

2L 2008-2009 Joint
Winter Writing
Competition

These guidelines are
ONLY for 2Ls.

1Ls must use the 1L
2008 Joint Winter
Writing Competition
guidelines.

2L—2008-2009 Joint Winter Write-On Competition

It is time for the Joint Winter 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 based on the write-on competition must still meet those requirements. Participants in the competition are responsible for verifying their eligibility for membership.

Participants must write a case note analyzing **United States v. Herring, 492 F.3d 1212 (11th Cir. 2007)**. The United States Supreme Court granted certiorari to review this case on February 19, 2008. The case was argued before the Supreme Court on October 7, 2008. Your case note must predict the Supreme Court's anticipated opinion. The case involves whether the exclusionary rule should apply to evidence seized incident to an arrest, unlawful under the Fourth Amendment, due to erroneous information negligently provided by another law enforcement agency. Read the case, research similar cases, and use your research to predict how the U.S. Supreme Court will decide the case.

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.

Remember that a quality case note predicts higher court actions in a thorough manner. All 2Ls are expected to conduct all their own research for the note—no research is provided to them as it is for the 1Ls. Sources may include, but are not limited to, statutes, case law, law review articles, books, Internet websites, etc. All sources must be reputable. Participants may NOT ask for or receive help analyzing, researching, or writing this case note. They may, however, call or email the four editors listed on page 6 to ask procedural questions. We applaud your participation and wish you the best of luck.

As part of the write-on competition, each participant must take a Bluebook test. This test will be given at the beginning of the spring semester. There will be a Bluebook training session prior to the test. This test will be multiple choice, time pressured, and you are allowed to use your Bluebook. Specific details will follow in the student announcement concerning dates and times. All students with disabilities and need accommodations should contact the Law Review in advance of the test. Each 2L must score above a certain threshold score to be considered for membership. This threshold score will be determined at a later date.

Rules for the 2008-2009 Joint Winter Write-On Competition

* A violation of a single rule constitutes grounds for disqualification—be sure to read all directions very carefully. The 2L Winter Write-On Competition will take place beginning **Monday, December 15, 2008 and will conclude at 5:00p.m. on Monday, January, 12, 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. Send an email with your name and request a BAGS number for the write-on competition. Be sure to include whether you are a 1L or a 2L. 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 Monday, January 12, 2009 at 5:00 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: **Winter Write-on Competition Submission 2L.** 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 5:00 p.m. on Monday, January 12th:
 - To submit your paper to the *FSU Law Review*: Brenda Ellis at [omitted].
 - To submit your paper to the *Journal of Land Use & Environmental Law* or the *Journal of Transnational Law & Policy*: Jeremy Lightner at [omitted]. Since the Land Use and Transnational journals have the same submission address, please write in the text of your email whether you are submitting to both journals or just one of them.
 - To submit your paper to the *Business Review*: [omitted]. In the text of your email please state that you are submitting to the *Business Review*.
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 paper. The cover page 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 case note to on the same cover page), whether you are a 1L or 2L, 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 twenty (20) pages of text, *excluding* endnotes. Papers consisting of more than 20 pages will be automatically disqualified. Please do not attempt to circumvent this 20 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 must 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.

¹ Spears v. Federline, 212 U.S. 21, 26 (2007).

² 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. **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.
8. **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. (If applicable).
- Discussion of cases with findings contrary to the lower circuit here. (If applicable).
- Critical analysis of the court's result.
- Prediction of the Supreme Court's future decision.
- Policy considerations for both sides.
- Brief conclusion.

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 the analysis of the Court's decision. 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 below and with other cases. 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:

[omitted]

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 a Winter Write-On Competition and a 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.
- Each member must complete 3 article assignments thoughtfully, accurately, thoroughly, and promptly.
- Each member must be a member of at least one (1) committee.
- Each member must attend all scheduled meetings and training sessions.