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2011 – 2012 Editorial Board

Editor-in-Chief: .......................................................... Aaron J. Hurd

Sub and Cite Managing Editor: ......................... R. Ethan Zubic

Print Managing Editor: .............................................. Sarah Y. Dicharry

Articles/Symposium Editor: ................................. Bobbi N. Roquemore

Articles Editor: ......................................................... Keriann P. Langley

Casenote/Comment Editor: ................................. Sara H. Godchaux

Casenote/Comment Editor: ......................... Connor D. Deverell

Casenote/Comment Editor: ......................... Jonathan J. Fox

Casenote/Comment Editor: ......................... Robert S. Keller

Practicum Sub and Cite Editor: ...................... Alexandra K. Roath
CONSTITUTION OF THE LOYOLA LAW REVIEW

PREAMBLE

Purpose:

The purpose of this organization shall be the advancement of legal education and scholarship through the publication of a journal to be known as Loyola Law Review. The management and publication of the Review shall primarily be a student responsibility, subject to the advice and recommendations of the faculty.

ARTICLE I

Section 1: Membership in General:

Membership on the Review shall be limited to those students who have demonstrated excellence in legal scholarship or legal writing.

Section 2: Membership by Grades:

A student shall become a candidate for membership on the Review through compliance with the terms of this section.

A. The Editor-in-Chief shall extend invitations to candidacy for membership to those students who comprise the top ten percent (10%) of the freshman class of the day division and students who comprise the top ten percent (10%) of the freshman class of the evening division of Loyola Law School, based on class rankings supplied by the Dean’s office, provided that:

   i. Each student being considered for candidacy must have completely fulfilled the course requirements of the first year of the full or part-time curriculum in which the student originally enrolled.

   ii. When a student receives a grade change from any course completed during the fall or spring semester of that student’s first year and the grade change causes the student’s cumulative grade point average for the fall and spring semesters of the first year to equal or exceed the lowest grade point average that entitled other students to receive an invitation to law review candidacy, the Editor-in-Chief shall issue an invitation to candidacy to that student if the grade change occurred on or before the last day of examinations of the fall semester of the student’s second year and if
the Dean approves the grade change for purposes of law review candidacy. Issuance of such an invitation shall not result in revocation of the membership, candidacy, or invitation to candidacy of any other person.

Section 3: Membership by Writing:

A student may become a candidate for membership on the Review by compliance with the terms of this section.

A. The Editor-in-Chief shall conduct a casenote write-on competition with the assistance of the Editorial Board during the summer of each year, beginning shortly after the posting of spring semester rankings and ending on the first day of the upcoming fall semester. Students who comprise the top ten to twenty percent (10-20%) of the day division and the top ten to twenty percent (10-20%) of the evening division at the completion of the first year, based on class rankings supplied by the Dean’s office, and who have completely fulfilled the course requirements of the first year, as defined in Article I § 2(B), are extended invitations to compete for candidacy on Law Review by entering the write-on competition conducted during the summer. The entries submitted in the casenote writing competition will be evaluated by a reviewing committee of no fewer than five members of the Editorial Board. The reviewing committee shall select by unanimous vote any number of deserving write-on candidates. The concurrence of the Dean or his nominee from the faculty shall be obtained in evaluating the substantive excellence of the casenote. The Editor-in-Chief shall extend invitations to candidacy on the Review to those students whose casenotes demonstrate academic excellence and exceptional legal writing.

Section 4: Transfer Students:

A transfer student may become a candidate for membership on the Review by compliance with the terms of this section.

A. Where the transfer student’s previous law school certifies that the school is a member of the Association of American Law Schools and is approved by the American Bar Association, and the student’s academic rank at the end of his first year of law school is certified by the transferring school to be within the top 10% of his class, the student will be nominated for candidacy on the Loyola Law Review. Candidacy will be formally granted to the transferring student upon the unanimous approval of a 3-person panel consisting of the Loyola Law School Dean, the Law Review Faculty Advisor, and the Editor-in-Chief of the Review.

B. Where the transfer student’s previous law school is not both a member of the Association of American Law Schools and approved by the American Bar
Association, the student will be granted candidacy if the student’s academic rank at the end of his first year of law school is certified by the transferring school to be within the top 5% of his class, and if a 3-person panel consisting of the Loyola Law School Dean, Law Review Faculty Advisor, and the Editor-in-Chief of the Review unanimously determines that other academically related factors justify a grant of candidacy.

Section 5: Continued Candidacy and Membership:

To maintain candidacy and membership, the student must maintain a quality point average of at least 2.5.

ARTICLE II

Section 1: Promotion of Candidates to Membership Status:

After at least one academic year on the Review, a candidate who has satisfactorily completed the Law Review Practicum and the Seminar in Scholarly Writing, and who has submitted a publishable Comment and a publishable Casenote as determined by this Constitution and the Editor-in-Chief, shall become a member of the Review.

Section 2: Members and Candidates:

Members and candidates alike shall be entitled to have their names appear on the masthead of the Review. Such entitlement may be suspended, however, in accordance with the terms of Article III, Section 3 of this Constitution. Only members of the Review are entitled to vote in general meetings except as provided in Article VIII, Section 1.

Section 3: Graduation with Law Review Honors:

Those who have attained membership status within the meaning of Article II Section 1 of this Constitution by the time of graduation and who have satisfactorily performed the assignments given to them over the course of their candidacy and membership shall graduate with law review honors.

ARTICLE III

Section 1: Probationary Status:

Failure to perform timely work given by a Managing Editor or any other member of the Editorial Board may result in disciplinary action.

A. Any unexcused delay past a work deadline may result in the candidate or
member being placed on probation.

B. Unsatisfactory performance of an assignment, as determined by the assigning editor, is a probationary offense.

C. Upon the recommendation of a member of the Editorial Board for any of the offenses mentioned in A or B above, and with the concurrence of the Editor-in-Chief and Faculty Advisor, a candidate or member shall be placed on probation.

Section 2: Things Included:

For the purpose of this Article, the term “work” shall include any necessary revisions of a Casenote or Comment, sub and cite checking, proofreading, indexing, research, or other assignments that any editor shall from time to time designate as “work.”

