
ACADEMIC LEGAL WRITING: LAW REVIEW ARTICLES, STUDENT NOTES, AND SEMINAR PAPERS

BY EUGENE VOLOKH

REVIEWED BY REID ALAN COX

In the forward to Professor Eugene Volokh's new book, *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers*, Judge Alex Kozinski of the U.S. Court of Appeals for the Ninth Circuit observes that, while published legal articles can "be quite useful and influential in the development of the law," most law review pieces "are read by no one beyond the [author's] immediate family and cause hardly an eddy among the currents of the law." This reality prompts Judge Kozinski to rhetorically ask: "Why do so many published [academic legal articles] fail in their essential purpose?" The answer is obvious to Judge Kozinski — and to the many law students and attorneys who share in the experience of publishing a law review piece only to be forever archived on library shelves and the Westlaw and Lexis-Nexis electronic databases. "Most students [and lawyers] have no clue what to write about, or how to go about writing it," Judge Kozinski explains. But this should be true no more, thanks to Professor Volokh's new book, which lifts the veil on how to successfully navigate the process of framing, writing, and publishing law review notes, comments, and articles.

In short, *Academic Legal Writing* is a "how-to" book, and it is hard to imagine an author better suited to demystifying the scholarly legal writing and publishing process. Professor Volokh is a leading member of the new legal academy, graduating from the UCLA Law School in 1992 and then clerking for the aforementioned Judge Kozinski on the U.S. Court of Appeals for the Ninth Circuit and Justice Sandra Day O'Connor on the U.S. Supreme Court before returning to his *alma mater* as a professor of law. Professor Volokh has published more than 30 law review articles covering such diverse areas of the law as constitutional law, cyberspace law, free speech, intellectual property, information privacy, religious freedom, religious/sexual/racial harassment, affirmative action, gun control and firearms rights, and the Supreme Court, and he uses his experience to teach the reader about every twist and turn in writing and publishing an academic legal work. In fact, Professor Volokh's article entitled *Freedom of Speech and Workplace Harassment*, which he wrote as a law student and published in the *UCLA Law Review*, has been cited in more than 140 other academic works and by judges in 10 court cases. And he has followed up on this early success by becoming the third most cited law professor among those who entered teaching since 1992, according to a 2002 survey of law review citations by Professor Brian Leiter of the University of Texas.

No part of the writing and publishing process is left out in *Academic Legal Writing*. Professor Volokh begins by counseling the reader in "choosing a claim" and fol-

lows up by coaching the reader through "research," "writing," "cite-checking," and "publishing and publicizing." In fact, Professor Volokh has designed his book to be a partner in the writing and publishing process. Each part of the book "relate[s] to different stages of [the] process," and Professor Volokh "suggest[s]" reading and using the various sections in sequence as the reader faces the difficulties of writing and publishing. Thus, in the first part, *Academic Legal Writing* teaches the publishing novice about "the basics" of law review articles and student notes by explaining that any "[g]ood legal scholarship should make (1) a claim that is (2) novel, (3) nonobvious, (4) useful, (5) sound, and (6) [be] seen by the reader to be novel, nonobvious, useful, and sound," and follows up with instruction about "organizing the article," and "converting practical work — such as law firm memos — into academic articles" (a welcome topic for all of us busy lawyers out there). Successive parts of Professor Volokh's "how-to" guide teach the reader about such subjects as "knowing when to shift from research to writing" and the fact that "if you need to reread something to understand it, [you need to] rewrite it." Perhaps most importantly for numerous law students and attorneys who have little experience in scholarly publication, Professor Volokh includes an entire chapter about "publishing and publicizing" a law review article. This chapter blows all the cobwebs off both how and where you should try to get your article published. Professor Volokh directs you to an electronic list of mailing addresses of law reviews and even includes an appendix of sample cover letters the reader may use to submit articles for publication and to inform other interested persons about the published scholarship.

Perhaps the best feature of *Academic Legal Writing* is the practicality of Professor Volokh's approach. While there is plenty of instruction and pointers packed into these 200 pages, Professor Volokh understands that most law students and attorneys need to learn an efficient path from a blank page and a mind full of ideas to a published law review article or student note. Thus, each section of *Academic Legal Writing* offers the aspiring scholar roadmaps and checklists to follow in order to reach the goal of a final publication. These simple but practical ways of tackling each part of the legal writing and publishing process not only make the final goal of law review publication seem possible, but also instruct the reader just how to achieve what previously seemed to be a hard-to-understand and impossible mission.

Just as the *Blue Book* has become an indispensable companion for law students and lawyers alike when it comes to legal citation, Professor Volokh's *Academic Legal Writing* should be close at hand for everyone who

wants to tackle the task of entering the world of academic legal scholarship. It now takes its place on my desk right next to my well-worn *Blue Book*, *Black's Law Dictionary*, and copy of the U.S. Constitution.

*Reid Alan Cox is the Assistant General Counsel of the Alexandria, Va.-based Center for Individual Freedom.