

TLR & TICLJ WRITE-ON TRAINING

SPRING 2021

Jason Hirsch - TLR Write-on Coordinator
Sarah Hampton - TICLJ Editor-in-Chief



Agenda

1. TLR Case Note
2. TICLJ Submissions
3. *5 Minute Break*
4. Citation Tips and Guidelines
5. Citation Worksheets (TLR & TICLJ)
6. Diversity Form (TLR & TICLJ)

Temple Law Review

Competition Dates:

Friday, May 14 @ 4 PM-Monday, May 24
@ 9 AM

COMPONENTS:

- 6 submissions
 - Highest Aggregate scores (50% GPA 50% Packet Score)
 - Packet Score Components:
 - Case Note: 75%
 - Citation Worksheet: 25%
 - 20 submissions
 - Remaining highest Packet Scores
 - 20 submissions
 - Holistic Review
 - GPA
 - Packet Score
 - Optional Diversity Form
-

Temple's International and Comparative Law Journal

Competition Dates:

Friday, May 14-Wednesday, May 31

COMPONENTS:

- Grades: 50%
 - Citation and Editing worksheet: 40%
 - BTL edits: 25%
 - ATL edits: 15%
 - Statement of Interest: 10%
 - Resume (ungraded)
 - Diversity form (ungraded)
-

INTENT TO PARTICIPATE FORM

Available starting **Wednesday, April 14** and is due by **Wednesday, May 19 at 11:59 PM**

Intent form is for BOTH journals and is REQUIRED

Go to:

<https://www.law.temple.edu/academics/intellectual-life/journals-law-reviews/>

Link to form itself will be at the bottom of the page!

A direct link to the form will also be available on Canvas.

WRITE-ON PACKETS INCLUDE

TICLJ

- Instructions
- Text Excerpt
- Citation Worksheet
- Sources used in Text Excerpt
- Diversity Form

TLR

- Competition Rules
 - Case Note Materials
 - Citation Assignment
 - Diversity Form
-
- **Important Rules for TLR**
 - **Closed Competition:** Packet includes all the research you need! No outside research is permitted.

YOU WILL SUBMIT

TICLJ

- Article edits (with track changes on)
- Citation worksheet
- Statement of Interest
- Resume
- Optional Diversity form

TLR

- Case Note
- Citation Assignment
- Optional Diversity form

Anonymous Grading

- Use Spring 2021 exam number
- Do NOT provide identifying information about yourself.
 - In the materials you submit
 - When asking questions about your application
 - Example: “I’m writing my personal statement about North Korea...”
- Anonymity will be lifted once competition scores are calculated.

Saving & Uploading Documents

- (Spring 2021 Exam #)_Document Title
 - Example: 5555_Citation Worksheet
- **Important:** change author name (to Applicant) and initials (to Exam #) in Word
 - Mac: Word → Preferences → Personal Settings → User Information
 - PC: File → Options → General → Change User
- Upload documents to ExamSoft as you would a take-home exam
 - Best to use Chrome or Firefox browser

Temple Law Review: Case Note

Approaching the Case Note

Case Note: A law review article that analyzes an important case.

- Don't shy away from taking a well-supported stand.
- Abide by structure—don't attempt to show your personal style by changing structure.
- Sections that you will be responsible for:
 - I. Prior Law
 - II. Court's Analysis
 - III. Personal Analysis
 - IV. Conclusion

Prior Law

- Overview of prior law on the same subject leading up to your lead case.
- You should not be making an argument; simply explain how other courts held.
- Consider how many cases to use in this section:
 - Cases in the same jurisdiction?
 - Cases in other jurisdictions?
- This section should have fewer non-case sources, but some may have a place.

Court's Analysis

- A concise, pertinent discussion of the court's reasoning in your lead case.
- Again, do not include your own personal arguments in this section.
- Incorporate context:
 - The development and trends in the law that impacted the court's reasoning
 - Any concurring or dissenting opinions
- This section should prepare the reader for your Personal Analysis.

Personal Analysis

- What do you think? This is the most difficult but most important part of a Note.
- Add something new to the discussion, but support your arguments
 - This is really what you will be doing as a staff editor! Show your skills.
- Questions to consider:
 - Is the court's rationale valid?
 - What alternative methods could the court have used to reach the same result?
 - If you determine the holding is wrong, why?
 - Based on the facts, what alternative rationale supports a different holding?

