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THE BEAUTY OF SHORTS: TEN TIPS ON WRITING A PUBLISHABLE SHORT PIECE¹

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Introduction

Based upon our experience serving on editorial boards of peer-reviewed law journals for over twenty years combined, we encourage faculty who teach legal research and writing to write short scholarly pieces. While books⁴ have been written on how to write scholarly articles, and law schools offer students courses on writing journal articles, there is little information about how to write a scholarly piece that is short.⁵ This Essay fills that gap and provides advice for constructing a publishable short.

What is generally considered a short piece? In surveying the journals in our field,⁶ we found that a short piece is typically six to fifteen pages in length and lightly footnoted. This Essay addresses the short piece

¹ This Essay memorializes the Authors' presentation of the same title at the Association of Legal Writing Directors' Conference held in July 2023 at the University of California—Irvine School of Law.

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⁴ Christine Coughlin et al., *Modern Legal Scholarship: A Guide to Producing and Publishing Scholarly and Professional Writing* (2020); Elizabeth Fajans & Mary R. Falk, *Scholarly Writing for Law Students: Seminar Papers, Law Review Notes and Law Review Competition Papers* (5th ed. 2017).

⁵ See, e.g., *The Short Paper*, 63 J. Legal Educ. 667 (2014).

⁶ See Section C, *infra*, for a list of journals that regularly publish short works.

that strives to make a theoretical or pedagogical point with foundational support.⁷ This Essay does not address blogs, micro-essays, newsletter columns, or essays published in *LWI Lives*.⁸

The submission guidelines for specific journals indicate whether there is an option for a shorter piece. For instance, the *Journal of Legal Education* occasionally features “At the Lectern” for articles under 10 pages.⁹ Other journals, such as *Perspectives: Teaching Legal Research and Writing*,¹⁰ and *Proceedings*,¹¹ routinely accept articles and essays that are as short as 1,500 words, some of which meet this Essay’s requirement that the short piece provide foundational support for its thesis.

A. Five Reasons Why You Should Publish a Short Piece

Writing a short piece is a valuable experience for five reasons. First, writing a short piece allows others to gain from your innovation and insights. A short theoretical piece stakes out ground for your new idea. A short pedagogical piece explains new approaches in the classroom. Legal research and writing professors, clinicians, law librarians, and academic support professionals often look for innovative techniques to stimulate students’ law school experience and to prepare students for the legal profession. Doctrinal or casebook faculty are expanding beyond lecture and Socratic questioning. Your new approach would be appreciated by others in the field, and a short piece is an ideal way to share your ingenuity.

Second, a short piece can lead to a longer piece. In a short piece, ideas are expressed and a foundation is provided, but the thesis can be more deeply explored in a longer article. In addition, you can more fully

⁷ For publications that include articles or essays such as the ones addressed here, see *infra* notes 15–22 and accompanying text.

⁸ *LWI Lives* “explores and communicates the emerging identity of LWI and its members.” Legal Writing Institute website at <https://www.lwionline.org/publications/lwi-lives> (last visited Sept. 26, 2023).

⁹ *Journal of Legal Education*, AALS, <https://jle.aals.org/home/submissions.html> (last visited Aug. 3, 2023).

¹⁰ *The Faculty Resource Center*, Thomson Reuters, <https://lawschool.thomsonreuters.com/faculty-resources/> (scroll down to the bottom of the page to find the link to *Perspectives: Teaching Legal Research and Writing*) (last visited Sept. 24, 2023).

¹¹ U. Or. Sch. of L., *Proceedings: An Online Journal of Legal Writing Conference Presentations*, <https://law.uoregon.edu/academics/centers/lrw/proceedings> (last visited Sept. 23, 2023).

develop counterarguments and related theories in a subsequent, longer piece.

Third, writing a short piece can help you stay abreast of timely scholarly topics and trends in your field. For example, is the ChatGPT discussion on the legal writing listservs and in the news catching your interest? Consider incorporating your curiosity into your course materials and drafting a short piece while observing students' engagement. If you are new to teaching, you might show how your teaching idea prepares students for current practice.

Fourth, a short article can supplement a promotion application materials and curriculum vitae. Including a short piece in your materials will demonstrate your interest in the subject matter and enthusiasm about scholarship—two important aspects of any promotion portfolio.¹²

And finally, writing a scholarly piece, regardless of page length, is a pleasurable experience. The research involved in exploring other authors' published work on topics of your choosing is fun and intellectually engaging. Producing your own writing is a welcome reprieve from marking student papers.