Section 3: Consequences of Probation:

Probationary status carries with it no initial penalty. An offense committed by a probationary candidate or member, however, shall result in the striking of the offender’s name from the masthead for the duration of the probationary period. Ejection of the offender from candidacy or membership shall result from yet another offense during probationary status. Each probation shall be made subject to conditions and a fixed time for compliance, set by the editor recommending probation, with the concurrence of the Editor-in-Chief and Faculty Advisor. When the individual on probation believes he has fulfilled the conditions of his probation, he shall present his case to the Editor-in-Chief, who with the Faculty Advisor and the editor recommending probation, shall determine whether the candidate or member shall be relieved of probationary status. If the conditions of probation are not met within the allocated time for compliance, the offender shall be automatically excluded from the Review.

Section 4: Other Offenses:

More serious offenses may result in the immediate termination of membership or candidacy status on the Review. Plagiarism in any form or giving or receiving unauthorized assistance to a student writer constitutes non-exclusive examples of serious offenses. Expulsion of a member or candidate must be approved at least by a seven-to-three (7-3) vote of the Editorial Board. However, in the case of plagiarism the special procedures of Section 5 of this Article apply.

Section 5: Plagiarism Defined:

Plagiarism includes, but is not limited to, the use of the written words of another without
proper quotation or attribution or the use of the written ideas or thought patterns of another without proper attribution.

A. Procedure in Dealing with Plagiarism: If it is the considered judgment of an editor that a member or candidate for the Review has submitted work in violation of the rule against plagiarism, that editor should submit the charge to the full Editorial Board for its review.

   i. The Editor-in-Chief shall set a date for the board’s consideration of the charge.

   ii. The candidate or member shall be given seven days notice of the date of the meeting in which the accusation is to be considered, and shall be afforded an opportunity to defend himself by written and/or oral statement at the meeting called by the Editor-in-Chief.

   iii. If, in closed session, the Editorial Board, by a vote or at least seven-to-three (7-3), finds that the member or candidate has violated the rule against plagiarism, such determination may, at the request of the member or candidate, be submitted to an ad hoc faculty committee for its review at which the student shall have the right to appear and present his case. The committee shall consist of a faculty member appointed by the Editorial Board, a faculty member selected by the member or candidate, and the Dean or his appointee, and their decision shall be made in closed session. In the event of an appeal, the findings of the Editorial Board shall be reduced to writing. The vote of the Editorial Board shall be incorporated into the record. Appeal must be taken within seven days, excluding legal holidays, of the date the Editorial Board notifies the member or candidate of its determination. A copy of the record of the appeal shall be filed in the Dean’s Office.

B. The consequence of a finding of plagiarism by the Editorial Board or, in the case of appeal, an affirmance of the Editorial Board’s decision by at least a two-to-one (2-1) vote of the faculty committee, shall be dismissal of the member or candidate from the Review.

C. If the Editorial Board or, in the case of appeal, the faculty committee, fails to achieve the vote necessary for a finding, or affirmance of the finding, of plagiarism, the member or candidate shall retain his affiliation with the Review. The Editorial Board shall, however, have the power to reject the work in question for the purposes of determining the fulfillment of the casenote or comment requirements set forth in Section 6 and Section 7, respectively, of this Article.
Section 6: Course Requirements:

Each candidate for membership on the Review, including day and evening students, is required to enroll in and complete the Law Review Practicum course during the fall semester of the candidacy year (fall semester of second year). Candidates will receive one credit hour upon successful completion of the Law Review Practicum and a grade of pass/fail. Furthermore, each candidate is required to take the Seminar in Scholarly Writing during the spring semester of the candidacy year (spring semester of the second year). Candidates will receive three credit hours upon successful completion of the Seminar in Legal Writing and a letter grade determined by the course instructor.

Section 7: Casenote Requirements:

Each candidate for membership on the Review is required to develop, research, and write a Casenote in conformity with the standards established by the Editorial Board. A candidate who submits a Casenote deemed by the Editor-in-Chief to be publishable has completed the Casenote requirement for membership on the Review. The declaration of publishability, however, does not obligate the Editorial Board to publish the casenote.

Candidates from both the day and evening division of the law school are required to submit a finished draft of the Casenote, pursuant to the above-stated requirement, on the deadline established for their class by the Editorial Board. Failure to meet this deadline without good cause shall result in automatic and immediate expulsion from the Review. Good cause exists as determined by the Editor-in-Chief and the Casenote/Comment Editors.

Section 8: Comment Requirements:

Each candidate for membership on the Review is required to develop, research, and write a Comment in the Seminar in Legal Writing taken during the spring semester of the candidacy year. Students must complete the Comment under the guidance of a faculty member and comment editor. The comment must present a substantial discussion of a topic of legal significance, written in the form of an article, in conformity with the standards for comments established by the Editorial Board.

Candidates from both the day and evening divisions of the law school are required to submit a finished draft of their Comments, pursuant to the above-stated requirement, at a date to be determined by the Seminar in Legal Writing Instructor. Failure to comply with deadlines without good cause will result in automatic and immediate expulsion from the Review. Under this section, good cause exists as determined by the Seminar in Legal Writing instructor, the candidate’s Comment Editor, the Editor-In-Chief and the Dean. Such expulsion is not an appealable decision of the Editorial Board within the meaning of Article IV.
Section 9: Special Exceptions:

By majority vote, the Editorial Board may grant an appropriate extension of the deadline for meeting either of the above stated Casenote or Comment requirements (Section 7 and 8, respectively, of this Article). It is incumbent upon the candidate or member requesting such extension to do so in writing and in good faith and to demonstrate a significant reason justifying such an extension.

ARTICLE IV

Section 1: Grievance Procedure:

A candidate or member may appeal the decision of any editor or of the Editorial Board in the following manner:

A. Appeal from a decision by a Managing Editor or by a Note or Comment Editor may be had to the Editor-in-Chief and the Faculty Advisor.

B. Appeal from a decision of the Editor-in-Chief may be had to the entire Editorial Board only if three editors agree to grant the appeal. The issue on appeal is to be decided by a majority vote of the Editorial Board with the concurrence of the Faculty Advisor.

