

Vermont Law Review Basics

Welcome to the *Vermont Law Review* and congratulations! By accepting your invitation to the Law Review, you have joined a tradition of excellence that will improve your analytical writing and research skills, benefit your career, and introduce you to a group of student leaders at Vermont Law School. Although membership on the law review is a common goal among first year law students, one of the first questions new members often ask is: “What is a law review?”

What is the *Vermont Law Review*?



Law reviews are the lead academic journals at all major law schools in the country. They are resources for legal scholars and practitioners who seek critical analysis of the most important issues facing the legal community today. Professors, judges, and lawyers turn to law reviews for articles, essays, and comments by their peers on every aspect of the law. Employers recognize participation in law review as a symbol of academic achievement and a strong work ethic.

In the words of the *Vermont Law Review* bylaws:

Vermont Law Review is a journal of legal scholarship published by Vermont Law School students in consultation with the faculty and administration of Vermont Law School. *Vermont Law Review's* main objectives are to present readers with timely, topical information concerning the legal profession and legal scholarship, and to afford *Vermont Law Review* members an educational experience that shall hone their skills in research, writing, legal analysis, and leadership.

History

The *Vermont Law Review* published its first volume in 1976, just three years after Vermont Law School opened its doors. In 1975, Dean Thomas Debevoise asked Mary Miles Teachout, a graduate of the University of Washington Law School and spouse of faculty member Professor Peter Teachout, to organize a law review at

Vermont Law School. With the assistance of faculty advisors and a few brave law students, Mary Miles Teachout built upon her experience as a law review member at the University of Washington Law Review to found the *Vermont Law Review*. In just one year, the Law Review published its first volume, containing four articles and five student notes.

Over the course of twenty-five years, the *Vermont Law Review* has grown with the reputation of Vermont Law School and now produces four issues per year, each equal in length to its first volume. Through the Law Review's articles and essays, the legal community has become familiar with the quality of scholarship that Vermont Law School students help edit and write. In this way, *Vermont Law Review* is now a major contributor to the growing reputation of Vermont Law School. Because Vermont Law School is the only law school in the state, the Law Review has a responsibility to publish articles and essays relating to Vermont-specific legal issues. In addition, the Law Review embraces the expertise of Vermont Law School as the leading environmental law school in the country and welcomes submissions of high quality environmental scholarship. The Law Review seeks to achieve overall balance by publishing general legal scholarship that benefits the national and international legal communities.

Vermont Law Review has contributed to legal scholarship through the words and works of important political figures such as Senator Edward Kennedy, Vice President Walter Mondale, and Vice President Al Gore. Judge Sterry R. Waterman and Judge James L. Oakes of the Second Circuit Federal Court of Appeals have contributed to its pages. Chief Justice Jeffrey L. Amestoy and Justice John A. Dooley III of the Vermont Supreme Court have also published in the Law Review. Many Vermont Law School deans and distinguished faculty members have explored and developed their areas of legal expertise in its volumes, and continue to contribute through scholarship and guidance.

In a short time the *Vermont Law Review* has become a major contributor to the legal community, both in Vermont and nationally. *It is the obligation of each Editorial Board and Staff Member to continue this tradition and to improve upon what they find.* This manual has been developed to promote continuity and to provide a framework for future development.

Vermont Law Review and the Law School Community

Although the Law Review receives administrative and financial support, faculty involvement consists primarily of guidance and advice. In most aspects, the Law Review is self-regulating.

Members enjoy the privilege of operating a student-run academic program. In exchange for academic credit, Law Review members learn to analyze legal scholarship critically and transform manuscripts from leading scholars into published print. Detailed editing and strict adherence to *The Bluebook* become standard practice. Each

member is required to research and write a student Note, a process that takes two semesters and produces a paper of publishable quality. Each member must learn to work in a stressful environment—one in which students rely on each others' work and adhere to rules developed and enforced by their peers. Because of these experiences, future employers know that Law Review members have excellent legal research and writing skills, and have worked in an environment that demands a strong work ethic and dedication.

The benefits of the Law Review are not limited to its members. The *Vermont Law Review* serves a major role in the development of Vermont Law School's reputation. For many legal scholars, their only interaction with the school is through the pages of the Law Review. The *Vermont Law Review* also serves the faculty of Vermont Law School. Its members are prime research assistants and its volumes often contain faculty scholarship—a necessity in the career of a professor. Finally, the Law Review creates publishing opportunities for students who are not members. Non-Law Review student papers are often reviewed for publication.