B. Ten Tips for Writing a Short Piece and Getting It Published

The following ten tips will help you place your short article in a law-related journal.

1. *Select a topic that interests you.* This message is often communicated by faculty advisors to students freshly admitted to student-run journals and by LexisNexis and Westlaw representatives who present in scholarly research and writing classes. The same message applies to budding scholars. If the topic is one that interests you, naturally you will be more enthusiastic about digging deeper into the literature and

¹² A short piece may not meet the promotion standards at some schools, so candidates for promotion are encouraged to check their school's standards. Melissa H. Weresh, *Legal Writing Scholarship: Moving Not Toward a Definition, but Toward a Cohesive Understanding*, U. Or. Sch. of L., Proceedings: An Online Journal of Legal Writing Conference Presentations, <https://law.uoregon.edu/sites/law2.uoregon.edu/> (last visited Sep. 24, 2023).

exploring the nuances. Because of your interest in the topic, you may have already started thinking about a resolution of the issue posed in the thesis.

2. *Carefully craft a thoughtful thesis.* Even a short piece needs a crisp, clear thesis. Without a clearly identified explanation of the topic of the short piece, the reader will get lost. Because so much of legal scholarship is read online, there is even more of a need to write a thesis with clarity to help the reader who quickly scrolls up and down viewing one or two paragraphs at a time. In crafting a thesis, a typical scholarly article expresses original thought¹⁵ and has two main components—identifying a legal issue and a proposed resolution.¹⁴ For an article about legal writing, research, pedagogy, lawyering, academic support, or any related field, consider crafting a thesis around your newly constructed exercise, innovative approach to handling student conferences, or the like. And to further develop the thesis, ask yourself these questions: Does it provide a new way of thinking about a traditional legal research and writing (LRW) topic? Or is this a topic that has not been written about yet? Either category will bring to light an original thought.
3. *Provide more than a “how to” piece.* Often journals are looking for something more than, “I created this exercise for my class, and the students liked it.” That might be an effective blog post, but it is too shallow for even a short piece. Instead, develop the explanation further. What differentiates a short article from a longer one is how much more the explanation is developed – but “more” needs to be there no matter what the length. Adding a theoretical underpinning is the goal. We are not suggesting the depth to which Georg Wilhelm Hegel’s philosophy descends, but some reliance upon and citation to the work of others who have published on your topic should be provided. If your topic has not been written about previously, then look for work that is related or comparable, as explained more below.

¹⁵ Coughlin et al., *supra* note 4, at 31–32.

¹⁴ *Id.* at 35–37.

4. *Do research.* Research can enhance your short piece in several ways. The footnotes to works by previous scholars enhance the depth of the piece and allow you to stand on the shoulder of giants. New articles are published daily, so your research will keep you current on your topic and might spark new ideas. There is a vast body of published work by the greater LRW community. Your colleagues' articles will impress and inspire you!
5. *If your topic is brand-new, borrow from other disciplines.* Legal writing colleagues have tapped into various disciplines to help grow legal writing scholarship, such as feminist theory, critical race theory, and rhetoric. Subfields of study have been created within LRW, such as applied storytelling and mindfulness. There are endless possibilities of connections to be made with other disciplines. The interdisciplinary support grounds your piece and demonstrates its value.
6. *Lightly footnote but check with the journal's guidelines.* Editors of journals publishing long, traditional articles like to see three sources for each proposition, or at least have each new point supported. In contrast, shorter pieces are not held to the same rigid footnoting requirements and some expressly encourage lighter footnoting. Especially in short pieces, limit the substantive or "talking" footnotes that digress to explain sometimes minor points. If the point is important, move it to the text. If not, delete it.
7. *Consider adding an appendix.* An appendix to a short piece might include extraneous examples of a classroom lesson, a chart, or other illustrations. Placing these materials in an appendix will allow the reader to concentrate more on the flow of your prose when reading the substance of your article.
8. *Use subheadings.* Subheadings help guide the reader, and they have increased in importance now that reading often takes place online. Subheadings are hierarchical and show the relationship between ideas. Check the journal's prior issues and submission guidelines for preferences.

9. *Check your article for coherency.* The writing process is fluid, and you might draft the middle of your article first. As you research further and formulate ideas, the draft's focus may shift. Just as we tell our students that the process of writing legal documents is recursive, so too is scholarly writing. But once you have a complete draft, you need to ensure it is coherent.