Conclusion

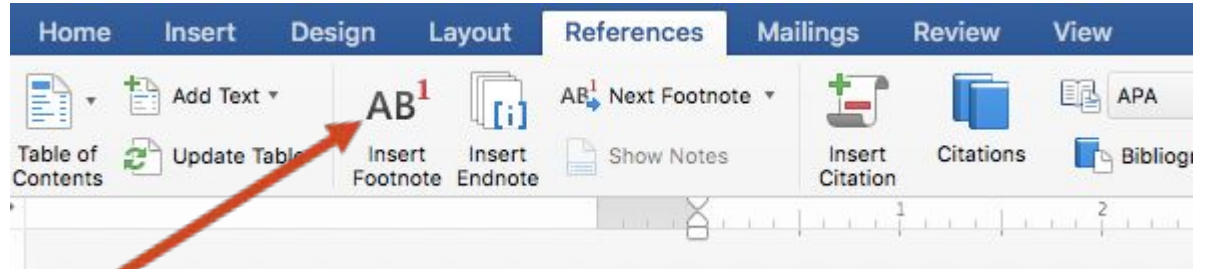
- Restate your thesis and the main arguments supporting your position
- Incorporate a succinct wrap-up of the court's holding in the lead case.
- Don't forget: A clear and concise thesis is a crucial component of your Note.
- Your Conclusion is a barometer: if you can clearly and concisely summarize your analysis, you likely have a successful Note.

Keys to Writing a Successful Note

- Clear, concise, well-planned writing.
- Thoroughly and accurately cited.
- Good use of top sentences in almost every paragraph.
- Quotations are reserved for key language and are not overused.
- Footnote parentheticals are used to supplement the above-the-line text.

Academic Citations for Your Note

Inserting footnotes in
Microsoft Word



This is a sentence that needs a footnote.¹

¹ Here is the citation for that sentence.

Footnote & Footnote Placement

- Every sentence should have at least one citation.
- Footnote call number placement in above-the-line text:
 - After: periods, commas, semicolons
 - Before: dashes, colons
- Use 12-point Times New Roman font both above and below.
- **Bluebook Rule 1.1.**



TICLJ: Statement of Interest & Resume



TICLJ: Statement of Interest

- Write 2-4 pages discussing either:
 - Your interest/background in international or comparative law; OR
 - Brief exposé on a relevant international law topic; OR
 - Why you want to contribute to TICLJ's work
- Not a judgment on previous international law experience
 - You may consult with others regarding topics of international and/or comparative law
 - You may not have anyone proofread your writing
- Graded on:
 - Formatting
 - Grammar
 - Quality of content & writing

TICLJ: Resume

- CONFIDENTIALITY
 - Use Spring Exam # instead of personal information (name)
 - Do not need to scrub institution or employer names
- List anticipated graduation date
- Include GPA
- Standard resume length
 - One page
 - More depending on experience
- Holistic Review
 - Previous employment, education, organization membership, volunteer experience

5 Minute Break



Citation Guidelines



BTL Edits: General

- TLR: Bluebook (21st edition) or ALWD (6th edition)
- TICLJ: Bluebook only
- **Every** sentence should have a footnote with at least one citation
- How to make a footnote:
 - Mac: Command + Option + F
 - PC: CTRL + Alt + F
- Footnote placement
 - AFTER: period, comma, semicolon
 - BEFORE: dashes and colons
- 12 pt font for both ATL & BTL.

In 1968, the California Supreme Court became the first court to reject the zone of danger limitation and adopt a foreseeability test for emotional distress in the seminal case of *Dillon v. Legg*.¹¹ Most jurisdictions have followed suit and adopted their own versions of the foreseeability test in *Dillon*, reasoning that the zone of danger test was too restrictive.¹² Factors in these tests typically include physical proximity to the victim during the accident, observation of the accident, and whether the plaintiff and the victim are closely related.¹³

For example, in *Heldreth v. Marrs*, the Supreme Court of Appeals of West Virginia detailed its required elements to bring a claim of NIED.¹⁴ The plaintiff must show that they were “closely related” to the victim, that they were at the scene of the accident and aware that it was causing injury to the victim, that the victim was critically injured or killed, and that the plaintiff

⁸ *Id.* See also Bassi, *supra* note 5, at 922.

⁹ Bassi, *supra* note 5, at 915.