The Law Review hosts two annual writing competitions. The Chase Paper is a competition open to members of the third-year class and is not topic-specific. Furthermore, it is only available to non-Law Review students of Vermont Law School. The Ballenger/Green Diversity Paper is a competition open to all Vermont Law School students and must be related to human diversity and the law. This paper is open to Law Review members, but members cannot submit their law review Notes. The winning papers are given an award and are considered for publication in the Law Review.

The *Vermont Law Review* serves the legal community in general. As an academic journal, its volumes contribute to the open discourse and development of legal scholarship in both the national and international communities. Each year the Law Review publishes articles, essays, and notes on legal issues specific to Vermont. Environmental legal experts also look to publish in the *Vermont Law Review* because Vermont Law School is the leading environmental law school in the country.

Symposium

The *Vermont Law Review* hosts an annual symposium in which legal experts from around the country come to explore and debate a cutting-edge issue in an open forum. Although environmental topics have frequently been highlighted, symposia have also explored such areas as employment and labor law, criminal law, international law, and national security. Each symposium is usually accompanied by an issue of the Law Review dedicated to the publication of papers presented at the symposium. Symposia are usually attended by national experts, lawyers seeking CLE credit, faculty, staff, and students. Members of the Law Review are required to participate and attend the full symposium.

Law Review Organization: Members and Responsibilities

Positions of *Vermont Law Review* Members

There are two types of members on Law Review. The Staff consists of second-year students qualified under Article II § A(2) of the bylaws. The Editorial Board consists of those third-year students qualified under Article II § A(1) of the bylaws. Elected editorial positions include the Editor-in-Chief (EIC), Senior Managing Editor, Senior Articles Editor, Senior Head Notes Editor, Business Manager, three Managing Editors, three Head Notes Editors, two Associate Articles Editors, Vermont Editor, Environmental Editor, Symposium Editors, Technology Editor, and the Grievance Board. The EIC, Senior Articles Editor, Senior Managing Editor, Senior Head Notes Editor, and Business Manager make up the Senior Editorial Board.

General Responsibilities of All Law Review Members

All Staff and Editorial Board members must complete the following in good faith: all editing responsibilities as assigned and overseen by the Managing Editors; all Note writing and Note editing requirements as assigned and overseen by the Head Notes Editors; and all other reasonable duties. Members must also attend all meetings called by the EIC as well as the annual Symposium, or obtain an excused absence from the EIC. Finally, all Law Review members should strive to create and maintain an atmosphere of collegiality among each other.

Descriptions of Duties of Elected Editors

Each elected editor has certain duties for which he or she is primarily responsible. A brief description of each is listed below. These job descriptions are based on recent experience and the requirements of the *Vermont Law Review* bylaws.

Editor-in-Chief

The EIC has overall responsibility for both the day-to-day running of the Law Review and its long-range policy decisions. The EIC oversees the publication strategy, makes final publication determinations, and conducts the final review of all manuscripts prior to submission to the printer. The EIC is also responsible for representing the *Vermont Law Review* to the faculty, administration, staff, fellow students, and public at large. Although the technical responsibilities of the EIC are significant and demanding, day-to-day correspondence with Law Review staff, authors, faculty, and administration is most demanding on the EIC's time, judgment, and leadership.

Senior Managing Editor and Managing Editors

The Managing Editors group consists of the Senior Managing Editor and three Managing Editors. The Senior Managing Editor oversees the entire publication process, establishing the production schedule and setting publication policies. The Managing Editors are primarily responsible for overseeing the work done by the Production Coordinators and the Staff in editing pieces published in the Law Review.

Senior Head Notes Editor and Head Notes Editors

The Head Notes Editors group consists of the Senior Head Notes Editor and three Head Notes Editors. The four Editors work together to construct the write-on competition. These Editors also oversee and manage the Note writing program. Each Head Note Editor is assigned to a supervisory position over a portion of the second-year Staff members. They work closely with the Personal Note Editors and the Staff to ensure that Staff members produce high-quality, scholarly Notes. Head Notes Editors read all Notes that their assigned Staff members write and provide substantive feedback, such as adherence to Bluebook form, support for assertions, and critical evaluation of style and content. These Editors also have primary responsibility for setting Note deadlines and making sure both the Staff and the Personal Note Editors comply with these deadlines.

Senior Articles Editor and Associate Articles Editors

The Senior Articles Editor and three Associate Articles Editors manage the solicitation, evaluation, and selection of all manuscripts. The Senior Articles Editor works closely with the Senior Editorial Board to develop a publication strategy for the year. Once a manuscript is selected for publication, the Articles Editors manage author contact and contractual relations until the piece enters the production process. The Articles Editor also coordinates the work of the Vermont Editor and the Environmental Editor.

