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I. The Types of Student Scholarship VLR Accepts

A. Notes

Notes are student-written articles that provide in-depth, substantial legal analysis of a particular issue or set of issues. Notes are typically 10,000–15,000 words (including footnotes) in length. Students may submit notes during Notes Pools held three or four times during the school year. VLR’s Notes Department accepts approximately 8 Notes per year.

B. Online Articles

Online pieces are timely, relevant, and designed to address topics requiring a quick turnaround from drafting to publication. VLR’s Online Department selects pieces that are topical, intuitive, and important. Online articles are lightly-footnoted and generally 6,000–9,000 words in length. The Online Department pools year-round, and students may submit pieces at any time. VLR accepts a total of 4–6 student–written online pieces and comments per year.

VLR Online also runs an annual student essay competition, which is open to law students from other schools as well. VLR posts the prompt during the summer, with a deadline during the fall.

C. Comments

Comments respond to a recent case or cases that have been decided within approximately the last two years. Comments analyze the case’s holding and reasoning, arguing that the court reached the right result with the right reasoning, the wrong result with the right reasoning, the right result with the wrong reasoning, or the wrong result with the wrong reasoning. Comments are generally 5,000–8,000 words in length. The Online Department pools year-round, and students may submit comments at any time. VLR accepts a total of 4–6 student–written online pieces and comments per year.

II. Why Write an Academic Piece?

Drafting and publishing an academic article brings many benefits, even for those with no interest in a career in academia. Your research and deliberation on the issue will make you an expert on the topic and clearly signal your interest in the selected area of law. Drafting an article for publication will also improve your research and writing skills. Furthermore, a publication makes for an impressive line on a resume and is a great talking point for interviews. Articles also make great writing samples for jobs, especially judicial clerkships. Writing an academic piece may additionally provide the opportunity to work closely with a professor during an independent study. Finally, pieces selected for publication can result in an invitation to join VLR.
III. Topic Selection

A. How to Find a Topic

Selecting a topic is the most important step in writing a piece for publication. A poor topic will likely remain a poor topic regardless of the author’s arguments and research acumen. A good topic will be important, substantial, and meaningful to the basic legal rights and responsibilities of real people or institutions. Previously accepted pieces have covered issues such as constitutional rights, major federal legislation, important state law doctrines, and influential historical arguments. There must also be room to say something new about the issue.

Authors should also consider whether a topic will exceed the potential expertise of a law student. Topics “close to the courtroom” often fare better than those based in high-level legal theory. Remember that law students will evaluate your piece. Pool members may be unsure that a law student has the authority and knowledge to write broadly-sweeping article. In addition, these pool members may themselves lack the expertise necessary to evaluate the abstract or theoretical merit of some theses.

Students can generate topic ideas from many different sources. Academic courses often present open and contested questions of law, as well as unresolved conflicts among lines of cases, that can serve as good topics for further research and writing. Summer internships and clinics often present live, unresolved legal issues that can serve as the basis for an article. Professors also serve as excellent resources for discussing and generating topics, in part because they often know the areas in which scholarship is weak. Skimming petitions for certiorari to the United States Supreme Court can also yield potential topics, given that litigators usually try to identify clear circuit splits for the Court to take up. Finally, authors might review recently-published journal volumes to determine which topics are currently popular in legal academia.\(^1\)

Legal blogs can also prove helpful for finding topics the legal community is currently debating:

- The Volokh Conspiracy - http://volokh.com
- SCOTUS Blog - https://www.scotusblog.com
- Summary, Judgement - https://www.summarycommajudgment.com
- Lawfare - https://www.lawfareblog.com
- Sixth Circuit Appellate Blog - https://www.sixthcircuitappellateblog.com
- Sunday Split - http://sundaysplits.com
- How Appealing - https://howappealing.abovethelaw.com

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B. Preemption

Students considering a topic should conduct a full preemption check to ensure that another author has not already made the same argument. A search might include HeinOnline, Westlaw, Google Scholar, and Virgo. This process will also help generate a list of articles and sources to start your research. Preemption does not occur when other authors have written generally on the same topic, but rather when your argument about the same topic has already been made. Pools will also be skeptical of pieces that rely heavily on arguments made by other authors if your novel contribution is limited. This also means that you may want to state explicitly how your arguments contrast with those made in similar pieces, and in what ways you disagree with other authors. Please note that selection pools will conduct preemption checks of their own during the evaluation process to ensure that your piece makes novel claims and arguments.