¹⁰ Uhl, *supra* note 1, at 1413 (“[T]he application of the zone of danger occasionally has been criticized as harsh because it bars claims on the fortuity of the plaintiff’s location, which has no relation to the injury suffered.”).

¹¹ Dobbs, *supra* note 7. Twenty-one years later, in *Thing v. La Chusa*, the California Supreme Court altered the *Dillon* guidelines and made them required elements for NIED claims. Flora, *supra* note 6, at 30.

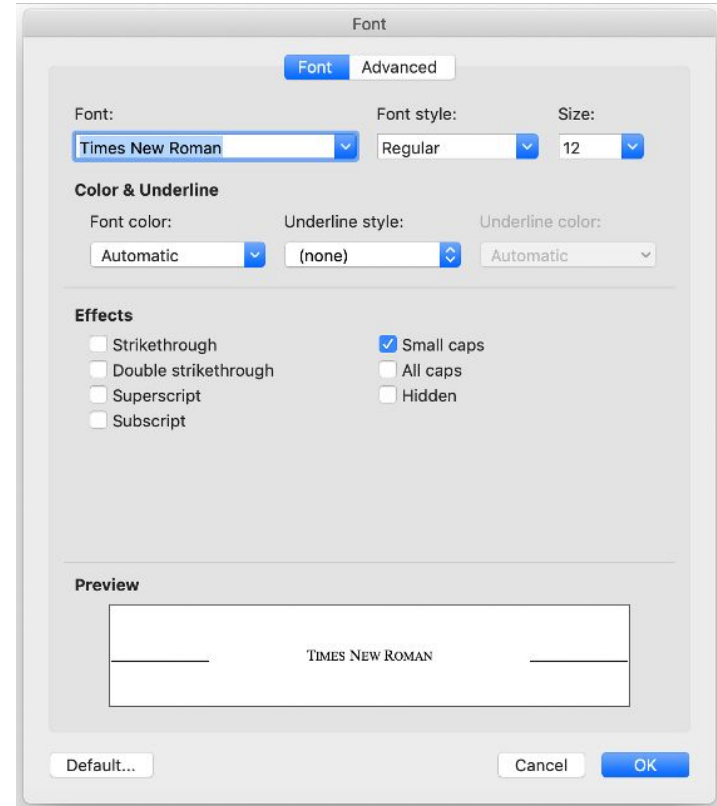
¹² See Flora, *supra* note 6, at 30 (explaining the *Dillon* court’s rationale for rejecting the zone of danger test) (“[T]he concept of the zone of danger cannot properly be restricted to the area of those exposed to *physical* injury; it must encompass the area of those exposed to *emotional* injury.”).

¹³ Kestin, *supra* note 2, at 520–21.

¹⁴ 425 S.E.2d 157, 169 (W. Va. 1992) (rejecting the zone of danger requirement as “restrictive and harsh” and adopting a foreseeability test).

BTL Edits: Typefaces

- Large and Small Caps are used for:
 - Books: titles and authors
 - Publication Titles: journals, periodicals
- Italicizing Punctuation
 - Italicizing the period in *Id.*
 - Italicize the periods in the signal *e.g.*
- Instructions
 - *Format* → *Font* → *Select “small caps”*
 - *Shortcut:*
 - *Shift + Command + K (mac)*
 - *Shift + Ctrl + K (PC)*
- Refer to BB Rule 2.1 and other BB rules for each type of source



BTL Edits: Signals

- If source does not directly support assertion, **use a signal**
- No signal necessary if direct quotation
- Use **See** if paraphrasing or rephrasing a concept in your own words (i.e., no quotes). Include parenthetical!
 - *Use source to write your own parenthetical if none provided*
- Use **See also** after using *See* to show similar examples
- Use **See e.g.**, if you refer broadly to “the law” or the consensus
- Use **cf.** to make related point or draw non-obvious conclusion
- Use **But see** to introduce counterpoint
- Use **Id.** if the source is the same as the previous