ARTICLE V

Editorial Board: The Editorial Board of Review shall consist of the Editor-in-Chief and up to nine other editors.

ARTICLE VI

Section 1: The selection of the new Editorial Board shall be the responsibility of the current Editorial Board to be made in accordance with the provisions of this Article.

Section 2: The Editorial Board-elect shall be selected from the membership of the Review and those candidates whose Casenotes or Comments are in the editorial process, subject to the agreement that they will complete a publishable Casenote or Comment before the new editorial board takes office. In the selection process, emphasis is to be placed on scholastic achievement, experience, writing skills, available time, ability to work with others, the fact or prospect of each applicant being published in the Review and on any other relevant criteria.
Section 3: The failure of an editor to perform his duties in a responsible manner constitutes sufficient, but non-exclusive, grounds for removal from office. A member of the Editorial Board may be removed from office only in accordance with the terms and procedures of this section.

A. The Editor-in-Chief shall set a date for the board's consideration of the removal issue. If the removal of the Editor-in-Chief is sought, a Managing Editor shall set the date of the hearing. The date set must be within seven days of the complaint.

i. The editor whose removal is sought shall be given seven days notice of the date of the meeting in which the complaint is to be considered, and shall be afforded an opportunity to defend himself by written and/or oral statement at the hearing.

ii. If, in closed session, the remaining editors, by a vote of seven-to-two (7-2), find grounds for removal, such determination may be submitted to an ad hoc faculty committee for its review at the request of the accused editor. The editor shall have the right to appear before the faculty committee to present his case. The Committee shall consist of a faculty member selected by the remaining editors, a faculty member selected by the accused editor and the Dean or his appointee.

iii. In the event of an appeal, the findings of the Editorial Board shall be reduced to writing. The vote of the Editorial Board shall be incorporated into the record. Appeal must be taken within seven days, excluding legal holidays, of the date the Editorial Board notifies the editor of its determination. A copy of the record of the appeal shall be filed in the Dean’s Office.

B. The vote of the Editorial Board shall be final if no appeal is taken. In the event of an appeal, the decision of the faculty committee shall be final, except as provided in Section 3(D) of this Article. If, by a vote of two-to-one (2-1), the faculty committee affirms the decision of the Editorial Board, removal has occurred and the vacancy shall be filled in accordance with Section 5 of this Article. If the decision of the Editorial Board is reversed by the faculty committee, the editor retains his position.

C. If the decision of the Editorial Board to remove an editor from office is affirmed by the faculty committee, the removed editor shall be expelled from the Review unless the Editorial Board recommends otherwise by a majority vote or the faculty committee determines that membership should be retained
upon majority vote. In no event shall the retention of membership status recommended by the Editorial Board be reversed by the faculty committee. The membership status of a removed editor must be decided contemporaneously with the removal issue.

D. If the Editorial Board votes to remove an editor but is reversed by the faculty committee, said circumstance shall constitute good cause for resignation within the meaning of Section 4 of this Article.

Section 4: Resignation of an Editor:

An editor may resign from office at any time. If such resignation is for good cause shown by a majority vote of the Editorial Board, the resigning editor shall retain membership status. If in the opinion of the board the resignation is without good cause, dismissal from the Review shall be recommended to an ad hoc faculty committee formed in accordance with the procedures provided in Section 3 of this Article. The decision of the faculty committee shall be final.

Section 5: Filling of Vacancy on Editorial Board:

In the event a position on the Editorial Board becomes vacant because of impeachment and removal, the resignation or the departure for any other reason of the editor who held such position, the vacancy thus created is to be filled as follows: The remainder of the Editorial Board may, in its discretion and by majority vote, fill the vacancy by appointing to it one of the present editors, or, alternatively, by selecting a new editor from the membership, in the same manner provided for the original selection of board members in Section 2 of this Article. If the board chooses to fill the vacancy with one of the sitting editors, it then must fill the position from which that editor was moved by selecting a new editor from the membership in accordance with Section 2 of this Article.

ARTICLE VII

Section 1: A member of the faculty shall be selected by the Dean with the assistance of the Editorial Board to serve as advisor and consultant to the Review.

Section 2: The Faculty Advisor shall serve as liaison between the Editorial Board and the faculty, Dean and legal community. In addition, the Faculty Advisor shall assist the Editorial Board in soliciting articles from outside contributors and shall encourage fellow faculty members to participate in and contribute to the publication of the Review.
ARTICLE VIII

**Section 1:** This Constitution may be amended either by a two-thirds vote of the members and candidates present and voting at any meeting, provided that seven days notice be given that the meeting will include discussion of such amendment, or by a unanimous vote of the Editorial Board, except that such vote of the Editorial Board may not amend any of the provisions of Article IV of this Constitution. In either event the concurrence of the faculty shall be required.

**Section 2:** Notwithstanding the terms of Section 1 of this Article, this Constitution shall not take effect prior to September 28, 1982.

**Section 3:** For the purpose of the membership conducted pursuant to this Constitution, a quorum shall be two-thirds of the membership as of the date of the meeting. For purposes of establishing a quorum, as well as of voting, valid proxies may be issued.

A. A quorum of the Editorial Board meetings shall be all members of the Editorial Board except one. In the case of a tie vote of the Editorial Board under any provision of this Constitution, the Editor-in-Chief may cast an additional vote if he chooses, provided that every member of the Editorial Board present at the meeting shall have been accorded an opportunity to vote.

**Section 4:** A copy of this Constitution shall, upon the person's acceptance of the offer to candidacy or membership, be given to each candidate or member selected pursuant to the terms of Article II of this Constitution.

AMENDMENT I

Every Editorial Board is responsible for publishing a one-volume index. Every Editorial Board shall also transcribe onto index cards the final version of its one-volume index. These index cards shall be cumulated or integrated with index cards transcribed since the previously published cumulative index and retained for the use of the future Editorial Board responsible for compiling a cumulative index.

(Passed unanimously by the 1986-87 Editorial Board on 10/27/86; Amended unanimously by the 2004-05 Editorial Board on 10/12/04).

ACADEMIC CREDIT FOR LAW REVIEW

Candidates are eligible to receive one (pass/fail) credit for satisfactory completion of the Practicum course taught in the Fall semester.

