.”
- h. To get back to this folder later, open “My Computer.” At the bottom of the window, the “Network Drives” heading will appear; one of those network drives will be “valaw\_shared\$ on es1.eservices.virginia.edu.” Anywhere on grounds where you have a network connection, you will be able to click this and log in.
- i. You will only be prompted for your password the first time you log on after turning on your computer. As long as you leave your computer on, you will have an active connection to the server.

#### **B. For Macs:**

- a. Open “Finder”
- b. Select the “Go” menu
- c. Click on “Connect to Server”
- d. For “Server Address,” enter smb://es1.eservices.virginia.edu/valaw\_shared\$”
- e. Click the “+” icon to bookmark the VLR server address
- f. Enter your username and password
- g. After a few moments a window will open with one folder labeled “Content”
- h. To get back into this folder later, open “Finder.” Select the VLR server from the “Favorite Servers” list; you should not need to reenter your password. You should be able to log into the server anywhere on grounds.

C. If you need access immediately and your computer is not working, the desktop in the common room of the *VLR* office has access to the server.

D. Note: You cannot access the server from computers in the computer lab.

## **2. How to Use the Server**

Each piece that the *Law Review* publishes has a folder on the server with the name of the author. The folders are divided by volume and issue. For example, to get to the Luban folder, open Content > Volume 91 > 91 Number 6 October > 91 6 Luban E. In the folder name, the 91 represents the volume; 6, the issue; Luban, the author name; and E, the type of piece, in this case, essay.

Within each piece folder, there are usually four folders: “Initial Edit,” “Cite Check,” “Execs,” and “Sources.” In the “Initial Edit” and “Cite Check” folders, there will be the DE memo to the Editorial Board and the Editorial Board memos to the DE. These should be called LubanDEMemoIE and LubanIE\_MemoB(Jared Kaprove). Also in these folders are the versions of the document. The DE will save either the LubanPreIE or LubanPreCC in the folder. The Editorial Board will save their checked versions with tracked changes as LubanIE\_B(Jared Kaprove). The name of the Editorial Board member will go in parenthesis. The letter preceding the parenthesis (in my example, B) indicates which section of the piece the person worked – the first section is A, the second B, and so on. The DE will make it clear the letters of the assigned

sections if there is any ambiguity. During the Cite Check, editors are encouraged to consult the Initial Edit folder when they have a question about the Initial Edit.

In the “Sources” folder, the Editorial Board will save PDF versions of the various cases, law review articles, and other sources as specified previously in this handbook. The format for naming a PDF is as follows:

- For Cases: **full case name**
- For Law Review Articles/Books/Other: **author’s last name [comma] first five words of the title**
- Statutes: **Full bluebook/slatebook form** (enough to identify)
- Other: **Full bluebook/slatebook form** (enough to identify)

The PDFs should be titled with sufficient detail to distinguish the source from any other sources. For example, if there are two authors named Smith, use the first initial. The more information included, the better.

***Guide to file names:***

*Initial Edit Folder*

LubanDEMemoIE  
[LubanPostIE]  
LubanPreIE  
LubanIE\_A(James Nelson)  
LubanIE\_B(Jared Kaprove)  
LubanIE\_MemoA(James Nelson)  
LubanIE\_MemoB(Jared Kaprove)

*Sources Folder*

Brown v. Bd. of Educ.pdf  
Garrett, Structural Reform Prosecution.pdf  
Lochner v. New York.pdf  
Stuntz, Pathological Politics of Criminal Law.pdf

*Cite Check Folder*

LubanDEMemoCC  
[LubanPostCC]  
LubanPreCC

LubanCC\_A(Kara Gorski)  
LubanCC\_B(Bill Vigen)  
LubanCC\_MemoA(Kara Gorski)  
LubanCC\_MemoB(Bill Vigen)

## IV. WRITING A NOTE

All *Law Review* members are required to write a legal research paper called a “Note” by the first day of the second semester of their third year of law school. The purpose of this section is to explain briefly what you need to know to begin working toward this requirement and to answer some basic questions you might have about the process. Feel free to contact the Notes Development Editor, Joseph Warden, or your Notes Advisor for additional information.

### ***What is a Note?***

A Note is simply a research paper on a legal topic written by a law student. Typically, Notes are about 35 pages long, but they often run longer. Although most Notes tend to conform to a fairly formal structure and style, there is no reason to be intimidated by the work required to produce a quality product. You can all write well and think critically about legal issues, and writing a Note simply requires you to do both those things in a somewhat deeper and more substantial way than you are asked to do in most law school classes.