IV. Notes

Notes are the traditional form of law student scholarship. VLR evaluates Notes primarily based on (1) the strength of the original legal analysis and (2) the quality of the writing. Other factors, such as novelty of the argument, recognition of a new issue, and timeliness also play into selection decisions. Given that VLR is a generalist journal, Notes are written for a generalist audience, meaning that they must be accessible to lawyers who do not specialize in the topic discussed. Good notes will be immediately useful to a practitioner, legislator, or court and provide meaningful insight into live issues, as well as solutions to the problems identified. Citing a body of sources and cases in a Note also provides a reader with additional material that may be useful. Because VLR typically favors Notes with strong legal analysis, pieces that primarily discuss policy positions tend to fare poorly at pools.

Strong pieces will engage with other authors’ arguments and conclusions regarding the issue. This fits your argument into the current literature, assures readers that you have considered present scholarship, and helps to differentiate your argument from those made by others. Engaging with existing scholarship is one of the most effective ways to turn a good piece into a great piece.

Authors are encouraged to review previously published Notes with attention to tone, style, and structure. VLR Notes may be found on the print publication page. Student Notes can be found at the end of each issue.

Note Structure

The recommended length for a Note is 10,000–15,000 words including footnotes (approximately 35–50 pages in double-spaced, 12-point Times New Roman font). Notes longer than 15,000 words are strongly discouraged. Notes longer than 17,500 words will not be considered without prior approval of the Notes Development Editor. Students may submit Notes

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2 https://www.virginialawreview.org/print/
shorter than 10,000 words. Remember that the length of a Note or article does not indicate its quality.⁴

Notes and the claims made within them should be well-cited to cases, articles, and other sources. When making an assertion about a legal issue or facts that are not common knowledge, authors should make sure to back up their claims. However, the piece should also make novel arguments that have no need for citation to another source. Citations should follow the Bluebook, not the VLR-specific Slatebook.

Notes are designed to follow a predictable pattern, in part to make them easily accessible and digestible for busy readers. The typical Note includes the following parts:

(1) Abstract

Authors should draft an abstract of 250 words, or fewer, briefly summarizing their argument and contribution.

(2) Introduction (3–4 pages single spaced)

A good introduction hooks the reader’s attention by connecting the legal issues discussed to the real world in ways a reader will care about. A piece discussing Bivens might lead in with the details of a federal officer’s use of force, or a Note covering a federal courts issue might give the specifics of a particular case. An example:

Maria couldn't take it anymore. She no longer wanted to live in fear of gang violence. Her oldest son had been receiving threatening phone calls and was attacked at school. She notified the police, and the police did nothing. She could not sit idly by and watch one or both of her sons killed--a common fate for boys that refuse to join the gang or otherwise find themselves targeted. Maria left her home country of Honduras to seek asylum in the United States with her sons.⁴

An introduction will also make the author’s argument as clear as possible before providing a road map indicating what each “Part” will argue. For example:

Part I of this Note examines the societal forces that shaped Terry and the state-level decision making that contributed to its enshrinement as Supreme Court precedent. Part II analyzes the Terry litigation, focusing on the problems Terry was designed to solve and the courts’ different methodologies. Part III argues that state courts play a crucial role as guardians of individual rights and, thus, should not lockstep with Supreme Court precedent. Relying upon this analysis, Part IV raises

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⁴Sara DeStefano, Unshackling the Due Process Rights of Asylum-Seekers, 105 VA. L. REV. 1667, 1669 (2019).
three arguments that could be marshalled against stop-and-frisk under state law. Finally, Part V offers this Note’s conclusion.5

A good introduction may also explicitly state how the author’s argument or conclusions fit in with other literature on the topic. This may be especially important if other authors have written similar pieces, as it helps a reader—and a Notes Pool—to understand how your Note differs from what others have said before. For example:

Although many British commentators have analyzed and criticized Miller/Cherry since its decision, the case has not received sustained or detailed attention on this side of the Atlantic. This lack of American attention is regrettable. Miller/Cherry holds important lessons for the American lawyer, especially through its striking contrast with recent decisions of the U.S. Supreme Court.6

(2) Background

Notes next provide background on which the following sections build. This section serves multiple purposes. It situates an unfamiliar reader in the legal framework about which you are writing and is independently useful to readers learning about your topic for the first time. The background section also helps Notes Pool members—who are evaluating your piece for publication—to understand your later arguments. Remember that your fellow students are probably not well versed in your topic and may not have even taken a class that discusses it. Finally, drafting the background section helps you as the author to organize your own thoughts and generate arguments for the next parts.

Keep in mind that background sections are typically descriptive, summarizing the state of the law. This means that this section should contain little or no analysis or arguments about what the law should be. Furthermore, the descriptive portion of your piece should not be the main focus; the bulk of a Note should constitute analysis, solutions, and new arguments.

For example, one background section “explores the facts and holdings of California v. Greenwood, United States v. Jones, and Florida v. Jardines, and delineates the extent to which Jones and Jardines appear to have altered the Fourth Amendment landscape.”7 Another section “addresses the fundamental principle of separation of powers” as well as “provides a brief constitutional overview of how the delegation of legislative authority to non-legislative actors implicates that basic constitutional precept.”8

(3) Analysis

Analysis is the most important part of a Note and serves as its main contribution. This is where you will attempt to persuade the reader that your position is correct. The section might explain why the author believes there is a problem, or why the current state of the law should change. The section might explore why several doctrines or lines of cases clash, or where the issue you are considering fits into the case law. There is no set formula for analysis sections to follow, and creative arguments, structures, and observations are encouraged. For example:

This Note argues that the current approach adopted by the federal courts is incorrect in light of AEDPA. Instead of looking to *Stone* for guidance, federal courts should adopt the AEDPA standard for habeas review in the context of alleged Fourth Amendment violations. This presents a rare opportunity to right the current course of the federal courts. With this approach, federal courts would treat Fourth Amendment violations the same as every other constitutional violation with respect to federal habeas petitions, instead of relegating Fourth Amendment claims to a lower tier.9

Authors should plan to spend the most time, energy, and thought on the analysis and solutions sections and be prepared to revise and improve it over the course of multiple drafts.

(4) Solutions

Your solution and analysis are closely linked. Once you identify the issue and why it matters, it is important to include a way for courts, litigators, and others to resolve the problem. Solutions should go in-depth. For example, a conclusion that simply says “the Supreme Court should fix this” is likely insufficient. Good Notes will not only identify and discuss a legal issue, but provide the details of a judicial, legislative, or other solution and why it solves the legal issue.

Some Notes also place the solution first, with the bulk of analysis and the application coming later. For example:

Part II proposes a coercion standard for adults and, based on their respective environments, places various populations along a spectrum according to their level of susceptibility to coercion. Finally, Part III applies the coercion standard for adults and coercion spectrum to college student-athletes. It argues that college student-athletes should be seen as more susceptible to coercion than typical college students and that various religious-oriented aspects of the Clemson football program violate the Establishment Clause.10

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Some pieces will also respond to potential counterarguments. Although it is not necessary to devise a strawman argument to address, you can strengthen your argument by heading off counterarguments a skeptical reader may already be considering.

(5) Conclusion (1–3 paragraphs)

Finally, a Note or any other piece of academic writing should contain a conclusion that emphasizes the main point of the piece. Some authors choose to write a conclusion that summarizes the main argument. Others use the conclusion to point to implications of the argument and what issues another author may wish to look at next. Remember that the conclusion will be the last thing someone reads in your piece, so it should be impactful.

Notes Pools

VLR hosts Notes Pools three or four times per year during the fall and spring semesters. Please see the VLR announcements page or contact the Notes Development Editor to see submissions details, as well as when the next Notes Pool will take place. VLR generally conducts blind review, meaning that readers will not know authors’ identities in most cases. The Notes Department usually announces accepted pieces one to three weeks after the close of Notes Pools submissions.