Candidates are also eligible to receive three graded credit hours upon the completion of a
publishable Comment developed as part of the *Seminar in Scholarly Writing* course.

Members are eligible to receive a total of two credit hours for completion of service on the Editorial Board.

It is the responsibility of the candidate or member to see that he/she is properly registered for the credit with the Registrar’s Office and that he/she has not exceeded his allotment of independent study credits.
SOURCE PULL / SUB AND CITE INSTRUCTIONS

I. Introduction

“Sub and Cite” is the process whereby the Law Review members and candidates determine whether all authorities cited in a work stand for the propositions for which they are cited, that the authorities are still valid, and that all citations conform to The Bluebook: A Uniform System of Citation, Nineteenth Edition, and the Loyola Law Review Citation Guide. The importance of this task cannot be over-emphasized. Our reputation, as members of the journal and law review students, is highly dependent on the publication of accurate information. The sub and cite process ensures this accuracy. Attention to detail and hard work are essential. Every member of every Law Review has done it, and it is part of the value of membership. Thus, each candidate must perform the assigned task in a timely manner to attain membership on the Review. See LOY. L. REV. CONST. art. III.

II. Overview

A. To satisfactorily complete a sub and cite assignment, you must:

1. Proofread the material: The entire manuscript (text and footnotes) must be proofread for typographical errors, including any errors in grammar, spelling, or punctuation.

2. Check the substance: Every authority cited in the piece must be located. When locating an authority you are responsible for checking the Loyola Law Library. If the authority cannot be located at the Loyola Law Library, it is your responsibility to fill out an ILL form and bring it to Ms. Margaret (see below).

3. Check the citation format: Check the citation and authority for proper spelling, capitalization, volume numbers, pagination, and date references. Similarly, when dealing with statutes, check the title numbers, section numbers, and dates for accuracy. Carefully note the proper placement of hyphens, commas, colons, semi-colons, and periods.

   a. The Law Review will have four passwords to the online BlueBook website. This site is especially useful for citing to electronic sources and other obscure materials. Please contact the Practicum editor, Alexandra Roath, to obtain access to a password, but please do so ONLY as a last resort.

4. Update all authorities: KeyCite or Shepardize every case and statute.
III. Process

A. Every candidate will be assigned a section of a piece to Source Pull and sub and cite. As soon as you receive an email with your assignment you should go to Blackboard and print out the entire piece.

B. Candidates should then scan the footnotes (“FN”) in the piece to determine which sources can be found easily on Westlaw and which sources will need to be physically pulled from a library shelf. It is also helpful to look over the FNs before you begin the sub and cite process so that you are aware of all the sources you are responsible for and can make all of your copies at one time.

1. If a source is a book or journal article that is not available on Westlaw, go to the Loyola Library and find the source. Check out the book/article to the Law Review, put the Source Pull form in the book/article, and place the book/article on the Law Review carrel to which your piece is assigned (this will be marked on the carrel). A completed Source Pull sheet must be attached to the cover of EVERY hard-copy source placed on the Law Review carrel. Law Review carrels can be found on the second floor of the Law Library.

   a. Alexandra will have copy cards for candidates to use; however, the card must be checked out by the candidate. If you need the card, inform Alexandra of the date and time that you want to use the card. If the card is not returned to the Law Review office you will be responsible for replacing it.

   b. Note: Most assignments will be handed out on a Tuesday and you will have 2 weeks to complete them. We suggest a maximum of only 4-5 days to collect the sources so that you can start sub and citing right away, as this is the most time consuming part of the work.

C. When printing off hard copies of the cited sources, print out the first page (or title page) of the case/article and highlight the case name and citation. Print the page(s) of the case/article on which the pincite is found and highlight the relevant language of the case/article that contains the pincite. Write the FN number(s) the authority corresponds to on the first page of the case/article. The format MUST be in Adobe (.pdf).

   1. Generally, each FN should have its own title page. DO NOT COMBINE separate footnotes with one title page unless the footnotes are consecutive, or if the source is a book or hard-copy journal.
a. Ex. A piece may cite to one case several times throughout the text. Unless the FNs are consecutive, there should be separate copies of the case’s title page and pincite for each FN.

2. Unless a “supra” or “infra” FN is a general reference, the source needs to be printed out even if the supra references a FN that is not assigned to you. If the supra references a FN that is not assigned to you and the source is an ILL, you are NOT responsible for submitting an additional Source Pull sheet to Ms. Margaret.

D. If the Loyola Law Library does not have a copy of your hard-copy source, you will need to order it through interlibrary loan (“ILL”).

1. Fill out a “Source Pull” sheet for EVERY book you will need to order through ILL. Make a copy of the source pull sheet and place it on the appropriate carrel in the section corresponding to the article to which you are assigned and give the original source pull sheet to Ms. Margaret in the library. Ms. Margaret will find the books/articles you need from another library. Check the carrel in a week or so to complete your sub and cite with the ILL source. Make sure you make a notation on the printed draft of the piece that the source is an ILL.

2. When the source arrives Ms. Margaret will call Alexandra and she will place them on the appropriate carrel. Alexandra will also monitor the due dates of hard-copy sources received through ILL and will renew them if the due date passes. Please do not return or renew the ILLs. If for some reason you must return or renew an ILL, immediately contact Alexandra so she is aware of the ILL’s location.

E. Once you have pulled all of your hard-copy sources, you can begin sub and citing. All corrections should be made on a hard copy of the article, not on an electronic document through “track changes.” Start by reading the ENTIRE article and correcting any grammar, spelling, or punctuation mistakes. We DO NOT expect you to perform an extensive edit for style, diction, or structure. Make any corrections in RED ink.

F. Then, start with the first FN to which you are assigned and begin the sub and cite procedure. First, check for substance.

1. Example: If FN 1 refers to a sentence that reads: “the sky is blue,” you should check the source that FN 1 cites to and verify that the source says “the sky is blue.” Highlight the relevant language in the source that FN 1 references. If no pincite is given, you need
to find where it says “the sky is blue” in the case/article and add the pincite to the FN.

