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Research Guides

RESEARCH FOR SCHOLARLY WRITING

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I. THE WRITING PROCESS

The following resources provide guidance on choosing a topic, researching the issue(s), drafting the paper, and publishing it in a journal.

Jessica L. Clark & Kristen E. Murray, *Scholarly Writing: Ideas, Examples, and Execution* (Reserves KF250 .C528 2012): guides through the different stages of the writing process, providing quizzes and checklists to allow the writer to self-correct; gives advice on submitting the paper using common submission platforms.

Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* (Reserves KF250 .F35 2011): overview of the writing process with exercises to practice techniques and polish writing style.

Eugene Volokh, *Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers and Getting on Law Review* (Reserves KF250 .V65 2016): used in the scholarly writing course, it includes in-depth explanations of the writing process and describes effective writing strategies; includes advice on topic development, timeline, writing competition, and publishing your article.

II. RESEARCHING YOUR TOPIC

When searching for a topic, Bloomberg Law has two good sources for identifying hot legal issues: *Bloomberg Law Breaking Complaints* (<https://www.bloomberglaw.com/dockets/breaking/results>) and *U.S. Law Week Circuit Split Charts* (online in Bloomberg Law). During the initial research on topic, it is advisable to first do a general review of the literature in an area to

confirm that no other articles already addressed the issue as you intend to (**preemption check**) but also to see if there is enough material to support a full scholarly paper. A subject treatise and the general databases listed below are good sources for this initial review.

After choosing a topic, dive deeper using topical databases, research guides, news and other current awareness sources, government websites, and more to augment your initial research. Goodson Law Library has topical research guides (https://law.duke.edu/lib/research_guide/), as does Duke University Libraries (<http://library.duke.edu/research/guides>). Find more research guides by searching the web for '<subject> research guide'. *E.g. search for 'human rights research guide' to find Berkeley's International Human Rights Law Guide.* To find additional resources search the catalog (<https://law.duke.edu/lib/>) by subject heading. You can also search directly in our catalog for articles (<https://library.duke.edu/find/articles>).

A. Treatises

Each area of study has unique resources. The resources below identify well-respected and commonly used treatises for different subject areas. If you want a more extensive information on useful resources in a topic area, it is always best to use a research guide (see intro section above on finding one).

- Morris L. Cohen, & Kent C. Olson, *Legal Research in a Nutshell* (Reserves KF240 .C54 2016): *Appendix B: Major Treatises and Services by Subject* lists the most popular treatises in a number of subject areas.
- Georgetown Law, *Treatise Finders* (www.law.georgetown.edu/library/research/treatise-finders/): a searchable list of treatises by subject.
- Harvard Law School, *Legal Treatises by Subject* (guides.library.harvard.edu/legal_treatises): list of major treatises organized by subject areas.

B. Databases

The databases listed below are useful for conducting an initial preemption search and literature review. They each cover large general areas, but should not be the only database you use. When you start delving deeper into your research, you will need to use databases geared towards your topic to find relevant sources. There are two places to look for databases: *Legal Databases and Links* on our library page (<https://law.duke.edu/lib/lresources/>) and Duke University Libraries' list of databases by topic (<http://guides.library.duke.edu/az.php>).

- *JSTOR* (<https://search.library.duke.edu/search?id=DUKE002232521>) – multi-disciplinary database which includes a library of journal articles as well as policy research in business, history, math, social science, and more.
- *Web of Science* (<https://search.library.duke.edu/search?id=DUKE002451896>) – combines multiple scientific databases for cross-disciplinary research.

- **HeinOnline** (<https://search.library.duke.edu/search?id=DUKE003131760>) – contains a broad range of full text searchable legal material from journals and treatises to the Congressional Record and historic legal materials.

C. Newspapers & Current Awareness

For historical research, newspapers can be a great resource for context and current events. Duke University Libraries has a list of newspaper databases (<http://guides.library.duke.edu/az.php?t=11420>). If there is an article, current or historic, that you need but cannot access (e.g. *Wall Street Journal*), reach out the reference desk, as the reference librarians might be able to suggest other options.