Other UVA journals follow their own timelines, and students should reach out to notes or articles staff listed on the journal websites listed in in Part XI of this document to learn about those submissions processes.

V. Online Articles

Virginia Law Online features short essays and responses by law professors, judges, practicing lawyers, scholars from other disciplines, and current law students. Online articles tend to be more free-form than Notes; however, many pieces will benefit from the structure and advice provided in the previous section. When reviewing submissions, VLR Online considers whether the pieces are (1) topical, (2) intuitive, and (3) important. “Topical” means the piece addresses a contemporary legal issue. “Intuitive” means it is easy to understand in three to five sentences, which is important given that pieces are short. “Important” means it is likely to have a practical impact, either on practitioners, the legal academic community, or society as a whole.

Pieces published in VLR Online are lightly-footnoted and generally between 6,000 to 9,000 words in length, including footnotes. VLR Online does not have a maximum word limit; however, pieces longer than 10,000 words will only be accepted in exceptional circumstances. Students considering an Online piece are encouraged to review recently published articles.¹¹ VLR Online reviews and pools Online pieces year-round. Please see the VLR website for instructions on submissions to VLR Online.

¹¹ https://www.virginialawreview.org/online/
VI. Comments

Comments are responses to a recent case or cases, generally cases that have been decided in the last two years. A Comment should analyze the case’s holding and reasoning, arguing that the court reached the right result with the right reasoning, the wrong result with the right reasoning, the right result with the wrong reasoning, or the wrong result with the wrong reasoning. Comments are not limited to this framework, however, and may criticize or explicate the recent case or cases in an original manner the student sees fit. Comments must be at least 5,000 words, and should generally be no longer than 8,000 words. VLR Online reviews and publishes Comments year-round. Please see the VLR website for instructions on submissions to VLR Online.

A Comment should be immediately useful to a practitioner, such as a law clerk or litigator. They may address state or federal law. Analysis of intermediate court decisions—such as federal courts of appeals—can be most useful because those opinions create precedent but are not necessarily the judiciary’s final say on a matter. Trial court decisions—or a body of decisions—can also prove useful to analyze and encourage other courts to follow. In contrast, while analysis of Supreme Court opinions can generate interesting arguments, it is not necessarily useful given that stare decisis often means the issue has been authoritatively decided and Comments about the issue may have little effect.

Comments may seem similar to Notes, in part because legal analysis plays a central role. However, Comments dive much deeper into the logic of one or more particular cases, and arguments in Comments often suggest that other courts should keep up the momentum another court has started, or put a stop to it. As such, Comments are tied much more to a particular case or cases, rather than broad doctrinal discussions. Comments need not follow a strict formula, but a typical comment contains the following parts:

(1) Abstract

Authors should draft an abstract of 250 words, or fewer, briefly summarizing their argument and contribution.

(2) Introduction

Just like in a Note (see above), a Comment’s introduction should include a good hook for the reader, as well as a clearly stated argument and a road map. Given the length of a comment, the introduction should be no more than five or six paragraphs.

(3) Case Summary and Background

The background of a Comment should focus on summarizing the case or cases the piece addresses. This summary should clearly state the court’s logic that you will later support or reject. Comments may require additional background, such as a summary of doctrine or policy issues that serve as the basis for the following argument.

12 For a different approach, see Jackson A. Myers, Transatlantic Perspectives on the Political Question Doctrine, 106 VA. L. REV. 1007, 1009–10 (2020).
(4) Analysis and Argument

A Comment’s analysis and argument represents the most important part of the piece. Clearly describe why you think the court reasoned correctly or incorrectly. Well-written Comments will also engage with other academic literature on the topic to support the stated positions, as well as make focused arguments about doctrine. Remember that VLR highly values strong, original legal analysis.

(5) Conclusion (1–3 paragraphs)

A Comment should close with a brief conclusion either succinctly summarizing the argument or looking forward toward the next issues about which the reader should be thinking.

