

The Journal of Legal Medicine
Staff Handbook
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*The Journal of Legal Medicine &
Legal Medicine Perspectives*

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I. INTRODUCTION TO *JLM*

A. Statement to 2L Staff Members

The purpose of this Handbook is to familiarize staff members with the goals and policies of *The Journal of Legal Medicine (JLM)*. This Handbook is intended as an outline of the writing program and is by no means exhaustive of the requirements of being a member of *JLM*. The excellence expected of *JLM* staff members requires many hours of hard work. The Student Editorial Board (the Board) is here to help you achieve this excellence. Feel free to discuss your work, ask questions, or make suggestions about any aspect of *JLM* with members of the Board.

B. Purposes of *JLM* Program

The *JLM* program has three major goals, which guide your editors in their pursuit of excellence in legal writing. The most important goal is that each staff member becomes a strong legal writer. Good legal writing results from thorough research and clear, analytical thinking. While not easy, the production of good legal writing is rewarding in itself, and the skill, once learned, will pay long-term dividends.

The second goal is institutional. *JLM* has widespread readership, international in scope, among both legal and medical communities. As *JLM* and SIU School of Law continue to gain respect, maintaining and enhancing the quality of *JLM* among the best of legal publications is critical. Staff members contribute not only through their writing but also by performing the necessary work of cite-checking manuscripts for accuracy.

Finally, staff membership is not an end in itself. Toward the end of your second year, staff members become candidates for editorial positions on *JLM*. It is important to the quality and reputation of *JLM*, that able, well-prepared individuals assume these positions. Your efforts during your current staff membership will be reviewed with this goal in mind.

C. The *JLM* House

The *JLM* House is located behind the law school, on Chautauqua Street in the same house as the Admissions Office and Welcome Center. The *JLM* House provides several resources: a computer is available for use by staff members, and commentaries may be printed at no charge. See the Board for computer passwords, and please remember that

cases and research should only be printed on the Westlaw/Lexis printers located in the law library.

D. The TWEN Page

The *JLM* Student Editorial Board maintains a TWEN page. **Staff members should sign up for the TWEN page and check it often.** The page contains a calendar with mandatory draft deadlines, cite check dates, and other *JLM* events to be periodically posted. The page also contains *JLM* documents and announcements that will be posted throughout the year.

E. Required Texts

JLM requires all staff members to purchase one book: the most recent edition of *The Bluebook: A Uniform System of Citation*. A recommended (optional) text is *Academic Legal Writing: Law Review Articles, Student Notes, and Seminar Papers* by Eugene Volokh. *The Bluebook* must be used when writing your commentary and will be used for cite checking. You should begin to familiarize yourself with the book and its rules.

II. COMMENTARY

A. Working with Your Associate Commentary Editor

At the start of the semester, each staff member will be assigned to an Associate Commentary Editor (A.C.E.) who will serve as writing coach and mentor for the remainder of the semester, absent extenuating circumstances. The Commentary Editor-in-Chief retains discretion to reassign staff members.

At the start of the semester, you must meet with your A.C.E. to discuss selecting a topic. You are also free to meet with the Commentary Managing Editor or Commentary Editor-in-Chief to discuss topic possibilities.

Throughout the semester, you will be required to submit copies of outlines, preemption check results, and drafts to your A.C.E., the Commentary Managing Editor, and the Commentary Editor-in-Chief. Your A.C.E. will review your submission and prepare appropriate feedback. You must meet with your A.C.E. after submitting each of these assignments. It is important that you schedule a conference after your first and second drafts are reviewed to discuss your commentary's strengths and weaknesses. Your A.C.E. will also hold office hours each week to meet with you. **Consult with your A.C.E. often;** your A.C.E. wrote commentaries last year and is a valuable resource.

Please remember that **your A.C.E. is there to help you master legal writing.** Take advantage of your conferences and the opportunity to learn from your editors. Appreciate their constructive criticism of your papers, and keep in mind that if your editor is having trouble understanding what you are saying, so will your eventual readers. Your editors are not experts in the field you are writing about, nor are your readers. Write concisely and clearly. Through editing commentaries and conferences, your A.C.E. will give you guidance that will allow you, with work, to make your paper of publishable quality.

B. Picking a Topic

A commentary fulfills four major interrelated functions:

- **ANALYTICAL:** A commentary compares and contrasts various authorities and viewpoints regarding a particular area of the law/medicine, takes a fresh look at the chosen aspect of law/medicine, and analyzes a new occurrence in law/medicine as it relates to existing legal, medical, and societal consequences.

- **CREATIVE:** A commentary comprehensively states the status quo within the chosen topic, projects future trends based on a creative assessment of the law within a historical context, and takes a stand about changing or controversial areas of the law.
- **BIBLIOGRAPHIC:** A commentary presents all pertinent source materials and accurately reflects the various authorities and viewpoints regarding the chosen topic.
- **REPORTORIAL:** A commentary calls the legal and medical communities' attention to the chosen topic.