To maintain the continuity of the topic throughout the piece, start reading from line one every time you open the document to add new material. Read your thesis paragraph, then the next, and so forth. Go through each paragraph, each sentence, and each citation. After you comb through everything you wrote in the previous draft, then start to write your new material. Taking this approach is most likely to produce a focused stream of cogent prose. If you instead jump into the middle of the draft and insert material, you may find that your topic has strayed from your initial intent, and you will need make adjustments to attain continuity and coherence.

10. *Check the submission guidelines.* Just like checking the local court rules for guidelines on court brief submissions, you should check the online guides of submissions for journals. You can go to the website of individual journals law school by law school, or you can use a subscription service such as *Scholastica*. Look to answer the preliminary questions about the journals you are targeting:

- What is the substantive topic of interest of the journal? This information can be gleaned from the journal's name and expressed mission statement.
- When is the deadline? Some journals are on a rolling basis, while others have fixed deadlines.
- Is the journal exclusive? Some journals, such as the *Journal of Legal Education*, require that your article not be submitted elsewhere. If so, submit to that journal first and wait for a decision.
- What is the page length or word count required?

- To whom is the article submitted, how (through *Scholastica* or other service, or by email), and in what form (Word, PDF)?
- Are anonymous submissions required?
- Are abstracts required? If so, have one prepared in advance of submission of the article.

C. Options for Publishing Short Pieces on Legal Writing

The following publications focus on LRW topics, are peer-reviewed, and accept short articles, essays, book reviews, and other short works:

- *Journal of Legal Education* is published by the American Association of Law Schools; in addition to traditional length articles, it also accepts pieces under 10 pages.¹⁵
- *Legal Communication & Rhetoric: JALWD*, published by the Association of Legal Writing Directors, accepts articles under 15,000 words and essays of approximately 2,500-5,000 words and fewer than 50 footnotes.¹⁶
- *Legal Writing: The Journal of the Legal Writing Institute* is published by the Legal Writing Institute; it includes essays of 500 to 3,000 words, but the Board will consider longer ones.¹⁷
- *Perspectives: Teaching Legal Research and Writing*, by Thomson Reuters, publishes articles and essays ranging from 1,500 to 7,000 words, lightly footnoted.¹⁸
- *The Second Draft*, published by the Legal Writing Institute, is for articles of 1,000–3,000 words.¹⁹

¹⁵ See *Journal of Legal Education*, AALS, *supra* note 9 (providing definitions of the different categories). “At the Lectern” are pieces that “describe new or unusual classroom techniques instructors have found to be particularly effective.” *Id.* “Legends of the Legal Academy” are pieces that “profile law teachers whose lessons, teaching style and scholarship have left or are leaving an enduring imprint on their students, their institutions and the profession.” *Id.* And “Dialogue” pieces “offer[] scholars the opportunity to respond to research published in a recent issue of the *Journal of Legal Education*, expanding on that research, for instance by asking new questions or applying findings in new contexts.” *Id.*

¹⁶ See ALWD, *Legal Communication & Rhetoric: JALWD*, <https://www.alwd.org/aboutlcr> (last visited Sep. 24, 2023).

¹⁷ See *Legal Writing*, <https://www.legalwritingjournal.org/for-authors> (last visited Sep. 24, 2023).

¹⁸ See *Perspectives* website, *supra* note 10.

¹⁹ See Legal Writing Institute, *The Second Draft*, <https://www.lwionline.org/publications/second-draft> (last visited Sep. 24, 2023).

- *Proceedings*, published by the University of Oregon School of Law's LRW program, has essays drawn from presentations made by LRW professors, generally 1,500–2,000 words.²⁰
- *The Unending Conversation* is a special edition (one of two) of the Stetson Law Review Forum.²¹
- On occasion, special issues are announced, such as in the *Saint Louis University Law Journal's* Teaching Series: Teaching Legal Research and Writing, which solicited articles in 2023 for up to 2,500 to 4,000 words.²²

As editors of publications that promote short pieces and as colleagues eager to read new insights, we encourage you to write a short piece. We hope this short piece will assist you in the process.

²⁰ See *Proceedings*, *supra* note 11.

²¹ See *Stetson Law Review Forum*, <https://www2.stetson.edu/law-review/article/category/forum/> (last visited Nov. 10, 2023).

²² See *Saint Louis University Law Journal*, <https://www.slu.edu/law/law-journal/issues/index.php> (last visited Nov. 10, 2023).