BTL Edits: *Supras* and *Infras*

- ***Supra***→ Above; references something already discussed in the text.
- ***Infra***→Below; references something discussed later on in the text.
 - **Two uses:** internal cross references and short citation forms
 - *See infra* Part V. Dunoff, *supra* note 17, at 504 (parenthetical).
 - Check which sources allow the short form!
- Signals of the same basic type (supportive, comparative, contradictory) must be strung together by semicolons
 - **See** Dunoff, 27 I.C.J. at ¶ 20 (par.); **accord** Hollis, 30 I.C.J. at ¶ 50 (par).
- Signals of different types must be grouped in different citation sentences
 - **See, e.g.**, Dunoff, 27 I.C.J. at ¶ 20. **But see** Hollis, 30 I.C.J. at ¶ 50 (par.)
- Pay attention to correct order of signals
- **Refer to BB Rule 1.2**

BTL Edits: Case Citations

- Case names:
 - Do not italicize: full case names in citation
 - Do italicize: full case names in above-the-line sentences
 - Do italicize: shortened case names in short-form citation
- Always provide a pin cite: Mandel v. Bretschneider, 20 U.S. 19, **23** (2017).
- Adhere to the five-footnote rule [**Bluebook Rule 10.9**]:
 - You may use a short-form citation only if a case has been cited in the preceding five footnotes (in either long or short form)
- **Bluebook Rule 10**

BTL Edits: Other Information

- Internet sources (BB Rule 18)
 - *Some sources can be cited as if to the original print source, and others must be cited with a URL*
 - *Provide URL after the date parenthetical*
 - *If undated, use a "last visited" parenthetical*
- Law journals (BB Rule 16)
 - *Jaya Ramji-Nogales, Introduction to the Festschrift in Honor of Henry J. Richardson III, 31 Temp. Int'l & Comp. L.J. 1 (2017).*
 - *Abbreviate periodical names per BB tables*

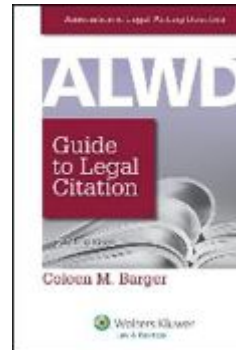
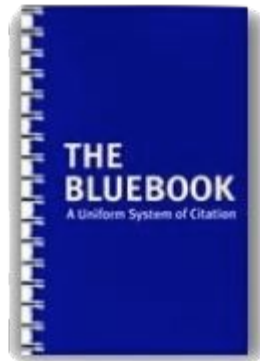
BTL Edits: International Materials

- Foreign Materials (BB Rule 20)
- International Materials (BB Rule 21)
- Check type of source first
 - *United Nations, NGO, treaty, international law case*
- Various international courts (ICJ, ICC, EU courts)
 - *Include characterization of decision (judgment, etc.)*
 - *Military and Paramilitary Activities in and Against Nicaragua (Nicar. V. U.S.), Judgment, 1986 I.C.J. 14, ¶ 190 (June 27)*
- Pin cites for many int'l materials will be ¶, not page numbers
- Read the rules and use your best judgment

TLR: Citation Worksheet

TLR Citation Worksheet

- Students will be responsible for editing/rewriting footnotes to ensure compliance with Bluebook (21th Edition) and ALWD (6th Edition).
- Responsible for editing/rewriting “above the line” text to ensure compliance with Chicago Manual of Style (CMOS).
 - CMOS rules will be provided



TLR Citation Worksheet

- You will complete a Response worksheet based on pages of an article written on the lead caes from the write-on packet.

Citation Worksheet Response
Exam Number: XXXX
Written using the Bluebook Citation Manual, 20th Edition

ATL 1	<p>Unprompted:</p> <ol style="list-style-type: none"> The Case name "<i>Freeman v. Broadlawns Med. Center</i>" is properly italicized in text pursuant to BB 2.2. the case in above the line text, however, should not be abbreviated "Med." because abbreviations in text should only include widely known acronyms under BB 6.1(b) and the eight words listed under BB 10.2.1(c). See "suggested edits" below. "Iowa Supreme Court" is correctly capitalized under BB (c)(ii) because it is naming the court in full. <p>The ATL assertion is support by the cited authority, however, look to pin cite issue in FN 1 discussion below.</p> <p>Suggested Edits: In <i>Freeman v. Broadlawns <u>Med-Medical</u> Center</i> the Iowa Supreme Court first recognized as valid a cause of action for wrongful birth.</p>
FN 1	<p>Unprompted:</p> <ol style="list-style-type: none"> This footnote is accurate because it uses a short form citation without the case already being cited in full citation pursuant to rule BB 10.9. There is a missing period at the end of this citation. See "suggested edits" below. The abbreviations "Med." And "Ctr." Can be abbreviated in the citation (unlike in-text) pursuant to BB 10.2.2 and Table 6 that specifically abbreviates Medical to "Med." And Center to "Ctr." Additionally,, "N.W.2d" complies with BB 6.1(a) and Table 1 and "(Iowa 2017)" complies with BB Table 1. The use of no signal is accurate pursuant to BB 1.2 because the authority is directly cited in the sentence. The pin cite to page 398 seems to be inaccurate, instead the pin cite should be to page 396 where the court specifically states that Iowa recognizes wrongful birth actions. <p>Suggested Edits: <i>Freeman v. Broadlawns Med. Ctr.</i>, 896 N.W.2d 393, 396 (Iowa 2017).</p>
ATL 2	<p>No suggested edits.</p> <p>The ATL assertion is support by the cited authority.</p>
FN 2	<p>Prompted</p> <ol style="list-style-type: none"> In response to LRE regarding compliance with BB 1.2 and the use of no signal: The use of no signal is accurate here as the cited authority directly states the ATL proposition. <p>No suggested edits.</p>