The topic for a commentary should be timely, worthy of analysis, of manageable scope, and of interest to the legal and medical professions. **These categories are typical of appropriate topics for a commentary:**

- **Recent decisions that have begun to alter or clarify an important legal/medical issue.**
- **An important legal/medical issue that is in a state of flux or confusion.**
- **Several related cases which, when taken together, establish a new trend in legal medicine.**
- **Analysis of an issue or point raised by new or amended regulations, new statutory provisions, changes in court rules, or changes in the Restatement of the Law.**
- **Predictions of the effects of new legislation.**
- **Exploration of an issue or point involving legal history, jurisprudence, or the administration of law/medicine**
- **A pressing need for legislation** in a given area of law/medicine.
- **Any other issue** or point of the law that is or may be **logically or practically troublesome to jurists, legal and medical practitioners, or academics.**

The commentary writer must take a stand on the topic. The stance is suggested in the introduction, developed in the body of the commentary, and forcefully stated in the conclusion. **The title of a commentary should be creative and suggest the author's position on the topic.**

The Board will work with you in selecting a topic, providing you with information on recent developments in health law, but it is strongly recommended that you choose a topic that interests you, as you will enjoy the writing experience much more and will be more satisfied with your finished product at the completion of the semester if you select your own

topic. Topics should be appropriately related to health law and novel. All topics must be approved by the Commentary Editor-in-Chief.

C. Narrowing a Topic

Once you are familiar with the broad treatment of your topic in the legal and medical/health care literature, you must then conduct a more focused search for your topic specifically. Determine if your approach to your topic is novel enough to warrant going forward. If your initial approach is preempted, think of new ways to approach the topic. Keep in mind that only your approach need be unique; you are free to discuss topics that have been widely discussed, already, so long as your approach is unique.

Check all relevant headings and keywords you can imagine. If you have any questions about legal research resources, ask one of the librarians or editors. Inevitably, you may discover preemption problems several weeks into your research. Thus, **you may find you must change your topic**. If it becomes apparent that your topic is unworkable, contact your A.C.E and the Commentary Managing Editor immediately. They will help you figure out what to do next — either rework your angle or choose a different topic. The preliminary conference is an excellent time to discuss these issues, as well. The important thing is to **determine preemption problems as soon as possible** to avoid problems with meeting deadlines.

Other than researching cases, **the following may be used to narrow a commentary topic:**

- **Professors** are an excellent source of topic generation/narrowing.
- **Casebooks** are often good sources of unresolved issues.
- **Legal blogs** often provide legal commentary on new legal issues as they develop.
- The ***American Bar Association Journal*** sometimes indicates developing areas of the law that might merit attention.
- The ***Bureau of National Affairs (BNA)*** delivers daily and weekly highlights on emerging issues in health law and biotechnology.
- **Articles from other health law and medical journals** can provide emerging and controversial issues in the medical and legal communities.
- ***AMA American Medical News***, available electronically through the Law Library online catalogue, provides news and commentary on emerging issues in and recent studies related to health law and medicine.

- **Medical journal databases**, such as *MEDLINE* and *OVID*, can provide information on the newest topics and issues being discussed in the medical and health law communities.
- **Newspapers and news magazines** are often valuable sources.
- **Practicing legal and medical professionals** may have good suggestions for topics that could be developed.
- Search **news databases** on Westlaw or Lexis.

D. The Research

A publishable JLM commentary requires extensive thought and research, as well as a significant number of rewrites. Thoughtful writing without research is mere reflection; well-researched writing without thought is mere annotation. The key to excellent law review writing requires a combination of both.

A thorough understanding of the background – of both the issue at hand (in context) and the law involved – is essential. Carefully study all relevant cases, statutes, regulations, and any related sources – both legal and non-legal. Your reader will not have the same, in-depth knowledge about your chosen topic as you will, and you cannot possibly include everything you have learned about the topic through your research. You will become an expert on the particular area about which you are writing, but you will need to synthesize what you have learned concisely and succinctly.

You must constantly consider the substance and focus of what is to be written, evaluate what is written, and reanalyze the subject. Be critical. Hard thought saves hours of inefficient research. Read and reread the important primary sources.

Jot down ideas as they occur. Do not worry about how to say it yet. Too often, writers attempt to say something with precision as soon as they get a fresh idea. Then while attempting to put it into formal English, they forget what they were trying to say or lose the spontaneity and creativity of the idea.

After writing down your initial thoughts, create a detailed outline. As the analysis and research proceeds, revise the outline. Discard ideas that prove unimportant, and add ideas that prove significant.

Do not rely on memory in the course of your research. Be methodical in noting the contents and proper citation of everything you read. If quotes or ideas from other sources are used, indicate on note cards the exact source and exact page where the information can later be found. Be sure to record quotes accurately.

Shepherdize and KeyCite all cases. This is a valuable means of discovering additional material, and a significant new case may alter the approach to a topic. This is also necessary to ensure the validity of the law upon which you are relying. Because LexisNexis and Westlaw provide different secondary sources, it is important to use both tools.