Environmental Editor

The Environmental Editor assists the Articles Editor in reviewing and recommending articles concerning developments in environmental law. In recognition of Vermont Law School's esteemed national status in the area of environmental law, the Environmental Editor ensures that the *Vermont Law Review* remains committed to publishing important and thought-provoking articles on these topics.

Vermont Editor

The Vermont Editor assists the Articles Editor in reviewing and recommending articles concerning issues important to Vermont. Recently, the Vermont Editor has been involved in finding new and better ways for the *Vermont Law Review* to serve the Vermont Legal Community.

Business Manager

The Business Manager coordinates all the business aspects of the Law Review, including subscriptions and sales, advertising, accounting, and upkeep of the office.

Symposium Editors

The *Vermont Law Review* hosts an academic symposium each year. The Symposium Editors are primarily responsible for all aspects of organizing this event, from choosing a topic and speakers to coordinating advertisements and ensuring that the symposium runs smoothly. This position is traditionally shared by two or more members of the Editorial Board. The Symposium Editors work with the Senior

Articles Editor to gather articles generated for the symposium issue in a timely fashion after the conclusion of the symposium.

Technology Editor

The Technology Editor is responsible for maintaining and updating the *Vermont Law Review's* presence on the web. The Technology Editor works with the EIC in developing computer policy and implementing new ways for the Law Review to use the web.

Grievance Board

The Grievance Board consists of five members of the Editorial Board, and hears all grievances brought by and against members under procedures set out in Article V § B of the bylaws.

Duties of All Editorial Board Members

Each Editorial Board member acts as both a Personal Note Editor and a Production Coordinator. As a Personal Note Editor, the Board member guides one Staff member through all phases of the Note writing process. As a Production Coordinator, the Board member is responsible for shepherding one manuscript through the entire production process.

2L Responsibilities in a Nutshell

1. Write a student Note.

- Meet deadlines as established by the Head Notes Editors.
- Attend regular meetings with Personal Note Editors and Head Notes Editors.
- Satisfy publishable quality Note criteria.

2. Be a member of the production staff for each edition of the *Vermont Law Review*.

- Meet deadlines established by the Production Coordinators and Managing Editors.
- Function as part of a production team for one article in each issue.
- Read the entire article for a given production team and perform duties as assigned.

3. Attend scheduled Law Review classes.

4. Attend regular meetings of the entire *Vermont Law Review*.

NOTE:
THIS LIST IS
NOT
EXHAUSTIVE!

5. **Read and understand the *Vermont Law Review* Bylaws.**
6. **Be flexible. Production and Note schedules are subject to change.**
7. **Facilitate open communication with other staff members and your editors.**
8. **Receive and provide feedback.**
9. **Check and respond promptly to emails from editors, production coordinators, and team members.**

Academic Credits

Every Staff member who satisfactorily completes in good faith his or her Note writing responsibilities and production responsibilities receives four credits at the end of the academic year: one credit per semester for writing the Note, and one credit per semester for production work. Every Editorial Board member who satisfactorily completes in good faith his or her responsibilities as a Personal Note Editor and as a Production Coordinator receives two credits at the end of the academic year: one credit for Note editing and one credit for production work. Credits are allocated per semester, but members will not receive the actual credit on their transcripts until the conclusion of the spring semester. These credits are pass/fail credits.

Supporting Cast

Many members of the Vermont Law School faculty, staff, and administration are critical to the successful operation of the Law Review. Without their help, it would be impossible for the Law Review to produce four issues during the academic year and generate high-quality student work.

Faculty Advisor

The *Vermont Law Review* welcomes the input and expertise of its faculty advisor who is available to talk to Staff and Board members regarding any difficulties they are having with their Law Review duties. The faculty advisor works with the EIC and the Senior Head Notes Editor to coordinate faculty sponsors for student notes. The faculty advisor also assists the EIC with procedural and personnel issues.

Registrar

The Vermont Law School Registrar assists the EIC in determining which of the rising second year candidates are eligible for an invitation to join Law Review. During the summer, the Registrar's office compiles a list of eligible rising second year students and provides the information to the EIC so he or she can send the invitations in a timely manner during the summer. The EIC also works with the Registrar to determine which Staff and Board members are eligible to receive academic credits.

Deans

The Vermont Law School deans influence the *Vermont Law Review* financially, administratively, and academically. The deans often express an interest in the policies and procedures of the Law Review, and will request various meetings throughout the academic year with the Editors or other members of the Law Review. The deans are supportive of the Law Review Symposium, and will often attend and participate.