### ***Why write a Note?***

- **Requirement.** The most obvious reason to write a Note is because it is required. If you do not complete a Note by the first day of the second semester of your third year, you may be asked to leave the *Law Review* (see *Bylaws of the Virginia Law Review Assoc.*, Art. VI, §3(a)–(b)). Because fall seminar papers or Independent Research papers are not due until January, VLR members have until the first day of their 3L second semester to turn in their Notes.
- **Intellectual Development.** Writing a Note gives you a rare opportunity to research an area of the law that you find particularly interesting. More importantly, it offers you a chance to be intellectually creative in a way the goes beyond the work you do for your law school classes. Developing a sustained legal argument over a period of several months can be a deeply rewarding experience that many students look back upon as one of the most intellectually stimulating parts of their law school career. As with anything, the more you put into it, the more you'll get out of it.
- **Working with Professors.** Professors often serve as sources of inspiration and correction for students as they choose and research a Note topic. Often you will form a valuable relationship with a professor who is a scholar in your area of interest. If you look at the biographical footnotes of most published Notes, the author will mention and thank a professor who helped the student along the way. It is predominately the case that the best student Notes are written by those who seek and receive help from a professor.
- **Immortality.** You may submit your Note to the Notes Pool, and it may be selected for publication in the *Virginia Law Review*. If it does, your work will soon find a permanent home in hundreds of law schools and courts across the country, outlasting your existence by decades if not centuries. Many members of the *Law Review* also submit their Notes to the other, more specialized journals at the Law School.

### **a. WRITING A NOTE: SEMINARS VS. INDEPENDENT STUDIES, NOTES ADVISORS, CHOOSING A TOPIC, NOTE-WRITING TIMELINE**

1. **Enroll in a Seminar or Independent Study.** Most students write their Note through one of two ways. They either write a paper for a seminar, which they then turn into their Note, or they sign up to do an Independent Study with a professor. The reason for doing either of these is twofold: first, it enables you to get academic credit for your work; and second, it provides a formal structure to get the assistance of a professor.
  - a. ***Seminar Paper.*** If you don't have any ideas for a Note topic, it may be a good idea to sign up for a seminar this fall or spring that requires a finished written product. Seminars give students the opportunity to become acquainted with a relatively confined area of legal scholarship. Typically, seminars only require 25 page papers, but you can either turn in a lengthier paper that would double as your Note or you

could turn in a shorter one and then extend the argument to make it substantial enough to meet the Note requirement later.

- b. ***Independent Study.*** If you already have a general area of interest, you should consider doing an Independent Study with a professor. The advantage of this approach is that it gives you direct contact with a professor and it allows you to direct 100% of your work toward your Note. The only disadvantage is that it requires slightly more focus in finding your topic and more self-discipline in staying up on your work. The law school gives you one credit for each 20 pages that you write, so typically students take two or three credits either in one semester or spread across two semesters (you can do one credit in the spring and then more credits in the fall, for example). Consult the Student Records Office for the procedures for signing up for an Independent Study.
2. **Notes Advisors.** You are not alone on your Note-writing journey. You all have been assigned a Notes Advisor from the Notes Department whose job it is to provide you with whatever assistance and guidance you require. Your advisors will meet with you to discuss possible topics, recommend professors to work with or classes to take, and will be available to read drafts and outlines. You should feel free to contact them, or any other members of the *Law Review*, with any of your concerns or questions, as they are all writing Notes themselves, and will be a valuable resource for you.
3. **Writing Your Note.** Below is a very brief description of some of the basic elements of writing a Note that should help you get a better sense of what it entails.
  - a. ***Finding a Topic.*** Finding a topic for your Note is probably the hardest part, but you should realize that this part of the process often consists of two distinct stages: first you find a topic, then you find a thesis.
    - i. ***Topic.*** Your topic should ideally be in the form of a question (e.g., Why have courts shaped a given doctrine in a certain way? What does a case or series of cases reveal about the development of a doctrine or area of law? What has been overlooked in a particular area of academic literature?). Oftentimes such a question is sparked by a topic you cover in one of your classes, but you may also want to begin looking for law review articles on general areas of law you find interesting to see what professors are writing about. Another great resource is a feature in the *United States Law Week*, to which our library subscribes, called “Circuit Split Roundup” that includes a list of recent circuit splits.
    - ii. ***Thesis.*** The most important part of your Note will be your thesis. By the time you begin writing your Note, you should be able to articulate your argument in one or two sentences. Ultimately, this should address two questions: what does your Note say? And why does it matter? Remember, though, that you may not discover the thesis of your paper until you have been reading cases and articles for several weeks or even months. It may take reading your materials several times before you begin to see where your Note is going. Do not panic if you do not have a thesis right away.
  - b. ***Preemption.*** Once you do have a thesis, you’ll want to make sure that no one else has said exactly what you want to say, so you should do an extensive scan of the

academic literature in your area. This is called a “preemption check,” and you should feel free to contact your Notes Advisor about how best to perform it.

