

Publishing Tips

This information is intended to be an ongoing work-in-progress. We welcome comments and additions to this information. Please feel free to add your thoughts about the publishing process.

Submitting Your Article:

Ways to Submit

The majority of Law Reviews used to *require* or *strongly prefer* that you submit your article using the ExpressO system. There are now over 30 law reviews that exclusively accept submissions via Scholastica. Both automated systems for article submission are discussed in more detail below.

Some law reviews prefer to receive submissions via their own online submission process. A small number of law reviews do not accept submissions via ExpressO or Scholastica; these law reviews require that authors submit articles via the law reviews own online submission process.

An excellent resource to consult regarding the submission preferences of law reviews is Allen Rostron and Nancy Levit's document, *Information for Submitting Articles to Law Reviews & Journals*, which is available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1019029.

Deciding Which Journals to Submit to

There are hundreds of law reviews. Most law reviews are student run. A few law reviews (such as the Journal of Legal Education) are not student run. Each law school typically has one primary law review. Many law schools also have specialty journals.

Law reviews receive many, many submissions. It is generally wise to err on the side of submitting your article to many law reviews. However, some authors think that you should not submit your article to a law review from which you would not accept an offer.

You can submit your article to multiple law reviews at the same time. You can choose specific law reviews to submit your article to. You can also choose categories of law reviews to submit your article to (for example, the "Top Law School Law Reviews 1-50" or law reviews on particular topics). Some law reviews, however, accept articles exclusively from Scholastica, and some exclusively from ExpressO. If you are interested in a particular law review, it is wise to check their preferred submission process.

A few journals, e.g., the Journal of Legal Education, require exclusive submissions (i.e., you cannot submit your article simultaneously to the Journal of Legal

Education and other journals). Others, such as the Yale Law Journal, indicate a preference for exclusive submissions, but exclusive submissions are not required. The vast majority of journals, however, do not require or indicate a preference for exclusive submissions.

As with the submission process generally, in deciding which law reviews to submit to, it may be useful to consult your colleagues at your school. Your school might have certain priorities regarding the law reviews in which its professors publish (for example, regarding whether it is preferable to publish in a school's primary journal versus a specialty journal, the ranking of the law review's school). While you may or may not endorse these priorities, it might be useful to know whether there are any such priorities, especially for purposes of retention and promotion.

What to Include in a Cover Letter

Especially because law reviews receive so many submissions, you want to do everything that you can to increase the chances that your article will be read (and, ideally, accepted) by law review editors. A cover letter is one way to introduce your article, and yourself, to law review editors.

Our impression is that cover letters are typically one page.

In general, you want to include information in the cover letter that will generate interest in the article. You should try to omit information that is irrelevant or that will not contribute to the reader's interest in the article or you, as the article's author.

The following types of information are typically included in a cover letter (although cover letters do not necessarily include all of this information):

1. Who you are (schools attended, where you teach, relevant professional experience, contact information, prior publications)
2. What the article is about (subject of article, what makes the article special, what the article contributes to the field, why the topic of the article is important or timely)
3. Any publicity the article has already received (SSRN downloads (if a lot), inclusion on SSRN Top Ten Downloads lists, presentations regarding the topic of the article)

Some authors also include the word count of the article in their cover letters.

Using ExpressO and/or Scholastica

Expresso and Scholastica are the two most used online submission systems by which legal scholars can submit articles to law reviews and manage those submissions online, with minimal effort. You should consult your school to determine which system is preferred (some schools subscribe to both or only one, certain law reviews accept

submissions from only one). When submitting a manuscript, you will be able to choose from law reviews to which you would like your article delivered.

Before you start, you will need:

- Your article in Word or WordPerfect format (some law reviews will not accept WordPerfect documents). An abstract and table of contents are recommended.
- Your ExpressO username and password
- Your Scholastica username and password
- A cover letter
- A CV (recommended)

Expediting Your Submission

Seeking an expediting review of your article is something you might consider once you have received an offer to have your article published. At that time, you may want to ask law reviews that you would rather have publish your article to review your article and make a determination on whether they would like to publish it. In practice, many top journals may not read your manuscript until they get an “expedited review” request. When expediting, you may need to secure additional time from the journal that made the first offer. Most journals are willing to negotiate additional time for your response to their publication offer. It is generally in your best interest to get as much time as possible to respond to a publication offer because that will give other law reviews more time to review your article. Although a journal’s willingness to grant an extension and the amount of additional time a journal is willing to give an author will vary depending on the circumstances, a request for an additional two or three weeks to respond to an offer is generally quite reasonable and not unusual. Some journals may not be willing to grant an extension and some journals might be willing to grant an even longer extension, so the amount of time that you request and whether your request will be granted will depend on the specific circumstances of your situation.