Use all of the research tools in the library. You will likely need to use more than LexisNexis and Westlaw for research on commentaries. In addition to the numerous online databases available through Morris Library, the main library on campus, you have access to OVID and other key health care databases. Do not hesitate to ask the librarians for help in accessing these resources and using the library. Consider interviewing those working in the specialty of your topic – attorneys, judges, medical professionals, and faculty – to obtain their viewpoints. Many topics will require interdisciplinary research.

At a minimum, **the following research tools should be consulted if applicable to your topic:**

- Major treatises on the subject.
- Index to Legal Periodicals.
- Current Index to Legal Periodicals.
- Reader's Guide to Periodical Literature.
- A.L.R. and United States Supreme Court Reports (Lawyers Edition).
- Records of Briefs in the United States Supreme Court.
- Briefs in State Supreme Court and Appellate Courts.
- United States Code Annotated.
- U.S. Code Congressional and Administrative News.
- United States Supreme Court Digest.
- Modern Federal Practice Digest.
- West Digest System
- American Jurisprudence.
- Corpus Juris Secundum.
- Congressional Record.
- Federal Register.
- Code of Federal Regulations.
- United States Law Week.
- Criminal Law Reporter.
- Looseleaf Services.
- Shephards Citations.

- Annotated Statutes
- Opinions of the Federal and State Attorneys General.
- State digests and legislative services/websites
- Medical journals
- MEDLINE and/or Ovid
- Other Health Databases of Health Sciences and Health Policy Literature

Updating of all authority must continue to the date of publication. Not only may an article be written that affects the originality of a piece, but a case may be decided or overruled, or legislation enacted, that adds to or destroys a part of the analysis.

E. The Writing

A commentary must be at least 35 pages in length (including endnotes), conform to the proscribed *JLM* format (including proper BlueBook citation format), and be of publishable quality. **Below is a description of each section traditionally included in a commentary.**

- **TITLE:** The title should identify the focus of your commentary, be creative and entice the reader.
- **INTRODUCTION:** This serves to inform the reader about the topic of the commentary. A commentary introduction should be concise, informative, and interesting. The introduction should entice the reader to continue reading. Start out with a hypothetical, a catchy story or anecdote, shocking statistics and little known facts, or something that interests prospective readers into wanting to read the entire article. Your introduction may provide the opportunity to add human interest value should it be appropriate to your topic. The final paragraph, called a scope paragraph, should detail the format your commentary will follow. It should describe in three or four sentences precisely what your article will accomplish — the “roadmap” of your commentary. Avoid using passive verb tenses. The scope paragraph is a short narrative outline of the article.
- **BACKGROUND:** This section explains how early cases and/or legislation dealt with the area of law/medicine covered by your commentary. Provide the reader with a historical context of your topic. In certain situations, the commentary might be better organized around major issues in the area of law/medicine with each issue subdivided so as to include the background information on that issue. The topic of your commentary generally dictates the best format to use to organize and develop the article.
- **RECENT DEVELOPMENTS OR PRINCIPAL DISCUSSION:** This section builds upon the historical context provided in the Background section by bringing the reader up to date by analyzing current trends. Do not start your analysis in this section. This section should specifically address the main point of your commentary. Remember that even though this section should include the relevant cases, the reader is interested in the subject not the

specific cases. Thus, the nature of the case and its holding is all that is generally needed in the main text. Much of the details surrounding those cases can be relegated to the endnotes. (Do not fear lengthy endnotes. They can add details and information that you and many readers desire, but that take away from the flow of the commentary if included in the text.)

- **COMMENTARY – ANALYSIS:** This is where you thoroughly discuss and explain your views on your chosen topic. Tell the reader how and why past and present developments in this area have failed and/or succeeded. You should focus on the distinctions between the cases, the rationales involved, and the weaknesses and strengths of the positions. You should also discuss trends or potential problems that may arise. This section must state your position. It is the most important part of your commentary. Do not simply restate the existing literature on your topic. Develop a position and demonstrate why you are correct. The analysis in a commentary is one of the few opportunities for student writers to truly express a strong personal opinion or individual thought. Be creative and explore ideas that lead you to your proposed resolution.
- **COMMENTARY – PROPOSED RESOLUTION:** In this section, you want to propose something — maybe a new law or a change in an existing law. Be as specific as possible. If you propose the creation of a new statute to address the subject matter of your topic, try to write the proposed statute or some sample language that could be used in the statute. If you think a law should be changed, include the statute with any language you would add set apart from the existing language in italics or bold type.
- **CONCLUSION:** This section sums up your argument. Give the reader a clear, concise summation of the main themes in your commentary and a strong statement of where you stand on the issue. The conclusion should provide a capsule summary of the entire article and the ideas expressed within. (**No** *new* ideas, thoughts or information should be introduced in the conclusion.)

Your commentary should have as many sections as are necessary to properly develop the subject matter. It is extremely **helpful** for both the writer and the reader **if headings and subheadings are used appropriately to break up the material. Avoid using general headings** like "Discussion," and instead **create headings specific to your commentary.** The organizational style should help the reader to follow your logic and reasoning. A strong format creates a strong commentary.

All commentaries must use proper *Bluebook* citation form. It is your responsibility to ensure endnotes conform to *Bluebook* standards. The best ways to meet those standards are to **check each endnote as you are working** and keep a research log that notes all relevant information. Delaying in citation or failing to include all necessary information while researching is problematic and may interfere with successful writing.

