



COLUMBIA LAW REVIEW

Publishable Notes Program
2025-26 Manual

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1. Introduction

Welcome! *The Columbia Law Review* Notes Committee is excited to have you participate in this year's Publishable Notes Program (PNP).

Through PNP, the Committee accepts submissions of student-written Notes from 2Ls not currently on the *Review* and considers them in an anonymous process alongside Notes written by *Review* staff editors. All 2Ls, including transfer students, are eligible. Each PNP participant will be paired with a Note Editor (NE) on the *Review* who will provide feedback on assignments.

If a Note authored by a PNP participant is selected for publication during the initial selection round in winter 2026, the author will be offered a staff position on the *Review* for the remainder of their 2L and 3L years and will be eligible for a position on the Administrative Board. If a Note authored by a PNP participant is selected for publication during the second selection round in summer 2026 (open only to those who participated in the first round and were not selected), the author will be offered a staff position on the *Review* during their 3L year.

For students writing a Note for another journal, please confirm with the head of your journal's Notes program prior to registering for PNP that your journal do not have policies—such as a right of first publication or first refusal—that will preclude you from publishing your Note in the *Review* and joining its staff if you are selected for publication through PNP.

2. What is a Note?

A Note is a piece of legal scholarship written by a student that identifies a specific, unresolved legal problem and offers a solution. Shorter than Articles or Essays, Notes are typically about 40 to 45 double-spaced pages long and more focused in scope. Accordingly, the *Review* favors Notes that give deep answers to narrow questions, rather than shallow answers to broad ones.

Notes take clear positions on the issues they address and solutions they propose, but they are not advocates' briefs. They are academic contributions. Like scholarly work in most fields, they recognize all sides of the issue and are as objective as possible. By doing so, a Note author assures the reader that nothing is hidden and lends credibility to the position they take. In short, a Note author should articulate their position persuasively by treating counter-arguments seriously.

Notes are often relied on in the legal world, read more than they are cited. Practitioners, judges, clerks, scholars, legislative staffers, and students depend on Notes for clear, concise articulations of complicated areas of the law, for arguments in briefs, and for support in judicial opinions. Keeping Note topics narrow (but timely!) gives students the best possible chance to create scholarship that influences legal thinkers.

Common Note Types

- **Unexpected Effects:** These Notes draw attention to the fact that a recent decision or piece of legislation might have an unexpected effect on a situation not considered by the judges or legislators involved. These Notes then discuss whether the effect is good or bad and accordingly whether the law should be extended in this way. Examples:
 - John Clayton, Note, Policing the Press: Retaliatory Arrests of Newsgatherers After *Nieves v. Bartlett*, 120 Colum. L. Rev. 2275 (2020) (arguing that the Supreme Court's decision in *Nieves* threatens the ability of journalists to bring viable civil claims to help deter pretextual arrests);
 - Joshua Wilkenfeld, Note, Newly Compelling: Reexamining Judicial Construction of Juries in the Aftermath of *Grutter v. Bollinger*, 104 Colum. L. Rev. 2291 (2004) (applying *Grutter*, which upheld attempts to ensure student diversity, to the practice of selecting juries to ensure juror diversity).
- **Policy:** When Notes criticize legislation on policy grounds, they can help advance the debate and may even influence legislative staffers; however, they may be preempted if the laws change. Examples:
 - Kevin Heiner, Note, Are You My Father? Adopting a Federal Standard for Acknowledging or Establishing Paternity in State Court ICWA Proceedings, 117 Colum. L. Rev. 2151 (2017) (arguing that Congress, the BIA, or the Supreme

Court should address the issue of nonmarital fathers as “parents” under the ICWA because the lack of a uniform federal definition is inconsistent with the purpose of the ICWA);

- Franziska Hertel, Note, *Qui Tam for Tax?: Lessons from the States*, 113 Colum. L. Rev. 1897 (2013) (arguing the federal government and states should amend false claims acts to allow qui tam lawsuits alleging tax fraud).
- Circuit Split / Messy Doctrine: Two or more circuit or district courts, or the highest courts in two or more states, may decide a discrete issue differently. These Notes analyze why courts have reached different decisions and instruct future courts to act in a certain way. One problem for Notes that address federal circuit splits is that your Note will likely be preempted if the Supreme Court grants cert or if another scholar writes with similar observations. (Although if you’re published before the Court grants cert, the Court could cite your Note!) Because circuit splits are common Note topics, be especially careful with your preemption checks—including checking whether the latest circuit decision you discuss isn’t currently a pending cert petition before the Court. Examples:
 - Circuit Split: Julia Maddera, Note, *Batson* in Transition: Prohibiting Peremptory Challenges on the Basis of Gender Identity or Expression, 116 Colum. L. Rev. 195 (2016) (identifying circuit split on whether heightened scrutiny applies to gender identity and analyzing the best approach to extending Supreme Court precedent);
 - Messy Doctrine: Alexander G. Peerman, Note, Parsing Prior Convictions: *Mathis* v. *United States* and the Means–Element Distinction, 118 Colum. L. Rev. 172 (2018) (describing the various ways that courts of appeals applied *Mathis* and three aspects of prior-conviction doctrine that remain unsettled).
- Interdisciplinary: Notes that borrow insights or analyses from other disciplines can shed light on legal thinking. These Notes work especially well if the author has significant expertise in another area (for instance, if you earned a masters or doctorate, or did extensive work in a field, before coming to law school). Examples:
 - Lisa Ells, Note, *Juvenile Psychopathy: The Hollow Promise of Prediction*, 105 Colum. L. Rev. 158 (2005) (arguing the legal system’s methods for assessing criminal psychopaths and determining likelihood of recidivism will not work on children);
 - Isabella Kendrick, Note, *Critical Habitat Designations Under the Endangered Species Act in an Era of Climate Crisis*, 121 Colum. L. Rev. 81 (2021) (proposing a new definition of “habitat” in the Endangered Species Act that comports with current scientific understandings of the term).

- Historical: Remember that Notes must address a live legal issue. Therefore, Notes that trace legal history should demonstrate the relevance of that history to the current debate. Historical Notes can be very involved, so be careful not to overextend. Examples:
 - Elissa Alben, Note, GATT and the Fair Wage: A Historical Perspective on the Labor-Trade Link, 101 Colum. L. Rev. 1410 (2001) (using the history of GATT trade debates to argue that current WTO text has limited value as a tool to promote human-rights-based labor standards);
 - Laurence Drew Borten, Note, Sex, Procreation, and the State Interest in Marriage, 102 Colum. L. Rev. 1089 (2002) (describing historical justifications for special legal status of sexual partners, and examining how courts, in determining validity of marriages without intercourse, are influenced by this history);
 - Aziz Z. Huq, Note, Peonage and Contractual Liberty, 101 Colum. L. Rev. 351 (2001) (examining two turn-of-the-19th-century Thirteenth Amendment cases, arguing these cases are best understood in light of freedom of contract jurisprudence, and demonstrating how this interpretation still influences the Supreme Court today).

- Empirical: This type of Note is extremely useful but can be difficult to write, as it's hard to find an area that can be researched thoroughly in a limited amount of time. On the bright side, empirical Notes are hard to preempt—you are only preempted if someone has done the same (or a similar) empirical study. In other words, just because a theory has been articulated doesn't mean that your empirical Note is preempted. You can say, "Professor X detailed legal theory Y. This Note will prove (or disprove) it." Examples:
 - Kristin Giglia, Note, A Little Letter, A Big Difference: An Empirical Inquiry into Possible Misuse of Schedule 13G/13D Filings, 116 Colum. L. Rev. 105 (2016) (investigating empirical trends of investors switching from passivity-indicating 13G filings to activist-indicating Schedule 13D);
 - José Jesús Martínez III, Note, The Impact of Pretrial Detention on Immigration Proceedings: An Empirical Analysis, 121 Colum. L. Rev. 1517 (2021) (conducting a large-scale empirical analysis of immigration case data to draw conclusions about the impact of pretrial immigration detention on immigration cases);
 - Reilly S. Steel, Note, The Underground Rulification of the Ordinary Business Operations Exclusion, 116 Colum. L. Rev. 1547 (2016) (proposing that the SEC should recast the ordinary business operations exclusion as a "catalog" and replace the social policy exception's "significance" requirement with a numerical cap on proposals and a standard rooted in corporations' purpose clauses).

- Critical: These Notes examine a particular legal problem through a well-defined, critical perspective, such as feminist theory, race theory, or law and economics. Examples:

- Khiara M. Bridges, Note, On the Commodification of the Black Female Body: The Critical Implications of the Alienability of Fetal Tissue, 102 Colum. L. Rev. 123 (2002) (analyzing laws regulating fetal tissues from critical race studies perspective);
- Justin A. Nelson, Note, The Supply and Demand of Campaign Finance Reform, 100 Colum. L. Rev. 524 (2000) (looking at campaign finance from a law and economics perspective).
- **The Broad Philosophical Note:** Every now and then a Note successfully takes a look at a big-picture question and proposes a new way of understanding the law, or develops an innovative analytic framework to be applied to the law. If these Notes are successful, they'll be cited for many years (because they're essentially preemption-proof). On the downside, this type of Note is incredibly difficult to write—not only because it's hard to be both creative and relevant, but also because it's difficult to find a “broad look” topic that fits into a Note's smaller scope. Examples:
 - Alexander K.A. Greenawalt, Note, Rethinking Genocidal Intent: The Case for a Knowledge-Based Interpretation, 99 Colum. L. Rev. 2259 (1999) (arguing culpability for genocide should extend to those who may personally lack specific genocidal intent, but who have knowledge of genocidal consequences of their acts);
 - Olivia A. Radin, Note, Rights as Property, 104 Colum. L. Rev. 1315 (2004) (deducing the implicit framework used by the Supreme Court in determining when to treat rights as property).

Note Types to Avoid

- **Musings:** These Notes amount to “a bunch of interesting thoughts about [X].” If a Note describes a recent Supreme Court decision or legal phenomena and merely offers a handful of observations, it fails to meaningfully contribute to the legal community. A Note should be an incisive identification of a discrete problem and a proposal of a targeted solution—not a venue for various thoughts on an interesting topic.
- **Research Survey:** These Notes merely paint a portrait of the legal landscape without offering any creative thought or original analysis. Notes should offer more than a mere summary of the law—they should provide a thoughtful solution to a previously unidentified problem.
- **Overambitious:** A Note like this proposes to tackle gargantuan topics and sweep legal academia off its feet. Notes should tackle narrow, modest topics in detail, rather than provide a superficial or conclusory analysis of broader issues. Note topics should be manageable and focused on one central idea or concept.

- Same Problem, New Solution: These Notes fail to identify a new problem and instead merely propose a different solution to a problem already identified and thoroughly addressed by others. That said, Notes that address an “old problem” can sometimes be effective if the lens is fresh and the solution is especially useful and novel.
- SCOTUS Is Wrong: These Notes usually rail against—or at least heavily criticize—a Supreme Court opinion. In this way, the Note isn’t valuable because it’s calling for a change that often cannot be enacted except through elaborate measures such as legislation or an overruling. You might be able to avoid this by arguing that lower courts should read an opinion narrowly, but it’s a fine line to walk. In either case, a Note shouldn’t be just a lengthy criticism of established Supreme Court doctrine.
- Ideal Decision: These Notes merely analyze a particular case and say how a court should respond. A Note should address a specific legal issue, not a particular court case. Although legal analysis can be applied to a given case or controversy, a Note should not restrict itself to answering one question facing a court.

Frequently Cited Examples

The Notes below are examples of *CLR* Notes that have been cited frequently since their publication. Reading their titles and descriptions will give you a sense of the typical Note’s scope. If any of these Notes sound interesting, you can pull them up on Lexis or Westlaw to get a sense of the genre.

- Tyler Finn, Note, Qualified Immunity Formalism: “Clearly Established Law” and the Right to Record Police Activity, 119 Colum. L. Rev. 445 (2019) (discussing an “artificial circuit split” over whether the First Amendment protects the right to record public police activity and proposing a functional approach to qualified immunity).
- Colin Quinlan, Note, Erie and the First Amendment: State Anti-SLAPP Laws in Federal Court After *Shady Grove*, 114 Colum. L. Rev. 367 (2014) (concluding that federal courts, when interpreting the Rules Enabling Act, should apply state Anti-SLAPP laws).
- Michael R. Herman, Note, The Stay Dilemma: Examining Brand and Generic Incentives for Delaying the Resolution of Pharmaceutical Patent Litigation, 111 Colum. L. Rev. 1788 (2011) (exploring the cases, regulatory background, and economic incentives surrounding stay motions in pharmaceutical patent litigation and concluding stay motions should be denied)
 - See *FTC v. Actavis*, 133 S. Ct. 2223, 2244 (2013) (Roberts, C.J., dissenting).
- Brian A. Jacobs, Note, Trademark Dilution on the Constitutional Edge, 104 Colum. L. Rev. 161 (2004) (asserting courts have interpreted the Federal Trademark Dilution Act beyond what the Patent-Copyright Clause allows, and putting forward an interpretation of the Act that would be constitutional).

- Denise Ping Lee, Note, The Business Judgment Rule: Should It Protect Nonprofit Directors?, 103 Colum. L. Rev. 925 (2003) (noting that the move from nonprofits-as-trusts to nonprofits-as-corporations has led some courts to apply a more relaxed negligence standard to nonprofits).
- Bela August Walker, Note, The Color of Crime: The Case Against Race-Based Suspect Descriptions, 103 Colum. L. Rev. 662 (2003) (explaining how race-based descriptions of criminal suspects are not only discriminatory, but inefficient, and offering a more accurate alternative).

Structure

Notes serve their specific purpose for legal scholars and practitioners best when they meet readers' expectations. A Note will therefore be most useful when its structure allows readers to find what they expect to find, where they expect to find it, and to use the Note easily.

A good Note describes the background law, explains the problem at issue, and argues for a resolution that would solve the problem. The standard Note does these three things in Parts I, II, and III, respectively, and frames the three Parts with an introduction and a conclusion.

- Introduction: Your introduction should be succinct—usually about four short paragraphs. It should catch the reader's attention, provide basic information necessary to know what the Note is about, and briefly state the problem. The final paragraph of the Introduction should explain what the Note argues. It usually begins: "This Note argues that" The paragraph should then briefly outline what each Part of the Note will discuss, typically using only one sentence per Part. These sentences are the first and most important roadmap, and they are crucial to the success of your Note. Most practitioners and judges don't have time to slog through an entire Note when it is only partially relevant to the question they're facing, so they should be able to identify quickly which Part of the Note is important to their work.
- Part I: Give background information and describe the law that has preceded the issue you plan to discuss. Remember that Notes are aimed at nonexperts: It is better to explain too much (even if just through footnoted text) than to risk losing readers on the points you make later. Don't worry that you're not saying anything new or making any arguments in Part I, but do make sure that you clearly set up the issue you plan to discuss in Part II without dwelling on unnecessary background law. Be brief and descriptive.
- Part II: Describe in detail the problem or issue your Note addresses and explain through significant analysis why it is important. For example, it might describe a new development and why that development has made past interpretations or approaches

somehow deficient; criticize past treatment of an issue and explain why such treatment is inadequate to deal with the problem you're presenting; or explore the nuances of a circuit split on an issue and explain why the issue is important enough to demand resolution. Explain clearly why the problem or issue you address merits close attention and analysis, and why the law (or political climate, etc.) as it stands today, as described in your Part I, cannot resolve it. Due to the wide range of problems and issues that Notes discuss, Part II can take a variety of forms.

- Part III: Present your approach to the problem or issue presented in Part II. This is where you propose your solution. Be sure to argue thoroughly for your solution by addressing counterarguments and considering new concerns it might raise. If your piece's Part III suggests multiple solutions, be sure to make the relationship between them clear—i.e., whether the solutions are complementary or alternative, which you feel is the best approach, and why that is the case.
- Conclusion: Your conclusion should be short and sweet, perhaps only a paragraph or two. Minimize footnotes and leave out cross-references to earlier discussion in the piece (i.e., “see supra” cites). The conclusion should not simply restate your introduction, but should put your solution into a broader perspective.

As mentioned, readers expect Notes to follow the above three-Part structure. If a student wants to learn the background law in a particular area, they will turn to Part I. If a clerk wants to read about why prior decisions got the issue wrong, how a particular case affects the dispute at issue, or where a current legislative policy breaks down, they will turn to Part II. If a litigator wants to argue for a solution that favors their client, they will turn to Part III. Sticking to the traditional structure allows readers to find what they need. Accordingly, the *Review* does not require you to use the three-Part structure, but we strongly encourage it.

Some Notes published in the *Review* have broken the three-Part mold—though this is rare. If you feel like your topic lends itself to an unorthodox structure, you will not be disadvantaged during the selection process for deviating from the traditional structure as long as yours is effective. However, be sure you can defend the chosen structure to your NE and include excellent roadmapping throughout. Here are examples of Notes that departed from the tripartite structure:

- Andrea Nishi, Note Privatizing Sentencing: A Delegation Framework for Recidivism Risk Assessment, 119 Colum. L. Rev. 1671 (2019) (providing a history of risk assessment instruments in Part I, explaining the obscuring effect of risk assessment algorithms in Part II, suggesting a doctrinal framework for addressing these problems in Part III, and proposing legislative remedies in Part IV).

- Brian Patrick Larkin, Note, The Forty-Year “First Step”: The Fair Housing Act as an Incomplete Tool for Suburban Integration, 107 Colum. L. Rev. 1617 (2007) (discussing the social conditions that led to the FHA in Part I, showing how consumer choices protected by the FHA limit integration in Part II, discussing another limit on integration—racial steering—in Part III, and offering a solution in Part IV).
- Saira Mohammed, Note, From Keeping Peace to Building Peace: A Proposal for a Revitalized United Nations Trusteeship Council, 105 Colum. L. Rev. 809 (2005) (discussing background in Part I; analyzing the problem in Part II; proposing a solution in Part III; and considering significant counterarguments to Part III’s proposed solution in Part IV).
- Eric Grannis, Note, Fighting Words and Fighting Freestyle: The Constitutionality of Penalty Enhancement for Bias Crimes, 93 Colum. L. Rev. 178 (1993) (surveying bias-crime laws in Part I; countering the critique that these laws punish thoughts in Part II; discussing First Amendment law in Part III; and showing how bias crimes pass First Amendment and case-law hurdles in Parts IV and V, respectively).

3. Topics & Faculty Advisors

You don't need to have a firm topic and faculty advisor by the time you register for PNP. However, the *Review* does require student authors to have a faculty advisor review their piece before submission and provide feedback. And the first assignments are due not long after the registration deadline (see section 6, below). So we encourage students registering for PNP to begin thinking about a topic and faculty advisor as soon as possible.

Choosing a topic is the most important—and often the most difficult—part of the Note-writing process. You should look for a topic that is manageable in the time you have and has not yet been exhausted. A good notion to keep in mind is that a Note should address a live legal controversy.

Writing a Note is a good opportunity to learn about an entirely new subject or delve deeper into a topic that you're already familiar with. The Committee suggests that you start topic selection by thinking about what topics would interest you for several months—even longer, if your Note is selected for publication. Form a general idea or two, do some research to come up with a few rough, more narrow ideas within those topics, and then discuss them with friends, professors, and practitioners. Below are additional suggestions to come up with a topic.

Consult With a Professor or a Seminar Instructor

In general, professors are great resources for brainstorming and sharpening your Note's focus. You may need to approach a professor you have never met before. That is okay—they are used to hearing from students who are thinking about Notes, and most are happy to help.

When you meet with a professor, you don't have to know the exact issue your Note will address, but you should understand the general contours of the law regarding the topic you're investigating. That said, if you suggest a Note topic, you might get a different one in return: Plenty of professors might respond, "I don't think your idea X would work, because of such-and-such. How about looking into idea Y, which is closely related and would likely turn into a very compelling piece?"

Keep in mind, however, that professors' recommendations have not been vetted for preemption (see the next section, below). You may begin research on a professor's suggestion only to find that someone has recently covered the question, the topic is too big for one Note, or your research has led you to an idea you like more. Don't be afraid to follow up with the professor about potential new directions for your topic.

Talk to Contacts From Your Summer Job

Many Note topics come from summer jobs, either because practitioners are called on to research unsettled areas of the law, or because lawyers tend to ask summer interns to tackle unresolved areas of the law that they may not themselves have time to examine.

A good way to begin is to review any memos you were asked to write over the summer. Do you recall any unresolved questions that were outside the scope of your assignment but seemed interesting? Did you ever conclude, “I don’t know”—either because there was authority on both sides of the question, or because it was unclear how a recent case or law might affect the question? Any of these things might form the basis of a Note topic.

If nothing Note-like sprung from your summer assignments, ask lawyers you worked with whether they have stumbled on an interesting gray area recently that might lend itself to a Note.

If you do end up writing about something that you worked on this past summer, you’ll need to clear it with your former supervisor. A Note scheduled to be published in 2004 was canceled because of concerns raised at the last minute by the author’s summer firm. Therefore, make sure to run your Note topic by your employer early on.

Think of Effects From Decisions or Legislation

Effects stemming from court decisions or legislative enactments can make great Note topics. You can often find a discussion of such side effects in en banc decisions, dissents, or footnotes. If an appellate court decided to sit en banc, the case probably presents some tricky and important issues. En banc decisions are great ways to find Note topics, especially if the case is narrowly decided. But again, be careful of preemption if the decision presents a circuit split and the Supreme Court is asked to review that decision.

Periodicals or loose-leaf newsletters are also a great source for such topics. The most recent issues of the *National Law Journal*, the *New York Law Journal*, and *U.S. Law Week* often discuss developments in the law and the effects that such developments might have. Similarly, a reference librarian should be able to point you to loose-leaf services regarding your areas of interest. These services can be extremely specialized; for instance, *Mealey’s Litigation Reports* publishes newsletters on areas like “Catastrophic Loss Insurance” and “Asbestos Bankruptcy.”

Look for Circuit Splits

Circuit splits are another common type of Note topic. If you're having trouble finding something to write about, simply logging into Westlaw and researching circuit splits around topics you care about can be a good way to start. If you choose this method, however, beware of a Note that is overly simplistic, and merely suggests a middle ground between published opinions.

To find circuit splits on Westlaw or Lexis, select the U.S. Courts of Appeals database, and input a few words related to your topic. Then add one of the following phrases to your search terms:

1. circuit or authority /s split;
2. "decline to follow" /s circuit or appeals;
3. disagree /s circuit /s first or second or third or fourth or fifth or sixth or seventh or eighth or ninth or tenth or eleventh or D.C.

There are a few other ways to identify circuit splits. To locate circuit splits generally, check out the "Circuit Split Roundup" published by *U.S. Law Week*. A reference librarian can direct you to the collection kept in the law library. Alternatively, you can search the Westlaw directory of *U.S. Law Week* articles or use *Bloomberg Law's* Circuit Split search engine. Another approach is to peruse cert petitions that the Supreme Court has denied. Casebooks and treatises also highlight circuit splits and different treatments among states. In casebooks, check those notes that appear at the end of each subchapter presenting open-ended questions waiting to be tackled by enterprising students.

Other Resources

Topic Sources:

- Supreme Court: SCOTUSblog - <http://www.scotusblog.com>
- Circuits:
 - 2nd Circuit: Federal Defenders of New York - <http://blog.federaldefendersny.org/>
 - 9th Circuit: <http://circuit9.blogspot.com>
- Appellate Litigation: How Appealing - <http://howappealing.law.com>
- Legal News and Academia Blogs:
 - <http://www.lawprofessorblogs.com>
 - Balkinization - <http://balkin.blogspot.com>
 - Jurist: Paper Chase - <http://jurist.org/paperchase>
 - Lawfare - <http://www.lawfareblog.com>
 - The Volokh Conspiracy - <http://volokh.com>
 - WSJ Law Blog - <http://blogs.wsj.com/law>

Helpful Publications:

- Richard Delgado, How to Write a Law Review Article, 20 U.S.F. L. Rev. 445 (1986).
- Elizabeth Fajans & Mary R. Falk, Scholarly Writing for Law Students: Seminar Papers, Law Review Notes, and Law Review Competition Papers (2d ed. 2000).
 - In particular, see “Inspiration: Choosing a Subject and Developing a Thesis.”
- Heather Meeker, Stalking the Golden Topic: A Guide to Locating and Selecting Topics for Legal Research Papers, 1996 Utah L. Rev. 917 (1996).

4. Preemption

Preemption should be something that all Note authors think about throughout the writing process. Your Note is preempted if it analyzes a legal problem that has been thoroughly analyzed elsewhere (or if it is irrelevant due to recent events), even if your Note proposes a new solution to the problem in Part III.

The *Review* does not publish preempted Notes. We do this to protect both the integrity of the *Review* and the author. First, the *Review* wants to publish Notes that will influence the legal community. Preempted Notes cannot do this because they are outdated in some way. Second, if an author writes a preempted Note, readers may assume that the author failed to do adequate research, since they failed to notice someone else had analyzed their same topic. Even worse, readers may assume that the author proceeded in the face of such preemption.

For these reasons, it is important that your Note address a live legal controversy. The Committee will generally consider whether a Note makes a unique contribution to an area of the law when making publication decisions—a Note is not preempted simply because other scholars have written in the same area, but it must still identify or analyze a new issue.

Examples of Preemption

- If your Note analyzes a circuit split and the Supreme Court grants cert to resolve the split, your Note has almost certainly been preempted. Even if you propose Solution A and the Court chose Solution B, your Note no longer addresses a live legal controversy.
- If your Note analyzes a statute that Congress substantially amends, your Note has almost certainly been preempted. Even if you propose weakening the law and Congress strengthened it, your Note concerns an outdated legislative regime.
- If your Note analyzes a legal problem and a professor publishes an Article that analyzes the same problem, your Note has almost certainly been preempted. Even if you propose Solution X and the professor proposes Solution Y, your Note is preempted by virtue of being student-written work on a topic for which professorial work is available.
- If your Note analyzes a legal problem and another law student publishes a Note that analyzes the same problem, your Note has almost certainly been preempted—again, even if you are proposing a new solution.

You should monitor the legal world for preemption threats throughout the Note-writing process, and you should treat seriously the preemption checks that we ask you to submit at deadlines.

Checking for Preemption

You should keep an eye out for preemption threats as soon as you have started to hone in on a topic. This way, you won't invest too much time researching and writing on a topic already covered by someone else. Even after you've selected a topic, preemption continues to be a threat during Note-writing and after your Note is selected for but prior to publication. It may be possible to "write around" preemption, but it requires a ton of work.

Checking for preemption entails a meticulous survey of the pertinent legal or specialized literature to determine whether someone else has already published on your Note topic. You should do more than just survey some of the pertinent law or law-related scholarly literature that deals with your topic; you should locate and scrutinize all of it. Key databases to check are:

1. Lexis and Westlaw
2. SSRN
3. Google Scholar and Google

The Committee also suggests setting up alerts on Lexis, Westlaw, and Google so you can be alerted to any new publications on your topic. Other databases that authors may want to search in this category are HeinOnline and JSTOR.

5. Writing Your Note

Once you have a topic for your Note, the writing process is somewhat dictated by personal preference. Nonetheless, here are a few broad pieces of advice to make the process easier.

Research

At the research stage, the most important thing is to make sure you thoroughly understand your problem and the background law. This means reading all of the relevant (and potentially tangential) background law, keeping up to date on the latest developments, and talking to professors who specialize in that area of law. There is no one way to organize your research. The main trick is to develop a method for gathering and tracking your research material early in the process. Below are some tips you may find helpful:

- Learn the background law. Depending on your topic, you may have to learn the background law in additional related areas. Casebooks and hornbooks are often good starting points. Expect to invest a fair amount of time on this—doing so will make the rest of your Note process easier and your arguments and ideas stronger.
- Talk with a professor (or practitioner) with expertise in areas relating to your Note. Attorneys who work on these issues day in and day out—whether in academia or through the practice of law—can be great sources for getting a sense of prior treatment of your issue, and for answering specific questions that may still be confusing to you even after some research.
- Take notes on the cases and articles you read, and highlight helpful sections, quotes, etc. that you may want to include. Always indicate page numbers in your notes, as you'll need them for pincites.
- Keep track of which sources you've looked at. One way is to keep a Master Source List (MSL) for yourself, writing down sources you want to check out and crossing them off as you go. Another method is to create a folder on a database like Westlaw.
 - The bibliography from your outline can be a good starting point for an MSL. A source list can be a helpful way to organize your thoughts early in the process, so consider getting started on this early.
- Photocopy or save as a PDF anything that is hard to find. You don't want to have to look for it twice. Along those lines, keep a folder for seemingly useless notes and sources. You may find that you need them in the future as your topic develops.
- Organize your materials in a way that makes later reference easy. Keeping sources in one place will help you immensely as you write your draft and will also help cite checkers if and when your Note undergoes subbing. An alphabetized file folder can help.
- Keep track of the latest developments through Google, Lexis, and Westlaw alerts.

Content

There are four keys to a good Note: (1) analysis, (2) sourcing, (3) organization; and (4) style.

Analysis

The strength of your Note's analysis is the most important factor in its success. Make sure there are no gaps in your argument or internal inconsistencies. You should also address counterarguments and, if necessary, accept those arguments as potential weaknesses of your proposed solution.

It's also important to offer a strong conclusion—meaning that your solution must be both plausible and concrete. Your solution can acknowledge weaknesses or tradeoffs, but nonetheless must suggest something definite to the legal community. If you suggest multiple solutions, be sure to make the relationship between your proposed solutions clear. If you suggest alternative solutions, explain which is the most desirable and why.

Sourcing

Great sourcing in your Note is essential. Remember that writing a Note is like entering a conversation. Your Note should add something new to a broader scholarly discussion taking place in the legal world; at the same time, however, your Note should be mindful of the fact that many of your readers are coming late to the discussion and have no idea what's already been said. Thus, it is important that your sourcing is informative, organized, and easy to understand. Be cautious of a Note that provides too much background, however, to the detriment of analysis.

Until now, you have probably thought of footnoting as a way to source your statements. That is true, but, for purposes of your Note, you should expand your view of the function of footnotes. Good Notes direct readers to the best scholarly thinking on a given topic. You should strive in your footnoting to address all relevant sources: It's important to list, where relevant, multiple "see," "cf.," and "but see" signals. By referring to your footnotes, a reader should be able to assemble whatever significant scholarship exists on the broader issues implicated by your Note. At the same time, however, including every single remotely relevant or minimally useful source is not helpful, as they can obscure more important sources.

All support for your claims should be below the line, in footnoted text. All information essential to a clear understanding of your Note should be above the line. A good indication of the level of sourcing is the ratio between the text above the line and below the line; in general, these should be roughly equivalent. If the below-the-line text is substantially longer, it might be a sign of an overbroad topic, unclear argument, or extraneous material. If the above-the-line text is substantially longer, your arguments might lack support.

Organization

Solid structure is key to your Note's success. As the author, you know all the pieces of the puzzle, but the reader doesn't. Make your Note's problem, solution, and relevance clear.

A major element of a Note's organization is roadmapping: telling the reader where you are going at various points throughout your Note. Clear headers, roadmap paragraphs, and topic sentences are key. As mentioned earlier, Notes are often read rather than cited; readers generally scan Notes to get a feel for the law or an idea for a solution to a problem. Since some readers may only read one Part of a Note, each Part must explain at the outset what it will say and why it's important. Individual sections and subsections also generally call for roadmapping. The reader, by looking at only your table of contents, should be able to understand your high-level argument and its structure.

Style

Every sentence of your Note should be clear and easy to understand. Because Notes are not pitched to expert audiences, they should provide all of the knowledge necessary for a law student to understand the law. When beyond-the-basics legal knowledge is required, the Note must supply that knowledge, with information necessary to the argument above the line, and more nuanced or detailed information below the line. A Note must also be well written. Avoid unwieldy jargon and make sure that your Note is free of problems with grammar, style, and tone.

Format

When submitting your Note, make sure it follows these formatting rules:

Length

Your Note should be between 40 and 45 pages, double-spaced. The further your Note goes beyond 45 pages, the more it will have to justify its length with very tight writing and worthy discussion. All things being equal, a shorter Note is a better Note. Understandably, many Note writers wish to include every case, issue, good quote, and brilliant insight that they have. But including too much information will detract from your argument's effectiveness. Persuasive scholarship is crisp.

Font, Margins, etc.

We'll provide a Microsoft Word template for you to use for your Note drafts, which will ensure all Notes use standardized font, font size, spacing, margins, and other formatting. Generally: above-the-line text should be 12-point, double-spaced, Times New Roman; below-the-line text should be 11-point, single-spaced, Times New Roman. Margins should be one inch.

Text and Footnotes

Use the cross-reference feature in Word when making “supra” (above) or “infra” (below) references to your own piece. [Click here for a guide](#). This way, your references will update if you move things around.

Citations and other issues of mechanics and style should conform to the Bluebook, as modified by the *Review*'s internal style guide, the “Pink Pages.” Upon registering for the program, you will be sent a copy of the Pink Pages. Although the Notes Committee strongly encourages you to consult the Pink Pages as you write—and your NE will flag certain *Review* stylistic preferences for you—key deviations are noted below:

- Pincites: When a source is paginated, the *Review* requires a pinpoint citation or “pincite.” The only exceptions to this rule are (1) when the entire source is cited as background material or (2) when the source is merely cited to for the fact of its existence.
- Small caps and italics in footnotes: The *Review* breaks with Bluebook style by generally not using large-and-small capitalization or italicization in citations. This applies to all citations, including full case citations and citations to journal articles, online articles, and books. Shorthand case names, however, are italicized in short citations to that case.
- First person: The *Review* strongly disfavors the use of first person perspective. If absolutely needed, try “this author.”
- Humanizing language: The *Review* prefers the use of gender-neutral language whenever possible. In addition, the *Review* strongly prefers person-first language (e.g., “person who is incarcerated” instead of “prisoner,” “person with a disability” instead of “handicapped”) unless quoting and necessary to maintain the integrity of the original source.
- Hyphenation: The *Review* follows the Chicago Manual of Style regarding hyphenation.
 - Hyphenate phrasal adjectives, two or more consecutive words that make sense only when understood together as an adjective. E.g., “colonial-style house.”
 - Do not hyphenate with common prefixes.
 - Do not hyphenate adverbs modifying adjectives. E.g., “freely given confession.”
- Unpublished Sources: The *Review* retains copies of all unpublished sources cited. These should be noted with an “on file with the *Columbia Law Review*” parenthetical, and if your Note is selected for publication, you will need to provide copies of these sources.

6. Deadlines and Assignments

Here are the deadlines and assignments for those participating in PNP. Summaries of each of these assignments are below. Templates and examples of each of these assignments will be sent to all participants ahead of deadlines.

October 10, 2025	Register with the <i>Review</i> 's Business Office by 5 p.m. ET
October 17, 2025	First Preemption Check
October 24, 2025	Outline
November 17, 2025	Work in Progress
January 12, 2026	Final Draft and Preemption Check

Extensions

Assignments are due **at 10:00 a.m. ET on the date listed**. Please submit them to your NE, who will be assigned after registration. The final draft deadline is set in stone, and no extensions will be granted. The other deadlines are meant to help keep you on track. If any of them will instead cause you problems, you can work with your NE to adjust to the extent they can accommodate, given their schedule and the time they'll need to review your work. Keep in mind, however, that because the PNP timeline is condensed, there may only be so much room for flexibility.

If you need an extension, please let your NE know as far in advance as possible and explain the circumstances. Asking for an extension the morning of the deadline without a reason might not be a problem if your NE has flexibility. But it's also a sign of poor time-management and communication. A participant who consistently misses deadlines without communication or submits incomplete or woefully inadequate work will be disqualified from PNP.

Registration (due October 10, 2025, at 5 p.m. ET)

To participate in PNP, you'll need to register with the *Review*'s Business Office. To register, send an email with the subject line "PNP Registration" to business@columbialawreview.org. In the body of the email, state that you want to participate in the program and include your full name, preferred email address, phone number, and current journal affiliation (if any).

First Preemption Check (due October 17, 2025, at 10 a.m. ET)

Your first assignment is to submit a preemption check once you've selected your topic. Keep in mind that this first preemption check will take a while, as it requires you to review all of the existing literature on your topic. (It doesn't require you to complete your research; rather this initial literature review is to make sure your contribution is unique.) Make sure to give yourself plenty of time by starting before the registration deadline if you know your topic. A template is attached as an appendix to this manual.

Outline (due October 24, 2025, at 10 a.m. ET)

Your outline should cover the following:

- Structural Overview: Summarize Parts I, II, and III, incl. section and subsection titles.
- Part I (Background): Explain the field to someone with legal acumen but no knowledge.
- Part II (Relevance): Tell us why your question is ripe and your thesis unique.
- Part III (Solution): Summarize—even tentatively—ideas you have for answering the legal question you've posed.
- Prior Treatment: This should be similar to your first preemption check. But it should be more focused. Unlike preemption checks, you don't need to list all of the related literature. Instead, explain what the biggest experts in your topic have said and how your Note will build on, rather than repeat, their contributions.
- Bibliography: A list of your major sources, including those discussed in the Prior Treatment section. Unlike a preemption check, you don't need to include summaries of these sources. And you should organize them by source type (cases, articles, statutes, etc.) rather than the database where you found them (Westlaw, Lexis, SSRN, etc.).
 - Many authors find that this bibliography offers a good starting point for a Master Source List, which is a requirement for anyone publishing in *CLR*.

Work in Progress (due November 17, 2025, at 10 a.m. ET)

The Work in Progress is your first major draft of your Note. For your Work in Progress, you should submit a draft of the Introduction, Part I, and Part II, as well as an outline of Part III. The completed parts should be in full-sentence prose, and should be fully footnoted and sourced. The outline of Part III should—at the least—include the heading and subheading structure of the rest of your Note, along with some explanation of the argument in each subsection.

Final Draft and Final Preemption Check (due January 12, 2026, at 10 a.m.)

The Final Draft is your submission that will be considered for publication in the *Review* by the Notes Committee. You should also submit an updated preemption check, noting any changes from the first check submitted in October. Ahead of the deadline, you can ask your NE to provide feedback on a complete draft. Whether and when this is available is up to your NE.

No extensions will be granted for the Final Draft deadline.

7. Consideration for Publication

Notes submitted through PNP are considered alongside Notes authored by the *Review*'s editors. In selecting Notes for publication in *CLR*, the Committee will consider the following criteria:

1. Analysis: relevance of topic, quality of reasoning
2. Sourcing: extensive footnotes, strength of Bluebooking
3. Organization: structure, use of headings
4. Style: clarity, concision, grammar/mechanics

These four criteria should look familiar. They're the same criteria listed above, in section 5. The Committee doesn't aim for a particular mix of topics. If five people write on tort law, and all five Notes are stellar, then the Committee will publish all five. Further, the Committee is not looking for Notes on topics that interest its members personally, but rather well-reasoned, well-written, and well-sourced pieces of student scholarship.

After final drafts are submitted in January 2026, all members of the Committee read and rank submitted Notes before conferring as a Committee. The Committee then meets over the course of several days, discusses each Note submitted, and selects Notes for publication. Your own NE is recused during discussion of your Note, which means that they won't participate in discussing your Note, vote on your Note, or reveal your name. **Accordingly, it's essential that you only discuss your Note with your NE, and not with other members of the Committee.**

To facilitate the anonymous selection process, at the time of registration, the *Review*'s Business Office will send each PNP participant a number by which to identify their submission. You should include this number in the header and document name of your Final Draft and Final Preemption Check. Don't include your name or other personal identifying information anywhere on either your Final Draft or Final Preemption Check.

Typically, between 8 and 12 Notes are selected for publication in winter. Whether selected or not, you'll receive feedback from your NE based on comments made by the rest of the Committee during deliberations. Authors whose Notes aren't selected may continue to revise their Note throughout the Spring and resubmit in summer.

The Committee has no way of knowing whether a Note is authored by a PNP participant or a *Review* editor. The Committee will extend an offer to join the staff of the *Review* to each PNP participant whose Note is selected for publication. There is no maximum number of offers that the Notes Committee may give to PNP participants.

Appendix A: Preemption Check

PREEMPTION CHECK

[Date]

Topic Summary

[1-2 paragraph summary of your topic and your proposed angle/argument on the issue]

Westlaw Search Results

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

Lexis Search Results

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[**Relevant Result #1**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #2**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

Google Search Results

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[**Relevant Result #1**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #2**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

Google Scholar Search Results

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[**Relevant Result #1**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #2**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[**Relevant Result #1**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #2**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[**Relevant Result #1**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #2**]. [Explanation of result and why it does not preempt your Note].

[**Relevant Result #3**]. [Explanation of result and why it does not preempt your Note].

SSRN Search Results

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

[Relevant Result #1]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

[Search Criteria]—[#] Results—[#] Relevant Results

[Explanation of Search Criteria].

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[Relevant Result #2]. [Explanation of result and why it does not preempt your Note].

[Relevant Result #3]. [Explanation of result and why it does not preempt your Note].

Unique Contribution

[Summary of the Note's unique contribution to academic literature].