Business Office

The Business Manager works closely with the Vermont Law School Business Office to make sure subscription lists are up-to-date and the appropriate vendors are paid. All allocations of the Law Review budget are received through the Business Office.

Computer Services

The Vermont Law School Information Technology Department is responsible for the large-scale upkeep of the Law Review computers.

Librarians

During the cite-checking portion of the production process and throughout the Note writing process, the librarians are an invaluable resource for research assistance and ideas. One of the librarians runs the Inter-Library Loan program for the Law Review, with the assistance of the Managing Editors.

Faculty

The Vermont Law School faculty often lends support to the Law Review by publishing articles and encouraging colleagues in their areas of specialty around the nation to do the same. The faculty also plays an important role in advising Staff members during the Note writing stages. *Each Staff member who wants to receive AWR credit for the Note must select a faculty member to work with.* These professors provide invaluable assistance to the Staff members and eventually approve AWR credit, while respecting the student-driven aspect of the Note.

Mailroom

Vermont Law School mail services are used most frequently by the Business Manager to send out subscription requests. The Law Review also uses the mail service to contact Staff or Board members who are off-campus. The school provides the Law Review with a FedEx account number and packages can be dropped off and picked up in the Vermont Law School mailroom daily. Most mail is delivered to the Vermont Law School mailbox, located in the Chase Breezeway. The Law School mailroom is on the first floor of Abbott House, which also houses the Registrar and Business offices. Packages are occasionally delivered to the parking lot level of the library. Staff members should check both the mailroom and library several times a week during office hours or while working on production materials.

Supplies

The Business Manager is responsible for keeping the supplies in the office well-stocked. Members should alert the Business Manager to any shortages in paper, toner, pens, staples, or any other items before they run out. The Business Manager works with Virginia Fifield, who runs the copy room for the Law School, to provide the office with supplies.

Buildings and Grounds/Cleaning

The Law Review offices are a “home away from home” for approximately sixty students per year. As a result, the offices quickly become messy. Both the Buildings and Grounds personnel and the cleaning crew assist in keeping the offices orderly and clean. The Buildings and Grounds team helps with recycling and periodic rearranging of the offices, and the cleaning crew comes in at night to vacuum, empty the trash and generally straighten the office. Despite this assistance, every member of Law Review is expected to maintain a neat and orderly work environment.

Law Review Office Operations

Office Design

The old *Vermont Law Review* offices were located on the second floor of the Old Classroom Building. This space housed the Law Review from its earliest years until the summer of 2001. The Law Review now uses the entire building between the Cornell Library and Rogers House.

General Office Responsibilities

Since we have limited space in the Law Review office, everyone is responsible for keeping our work environment neat and clean. There are ample recycling bins and garbage cans throughout the office. Please use them. Members are welcome to leave personal items (books, backpacks, lunch, etc.) in the office during the day, but please remember that these offices are typically not locked during the day, and you are responsible for the safety and security of these items. Members involved in other organizations should not use the Law Review office for storage without the express permission of the EIC or Business Manager. The last person leaving the office at night is responsible for locking all doors and turning off all lights.

When other members are in the office, please respect their need for quiet work time. Although you are always welcome in the office, if people are trying to work, their need for quiet takes precedence. For this reason, members should not use the Law Review office to hold non-Law Review-related meetings or social events.

Office Duties of *Vermont Law Review* Members

Mailboxes

Even with the heightened use of e-mail on campus, the primary means of communication between and among Law Review members is through the individual

office mailboxes. Members must check their boxes on a daily basis. This is especially important for Staff members working on production assignments. Each Staff and Editorial Board member has a mailbox located on the first floor of the building.

Supplies

If any member notices that supplies are running low, it is his or her responsibility to let the Business Manager know promptly. Please keep in mind that most supplies take several days to arrive in the office. Be considerate of your fellow members by doing your best to ensure that supplies do not run out.

Office Keys

Each member should obtain a key to the Law Review office from the Business Office. Members must provide a \$10.00 deposit, which will be returned when they graduate. The office should not be locked during business hours. However, the office should be locked after 8:00pm on weekdays and after 5:00pm on weekends.

Printing Allowance

While Vermont Law School generally allows students to print a certain number of pages each semester before initiating a per-page fee, the Law Review does not have any such restriction. The printers located in the Law Review office may be used without incurring any printing charge but are for Law Review-related materials ONLY.

Faxes

The Law Review has access to a fax machine. Materials can be sent or received in the library. Members should contact the library for approval prior to use.