The absolute best way to learn how to write a commentary is to read examples. You should pay special attention to student commentaries recently published in *JLM*.

Following exhaustive research and thought, you should be an expert on the area of the chosen topic. This expertise, however, must be communicated to the readers. The key to good communication is good writing. **Good writing does not flow from the pen or the keyboard. It is the product of hard work and much revision. This is expressed in the three tenets of law review writing: (1) clarity; (2) brevity; and (3) accuracy.**

You must **write for a reader who is a graduate of law or medical school (or both), who has been in practice, and who has forgotten most of the course work taken on the subject of the article.** This involves striking a medium between a restatement of the obvious and an overly esoteric approach to the subject.

A paper that is publishable meets certain form and substantive requirements. The “publishable” quality requirement ensures *JLM* will have student papers to consider for publication and experienced writers to compose the next Student Editorial Board. “Publishable” describes a paper that is suitable for distribution to the general audience of *JLM* — members of the legal and medical professions. **The subject matter, accuracy, and readability of the article must be of the quality of articles typically published in *JLM*.**

The minimum **form requirements for publishable quality** for *JLM* are:

- A minimum page length of 35 pages.
- One-inch margins on all sides.
- Typed double-spaced (including endnotes).
- 12-point font used for the body of the paper and endnotes.
- Endnote numbers are not superscripted.
- Courier New Font.
- Pages are numbered.
- Any block quotes within the paper are single-spaced and double indented (*i.e.*, indented on both sides).
- The entire paper is in proper *Bluebook* form.
- Section headings conform to *JLM* style.

The minimum **substantive requirements to meet the publishable quality standard** for *JLM* are:

- Thoroughly researched.

- Appropriate writing style.
- Logical and substantive analysis.
- Well-organized.
- Original thought.
- Technical accuracy.
- Proper use of grammar.
- Words are spelled correctly.
- No typographical errors.
- Addresses a current, controversial, or complex legal issue not preempted.
- Makes a contribution to the legal and medical communities.
- Treats issue thoroughly and accurately.
- Cites authority for all legal propositions.
- Final product clearly communicates its message.
- Concise, well reasoned, and internally consistent, both structurally and stylistically.
- Employs a logical progression.
- Maintains an appropriate balance between text and endnotes.
- Use of quotations is limited to supporting the arguments made.

E. The Endnotes

Endnotes serve three basic functions. First, they provide authority for assertions made in the commentary. This tells the reader where the author found the material and helps compile a bibliography that could be used for additional research. Second, endnotes attribute any borrowed materials to the proper source. Failure to properly attribute materials constitutes plagiarism. Plagiarism is a serious offense and a violation of the School of Law's Honor Code. Finally, endnotes can continue a discussion begun in the text but that is peripheral to the logical development of the main argument.

Some **basic guidelines about endnotes** include:

- **Always prefer mandatory authority.** Cases, statutes, and regulations are primary authority. Because *JLM* is a national publication, you are not limited, nor should you limit your sources, to Illinois.
- **Use secondary authority sparingly.** Secondary sources should be used discretely. Cite these sources only when they contain exceptionally good or pertinent material on your subject or when they offer insight unavailable in another source.

- **For an obvious or well-established point, cite a leading case and use the *e.g.* signal.**
- **For controversial issues or points of law that are not clearly established, give several cases or statutes that represent all viewpoints on the issue or point of law. A good rule is a minimum of three to five supporting authorities.**
- **Never stretch a case into saying something that it does not in fact say.**
- **Use string cites sparingly.** Each citation should have a point. This does not mean that a given endnote should not have several citations, but the reader should expect that each citation can be looked up without wasting time. Use parentheticals for all cites used, especially if in a string cite.
- **Everything in your text should lead directly to the primary holding of the main case.** Other material should be placed in endnotes in accordance with *Bluebook* format. In law review articles, textual endnotes are acceptable. Endnotes often contain much more information than strict citations.

F. The Publication Decision

All final drafts are submitted to the Commentary Editor-in-Chief and the Managing Commentary Editor each semester. The Commentary Editor-in-Chief, upon the recommendation of and in collaboration with the Editorial Board and the Associate Commentary Editors, will select (approximately) four drafts for publication among the submitted papers per semester (approximately two commentaries per issue). Drafts not selected during the first semester may still be eligible for selection during the second semester.

The drafts will be evaluated on the following: substance and readability, research, practical application, originality, the work required to prepare the article for publication, and citation form. All publishing decisions are subject to the review and approval of the Editor-in-Chief, Deputy Editor, and Faculty Advisor.

In addition, substantial edits and/or revisions **will** be required for all drafts. Your commentary will go through a number of editing phases with in the Commentary Editor-in-Chief, Faculty Advisor, Deputy Editor, and Editor-in-Chief. Publication is conditioned on the making of such changes by the student author.

III. WRITING PROCEDURE

The writing procedure involves several steps. Each semester, you are required to submit a written report, argument summary, and three drafts of the commentary. After each submission, you must meet with your assigned A.C.E to discuss the matter.