Sending ExpressO or Scholastica “expedited review” requests to journals that accepted these electronic submissions can be done with the click of a button; however, some authors recommend that these requests be followed with phone calls and personalized emails. Because these individual contacts take time, you may want to wait to contact law reviews individually until after you have sent an expedite request. The expedite request might precipitate some responses from law reviews, and you will then not have to contact these law reviews individually. In addition, you might want to consider contacting colleagues at other schools and asking them whether they would feel comfortable giving their schools’ law reviews a heads up about your article. This strategy can be very helpful, but it should be used judiciously. It is also worth bearing in mind that different authors have different opinions about the propriety of this strategy.

You should do your best to keep track of the law reviews that have rejected your article, so as to avoid expediting your article with a law review that has already rejected your article.

Some law reviews will make very last minute offers (making an offer very close to your deadline with another law review). For this reason, it is generally advisable to wait until just before your deadline to accept a publication offer.

You should try not to keep multiple publication offers outstanding. If you receive multiple publication offers, you should accept one offer and reject your other offer(s). That way, the law review whose offer you turn down can make an offer to another author.

After Accepting an Offer to Publish

Once you have accepted an offer to publish your article, you may want to notify other reviews to which you have submitted that your article is no longer available. This can be done through your ExpressO or Scholastic account.

The Publication Process

Publication Agreements

After you have accepted a publication offer, the law review will send you a publication agreement. This agreement is your contract with the law review. The publication agreement will likely include information about the publication process with the law review, the copyright for your article, and the numbers of free reprints that you will receive.

You should read the publication agreement carefully. You might find it useful to ask a colleague to review the publication agreement and give you his or her thoughts. Colleagues with intellectual property expertise may be particularly helpful.

There are also some useful resources online regarding publication agreements. For example:

<http://www.aallnet.org/main-menu/Publications/llj/LLJ-Archives/Vol-102/publljv102n02/2010-15.pdf>

http://taxprof.typepad.com/taxprof_blog/2009/05/negotiating-your-law-review-publishing.html

http://blogs.law.harvard.edu/infolaw/files/2009/05/authors_publishing_intro-tka1.pdf

You should pay particular attention to copyright issues. For example, who will hold the copyright in your article? Will you or the law review (or both) have control over future uses of the article?

You should also pay attention to information in the publication agreement regarding the publication timeline. If you agreed that your article would be published in a particular issue or by a particular date, is that information in the publication agreement?

If you have a particular timeframe within which your article needs to be published, then you should be particularly explicit about this in your discussions with a law review before you accept the law review's publication offer. Some law reviews will publish your article in a relatively short amount of time (which still might be a matter of months); other law reviews will have a longer time horizon. Also, some law reviews will stick to the schedule that they give you, while other law reviews might not. You might not have the luxury of choosing which law review you publish with (because you might not have multiple publication offers). However, to the extent that you do have the luxury of choice and to the extent that the publication timeframe matters to you, you should discuss this with law reviews before you accept a publication offer.

The publication agreement may also indicate how many free reprints you will receive of the article. Most law reviews will give you free reprints of your article (somewhere between 25-50, most likely). You might be able to negotiate additional free reprints. In addition, most law reviews will give you one or more free copies of the entire issue in which your article is published.

If you have concerns about anything in the publication agreement, then you should contact the law review. The law review might be willing to revise its publication agreement to address your concerns.

The Publication Process

The time from when you accept a publication offer to when the article is published can range from a few months to a couple of years (in extreme cases). This time does not even include the time from submission of an article to acceptance of a publication offer for that article, which can also be several months—not to mention the time that you spend working on the article until it is ready to submit.

It is very likely that you will continue to work on an article after you submit it for publication. Because so much time passes between submission and publication, you will at least want to make sure that the article is up-to-date when it is published. This may mean adding additional references to the article. You might also want to continue to make more substantive revisions to the article itself.

In addition, after you accept a publication offer, you will engage in the editing process with the law review that will be publishing your article.

Different law reviews have different approaches to the editing process, and the editing process for the same law review can be quite different depending on your editor or the policies of the editorial board. In general, the editing process will look something like this:

First, you will send the law review the most recent copy of your article. The law review will typically tell you the date by which it would like to receive this draft. This is the draft that the law review will edit.

You may be able to negotiate some of the deadlines during the editing process with the law review. Depending on the law review's schedule, the deadlines might be more-or-less flexible. In addition, some law reviews will be quite good about meeting their own deadlines for when they get edited drafts back to you, while others won't.