2. All quotations should be checked to ensure that they conform perfectly to the official source (including changes in punctuation). If the author has edited the quotation by the insertion of bracketed language, make certain that the meaning of the quoted language remains unchanged. Any departure from the quoted authority requires indication of the change. Such indication is usually made in a parenthetical following the citation – i.e., (emphasis added), (citations omitted).

3. Make certain that any cited material does in fact stand for the proposition for which it is cited. When an author cites a case to support a conclusion, make certain that the conclusion is justified by the holding of the case. Reliance on dicta must be noted.

4. Always check “supra” and “infra” references within the manuscript to make sure they are accurate and include a pincite for each reference.

G. Second, check to make sure the citation is cited correctly according to Bluebook rules. List the Bluebook rule that you referenced and the correct citation in BLUE ink next to the corresponding FN.

1. Example: If FN1 reads: Smith v. Jones, 123 U.S. 456, 472 (1983), and FN 1 references a sentence that says “In Smith v. Jones, the Court held that the sky is blue.” Find “Smith v. Jones” on Westlaw. Print out page 456 (the first page of the case) and 472 (the pincite page) and highlight the sentence that states “The sky is blue.” If the FN references a hard-copy source, go to the carrel, pull the book and use it to check the accuracy of that FN.

2. Note: You are not required to print the entire case/article or to photocopy entire books if the FN generally references the source and does not contain a pincite (i.e., see generally Jones v. Smith). However, if it is a source that is easily located using Westlaw, you should print out a title page for the source.

H. Finally, KeyCite/Shepardize every cited case and statute to make sure it is still relevant and applicable. Note any disposition that has affected the holding of the case, including any modifications of the cited case on appeal or remand. Denial of certiorari and pendency of

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1 There is a shortcut in Westlaw that will print the first page and any pincite; however, it will cut off the document at the end of the pincited page, so be certain that the relevant information is confined to the pincite page.
appeal should be noted, as should any subsequent cases that overrule, modify, or limit the cited case. **Always** check all supplements, pocket parts, and relevant session law services. See BB 10.7 & 10.7.1 for the information and form required.

1. If a citation is outdated, always update such citations. For example, an article written in 1986 may contain the following citation in a FN:

   **LA. CIV. CODE ANN. art. 68 (West Supp. 1986).**

   Since that time, the 1987 pocket part has been published and contains the same information on article 68. Do not try to find the 1986 pocket part; simply update the citation as follows:

   **LA. CIV. CODE ANN. art. 68 (West Supp. 1987).**

2. If the citation is entirely correct, place a RED check mark next to the FN and write the Bluebook rule next to the corresponding FN in BLUE ink.

I. When your sub and cite is complete, write your name on the top of the piece, attach all of the printed sources and place them in your editor’s box in the Law Review office by the due date. Your editor will then review your sub and cite, checking that your work complies with these instructions before turning it over to the Substance and Citation editor for reconcile. If the sub and cite does not comply with these instructions (i.e. lacking hard copies of sources or general lack of effort in blue booking,) then your sub and cite will be marked incomplete. An incomplete sub and cite will negatively affect a candidate’s standing on the Law Review.

IV. **Training - Sub and Cite Saturday**

A. For your first sub and cite, every candidate will be assigned a certain number of FNs in a piece (you will not be assigned an entire piece). The first assignment for Group A will be distributed on Tuesday, August 23. The hard-copy sources for this first assignment are due on the appropriate carrel by Friday, September 2. If the source cannot be found at the Loyola Law Library, please perform an ILL request with Ms. Margaret, photocopy the ILL request sheet, and then place it on the appropriate carrel in the section corresponding to the article to which you are assigned.

B. You can start sub and citing these FN as soon as you receive the assignment. It may be easier to start with cases and articles that can be
found on Westlaw, as the hard-copy sources may not be on the carrel until Friday, September 2.

C. ALL Group A candidates are required to attend the first sub and cite Saturday on August 27. Lunch will be provided. All Group B candidates are required to attend the second Sub & Cite Saturday on September 24. All candidates should come prepared to work ONLY on their sub cite assignment and to ask any questions that they may have regarding the Bluebook or their sub and cite assignment. The Law Review Board will be on hand to answer any questions and to help you with the sub and citing process.

D. The first sub and cite assignment (Group A) is due Tuesday, September 13 before the beginning of class. Group B’s assignment will be due Tuesday, October 4, before the beginning of class.
LOYOLA LAW REVIEW CITATION GUIDE

The 2011-2012 Editorial Board acknowledges the collaborative efforts of several past editorial boards and faculty advisors in composing the following guide. Citation forms follow The Bluebook: A Uniform System of Citation (Columbia Law Review Ass’n et al. eds., 19th ed.)

I. Introduction

This guide is intended only as a supplement to The Bluebook: A Uniform System of Citation—this guide is not intended to replace The Bluebook. Cross-references to The Bluebook have been included parenthetically: For example, “(BB 10.7.2)” means that Bluebook Rule 10.7.2 should also be consulted. You are expected to be familiar with The Bluebook and all your law review work should conform to its rules. If any doubt exists about the proper form of a citation, consult a member of the Editorial Board.

II. Introductory Signals

Always consult BB 1.2 when checking a citation that contains an introductory signal. Some signals require a parenthetical explanation at the end of the citation. If the parenthetical is missing, the cite checker should insert one.

Introductory signals are italicized except when used as a verb.

For example: See generally Cholira v. Myers, 448 So. 2d 555 (La. App. 4th Cir. 1993) (describing the elements of the Lion test).

But: For an exhaustive description of the Lion test, see Cholira v. Myers, 448 So. 2d 555 (La. App. 4th Cir. 1993).

Note which introductory signals are followed by a comma and which are not:

Comma: E.g., But see, e.g., See, e.g.,

No Comma: See See also Contra Accord Cf.
But see See generally But cf.
Whenever using multiple signals within a cite, the signals must follow a certain order. See BB 1.3. Additionally, multiple authorities within each signal must also follow a certain order. See BB 1.4 for a more thorough discussion.

III. Abbreviations

Abbreviations are treated at several places in The Bluebook. A non-exhaustive list of the more commonly-used abbreviation rules and tables follows. The lion’s share of abbreviations can be found at BB T.6, T.7, & T.13.

Case Names:

1. When citing a case as a citation sentence or clause, always abbreviate any word listed in table T.6 in the Bluebook (BB 10.2.2).