A. Written Report

Once you have chosen a topic and conducted a preliminary preemption check, you will submit a written report on the topic. This report should include approximately two or three paragraphs that describe the topic and your intended position. This report should also include a list of the three law review articles that are closest in subject matter to the topic you wish to write about and an explanation of how your commentary will provide a unique commentary on the law (*e.g.*, how it is different from those three articles). You should submit the report via e-mail to the Commentary Editor-in-Chief, Commentary Managing Editor, and your assigned A.C.E.

B. Argument Summary

After conducting more substantial research on your topic, you will submit a brief summary of your arguments. This summary should be approximately two or three pages in length and should include the arguments you intend to make in your commentary. You should only include background information to the extent that it is necessary to understand your argument.

You should submit the summary via e-mail to the Commentary Editor-in-Chief, Commentary Managing Editor, and your assigned A.C.E.

C. First Draft

The first draft submitted should be the product of critical examination and self-editing. Put as much work as possible into your first draft. This will make your life easier, because course work and other obligations increase as the semester continues. It will also enable your editors to give you more sound advice and constructive criticism. The better the draft you submit, the greater the advice you will receive, and the **greater likelihood of publication**. A copy of the first draft should be submitted via e-mail to the Commentary Editor-in-Chief, Commentary Managing Editor, and the appropriate A.C.E.

The minimum **form requirements** for a first draft are:

- A minimum page length of 20 pages.
- One-inch margins on all sides.
- Typed double-spaced (including endnotes).
- 12-point font used for the body of the paper and endnotes.
- Endnote numbers are not superscripted.
- Courier New Font.
- Pages are numbered.
- Any block quotes within the paper are single-spaced.
- Endnotes are in full Bluebook form (*i.e.*, do not use *id.*, *supra*, or *infra*).

The minimum **substantive requirements** for a first draft are:

- Thoroughly researched.
- Substantial number and variety of sources.
- Appropriate writing style.
- Logical and substantive analysis.
- Well-organized.
- Background section(s) completed.
- Commentary sections significantly completed and heavily outlined.
- Unique perspective.
- Proper use of grammar.
- Cites authority for all legal propositions.
- Maintains an appropriate balance between text and endnotes.
- Use of quotations is limited to supporting the arguments made.
- All non-original material is properly attributed to its original source.

D. Second Draft

The second draft submitted should be close to a final product. It should generally meet the form and substantive requirements of the final draft. A copy of the second draft should be submitted via e-mail to the Commentary Editor-in-Chief, Commentary Managing Editor, and the appropriate A.C.E.

The minimum **requirements** for a second draft include all requirements for a first draft, in addition to:

- A minimum page length of 30 pages.
- A creative title specific to the topic.

- All Commentary sections completed.
- Introduction and Conclusion sections heavily outlined.
- Technical accuracy.
- No typographical errors.
- Treats issue thoroughly and accurately.
- Clearly communicates its message.
- Concise, well reasoned, and internally consistent.
- Maintains a logical progression.

E. Final Draft

The final draft submitted should be a publishable work and meet the JLM requirements for publishable quality detailed above. A copy of the final draft should be submitted via e-mail to the Commentary Editor-in-Chief and Commentary Managing Editor. A printed copy should also be submitted to both via their Student Mailboxes. All publishing decisions are based upon the submitted final draft.

III. RULES & REGULATIONS

A. Deadlines

Deadlines will be posted on the JLM TWEN page. **All deadlines are at 5:00 p.m. unless otherwise noted. Deadlines are extremely important, and the production process requires strict adherence to deadlines. *Failure to meet deadlines will result in disciplinary actions, up to and including removal from JLM staff.***

If extenuating circumstances occur that make it impossible for you to meet a deadline, you must contact your assigned A.C.E. and the Commentary Managing Editor before you miss the deadline to discuss the situation. If this occurs, the Commentary Managing Editor **has the discretion to** grant a **reasonable** extension. **Absolutely no extensions are allowed for the final draft.**

B. Cite Checks

All student contributors are expected to perform cite checking duties. The frequency of cite checks may vary due to the number of articles in upcoming issues. Students are expected to attend **every** cite check.

If extenuating circumstances occur that make it impossible for you to attend a cite check, you must contact the Commentary Citation Editor *prior* to the meeting to discuss the situation. If this occurs, the Citation Editor **has the discretion** to allow you to make up the absence.

C. Penalties

Failure to meet deadlines, attend meetings, submit work meeting minimum requirements, or otherwise act in a professional manner **will** subject you to an array of penalties. *JLM* uses a demerit system. Each infraction earns a demerit, and each demerit comes with harsher penalties. After earning one demerit, you must meet with your A.C.E. and the Commentary Managing Editor to discuss the problem(s). If the demerit is related to cite checking, you must meet with the Commentary Citation Editor and the Commentary Managing Editor. If the demerit is the result of *LMP*-related issues, you must meet with the *LMP* Managing Editor and the *LMP* Assistant Managing Editor. You must also correct the

problem in accordance with a timetable outlined by the Commentary Managing Editor, Commentary Citation Editor, and/or *LMP* Managing Editor.