- c. **Mechanics: Structure and Form.** Probably the most common problems with Notes have to do with the structure of the argument and the clarity of the prose.
  - i. **Make an argument.** While there are many forms that your Note may take, at bottom, it must make an argument. Framing and thinking about your Note as an argument will allow you to better see how it fits in with the existing scholarly literature, and what research is necessary to make the claim.
  - ii. **Structure - Clear and logically sound.** Writers vary in the extent to which they like to outline before writing. Some require that they have a very detailed outline of their argument before writing, while others find that they often discover the complete structure of their paper only after they begin writing. In either case, though, by the time it is ready for submission as your Note, *it must have a clear argumentative structure*. Once again, this is something that your Notes Advisor may help you with, but the moment you begin writing, you should be thinking about how the different pieces of your paper fit logically together.
  - iii. **Prose and Citations - Simple and Direct.** Good prose is equally important to a successful Note. You are all good writers, so that should not be a problem for you, but remember that no matter how good of a writer you are, you can always improve. Getting someone else to read early drafts is a good way to catch vague language, thought-clichés, and unnecessary verbiage. While Notes must be adequately supported, beware of excessive footnoting and adding a large amount of below-the-line material.
- d. **Types of Notes.** There is no fixed rule about the type of thesis your Note may have, but it is possible to describe several common types or categories of Notes:
  - i. **Classic Doctrinal Analysis** – How a certain interpretation of an area of case law both explains and justifies the outcomes (and doctrinal formulations) of the relevant cases.
  - ii. **Theoretical Analysis** – How a certain legal theory or perspective (e.g., Law and Economics, Critical Theory, moral philosophy, etc.) illuminates a given doctrine or area of the law, or why case law or other extralegal factors support or fails to support one side in a scholarly debate.
  - iii. **Empirical Analysis** – How certain social science data (economic, psychological, etc.) supports or contradicts the assumptions of a given doctrine or area of the law.
  - iv. **Historical Analysis** – How a certain case, series of cases, or extra-legal events explains the development of doctrine or outcome of a specific case in a given area of law.

- v. **Case Comment** – How a recently decided case (or Circuit split) fits into relevant case law and what it reveals about the likely development of the doctrine.
- e. **Past Topics.** It is a good idea to review Notes that have been previously published in the *Virginia Law Review*. Notes are available on Westlaw and Lexis, or in the *Law Review Office*.

#### 4. Notes Timeline.

- a. **When do I begin working on my Note?** Now. The process is often a long one, so you should really begin right away. To help you along with the process, there is a fairly formal timeline that your Notes Advisors will help you meet. Still, ultimately you determine how much you will get out of the experience, so we encourage you to take it seriously and devote effort to it.
  - b. **August '08** – Begin thinking of what classes you would like to take or the professors with whom you would like to work. Be sure to turn to your Notes Advisor for advice – he or she can direct you to students or professors who can help you further explore a given area of the law. You should also feel free to contact professors directly and ask them if they would chat with you. Most of them are delighted to find students who are interested in their area of expertise.
  - c. **October '08** – Meet with your Notes Advisor to discuss how you are going to fulfill your Note requirement. Let them know which seminar you are taking or which professor is guiding your Independent Study, what your general topic is, and when you are planning to complete it.
  - d. **March '09** - Those who took seminars in the fall should have a completed first draft. When you have a draft, if you would like feedback on it, you should give it to your Notes Advisor (that is their job!). You can also talk to the NDE about work-shopping your Note.
  - e. **September '09** - Those who took a seminar or completed an independent study in the spring should have a completed rough draft. Those who completed a draft in the fall of the past year should have a final draft submitted to their Notes Advisor. Those who are completing their Independent Study in the fall of their 3L year should have a substantial outline or short summary of their core argument.
  - f. **November '09** - Those who completed their paper in the spring should turn in a final draft to their Notes Advisor. Those who are still in an independent study should turn in a rough draft to their Notes Advisor.
  - g. **January '10** - All final Notes must be completed.
5. **Pool Schedule.** In addition to the timeline above, you should be aware of the Notes Pool submission windows if you would like to submit your Note for publication. Notes Pools take place four times a year: in January, March, May, and September.