The Article Selection Process

The *Vermont Law Review*, as the flagship legal publication on campus, continually seeks to select articles of the highest quality for publication. As the top environmental law school's Law Review and the only law school in the state, we express a preference for articles on Vermont and environmental issues. Still, we recognize that the quantity and quality of submissions in these two areas vary widely from year to year. We consider articles that concern a broader range of issues as well.

Types of Articles Published

Articles on Vermont and Environmental Issues: In our bylaws (Article VI) the *Vermont Law Review* is required to publish at least one environmental law article and one Vermont-specific article in each volume (one each per year).

Articles/Essays of General Interest: A majority of the material published in the *Vermont Law Review* are articles and essays concerning general legal topics. These are typically national in scope and are an excellent tool to increase our national visibility and reputation. The difference between an article and an essay is largely one of degree.

An article is generally heavily footnoted and on a very narrow legal issue. An essay generally has fewer footnotes and is sometimes more abstract and contains more of the author's opinions. The topic for an essay is generally broader than that of an article.

Student Notes: The *Vermont Law Review* also publishes student Notes—as many as four notes per issue. We consider well-written Notes by student authors at other schools, but we maintain a strong preference for publishing Notes written by our own students.

Competition and Specialty Papers: The *Vermont Law Review* may publish as many as three competition or specialty papers if they meet the Law Review's publishing criteria. These papers are the Jonathon B. Chase Paper, the Ballenger/Green Diversity Paper, and the Sterry R. Waterman Lecture.

- The Chase Paper competition is conducted in the spring semester and is open to all non-Law Review third-year students. Papers can be on any legal issue. The Chase Paper may be published if it meets the criteria in Article VI, §.B. and is typically published in book four.
- The Ballenger/Green Paper competition is conducted at the end of the fall semester with papers due in early January. The Ballenger/Green paper is open to all VLS students, although Law Review members may not submit their Notes. The paper must be on some aspect of human diversity and the law. The paper may be published if it meets the criteria in Article VI, §.B.
- The Sterry R. Waterman Lecture happens in the fall. This lecture is generally organized by Professor Dycus, who often solicits the lecturers for manuscripts.

Article Selection Process

Receipt of Manuscripts

The *Vermont Law Review* accepts electronic and hard-copy submissions. Manuscripts come from tenured and untenured faculty at law schools, as well as judges and practitioners. We receive a small number of articles through author solicitation. Solicited articles are used most often for the Symposium issue of the Law Review. Solicited articles tend to be a mixed bag. While the Law Review is assured of an article for publication, the quality of these articles has often been lower than those accepted through the submission process. By guaranteeing publication, the authors may have little incentive to give us a polished product and the Law Review staff may consequently end up doing a large amount of time-consuming work to make the article publishable.

Reviewing and Evaluating Manuscripts

When an unsolicited manuscript arrives, the Articles Editors review the manuscript and then decide whether to recommend publication to the EIC. The Articles Editors look for interesting topics, well-written manuscripts (proper format, sources, Bluebooking, voice, overall quality of the argument, etc.) as well as well-known authors. The Articles Editors also try to achieve some balance of topics that we publish.

Offers of Publication

When we decide to publish an article, the Articles Editor contacts the author to make a formal offer of publication. Authors will often submit their manuscripts to dozens of law reviews simultaneously, looking to publish in the most prestigious journal possible. Most authors will make a conditional acceptance but ask for a couple of weeks to decide. During this time, the authors call the other journals to ask for expedited review, fishing for a more prestigious journal. To get the best articles, speed is of the essence. If *Vermont Law Review* makes the first offer, we have the best chance of landing the article. We have not been as successful with authors who were already contacted by other law reviews.

The Articles Vetting Committee

Typically, the Senior Articles Editor fills the entire working volume of the Law Review during the fall semester and only the next elected Senior Articles Editor is authorized to accept articles for the following volume. However, the next Articles Editor is not elected until the end of February or early March. This results in a period of several months during which articles go un-reviewed. This gap allows other journals to snatch-up numerous high-quality articles before the *Vermont Law Review* even has a chance.

To address this issue, an articles vetting committee forms early in the spring semester, typically two months before elections. The committee reviews articles and begins making offers as soon as possible. The committee disbands after elections.

Conclusion

Your time this year will become increasingly valuable as other commitments compete for your attention. Stay on top of deadlines and learn to work with your fellow members, but remember to schedule some personal time *now* for each week in the coming year. Every member of the Editorial Board knows what you are going through. Feel free to talk with them about any suggestions, problems, or concerns. The *Vermont Law Review* has consistently been an exceptional journal because its members have worked together, supported each other, and believed in its mission. You have joined a great Vermont Law School tradition and it is your duty to keep it that way. Good luck, stay organized, and get ready for a great year.