After earning a second demerit, you must meet with the Commentary Editor-in-Chief and the Faculty Advisor to discuss the problem(s). If the demerit is related to your commentary or *JLM* duties in general, the Commentary Managing Editor will be present. If it is related to cite checking, the Commentary Citation Editor will be present. If it is related to *LMP*, the *LMP* Managing Editor will be present. You must also correct the problem in accordance with a timetable outlined by the Commentary Managing Editor, Commentary Citation Editor, or *LMP* Managing Editor.

After earning a third demerit, you must meet with the Commentary Editor-in-Chief, Faculty Advisor, and Deputy Editor to discuss the problem(s). If a problem persists enough to reach this stage, you will be recommended for a failing grade and for immediate removal from the *JLM* staff.

Because plagiarism is such a serious offense of academic misconduct, if you are caught plagiarizing, you will receive a failing grade, be removed from the *JLM* staff immediately, and will be referred to the appropriate School of Law authority. The School of Law's presumptive sanction for plagiarism is permanent separation from the School or suspension for two regular academic semesters.

IV. JLM TEXT CHOICES

JLM has adopted several rules regarding abbreviations and word usage, detailed below. Common mistakes in commentaries are also outlined below. If you have any questions about what is or is not acceptable format for a commentary, consult your A.C.E. Most questions can be answered by reviewing recent copies of *JLM*. For a concise guide to style appropriate for any genre, **consult Strunk and White's *The Elements of Style***. You may also wish to **consult *The Chicago Manual of Style***. The following are some **guidelines to some of the more common stylistic mistakes made by writers**.

A. Word Choice, Numbers, & Symbols

- **Abbreviations:** DO NOT use abbreviations in the text (except Co. and Corp. when used in a case name). This includes U.S., *i.e.*, *e.g.*, and etc. Use "United States," "in other words," "for example," and "and the like," respectively. Lowercase letters should be used for the abbreviations a.m. and p.m. Figures should always be used with these: "the law went into affect at 6:00 a.m."
- **"Article" or "Commentary":** A student-authorized submission is termed a "commentary." This distinguishes student materials from *JLM's* lead articles, written by professionals. Accordingly, you should never refer to a student commentary as an "article."
- **"Attorney" or "Lawyer":** Use the word "attorney" instead of "lawyer."
- **"Because" or "Since":** Use "since" when referring to a starting point in time – "since 1789..." Since generally means a time period that has elapsed. "Because" is generally used in relation to causation: "Because the legislature has not dealt with this issue, the courts have been forced to develop a common law remedy." Therefore, instead of "since the physician failed to informed the patient," use "because the physician failed...."
- **Centuries:** Centuries should be written out in lower case letters. "A trend developed in the first quarter of the twentieth century."
- **"Doctor" or "Physician":** Use "physician" instead of "doctor."
- **Gender Neutral Pronouns:** Avoid sex-specific pronouns. Instead, phrase the sentence so that plural pronouns can be used. Example: "Itemized billing permits the physician to directly bill the Medicare patient his usual fee," should be written as: "Itemized billing permits the physician to bill the Medicare patient directly for the usual fee."
- **If – then:** Use "if" with "then." "If this problem is resolved, then the patient will benefit."

- **“Less” or “Fewer”:** DO NOT use “less” when “fewer” should be used. “Less” is used for bulk or quantity, and “fewer” is used for individual items. “Fewer than 10 people applied for the job.” “The business will use fewer pencils and more computers.” And, “the project took less time this month.” “Frank weighs less than Barney.”
- **Numbers:** Numbers 10 and up should be written in Arabic numerals instead of as words.
- **“Over” and “More Than”:** DO NOT use “over” when you should use “more than.” “Over” refers to spatial relationships. “More than” refers to quantities. “The plane flew over the city.” “Their salaries went up more than \$25,000 per year.”
- **Percentages:** Use the percent sign (%) instead of writing out “percent” *e.g.*, 10%, unless it begins a sentence, *e.g.*, “Ten percent.”
- **“That” or “Which” – Rule on Essential and Nonessential Clauses:** As a general rule, the word “that” should be used to introduce essential clauses. The word “which” should be used to introduce nonessential clauses, and those clauses should be set apart from the rest of the sentence by commas. An essential clause is one that cannot be eliminated without changing the meaning of the sentence; the sentence is not dependent on it. Example: “This is the brief that won the case for us.” A nonessential clause can be eliminated without changing the meaning of the sentence: “This brief, which took nine hours to write, won the case for us.”
- **“When” or “Where”:** Use the word “when” instead of “where,” unless the context of the sentence requires “where.” Example: “In situations where an objection should be made...” “When an objection has been made ...”
- **Internet and Web Site:** When referring to the Internet, the term should be capitalized. The phrase “web site” should be used as two words, in lower case.
- **However:** Sentences should not start with the word “however.” The word however should follow the subject of the sentence. Example: “The Supreme Court, however, rejected the hospital’s reasoning.”
- **Contractions:** Contractions should never be used. Spell the words being contracted completely. Example: “cannot,” “should not,” “will not,” etc.