## V. LOGISTICS

As a student organization of the law school, the *Law Review* has its own offices and manages its own business relations and budget. The *Law Review* is incorporated as a 501(c)(3) not-for-profit corporation under the business name “The Virginia Law Review Association.” We are unique in that we have our own dedicated Office and Business Manager, Valerie Listorti, who works in the office year-round and who is a critical asset to the *Law Review* team. In addition, we have a system of delegating work amongst the Managing and Editorial Boards that ensures the effective and efficient operation of the journal.

The Managing Editor allocates the assignments among Editorial Board members. The DEs responsible for a given piece will then distribute the assignment to their designated editors. The Managing Editor will give advance notice of upcoming editing periods so that the Editorial Board will know what to expect, and she will alert editors of their assignments as soon as the DEs receive all the pieces for a given edit. The work of the Editorial Board primarily consists of two types of assignments: office duty and editorial duty (Initial Edits and Cite Checks).

### a. OFFICE DUTY

Office duty is an integral part of the daily operations of the *Law Review*. Office duty takes place from 4:00–7:00 PM every Monday through Thursday throughout the semester, and is staffed each day by two members of the Editorial Board. All Editorial Board members can expect to participate in office duty about two or three times per semester.

Office duty assignments include substantive editorial work and business operations work, as well as any other *Law Review*-related assignment necessary to the functioning of the journal. Typical office duty assignments include cite checking, proofreading, renumbering sources, mailing packages, obtaining books from libraries across campus, shelving new issues, and following up on phone calls.

The Managing Editor will email and post an office duty schedule at the beginning of each semester, assigning office duty shifts for that period. Please mark your calendar early when you receive your assignments. If you have a conflict with an assigned date (e.g., a class), let the Managing Editor know immediately upon receipt of the schedule. Once the semester begins, conflicts will undoubtedly arise, and it is *your responsibility* to arrange for a substitute. Indicate any substitution on the schedule posted in the office duty room. *Note that you are responsible for office duty on the day assigned to you. If your substitute fails to show up, the original assignee will be held responsible.*

#### Office Duty Procedure:

- Be on time. Everyone is counting on your help and expecting you at the assigned time. Consequently, unless it has been pre-arranged and approved by the Managing Editor, it is not acceptable to do your office duty during a different three-hour period of the day.
- Initial your name on the posted list in the copy room before you leave.
- Do the projects that have been assigned. Assignments are placed in bins located in the copy room and are generally arranged in order of priority. If there is a list specifying the priority, please complete the tasks in the order listed.

- When you have completed the assignments in the bins, ask any Managing Board members in the office whether they need help with anything.
- You are required to stay for your entire three-hour shift. If after one hour you do not have any remaining work, you may leave, provided you have checked with all Managing Board Members in the office.

## **b. EDITORIAL ASSIGNMENTS AND OTHER DUTIES**

Each Editorial Board member can expect approximately seven or eight Initial Edits or Cite Checks during the course of the year. Third-year Editorial Board members can expect to perform approximately four edits during the year. Editorial Board members who are accepted to the *Law Review* on the basis of 2L grades or a Note accepted for publication can expect to fulfill between four and eight edits during the course of the year.

The Managing Editor keeps a record of your work assignments, and makes a concerted effort to vary the type of work you are receiving (i.e., Initial Edits versus Cite Checks, articles versus notes). Keep track of the hours you spend working on each assignment, including any special assignments you may receive (such as helping with the unified journal tryout). Indicate the total hours worked for each assignment in the specified area in your memo to your DE.

Membership on *VLR* is a serious time commitment, but it is not unbearable or unmanageable. If you have unusual needs or concerns, please let the Managing Editor know and she will do her best to work with your situation.

You should also know that *Law Review* members are required by the Bylaws to put in extra time outside the normal school year. *All members of both the new Managing Board and the Editorial Board must work seven days after the last day of the spring exam period—a period called “May Week.”* In addition, the new Managing Board must stay to work on the *Law Review* over Spring Break, as well as return a week early in August for orientation of the new Editorial Board and preparation of the early fall issues. The Editor-in-Chief may also require some people to return early in January if the spring issues require extra work, and many members have found it necessary to return early from the Winter Break to work on their Notes.

Managing Board selection and turnover occurs in February and March, respectively. The outgoing Managing Board selects its replacements on the basis of applications, interviews, and the work of the individual applicants during the previous year. There will be more information on the application process as the year goes on. Don’t worry about it now—but you should always feel free to ask Managing Board members about their positions.

Finally, please feel free to approach any Managing Board member with questions or concerns – we are here to help!