2. In text, only acronyms in BB 6.1(b) and the following eight abbreviations may be used:
   Ass’n  Bros.
   Co.    Corp.
   Inc.   Ltd.
   No.    &

   If one of these abbreviations begins a party’s name, do not abbreviate it. (BB 10.2.1(c)).

3. Eliminate “Inc.” or other redundant words if the party is obviously a business firm and the name also includes “Co.”, “Ltd.”, etc.

4. United States should never be abbreviated; however, state names can be abbreviated in footnotes, provided that they are not the first word of a party’s name. See BB T.10.

Bluebook Abbreviation References:

Case Name .................................................................see BB 10.2.2 & T.6.
Subdivisions of Authority ..........................................see BB 3.1 & T.16.
Publishing Terms ......................................................see BB 15.4 & T.15.
Services ........................................................................see T.15.
Court Names ...............................................................see 10.4 & T.7.
Explanatory Phrases ....................................................see T.8.
IV. Louisiana Anomalies

Appellate Cases: When citing an appellate court in Louisiana, use (La. App. _____ Cir. 20__) as the parenthetical identifier. This differs from The Bluebook’s treatment at T.1. When citing to other appellate courts, follow The Bluebook.

Writ Denied: When indicating that the Louisiana Supreme Court has denied certiorari, use “writ denied” instead of “cert. denied.” Again, this differs from The Bluebook’s treatment at T.9.

Public Domain Citation Format: As of December 31, 1993, Louisiana has adopted a public domain format. Therefore, use the public domain format for cases decided in 1994 or later (BB 10.3.3; T.1 U.S. Jurisdictions (p. 205)). Cannon v. Am. Bowling Cong., 94-0647, p.1 (La. 4/29/94), 637 So. 2d 463.

V. Pocket Parts & Supplements

Volumes, parts, and supplements are treated at BB 3.1. Remember to check if cited material appears both in the main volume and in the supplement. If so, both should be indicated in the parenthetical.


If the cited material appears only in the main volume, then the parenthetical should not reference the supplement.


If the cited material appears only in the supplement, then the parenthetical should not reference the main volume.


When authority is cited from a pocket part, make sure that the most current pocket part is cited—i.e., (West Supp. 1988) may need to be changed to (West Supp. 1999) because of the time lapse between the date of the article's submission and the date of publishing.

VI. Pages and Footnotes

Pages and footnotes are discussed at BB 3.2.

Consecutive Pages: When citing consecutive pages, always retain the last two
digits; however, other repetitious digits may be omitted.


Footnote: When citing to a footnote, give the page on which the footnote appears and indicate the footnote number. Do not put a space between the “n.” and the number. (BB 3.2 (b)).

For example: Ferrara v. Mills, 781 F.2d 1508, 1513 n.5 (11th Cir. 1986).

Consecutive Footnotes: Consecutive footnotes should be cited as follows: nn.5-7.

Non-Consecutive Footnotes: Non-consecutive footnotes should be cited as follows: n.5 & 7.

VII. Short Citation Forms

Case Names: In law review footnotes, a short form of the case name may be used only if the case has already been fully cited and one of the following is met:

1. The case was fully cited in the same footnote;

2. The case can be readily found in one of the preceding four footnotes; or

3. The case is named in the same general textual discussion to which the footnote is appended. (BB 10.9).

Form: Although BB 10.9 allows the party name to be omitted, Loyola Law Review requires the use of the party name.

VIII. “Id.”

“Id.” is not capitalized when used with an introductory signal; “Id.” is not capitalized when it is anywhere other than the beginning of a citation sentence.

“Id.” can only be used when citing to an immediately preceding authority that contains only one authority. (BB 4.1).

Caution!: Law review materials often fail to cite to a single, immediately preceding authority with “Id.” This is often the result of the editing process, which calls for footnotes to be added or moved around as the text of the document changes. Care should be taken to catch all instances that call for “Id.”

Overuse of “Id.”: When writing, care should be taken to avoid a long string of footnotes which contain only “Id.” Pages of “Id.” may indicate a poorly written fact section or the overuse of a single authority. Generally, four consecutive “Id.” citations in the same footnote are disfavored.

Multiple Page Intervals: In instances where “Id.” is properly used several times in a row, care should be taken to avoid a multiple page interval between the last citation of the source and the final use of “Id.” A good rule of thumb is to cite a source at least once every page whenever using that source for several footnotes in a row. This ensures appreciable convenience for the reader and is a very professional consideration.

IX. Quotations

Block Quotes: Quotations of more than 49 words are indented left and right 0.5”, single spaced, and quotation marks are not used. The citation is placed at the left margin on the line immediately following the block quote. (BB 5.1 (a)).

Alterations: Indicate alterations with brackets, including changing from upper to lower case, etc. (BB 5.2 (d)).

Mistakes: Significant mistakes in the original should not be corrected. However, “[sic]” is placed following the uncorrected mistake. (BB 5.2 (c)).

Parentheticals: Indicate in a parenthetical any change of emphasis or omission of citations or footnote numbers. Do not indicate the omission of a citation or footnote number that follows the last word quoted. Also, do not indicate that emphasis in the quotation appears in the original.

Original Source: Whenever possible, a quotation within a quotation should be
attributed to its original source. See BB 5.2.

**Punctuation**: Always place commas and periods inside the quotation marks; place other punctuation inside the quotation marks only if they are part of the matter quoted. (BB 5.1 (b)(iv)).

**X. “Supra” & “Infra”**

**Caution!**: In law review materials, *supra* and *infra* references often cite the wrong footnote. This is an unfortunate byproduct of the editing process because adding and/or deleting footnotes throws off the references. Hence, every cite checker must cross reference each *supra* and *infra* cite to the original cite and include a pincite for each reference.

**Not for case names or statutes**: “*Supra*” and “*hereinafter*” should not be used to refer to cases, statutes, or constitutions except in extraordinary circumstances, such as when the name of the authority is extremely long. (BB 4.2).

Review BB 4.2 (a) & (b) carefully to learn the nuances of “*supra*” and “*hereinafter*.”