B. Grammar and Punctuation

- **Possessives:** When the noun already ends in “s”, add “ ’s” unless the next word begins with “s.” For example: “the witness’s answer” and “the witness’ story.” However, only add “ ’ ” when the noun is proper: “Douglas’ opinion.”
- **Dates:** DO NOT use “’s” to indicate a span of years, instead simply add “s”: “the 1800s.”

- **Articles:** Always use an article (*i.e.*, the, or, a) when referring to “the defendant,” “a plaintiff,” “the petitioner,” etc., in the text of the paper. In the endnotes, articles should not be used in parenthetical case of article descriptions.
- **Capitalization:** Capitalize “court” where the full title of the court is given or where referring to the United States Supreme Court; the Supreme Court of Illinois; the Illinois Appellate Court; First District; the Supreme Court, the Court (when referring to the US Supreme Court). The word is not capitalized in other references: “The state supreme court; the court held.” Similarly, capitalize “constitution” only when referring to the United States Constitution or when referring to a document in its full title: “the Illinois Constitution”; “the Constitution” (when referring to the U.S. Constitution); “the constitution” (state). Specific Clauses and Amendments to the Constitution should also be capitalized: “the Due Process Clause,” “the Establishment Clause,” “the First Amendment,” when referring to them in textual sentences, but not in endnote citations.
- **Commas:** Use commas before “and”, “or” “&” when a sentence is giving a series of items. Example: apples, oranges, and pears.
- **Dates:** When referencing dates, use “In November of 1989” instead of “In November 1989.”
- **Hyphenation:** DO NOT hyphenate compound words unnecessarily: “coauthor,” “un-American”. See *Manual of Style* §§6.8-9.
- **Quotation Length:** Quotes of 49 words or less should be placed within quote marks. You should indent the quoted material ONLY WHEN the quote is 50 words or more. Block quotes should be double indented and single spaced.
- **Single Quotation Marks:** Only use single quotation marks for a quote within a quote. Otherwise use double.
- **Punctuation Before a Quote:** Use a colon, rather than a comma before introducing a direct and full quotation. Justice Stevens said: “The time to act is now.” DO NOT use a comma at the beginning of an indirect or partial quote. The opinion stated that “privacy is mentioned nowhere in the Constitution.”
- **Punctuation Within a Quote:** As a general rule, periods and commas always come before the ending quotation marks: “The bill, known as the ‘Anderson-Price Bill,’ passed the House in April.” But the question mark, exclamation point, semicolon, and dash generally are placed outside the quotation marks unless the punctuation is part of the quotation: “Justice Douglas asked, ‘Is this harmful to the environment?’” “Are people ready for ‘the revolution?’”
- **Ellipses:** Ellipses should NEVER be placed at the beginning of a quotation. Use ellipses (three periods, **with a space between periods**, in the middle of a sentence, four periods at the end of a sentence) to show material that has been omitted from the quotation: “The state constitution . . . was enacted by the people to protect their privacy rights.” OR “The state constitution . . . was enacted by the people. . . .”

- **Brackets:** Use a bracket to indicate that material has been altered, such as by capitalizing a word or substituting another word. Original: "Time is of the essence." Quote: The court said that "[t]ime is of the essence." Original: "The court finds that Mary Smith was negligent because she failed to stop at the red light." Quote: "The court finds [the defendant] negligent because she failed to stop at the red light."
- **Split Infinitives:** As a general rule, an author should avoid awkward constructions that split the infinitive forms of a verb (to leave, to make, to help) or compound forms of a verb (had left, had made). Adverbs should be placed either before or after the entire verb package. For example, it is awkward to say: "She was ordered to immediately file a motion in the case." It is better to write: "She was ordered to file a motion in the case immediately. There are times, however, when a split is NOT awkward and is necessary to convey the proper meaning. "The budget was tentatively approved."
- **Spacing:** Use two spaces after a period or colon. Examples: "The Act was passed in 2001 with substantial bipartisan support. Since then, however, support for the Act has steadily declined." "The Supreme Court identified three broad categories that Congress may regulate under its Commerce Clause authority: (1) the channels of interstate commerce, (2) the instrumentalities of interstate commerce, and (3) activities that have a substantial affect on interstate commerce."
- **Long dash (em-dash):** When you are trying to use a long dash to demarcate a parenthetical thought, you must use an em-dash (—). You should not place spaces on either side of these dashes. Example: "The Supreme Court rejected the appellant's reasoning—including its underlying policy implications—and affirmed in the appellee's favor."

V. CITE CHECKING

A proper substantive cite check usually reveals errors in research and legal analysis. As such, all concerns and suggestions should be voiced without reservation to the Editors. Recognition of inherent problems, as well as technical inaccuracies, at this point in the process will avoid such problems at later stages where the costs in terms of time, effort, and finances have increased significantly. The importance of this part of the editorial process cannot be emphasized enough.

