

Researching for Law Review or Journal

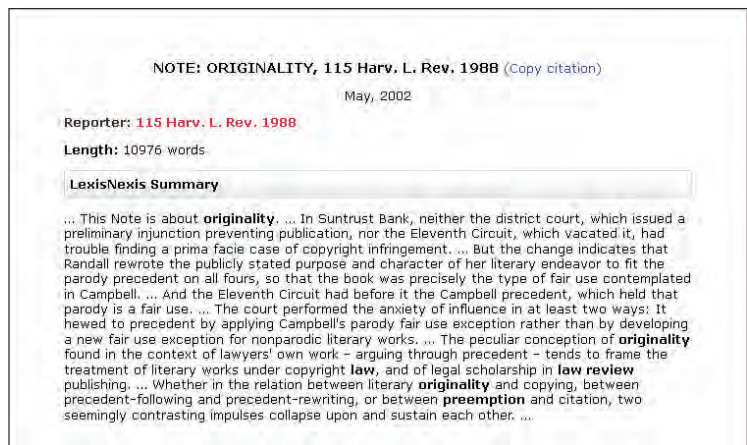


Improve your chances for publication with thoughtful research and analysis.

Should you write a note or a comment?

Before starting on the road to publication you must decide what you're going to write—a note or a comment.

- **Note:** an article that focuses on a current legal controversy. You'll conduct in-depth analysis of the topic, and make a legal argument advocating pro or con for the controversy. Notes are more challenging because you'll use a variety of sources, but their depth tends to lead to publication.
- **Comment:** an article on a specific case and its impact on a specific area of law. Comments require in-depth analysis of the sources contained in the case itself, and tend to be shorter than notes.



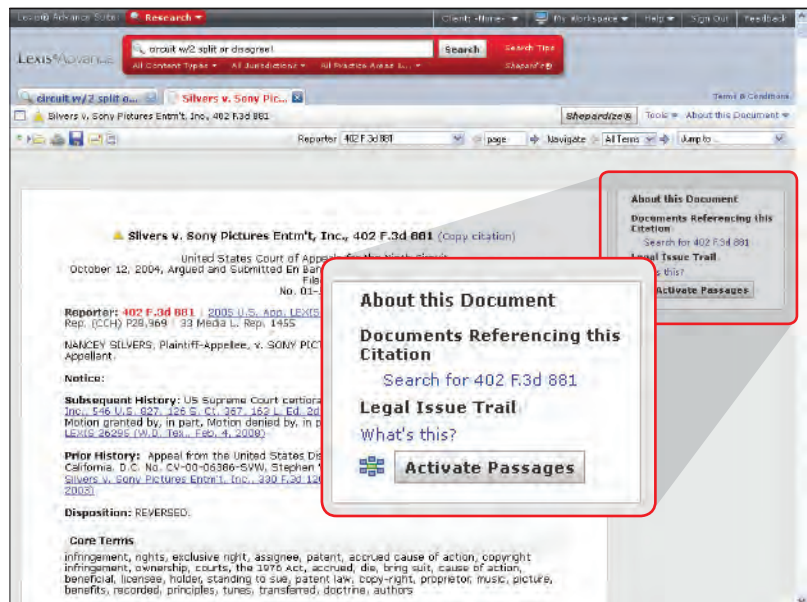
Finding a compelling note topic

There are two primary considerations to finding a compelling note topic:

1. **Choose a topic that interests you** because you'll be working on this note for a large part of the school year. If you're published, it will be a topic of conversation in every job interview for the rest of your legal career.
2. **You'll need to make a real argument.** To get published you must take a position and provide thoughtful analysis of the opposing point of view. If you're having trouble coming up with a point and counter-point, this is an indication that your topic is too broad.

Use these searches to find a compelling note topic:

- Circuit Splits: search **circuit w/2 split or disagree!** and use the Timeline filter to narrow your results to opinions from the previous year.
- Documents Referencing this Citation: while viewing a case, click the link on the right to search (e.g. **Search for 402 F.3d 881**) for cases, statutes, news and other documents discussing the case.
- Emerging Issues: search **health care or health insurance**, click the Secondary tab and use the Content Type filter to limit your results to Emerging Issues Analysis.
- News for Challenged Legislation: search **law or legislation or statute w/s challeng!** or **lawsuit w/p circuit or New York or New Jersey** and use the News tab to limit the result to news articles.



Finding a good case for a comment

A good comment covers a case of first impression or conflict between upper and lower courts. Avoid district court opinions because there is usually not enough to discuss, and a district court case lacks the importance required for an article.