VII. Advising

Many of the law school’s journals—including VLR—provide advising for students at all stages of the writing process, from initial ideas to providing feedback on completed drafts. Non-VLR members seeking advising should visit the VLR website and submit an advising request. A member of the Notes Department or Online Department will follow up. Authors often benefit from the more specialized expertise of other law school journals and are encouraged to work with student scholarship contacts listed on those journals’ websites listed in Part XI.

VIII. Common Mistakes

Selection Pools often see the following issues in submitted pieces. Authors may wish to use this list as a checklist to review their work for potential problems.

- Failing to clearly state an argument
- Submitting a class paper without re-working it into a Note, Comment, or Online Article
- Neglecting to address significant counter-arguments
- Submitting to both a Notes Pool and Online Pool, meaning that neither format receives proper focus
- Attempting to cover too much ground
- Failing to clearly state and emphasize your novel contribution
- Failing to engage with the other literature on the topic
- Including too little novel analysis, regarding either the issue or the solution
- Relying too much on other authors’ research or arguments

IX. Invitations to Join VLR

Any student currently enrolled as a candidate for a J.D. degree at Virginia Law whose Note, Online article, or Comment is accepted for publication by March 1 of the student’s final year of law school will be invited to join VLR. However, pieces with more than two co-authors may not serve as a basis for an invitation to join VLR. Questions regarding this process, the
timing of membership invitations, or specific requirements may be addressed to the Notes Development Editor and/or the Online Development Editor.

X. Independent Studies and Working with Professors

Students drafting academic pieces are encouraged to enroll in an independent study with a UVA law professor. Students may receive academic credit for their writing, receive critical feedback on their pieces, and gain a stronger relationship with faculty. Details may be found on the UVA law academic policies page. Please note that per the University’s Academic Policies, no student may submit a piece to VLR during the same semester during which the written work is submitted for a grade.

XI. 60 Places to Publish Your Student Scholarship

There are many places for students to publish scholarship. Although many students submit to VLR, the journal has limited capacity and unfortunately cannot accommodate many pieces that are worthy of publication. Some pieces also fit more readily in a specialist journal, and publishing in one of these more targeted journals signals your strong interest in that area of the law. VLR encourages students to submit pieces to UVA Law’s journals first, followed by journals at other institutions.

A. 10 Places to Publish at UVA Law

- **Virginia Law Review**
  - See Parts IV–VI for details on submitting to VLR.

- **Virginia Journal of International Law**
  - VJIL looks for novel student scholarship related to international law. Students should take a look at our website to see what we've published recently. Possible topics include, but are not limited to, topics in international human rights law, international business law, and comparative studies of emerging topics in U.S. law and other jurisdictions.
  - With respect to length, VJIL typically publishes Notes that are 10,000 to 15,000 words long, inclusive of footnotes, although there is no hard cutoff. Online publishes shorter pieces.
  - VJIL publishes student Notes three times a year, typically publishing 1-2 student Notes in each issue, including Notes accepted through our essay contests.

- **Virginia Journal of Social Policy & the Law**
  - VJSPL publishes scholarship exploring the intersection of the law and social policy issues. Among the issues the journal addresses are: health care policy, welfare reform, criminal justice, voting rights, civil rights, family law, employment law, gender issues, education and critical race theory.
  - VJSPL accepts submissions through several different avenues:
    - (1) Create an account on Scholastica or Expresso and submit their work via those websites;

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13 https://www.law.virginia.edu/policies/vi-courses-and-course-enrollment
(2) Email scholarship directly to articles.vjspl@gmail.com.

- **Virginia Journal of Law & Technology**
  - VJOLT publishes on a wide variety of issues at the intersection of law and technology. Recent issues have included articles on intellectual property, Bitcoin, consumer data, and antitrust law. Our goal is to present cutting-edge and emerging legal issues that develop as technology advances.
  - VJLOT accepts student submissions through two avenues:
    - (1) Students may submit pieces to VJOLT’s online blog, The Corner. VJOLT strongly encourage students to consider this option, because entries are shorter in length.
    - (2) Students may submit longer pieces through BePress or Scholastica.