Basically, **cite checking involves five main aspects:**

- **Locating each authority cited** in your assigned portion of the article.
- **Checking the substantive accuracy of the citation.** Does it actually support the proposition for which the author has cited it? Is any quoted material quoted word for word? Would paraphrased material be better if it used direct quotations?
- **Checking and correcting citation form.** You should operate under the assumption that every citation is wrong. Check the *Bluebook* for every single citation even if you think you know how to do the citation correctly. Locate and apply the proper rule for each citation. If you make a correction, note the relevant *Bluebook* rule next to the correction. If you believe the *Bluebook* does not address this particular type of source or that the *Bluebook* is ambiguous, ask your A.C.E.
- **Editing textual sentences and parentheticals that appear below the line for style and grammatical errors.** If you think something is unclear, note this. If you think an additional endnote is needed, note this, as well.
- **Editing the text above the line that corresponds to the endnotes for style and grammatical errors.**

The following steps should serve as a **guide to the cite checking process:**

- **Check the proposition for which the authority is cited.** Does the authority cited by the author actually support the proposition for which it is cited? Has the author reached logical and reasonable conclusions based upon the proposition? These are often difficult questions to answer and involve thorough and thoughtful analysis of the author's assertions as well as the authority cited. The editor must also ascertain whether the cited material is taken in the proper context — the headnote should never be relied upon. Again, it must constantly be borne in mind that the substantive cite check is

the only time that the material cited by an author is closely examined by someone else prior to publication.

- **If the information is not on the page cited, locate it in the source.** Usually the information is on the preceding page or the following pages. Do not make a notation such as "not there" without attempting to find the information.
- **It is very important that summaries of facts of cases be checked with a careful eye toward mistakes,** such as using "appellant" for "petitioner" or "he" for a female litigant.
- **Check the abbreviations of each case name in the citation.** Abbreviations are listed in the Bluebook.
- **Check the citation of every source.** Check the citation format, including: dates, spacing, punctuation, capitalization, beginning page number, font (*i.e.*, should it be italicized?), etc. Watch for missing parenthetical information in case citations. Remember that federal courts of appeals require a citation to the district. State supreme court cases must include the state abbreviation when citing only to the regional reporter.
- **Carefully check any quoted material.** Quotes must be word for word, punctuation for punctuation, exactly the same as the source. The official report is controlling. Never check direct quotes from Westlaw or Lexis.
- **Check the dates cited for statutes.** The date should correspond to the date of the code edition cited, not the date of the enactment.
- **Check signals and signal order.** Misuse of the signals could contradict the author's intended meaning, or worse, misstate the holding of the case.
- **Make sure that the use of *Id.* is appropriate.** This can be used only when the preceding endnote contains only one authority. Otherwise, the reader will not know what *Id.* refers to.
- **Correct all cites.** Do not leave any cite with a commentary of "wrong," "check this," or "cannot find." It is your job to correct and find the missing information. If the information can be found on Westlaw or Lexis, check online during the cite check.
- All endnotes are not created equal. When you are finished with your set of pages, ask if you can help someone else. The cite check is a group project, and everyone should finish at approximately the same time. **No one may leave a group cite check until all work is finished.**

VI. LEGAL MEDICINE PERSPECTIVES

A. Description

Legal Medicine Perspectives (LMP) is a bimonthly newsletter published by the American College of Legal Medicine that provides an accurate synopsis of recent and important cases at the intersection of law and medicine. *LMP* is distributed to and read by professionals in both the legal and medical fields. *LMP* student contributors are responsible for writing these synopses.

B. Minimum Requirements

A brief that is of publishable quality meets certain form and substantive requirements. The minimum **form requirements for publishable quality** for *LMP* are:

- The case name as a title in proper *Bluebook* form.
- An opening sentence conveying the topic the briefed case addresses, the key issued by the court, and the holding.
- A facts section sufficient to show the importance of each issue addressed by the court.
- A summary of the procedural history.
- An IRAC section for **EVERY** issue addressed on appeal.
- A section discussing any dissents and/or concurrences.
- A minimum page length of 4 pages.
- One-inch margins on all sides.
- Typed single-spaced.
- 12-point font used for the body of the paper and endnotes.
- Time New Roman font.
- All citations should be contained within the text of the brief, rather than as endnotes.
- The entire brief is in proper *Bluebook* form.
- Saved in .doc or .docx file format.
- Accompanied by a .pdf of the briefed case.

The minimum **substantive requirements for publishable quality** for *LMP* are:

- Appropriate writing style.
- Logical and substantive analysis.

- Well-organized.
- Technical accuracy.
- Proper use of grammar.
- Words are spelled correctly.
- No typographical errors.
- Treats synopsis thoroughly and accurately.
- Concise, well reasoned, and internally consistent, both structurally and stylistically.
- Employs a logical progression.

C. Deadlines

Deadlines will be posted on the JLM TWEN page. **All deadlines are at 5:00 p.m. unless otherwise noted. Deadlines are extremely important, and the production process requires strict adherence to deadlines. *Failure to meet deadlines will result in disciplinary actions, up to and including removal from JLM staff.***

If extenuating circumstances occur that make it impossible for you to meet a deadline, you must contact the *LMP* Managing Editor before you miss the deadline to discuss the situation. If this occurs, the *LMP* Managing Editor **has the discretion to grant a **reasonable** extension.**