Legal Blogs, often called blawgs, can be useful in understanding how practitioners are reacting to developments in the law, see how and why new technology is creating a stir, and discover some perspectives of which you might have previously be unaware. Find directories and search engines for these blogs on the **Legal Blogs** page (<https://law.duke.edu/lib/blogs/>).

Law360 (<https://search.library.duke.edu/search?id=DUKE006142214>) includes news, commentary and analysis in more than 35 practice areas; available within the Law School IP range, as well as to Law community via the headlines carousel or Legal News section within Lexis Advance.

D. Other Resources

Government agency websites are often troves of topical information and occasionally statistics. **Data.gov** and **FedStats** (<http://fedstats.sites.usa.gov>) are also great resources for statistics.

Bloomberg BNA Law Reports (https://www.bloomberglaw.com/law_reports) – available in a range of subject areas providing current awareness, legal analysis, and applicable law in one interface; some provide state law comparison charts.

III. CITATION MANUALS

- ***The Bluebook: A Uniform System of Citation*** (Reserves KF245 .U55 2015)
- ***Chicago Manual of Style***, 7th ed. (Reference Z253 .U69 2010 & online at <https://search.library.duke.edu/search?id=DUKE004145884>) – *The Bluebook* refers unaddressed questions of capitalization out to the *Chicago Manual of Style* or the *Government Publishing Office Style Manual* (see below).
- Linda J. Barris, ***Understanding and Mastering the Bluebook*** (Reserves KF25 .B37 2015) – explanation of bluebook rules with examples.
- ***U.S. Government Publishing Office Style Manual*** (Reference GP 1.23/4:ST 9/2016 & online at <https://www.govinfo.gov/app/details/GPO-STYLEMANUAL-2016>) – *The Bluebook* refers unaddressed questions of capitalization out to the *Chicago Manual of Style*

(see above) or the *Government Publishing Office Style Manual*.

IV. SUBMISSION PROCESS AND POLICIES

Each journal has different guidelines for submissions, and some will have unique style requirements you need to know before submitting. It is best to review a journal's submission page, when available, and look through some recent editions of that journal prior to submitting your article. It is always prudent to note a journal's copyright policy whether it has an exclusive submission restriction. The links below will help you identify potential journals for your article and the law school's policies regarding the student submissions to the different platforms.

Robert Luther III, *Practical Tips for Placing and Publishing Your First Law Review Article*, 50 U. RICH. L. REV. Online 63 (2016) (<http://lawreview.richmond.edu/?p=3908>) – short article suggesting 10 steps to follow when submitting your article for publishing to improve your article's placement.

Washington and Lee University School of Law, *Law Journals: Submissions and Ranking* (lawlib.wlu.edu/LJ/) – This searchable database allows you to search for journals by subject area and ranking. It also provides links to each journal's submission process webpage, when available. It will also warn with “CAUTION” notes when the journal has a restrictive submission policy.

There are two major platforms that law reviews use to manage their submissions and each has a submission guide for authors:

- **ExpressO** (http://law.bepress.com/expresso/how_to_get_started.html) and
- **Scholastica** (<http://help.scholasticahq.com/customer/portal/articles/1218626>).

Scholastica posts a rotating list of which law reviews are open for submission (<https://scholasticahq.com/law-review-submission-season-hq#open-reviews>). ExpressO takes the opposite approach, showing you which law reviews are not currently accepting submissions (<http://law.bepress.com/expresso/full.html>).

OUR POLICY ON STUDENT SUBMISSIONS & FEES: Journals often charge small fees (\$2-\$10) for submitting your article for review. We will pay the cost for submissions from students in the scholarship seminar, Student Paper Series, Capstone Projects, and other submissions recommended by individual faculty members. In order for the charges to be directed to us, your recommending faculty member must email Melanie Dunshee at dunshee@law.duke.edu with your name and preferred email address. Afterward an account will be created and you will be notified within 24 hours.

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