Use these searches to find a good case for your comment:

- Cases of First Impression: search **"first impression"** and use the filters to narrow your results to a desired court or jurisdiction from the last two years.
- Reversed or Dissenting Opinions: search **revers! w/20 "it is so ordered"** or **reasons or judgment or "therefore" or foregoing or decreed or adjudged and not affirm!**

The screenshot shows a LexisNexis search interface for the query "first impression". The search results are displayed in a list format, with filters on the left side. The filters are: Court (Federal: 25,084; State: 44,942), Timeline (1784 to 2012), and Source (CA Courts of Appeal: 2,604; NY Lower Court Cases: 2,272; 2nd Circuit: 1,857; 9th Circuit: 1,823; 9th Circuit - US District Court: 1,791). The search results list cases such as Harper v. Va. Dep't of Taxation, Alden v. Me., and 458 U.S. 50. The interface includes a search bar, navigation tabs, and a results table with columns for case name, court, date, and source.

Case Name	Court	Date	Source
Harper v. Va. Dep't of Taxation, 509 U.S. 86	U.S. Federal Supreme Court	June 18, 1993	CA Courts of Appeal Cases from 1905
Alden v. Me., 527 U.S. 706	U.S. Federal Supreme Court	June 23, 1999	NY Lower Court Cases from 1851
458 U.S. 50	U.S. Federal Supreme Court	June 28, 1982	2nd Circuit - US District Court Cases
53	U.S. Federal Supreme Court	March 17, 1884	9th Circuit - US Court of Appeals Cases
	U.S. Federal 5th Circuit Court of Appeals	December 18, 1972	9th Circuit - US District Court Cases

Be sure you're not "Preempted"

Once you've settled on a topic, you want to be sure it is original. An original topic will increase your chances for publication. For a great discussion of "originality" see **115 Harv. L. Rev. 1988**. Generally, if your topic has already been analyzed you are preempted and should adjust your topic or find a new one.

The only way to see if your topic is preempted is to run searches in law reviews and journals. For example:

- Search "social media" or "social network!" or facebook or twitter w/25 privacy w/25 "personal information." Click the Secondary tab and use the Content Type filter to limit your results to Law Reviews and Journals.

The screenshot shows the Lexis Advance search interface. The search query is "social media" or "social network!" or facebook or twitter w/25 privacy w/25 "personal information." The results are filtered to "Secondary" content type and "Law Reviews and Journals" content type. The search results are displayed in a table with columns for Document Title, Content, Jurisdiction, and Date. Three results are shown:

Document Title	Content	Jurisdiction	Date
41 U. Mem. L. Rev. 355 University of Memphis Law Review, ARTICLE: The Blurred Boundaries of Social Networking in the Legal Field: Just "Face" it, Kathleen Elliott Vinson, 18124words ... to use, or perhaps are among those users who represent a cultural shift toward openly and willingly broadcasting their lives online, resulting in Facebook making money. 19 See Fletcher, supra note 12, at 34 (describing confusion over ever-changing privacy settings and uproar at over-divulgence of personal information); see also Slaughter & Browning, supra note 2 (providing guide to limiting exposure on social network sites for legal practitioners); Gilsdorf, supra note 6 (noting widespread ...	Law Reviews and Journals	Tennessee	Winter, 2010
32 Energy L. J. 1 Energy Law Journal, ARTICLE: THE "POWER" OF SOCIAL MEDIA: LEGAL ISSUES & BEST PRACTICES FOR UTILITIES ENGAGING SOCIAL MEDIA, by Carolyn Elefant, 28763words ... internet searches of publicly accessible information performed without notice to, or consent of, an employee or applicant may violate their privacy rights, though as yet, none have been adopted by courts. See, e.g., Sprague, Rethinking Information Privacy in an Age of Online Transparency, supra note 56, at 410 (suggesting that users who post personal information on blog or social media profile may have the intent and expectation that it will be shared with friends, and prospective employer's ...	Law Reviews and Journals	Oklahoma	2011
94 Iowa L. Rev. 1137 IOWA LAW REVIEW, Article: Saving Facebook, James Grimmelmann, 35392words All six patterns are united by a common theme: their "peer-to-peer" nature. Users' privacy is harmed when other users learn sensitive personal information about them. Facebook enters the picture as a catalyst; it enables privacy violations more often than it perpetrates them. Because the patterns interlock and interrelate, this Section is not offered as a precise taxonomy of social-network-site privacy harms. Daniel Solove has already created a perfectly good taxonomy of privacy interests in ...	Law Reviews and Journals	Iowa	May, 2009

Get Research Assistance & Extra Help

- **Your Account Executive:** Get in-person help and training from your school Account Executive, plus go to www.lexisnexis.com/lawschool and click the Training Calendar tab for your school's training schedule.
- **Call our 24/7 Support Line:** 800.45.LEXIS (800.455.3947).
- **Chat with our Live Support:** Click Live Support on lexisadvance.com.



www.lexisnexis.com/lawschool



Visit www.facebook.com/LexisNexis4LawStudents to find Rewards points opportunities.



Follow us at www.twitter.com/LNlawschool for research tips 24/7.