**XI. Constitutions and Statutes**

**Constitutions**: In footnotes, both state constitutions and the U.S. Constitution should be in large and small caps. Note, also, that generally the words “article” and “amendment” are not capitalized. (BB 11)

**Congressional Statutes**: When citing to codified congressional statutes, always cite to the official code, the U.S.C; do not cite to the U.S.C.A. or to the U.S.C.S. (BB 12).

**XII. Commas**

**In a Series**: In a series of three or more words or phrases connected by a single conjunction, use a comma after each word or phrase that appears before the conjunction. (Tx. 4:4:2).

For example: The judge heard the testimony, considered the physical evidence, and rendered his opinion. (Note the comma before the conjunction.)

**One Subject With Two or More Verbs**: When a sentence has one subject with two or more verbs, but the subject is expressed only once, use a comma if the conjunction is “but,” but do not if the conjunction is “and.” (Tx. 4:4:4).
For example: The court noted that precedent was with the defendant, but affirmed the conviction anyway.

But note the following: The court noted that precedent was with the defendant and reversed the conviction.

**Because:** Place a comma after an introductory phrase that begins with “because.” However, do not place a comma before a dependent clause that begins with “because.”

For example: Because the judge was unavailable, the attorney was unable to get an extension.

But note the following: The attorney was unable to get an extension because the judge was unavailable.
Whether you are writing your casenote or comment, or sub and citing another author’s work, you must be careful to acknowledge your sources according to the following standard:

All direct quotations must be placed in quotation marks and acknowledged in your text.

Even when you take only a phrase or a single unusual word from a passage, you should enclose it in quotation marks. You may quote words, phrases, clauses, sentences, or even whole paragraphs. Generally you should quote a sentence or a paragraph only when the writer has phrased something especially well and when you need to supply all the information given. Do not quote excessively. A sequence of quotations strung together with a few words of your own is not satisfactory. Excessive quoting indicates that you have not properly digested your sources, thought about the ideas, and learned to express them in your own words and to relate them to your own ideas.

All paraphrases and citations must be acknowledged.

Credit a source when you cite ideas or information from it even when you do not quote directly. Altering the wording does not make the substance yours. An acknowledgment not only gives proper credit but also lends authority to your statement. While writing, whenever you consult a source, it is likely that you are paraphrasing and you probably need an acknowledgment.

In paraphrasing you are expressing the ideas of another writer in your own words. A good paraphrase preserves the sense of the original, but not the form. It does not retain the sentence patterns and merely substitute synonyms for the original words, nor does it retain the original words and merely alter the sentence patterns. It is a genuine restatement. Invariably; it should be briefer than the source.

... If the source has stated the idea more concisely than you can, you should quote, not paraphrase.²

Although the above-quoted instructions indicate that you “should” use quotation marks when taking exact words from a source, it is the policy of the Loyola Law Review that you must use quotation marks if you use the words of another as described above. If you encounter difficulty in your own writing effort or while sub and citing someone else’s work, discuss the problem with your advising editor or with the managing editor who assigned the project.

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RECOMMENDED SOURCES ON LANGUAGE AND WRITING

General Style


Legal Style


Brief Writing

• Solicitor General’s website (www.usdoj.gov/osg/briefs/search..html).

Judicial Writing

• *The Dissenting Opinions of Mr. Justice Holmes* (Alfred Lief ed., 1931).

Magazines – Newspapers

• The Atlantic Monthly.
• Commentary.
• The Economist.
• The New Yorker.
• The New York Times.
• The Wall Street Journal.

Law Journals

• *The Green Bag* (www.greenbag.org).
SELECTION OF THE NEW EDITORIAL BOARD

In the spring semester, the incumbent editorial board will post a notice asking all those interested and qualified to submit a resume, transcript, and cover letter as their application for a board position. The board will then set aside one day for previously scheduled interviews with the qualified applicants and will choose new board members by a majority vote. See LOY. L. REV. CONST. art. I, § 2 (listing the qualifications for applicants).

All those chosen as editors will receive a tuition stipend. The Editor-in-Chief receives a stipend worth approximately full tuition for the academic year. The remaining editors each receive a stipend worth approximately half tuition for the academic year.

With the exception of Comment Editor, members of the editorial board may not work, extern, intern, participate in law clinic, or be teaching assistants. Comment Editor is a “working student” position; hence, both the duties and amount of scholarship are proportionately reduced as compared to other editors.

ROLES OF THE EDITORIAL BOARD

Editor-in-Chief

The Editor-in-Chief (EIC) has three formal duties:

1. to call and preside at all board meetings;
2. to make final publication decisions; and
3. to edit all materials for style and form.

The EIC is also responsible for the following:

1. Establishing the agenda for the board in terms of publication content and deadlines;
2. Proposing needed changes in the administration of the Review;
3. Assisting the Articles Editors with soliciting articles;
4. Determining deadlines and schedules of all board members in relation to the Review’s publication;
5. Discussing issues and seeking advice from the faculty advisor;
6. Confronting members or candidates posing disciplinary problems;
7. Confronting uncooperative authors, especially concerning deadlines;
8. Ensuring harmony and consensus among the board members;
9. Ensuring a satisfactory work environment for the business manager;
10. Ensuring a constant pace of work, especially during the Summer and school holidays;
11. Notifying transfer students of eligibility requirements;
12. Assisting board members and the business manager in their duties when events make this necessary or as a common courtesy;
13. Maintaining cooperative relations between the board, candidates, and members not serving on the board;
14. Striving for an even-handed application of all rules.

In addition, the EIC is responsible for presenting awards and introducing the new board at the Law Review Banquet in the Spring semester.

**Managing Editor, Substance and Citation**

The Sub & Cite Managing Editor’s primary responsibility is reflected in the title—accuracy of both the substance of all the articles published and conformity of the citations to Bluebook and *Loyola Law Review* format. Thus, a strong working knowledge of the Bluebook is necessary. It is also ultimately the responsibility of the Sub & Cite Managing Editor to ensure that all the sources for the articles are available, although other editors contribute greatly in this area. The Sub & Cite Editor works closely with the EIC and the other managing editor as the articles flow through the publication process. In addition, the Sub & Cite Managing Editor works closely with the Sub & Cite Editor in coordinating the work of the candidates and the Fall practicum. The Sub & Cite Saturdays during the Fall semester are primarily organized by the Sub & Cite Editor; however, the Sub & Cite Managing Editor should attend all Sub & Cite Saturdays and aid in the organization of same.

The Sub & Cite Managing Editor must work diligently to move the articles through the Sub & Cite process to prevent delays in publication. This includes attempting to hold authors and Articles Editors to deadlines, something that has been a problem in the past.

**Managing Editor, Print**

The Print Manager handles the communications with the publisher. It is the Print Manager’s job to format the articles so that the journal looks the way it does. After the Sub & Cite Managing Editor has incorporated the sub and cite corrections into an article, the Print Manager conducts a second proofread and makes any necessary corrections. The Print Manager then formats the article, conducts a proof reconcile, and incorporates any last-minute changes or corrections from the author and the EIC. The Print Manager completes this process for each article, comment, casenote, etc. and then compiles the articles and the other book information to send to the printer. Additionally, the Print Editor, along with the EIC, makes any necessary changes to the proof received from the printer.

**Comment/Casenote Editor**

With respect to the comments, the Comment/Casenote Editor’s job consists of seeing each student-written comment through from beginning to end. The editor is required to approve topic selection, set progress deadlines, and read and edit drafts. After each draft
is turned in, the editor returns the draft within a number of days to be determined by the editor, indicating the corrections and suggestions the writer should incorporate. The editor may also meet with the candidate (and perhaps the faculty advisor) occasionally during the writing process to answer questions and offer suggestions. After the candidate finishes the drafts on the editor’s timetable, he or she submits a final draft and one week later defends the comment in the Seminar. Whenever possible (in the case of non-working Comment Editors), the Comment Editor attends the seminar to assist in the discussion and takes notes regarding the other candidates’ questions and criticisms. In addition, the editor is required to assist in planning the Seminar in Scholarly Writing Course, taught in the Spring semester, including working with the professor teaching the course to set up presentation schedules and deadlines.

The Comment Editors (along with the entire Board) also decide which comments are to be published from the previous year. Upon making recommendations, the editor completes an additional edit on the comment(s) selected, and then passes the comment along with the candidate’s research material to the Sub and Cite Editors.

The role of the Casenote Editor includes overseeing the writing and revisions of the candidates’ casenotes as well as casenote editing. The Casenote Editor is responsible for forwarding the casenote research to the Managing Editors to aid in sub and citing. The editor also assists the EIC in the selection of the casenotes for publication. The procedures followed for casenotes parallel those used for the comments, except that the casenote is not written in connection with a Seminar class, but on the candidate’s own time during the Summer preceding the third year of law school. (Night students have the option of writing their casenotes prior to their fourth year.)

**Articles Editor**

The Articles Editor selects articles to be published by the law review. This is done in two ways. First, the law review receives many unsolicited articles from authors from around the world. These are submitted to the Business Manager, who gives them to the Editor-in-Chief to distribute to the two Articles Editors for consideration. Second, articles are solicited by the Articles Editor directly from authors. Which method predominates in any given year will depend on the Articles Editor's preference, the quality of unsolicited articles, and the desire for articles on particular topics. In all cases, final approval comes from the Editor-in-Chief, but it is the Articles Editor’s job to remain in contact with authors. The process for selecting articles begins before the end of the editor’s year as a candidate, that is, soon after his or her selection to the next year’s editorial board.

After an article is accepted and the contract with the author is signed, the Articles Editor “blue pencils” the article and locates the article’s cited sources in the Loyola Law Library, Loyola’s main library, and other libraries if necessary, so that candidates know whether and where sources are available for pulling. The article is then given to the Sub & Cite Managing Editor for sub & citing, after which the Articles Editor sends a copy of the final version to the author for review. If necessary, the Articles Editor discusses with the author any concerns of the author or the law review editorial board.
**Articles/Symposium Editor**

As mentioned above, Articles Editors are in charge of soliciting manuscripts from legal scholars and practitioners, as well as receiving and reviewing unsolicited articles. Articles Editors communicate directly with the authors to resolve major problems, to see that necessary revisions are made, and to make certain that deadlines are met. Once the Articles Editors and the EIC select an article for publication, the Articles Editor completes a thorough first edit and creates a source list that is then given to the candidates for their source-pull assignments. If the source is not available at one of Loyola's libraries, the Articles Editor makes arrangements with the circulation desk to have the source available for the candidates.

The Articles/Symposium Editor will also be in charge of ensuring that the Law Review sponsors at least one conference/symposium/colloquium every year (either in the Spring or Fall depending on the circumstances) on some current topic of law. This position is responsible for putting together the entire Symposium, from picking a topic, securing speakers, making any necessary arrangements to get them to Loyola, to the details of arranging the event at the school. To facilitate this, the Symposium editor should be in touch with all faculty members the summer before 3L year to find out which professors have contacts that may be interested in a topic-specific conference. In addition, the Symposium editor, once a topic is chosen, will be responsible for soliciting articles specifically on that topic. In this sense, the "Articles" responsibility of the Articles/Symposium editor will dove-tail nicely with the Symposium responsibilities, as the goal of a symposium is to publish a volume of the Law Review dedicated to the presentations and issues presented at the symposium.

**Practicum/Substance and Citation Editor**

The Sub & Cite Editor has the principal duty of preparing for and administering Sub and Cite Saturdays and the Law Review Practicum, as well as assigning articles for sub and cite in the Spring semester. In order to prepare for Sub and Cite Saturdays, the Sub & Cite Editor must determine what will be sub and cited and when, ensure that articles are in and ready for Sub and Cite Saturday by the established deadlines, and proportionately divide and assign the articles accordingly. The Sub and Cite Editor also must, along with the Articles Editors, make sure that the necessary sources are available. Additionally, the Sub and Cite Editor must plan the Law Review Practicum, which entails creating a syllabus and soliciting guest lecturers that will help the law review candidates perform their law review duties. In the Spring semester, the Sub and Cite Editor must work with the Comment/Casenote and Articles Editors to create deadlines for materials to be sub and cited. Further, the Sub and Cite Editor has to work around the candidates’ comment schedules and assign sub and cite materials to the candidates.