TLR Citation Worksheet: ATL Prompts

One of the most common applications of the negligent entrustment doctrine involves entrustment of an automobile.⁸ Indeed, one of the earliest applications of the negligent entrustment doctrine—Anderson v. Daniel—involved the entrustment of an automobile.⁹ **[LRE to Staff: Please ensure compliance with BB 2.2 (Typeface).] [LRE to Staff: Please ensure proper use of em-dash in compliance with CMOS. Please make sure the em-dash is formatted properly.]** Given that 34,675 Americans were killed in traffic accidents in 2014,¹⁰ negligent entrustment suits against entrustors of automobiles will likely continue to be common.

TLR Citation Worksheet: BTL Prompts

¹ Arthur Cholodofsky, *Torts: Does the Negligent Entrustment Doctrine Apply to Sellers?*, 38 U. FLA. L. REV. 925, 926–27 (1987). [**LRE to staff: Please ensure compliance with BB 16 (Periodicals/Journals).**]

² *Negligent Entrustment*, Black's Law Dictionary (Bryan A. Garner ed., 10th ed. 2014).

³ *Fuller v. Studer*, 833 P.2d 109, 111 (Idaho 1992) (quoting *Alegria v. Payonk*, 619 P.2d 135, 137 (Idaho 1980)). [**LRE to Staff: Please ensure compliance with BB 10 (Cases).**]

⁴ Cholodovsky, *supra* note 1, at 926–27.

⁵ *See, e.g., Broadwater v. Dorsey*, 688 A.2d 436 (Md. 1997); *Fuller*, 833 P.2d at 110–11.

⁶ *Compare Casebolt v. Cowan*, 829 P.2d 352, 363 (Colo. 1992), with *Lydia v. Horton*, 583 S.E.2d 750, 752 (S.C. 2003). [**LRE to Staff: Please ensure compliance with BB 1.2 (Signals).**]

⁷ *See Gray v. Runner*, 245 P.2d 375, 383 (Kan. 2013) (citing KAN. STAT. ANN. § 60-258a (2017)); *See also Lydia, supra* note 6, at 752 n. 2 (analyzing the interplay of the negligent entrustment doctrine with comparative and contributory negligence rules.).

TICLJ: Citation Worksheet

TICLJ BTL Worksheet

BTL Worksheet Response
Exam # 5555

FN	COMMENTS
1	<p>Original: Rome Statute, art. 78, July 12, 1998.</p> <p>Corrected: Rome Statute of The International Criminal Court art. 78, Jul. 12, 1998, 2187 U.N.T.S. 135-36.</p> <p>Additional Comments: BB Rule 21.4</p>
2	<p>Original: Regulations of the Office of the Prosecutor, International Criminal Court, Document Number ICC-BD/05-01-09, Reg. 29(2) (Apr. 23, 2009).</p> <p>Corrected: Regulations of the Office of the Prosecutor. Reg. 29(2), U.N. Doc. ICC-BD/05-01-09 (Apr. 23, 2009).</p> <p>Additional Comments: BB Rule 21.7.4</p>
3	<p>Original: <i>Prosecutor v. Gloudé</i>, Case No. 02/11-02/11, Decision on the Defense challenge to the admissibility of the case against Charles Blé Gloudé for insufficient gravity, paragraph 19, (November 12, 2014).</p> <p>Corrected: <i>Prosecutor v. Blé Goudé</i>, ICC-02/11-02/11, Decision on the Defense challenge to the admissibility of the case, ¶19, (Nov.12, 2014).</p>