- **Virginia Journal of Criminal Law**
  - VJCL publishes scholarly articles on criminal law and procedure, and accepts submissions of articles, essays, book reviews, and notes discussing criminal law topics.
  - Interested students can find VJCL submission instructions here.

- **Virginia Law & Business Review**
  - VLBR publishes scholarship exploring the intersection of law and business. Topics may include securities regulation, employment law, bankruptcy, antitrust, international business law, and many others.
  - To submit a piece to VLBR, students should send the piece along with a cover letter and a resume to VLBR’s email address, LawBusRev@virginia.edu.

- **Virginia Tax Review**
  - VTR publishes a wide variety of articles within the general ambit of tax law. We generally publish articles on American (state and federal) and international taxation, with a focus on relevant public policy issues. Submissions don’t necessarily need to be focused on the tax code alone. Pieces can also explore the implications of tax on another area of law.
  - Direct submissions should be sent to vtra@virginia.edu. They should contain the three documents listed below and should contain the title “Attn: Articles Review Editor.”
    - Draft of the submitted article
    - Curriculum vitae, including publishing history
    - Short cover letter with a brief explanation of the article and its contribution to the study of tax law.

- **Virginia Environmental Law Journal**
  - VELJ hosts student Note pools twice per year.
  - Note submission topics should involve law and policy issues related to energy, natural resources, administrative regulation or action, conservation, risk management, environmental justice, food systems, land use, or other aspects of environmental law.
  - Interested students can find VELJ submission instructions here.

- **Journal of Law & Politics**
  - JLP publishes on topics at the cross-road of law and politics: the role of the judiciary in making law, the relationship of the three branches of government, federalism, the politics of the judicial appointment process, voting rights, campaign finance,
redistricting, voter initiatives, ethics investigations, the politics of education, and religious freedom in a pluralist society.

- JLP accepts submissions on a rolling basis and encourages students to submit pieces of fewer than 15,000 words to submissions@lawandpolitics.net.

**Virginia Sports & Entertainment Law Journal**
- VaSE publishes both sports and entertainment-related pieces.
- VSELP accepts student pieces through two avenues:
  - (1) Create an account on Scholastica or Expre and submit their work via those websites;
  - (2) Email pieces directly to vasejournal@gmail.com or to VaSEs Editor-in-Chief.

B. 50 Places to Publish Elsewhere

- Arizona Law Review
- Baltimore Law Review
- Belmont Law Review
- BYU Law Review
- University of Colorado Law Review
- Creighton Law Review
- Dayton Law Review
- DePaul Law Review
- Duke Law Journal
- Faulkner Law Review
- Florida A & M University Law Review
- Georgia State University Law Review
- George Washington Law Review
- Gonzaga Law Review
- Harvard Law Review
- Lincoln Memorial University Law Review
- Loyola Law Review (New Orleans)
- Loyola University Chicago Law Review
- Marquette Law Review
- University of Miami Law Review
- Mitchell Hamline Law Review
- Montana Law Review
- University of New Hampshire Law Review
- North Carolina Central Law Review
- Northeastern University Law Review
- Northwestern University Law Review
- Oregon Law Review
- University of Pittsburgh Law Review
- Regent Law Review
- Roger Williams University Law Review
- Rutgers University Law Review
- Saint Louis University Law Journal
- Savannah Law Review
- Seattle University Law Review
- Seton Hall Law Review
- South Dakota Law Review
- Southern Illinois University Law Journal
- St. John’s Law Review (in Online only)
- St. Mary’s Law Journal
- University of St. Thomas Law Journal (Minnesota)
- St. Thomas Law Review (Florida)
- Thomas Jefferson Law Review
- Thurgood Marshall Law Review
- Touro Law Review
- UMass Law Review
- Vermont Law Review
- Wake Forest Law Review
- West Virginia Law Review
- Western New England Law Review
- Widener Law Review (Delaware)

XII. Other Writing Resources


XIII. Student Pieces Published in Volume 107

Reviewing work VLR pools have previously accepted can be helpful for determining the weighty nature of topics typically sought, as well as the quality of writing expected. Pieces may be found on the VLR website, although some Notes and Online pieces published in Volume 107 are included below for convenience.

Notes:


Online:
