

# **2009 Joint Summer** **Writing Competition**

It is time for the Joint Summer Writing Competition for potential membership on the *Florida State University Law Review*, the *Journal of Land Use & Environmental Law*, the *Journal of Transnational Law & Policy*, and the *Business Review*. We hope that all eligible students will participate in this competition.

Please keep in mind that certain journals may have certain membership requirements (i.e., GPA of 77 or above), and those students invited to join must meet those requirements. Participants in the competition are responsible for verifying their eligibility for membership.

Participants must write a case note analyzing Florida v. Powell 998 So.2d 531 (Fla. 2008). Attorney General Bill McCollum has petitioned the United States Supreme Court for certiorari to review this case, but the U.S. Supreme Court has not yet granted or denied the petition. Your case note must predict the U.S. Supreme Court's anticipated opinion if they grant certiorari. The case involves whether the failure to provide express advice of the right to the presence of counsel during questioning vitiates Miranda warnings which advise of both (a) the right to talk to a lawyer "before questioning" and (b) the "right to use" the right to consult a lawyer "at any time" during questioning. Remember that a quality case note predicts higher court actions in a thorough manner. **Please ignore the issues of whether this was harmless error or of whether the defendant waived his constitutional rights.**

**There is a very slim possibility that the Supreme Court may decide this case before the submission date. IF THIS HAPPENS, DO NOT READ THE OPINION!!! All violators will be disqualified from the contest and reported to the dean for a violation of the Honor Code.**

**This competition is CLOSED**, which means that you must only use the cases and materials provided at the end of this packet. **Therefore, you are not allowed to do any outside research, and all citations should come from the materials. Also, you may NOT ask for, or receive, help analyzing, researching, or writing this case note, nor should you access the briefs or oral argument transcripts related to any of the cited cases.** You may, however, call or email the four editors listed on page 5. Please feel free to ask questions if help is needed with rule clarification. We cannot help with substantive questions. We applaud your participation and wish you the best of luck.

There is no separate bluebook test as part of the write-on competition. However, the citations in your case note should be in proper bluebook format and will count in the overall evaluation of your submission.

## Rules for the 2009 Joint Winter Write-On Competition

\* A violation of a single rule constitutes grounds for disqualification—be sure to read all directions very carefully. The Summer Write-On Competition will take place beginning on **Friday May, 29, 2009 and will conclude at 12:00 p.m. on Friday, June 5, 2009.**

### BASIC RULES

1. **Originality:** Your work must be completely your own. You cannot ask anyone for help researching, writing, editing, or proofreading.
2. **Anonymity:** Use a BAGS number obtained from the Student Affairs office. This BAGS number can be obtained by emailing [saffairs@law.fsu.edu](mailto:saffairs@law.fsu.edu). Send an email with your name and request a BAGS number for the write-on competition. This BAGS number is specific and exclusive to the Write-On Competition—do *not* use the same BAGS number you used for exams. Place your BAGS number in a footer or header with page numbers on each page of your paper. Do NOT put your name anywhere on the paper.
3. **Deadline:** The deadline for submissions is Friday, June 5, 2009 at 12:00 p.m. Submissions will be accepted according to the process outlined in rule 4.
4. **Turning in your paper and submission to Multiple Journals:** You may submit your case note to any or all of the journals. Submission will be electronic through your FSU mail account. **You must use your FSU email account or your submission will not be accepted.** In the subject line of the email write: **Summer Write-on Competition Submission**. Do not forget to attach your submission to the email. To submit your paper, e-mail it to the following contact for the journal(s) you wish to submit to by 12:00 p.m. on Friday, June 5th:
  - To submit your paper to the *FSU Law Review*: Brenda Ellis at [bellis@law.fsu.edu](mailto:bellis@law.fsu.edu).
  - To submit your paper to the *Journal of Land Use & Environmental Law*: Jeremy Lightner at [jlightne@law.fsu.edu](mailto:jlightne@law.fsu.edu)
  - To submit your paper to the *Journal of Transnational Law & Policy*: Jacob Malcolm at [jam07k@fsu.edu](mailto:jam07k@fsu.edu)
  - To submit your paper to the *Business Review*: Kara Jursinski at [kmj08d@fsu.edu](mailto:kmj08d@fsu.edu)
5. **Selection:** Each journal will evaluate your case note independently and anonymously. Each journal will then notify you of your acceptance at a date set by that respective journal.
6. It is recommended that you look at the two case notes and book below as guides. Do not rely on the case notes as a citation guide because they did not use the current edition of the *Bluebook*.
  - 22 FLA. ST. U. L. REV. 695 (1995).
  - 22 FLA. ST. U. L. REV. 1047 (1995).
  - Academic Legal Writing: Law Review Articles, Student Notes, Seminar Papers, and Getting on Law Review by Eugene Volokh

7. Submission of your case note signifies that you have read and agreed to these rules.

### **FORM OF THE CASE NOTE**

1. **Cover Page**: Please include a cover page with your submission. It should contain the title of your paper, the name of the journal you are submitting the paper to (please include all of the journal names you are submitting your memo to on the same cover page), and your BAGS number. **DO NOT put your name on the cover or anywhere else on the paper!!**
2. **Length**: Your case note must *not* exceed fifteen (15) pages of text, *excluding* endnotes. Papers consisting of more than 15 pages will be automatically disqualified. Please do not attempt to circumvent this 15 page limit by cramming extra information into your endnotes.
3. **Endnotes**: You must use endnotes, not footnotes. Endnotes are exactly the same as footnotes, except that they appear at the end of the paper instead of on the bottom of each page. All citations should be to the *Bluebook* Eighteenth Edition—be sure to use the white pages.
4. **Spacing**: Text should be double-spaced. Do not add extra spaces between paragraphs, between endnotes, or after headings. Endnotes should be single spaced with one space between each endnote as illustrated in the example below.

<sup>1</sup> Spears v. Federline, 212 U.S. 21, 26 (2007).

<sup>2</sup> See Bowden v. Paterno, 144 U.S. 213, 216 (2006).

5. **Page Size and Page Numbers**: Papers must be typed on 8-1/2 by 11 inch paper with 1 inch margins all around. Please include page numbers on each page in the footer.
6. **Font**: Text and endnotes must be typed in 12-point Courier New font. Papers with improper font/sizes will be *automatically* disqualified.
7. **Content**: You *must* include the following content areas in your case note. However, you may use any headings you wish, and you may have more than one of the required content areas under a single heading.
  - Brief introduction.
  - Discussion of the historical or general background surrounding the issue.
  - Discussion of the facts of the case.
  - Discussion of the procedural background of the case.
  - Discussion of the law involved in the case.
  - Discussion of cases finding like the lower circuit here.
  - Discussion of cases with findings contrary to the lower circuit here.
  - Critical analysis of the court's result.
  - Prediction of the Supreme Court's future decision.
  - Policy considerations for both sides.
  - Brief conclusion.

8. **Table of Contents:** Include a Table of Contents listing your headings, subheadings, and the page numbers on which they appear. The table must be single-spaced. It will not be counted as a page of text.

**JUDGING YOUR PAPER**

1. **Writing Style:** Use proper grammar, spelling, punctuation, and tone. Journals cannot tolerate careless proofreading errors. Also, a good writer can communicate ideas very effectively and has a professional and confident tone.
2. **Logical Analysis:** A good writer explores the relationship between the facts, issues, holdings, and reasoning of the case. An analysis should include the history of the legal doctrine, the public policies involved, and other implications of the decision. Focus should be on analysis. This is a critical writing – writing about what lies between the lines.
3. **Substance:** Substantive accuracy and proper identification of the issues are extremely important. A good writer can read, understand, and incorporate all relevant authority.
4. **Organization:** The opening portions of a case note generally contain an introduction and background of the issue, statute, and legal doctrine. Organization after that depends on the writer’s analysis and discretion. Remember that your case note should read as a cohesive whole. Use sections and subsection headings for proper organization.
5. **Originality and Creativity:** A case note should not simply report what happened in the sources provided. It should analyze, explain, evaluate, criticize, and/or applaud the cases. Therefore, supporting your arguments with authority is quintessential. Use and application of authority is key.
6. **Technical Accuracy:** All citations must be in correct *Bluebook* form (Eighteenth Edition)—be sure to use the white pages. Attention to detail is absolutely necessary! Do not use ALWD. All journals use the *Bluebook*. Please pay specific attention to this requirement. Technical accuracy is key to a successful journal. As such, the journals consider TECHNICAL ACCURACY AS A MAJOR JUDGING FACTOR. However, if you cannot find an exact citation, please use similar stylistic guidelines and be consistent with your choice through out the remainder of your case note.

**Contact Names of Journal Writing & Research Editors:**

| <b><u>Name</u></b> | <b><u>Journal</u></b>                              | <b><u>Email</u></b>  | <b><u>Phone</u></b> |
|--------------------|--|--|---------------------|
| Amanda Swindle     | <i>Law Review</i>                                  | <a href="mailto:alb07u@fsu.edu">alb07u@fsu.edu</a>             | (251) 509-7202      |
| Leean Johns        | <i>Journal of Land Use &amp; Environmental Law</i> | <a href="mailto:leeanjohns@gmail.com">leeanjohns@gmail.com</a> | (912) 550-3009      |
| Jacob Malcolm      | <i>Journal of Transnational Law &amp; Policy</i>   | <a href="mailto:jam07k@fsu.edu">jam07k@fsu.edu</a>             | (904) 294-3151      |
| Kara Jursinski     | <i>Business Review</i>                             | <a href="mailto:kmj08d@fsu.edu">kmj08d@fsu.edu</a>             | (239)770-3885       |

# **Journal Membership Requirements**

\*Please review the following membership requirements for each journal prior to submitting your Write-On Competition paper to that journal. Note that all four journals require members to have a cumulative GPA of at least 77—please do not enter the contest if your GPA is below this threshold.

## **Florida State University Law Review**

- The membership shall consist of those students who are selected on the basis of the Winter Write-On Competition or the Summer Write on Competition, or on the basis of publication in the Law Review—all of which are specified by the bylaws—and who successfully fulfill the training requirements.
- Each member shall maintain a grade point average of at least seventy-seven (77) on a scale of 100 or the equivalent on any subsequently adopted scale.
- Each member shall submit one original piece of “publishable quality” in satisfaction of the Law Review writing requirement no later than the first day of their last semester.
- Each member shall be responsible for completing all assignments thoughtfully, accurately, thoroughly, and promptly.
- Each member shall serve on one committee each academic year.
- Each member shall attend all announced meetings of the membership.

## **Journal of Land Use & Environmental Law**

- **Grade Point Average:** No person will be invited to join the journal unless he or she has a cumulative GPA of 77 or higher. Journal members must maintain a cumulative GPA of 77 or higher. If a journal member’s GPA falls below 77, he or she may be placed on probation.
- **Training Assignment:** All members *must* complete the training program. Students *may* be exempted from completing part of the training program if they successfully complete the *Law Review* training program instead.
- **Subciting:** All members *must* subcite *at least* one article per semester. In rare circumstances, members may be expected to subcite an additional article if the journal requires it. Members may also be required to subcite one article over the summer as well, though this article will usually count toward the member’s fall subciting requirement.
- **Committee Membership:** All members *must* serve on at least one committee per semester. There are several committees to choose from, including the Writing Competition Committee, Manuscript Review Committee, Scholarship Committee, or the Training Assignment Committee. Students may choose which committee to join.
- **Mandatory Events:** All members *must* attend certain mandatory events each semester. Absences *must* be excused in advance by a Board member. Mandatory events include one general membership meeting per semester, the Spring Awards Ceremony recognizing graduating 3L’s and outstanding members, and the Distinguished Lecture Series each semester.
- **Writing Requirement:** All members *must* submit a paper of publishable quality to the Journal before the beginning of their last semester of law school. This paper must be at least 20

pages, excluding endnotes, and must be on an environmental law or land use topic. You may submit your Upper Level Writing Requirement paper only if it is written on an environmental law or land use topic. In lieu of writing a paper, members can also satisfy this requirement by serving as an Articles & Notes editor for at least one semester.

### **Journal of Transnational Law & Policy**

- **Grade Point Average:** No person will be invited to join the journal unless he or she has a cumulative GPA of 77 or higher. Journal members must maintain a cumulative GPA of 77 or higher. If a journal member's GPA falls below 77, he or she may be placed on probation.
- **Term Served:** No person will be invited if he or she has less than three semesters remaining—counting the semester the invitation would be issued—at the College of Law.
- Each member is required to complete all assignments—including all training assignments and subcites—thoughtfully, accurately, thoroughly, and promptly.
- Each member is required to serve on one committee each semester.
- Each member is required to attend all announced meetings of the membership.
- Each member is required to attend the Richard B. Lillich Memorial Lecture.
- Each member is required to submit a “publishable quality” piece prior to the deadline determined by the Board.

### **Business Law Review**

- Each member must maintain a cumulative law school GPA of 77 and submit a business related piece suitable for publication before their last semester.
- Each member must complete all subciting assignments thoughtfully, accurately, thoroughly, and promptly.
- Each member must serve on at least one committee.  
Each member must attend all scheduled meetings and training sessions.
- Each member must complete training.

## **Sources**

**This is a closed universe competition. You may only use and cite to the sources listed below. Note: The citations may not be in the correct Bluebook Format.**

1. United States Constitution, Fifth Amendment
2. State of Florida v. Kevin Dewayne Powell 998 So.2d 531 (Florida Supreme Court September 29, 2008)
3. *Miranda v Arizona*, 384 U.S. 436 (1966).
4. State of California v Randall James Prysock 453 U.S. 355, 101 S.Ct. 2806 (1981).
5. Duckworth v. Eagan, 492 U.S. 195 (Sup. Ct. 1989).
6. US v. Frankson, 83 F.3d 79 (Fourth Circuit 1996)

7. United States v. Caldwell 954 F.2d 496 (8<sup>th</sup> cir, 1992)
8. US v. Lamia 429 F.2d 373 (second circuit 1970).
9. Bridgers v Dretke 431 F.3d 853 (5<sup>th</sup> Cir Court of Appeals 2005)
10. US v. Noti, 731 F.2d 610 (9th Cir 1984).
11. *U.S. v. Tillman* 963 F.2d 137 (sixth cir 1992).
12. *Windosr v. U.S.* 389 F2d 530 (5<sup>th</sup> cir 1968)
13. Back to the Basics: A Fail-Safe Method for Administering the Miranda Warnings After Duckworth v. Eagan, Elizabeth Copeland, 32 Ariz. L. Rev. 645
14. Jeremy A. Jacobs, Bridgers v. Dretke and More Conflict Surrounding the Requisite Standard or Sufficient Miranda Recitations: Is Help on the Way? 30 Am. J. Trial Advoc. 399

**This is the list of sources that can be used in the case note, but you are not required to use all of the sources. Also, if a case mentions an older case that is relevant, you may cite to that case for example Bell Atlantic v. Twombly, 550 U.S. 544, 127 S. Ct. 1955 (2007) (citing Crawford-El v. Britton, 523 U.S. 574 (1998)).**