TICLJ BTL Example

-
- ¹ This section is below-the-line (BTL). Note the line directly above this footnote. That's the line.
- ² Katherine Durr, *Above-the-line Excerpt Example*, MICROSOFT WORD (Apr. 7, 2020).
- ³ TEMP. INT'L. AND COM. L. J. <https://sites.temple.edu/ticlj/> (last visited Apr. 3, 2019).
- ⁴ Loi 85-699 du 11 juillet 1985 tendant à la constitution d'archives audiovisuelles de la justice [Law 85-699 of July 11, 1985 for the Formation of Audiovisual Archives of the Judiciary], *La Semaine Juridique [JCP] [Juridical Weekly] III*, No. 57447.
- ⁵ My colleague told me this.
- ⁶ Durr, *supra* note 1.
- ⁷ Temple International and Comparative Law Journal, 2020 Competition Packet (May 8, 2020) (unpublished competition packet) (on file with the Editor-in-Chief).
- ⁸ *Id.*

TICLJ ATL Edits

- Make edits with tracked changes
 - Why?
 - Ability to accept/reject corrections
 - Record reasoning behind suggested corrections
 - Accountability and communication (when on the actual journal)
 - How: Menu bar review
 - Track changes: ON
 - Markup dropdown: ALL MARKUP
 - Markup options: Balloons→"Show only comments and formatting in Balloons"
- Correct syntax, spelling, punctuation--any error you find
- Note the provided CMOS (Chicago Manual Style) grammar rules
- Use your judgement!

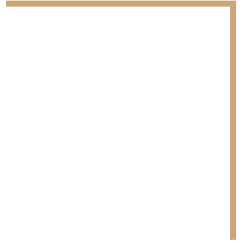
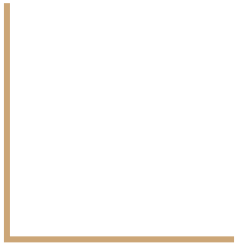
TICLJ ATL Example

This is an example of what an above-the-line (ATL) text excerpt will look like.¹ The actual excerpts you will find in the competition packet will be about a topic of international or comparative law.² These excerpts will likely be drawn from articles written by current staff editors of the *Temple International and Comparative Law Journal* (TICLJ).³ The ATL excerpts ~~are intended to~~will test your ability to recognize and correct grammar mistakes as well as ~~insuring~~ensure the excerpt conforms with the Chicago Manual of Style (CMOS You should be able to recognize common grammar mistakes and make appropriate corrections, but relevant CMOS rules will also be provided within the competition packet.⁴ Students will also be required make a number of corrections to the ~~provided~~footnotes using ~~a~~the provided citation worksheet.⁵ Everything you need— including relevant sources—will be included within the competition packet.⁶ The only outside source you are permitted to use is the Bluebook.⁷

Applicant
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Applicant
Redundant.

Diversity Form



Diversity Form Overview

- Modeled in accordance with TLR and TICLJ's commitment to diversity and Temple Law's Sp.A.C.E. Statement.
- Demographic questions – similar to list used during admission process
- Short optional written addendum (350 words).
- Reviewed anonymously by the Editor-in-Chief and Diversity Editor
- Students are **not** required to fill out a Diversity Form. All applications will be accepted with or without a Diversity Form submission.
- Answers on the Diversity Form will **never** hurt an applicant's chances of being admitted on TLR or TICLJ.



Real Talk Session

Wednesday, April 14 at 6 PM

<https://temple.zoom.us/j/94894151877>

- Strategies
 - Timing
 - Q&A Session
-

QUESTIONS?

TICLJ

- Email: Sarah Hampton at sarah.hampton@temple.edu
- Available for phone calls, Facetimes, and Zoom by appointment
- Office Hours:
 - Thursdays in April from 12-1 and 2:30-3:30
 - <https://temple.zoom.us/j/99079962419>

TLR

- Email: Jason Hirsch at writeoncoord@gmail.com
- Available for phone calls, Facetime, Zoom by appointment.
- TLR Help Desk
 - Tuesdays in April from 12-1 PM and 6-7 PM
 - <https://temple.zoom.us/j/97076097281>