Second, you will receive an edited version of your draft back from the law review. Again, it may take a number of weeks (or even longer) to get this version of your article. Depending on a number of factors (the editor, the law review), you may receive very substantive edits (regarding the substance and organization of your article) or the edits might be more superficial (regarding citation and wording). Law reviews will typically send you a redlined version of your article, along with comments inserted throughout the article. Some law reviews might also send you a clean copy of the article with the edits, and some law reviews might include a memo that gives you feedback on your article.

Try not to panic when you see the law review's suggested edits (also, remember that how you feel is likely how your students feel when they get drafts back from you—and remember this feeling as you give comments to your students). Some law reviews will give you a lot of feedback. You should consider this feedback, but you are not obligated to make all of the suggested changes. You might not agree with all of the suggestions. Moreover, you might not have time to make all of the suggested changes, even those that you do agree with. You should review the suggestions, sit with them for a while, and then determine which revisions you are going to make.

Reviewing a law review's edits and making revisions can take a lot of time, so you might want to try to spread this work out, if you have the luxury of some time to do so. This will depend on your schedule and the law review's deadline for the return of the draft (you might be able to negotiate an extension of this deadline, depending on the situation). When you return your draft to the law review, you can also include comments in the draft. You can also write a separate message that addresses particular aspects of your revisions that you want to highlight for the law review.

You will generally engage in this back-and-forth process with the law review a few times. Each time, you will likely receive more superficial edits. For example, if the first round of edits focused on more substantive revisions, then you will likely get a subsequent draft that focuses on citation and word choice.

At some point, the law review will send you a draft of the article to review before the law review sends the issue to the printer. At this point, the law review will typically tell you to review the article for errors but that you should not make a lot of changes. If there are revisions that you want to make, you should definitely tell the law review, but the law review may not be receptive to making a lot of revisions at this point. The law

review may also receive a draft of your article from the printer and may send you that draft to review, so the printer can make any necessary corrections.

The number of times that you go back-and-forth with the law review will vary, but you will likely receive at least a few drafts. This process can take quite some time, but eventually, your article will be published. The law review will likely send you a pdf copy of your article. After that, the law review will send the reprints of your article to you, along with at least one copy of the complete issue in which your article has been published.

Congratulations on making it through the publication process!

Publicizing Your Article

Once your article is published, you will want to let people know about your article. There are a number of ways to let people know about your article:

You can send emails with a copy of your article attached. You can send your article to those people whom you thanked in your first footnote and people whose work you referenced in your article. You may not want to send your article to all the authors of articles that you referenced in your article, but you will likely want some of these authors to be aware of your article and the fact that you referenced their work in your article. You can also send your article to scholars who are working in your field and scholars with whom you would like to make a connection. The advantage of sending an email with your article attached (rather than distributing your article by mail) is that it is quicker and saves paper. The recipients of your article might also prefer to have an electronic copy of your article, rather than a hard copy.

Another way to publicize your article is to post the article on SSRN. You can post a draft of the article on SSRN in order to receive feedback when you are still working on an article. You can post the published version of the article on SSRN. More information about SSRN follows.

What is SSRN?

The Social Science Research Network, commonly called SSRN, is a website that maintains an electronic database of articles in numerous social-science disciplines, including law. SSRN's Legal Scholarship Network is the largest open-access repository of legal scholarship. SSRN allows authors to upload abstracts **and the full text of articles**. Authors can upload unpublished and published papers. SSRN puts unpublished papers in its "Working Paper Series" and published papers in its "Accepted Paper Series." In addition to traditional articles, SSRN allows authors to post everything from class presentations to op-ed pieces to entire books. And importantly, every uploaded document is downloadable for free to anyone who visits the site.

Why use SSRN?

As we all know, members of the academy place great value in scholarship that might never be read by more than a handful of people. But SSRN helps you expose your work to a wide array of readers – law professors, lawyers, social science professors from numerous disciplines, and the general public. Each year, over 10 million documents are downloaded through SSRN!

Although some authors might be concerned that posting an article on SSRN will negatively impact a law review's publication decision, SSRN is so widely used that the vast majority of law reviews will not eliminate articles simply because they were placed on SSRN. Plus, if a posted draft is officially published, it is wise for authors to replace the SSRN article with a "post-print" of the officially published article, which then allows interested users to cite to the law review, not SSRN. Putting a working paper on SSRN helps to generate interest, so when the print publication comes out, there is already a bevy of interested readers ready to read and cite to the final, print version. In addition, SSRN maintains a list of Top Ten Downloads for the various SSRN subject matter eJournals. If your draft has a lot of downloads, you might consider including this information in the cover letter when you submit your article to law reviews to indicate that there is already a lot of interest in the article.