The Law Review Submission Process:
A Guide for (and by) the Perplexed

Brian Galle*

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No one really understands the law review publication process. I certainly don’t. But I do have opinions. Some of them are even informed by data. It’s said that the Great Bird Redyip has once again stretched his wings and is swooping low over the pool of submissions, plucking up wriggling manuscripts to deliver to his screaming 3L chicks. So let’s answer some questions.

Q: Um, Redyip? WTH?

A: A joke by Orin Kerr that has taken on a life and twitter feed of its own. We think the point of the joke was something like, “The ways of student editors are no more or less mysterious than those of an imaginary quasi-native American mythos.” Anyway, Redyip is the bird whose flight announces the beginning of each law review submission season.

Q: Ooookay. So, is this Q&A going to be serious, or are you just going to tell weird law professor in-jokes?

A: Probably some of both, honestly. Hey, this is a pretty long document. Let’s throw in a table of contents here.

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* brian.galle@georgetown.edu. Prof. Galle once expedited from the number 300 journal all the way to the top.

This is a provisional document. Please feel free to e-mail me to suggest more questions or better answers.
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The Basics

Q: Since you brought it up, when exactly is the best time to submit?
A: This is a complicated question. Can you break it up into smaller, more manageable bits?

Q: Sure. First, when do journals actually consider submissions?
A: I’ll assume if you’ve found this page you are aware that there are two seasons for submissions, spring and fall. In general, the spring season runs from February to early April, while the fall season runs from August to September. You can get some aggregate data on when journals open and close [here]. But each journal has its own esoteric variations on what its staff consider the start and end of submission season. For example, UCLA usually starts reading in January, while USC is quite late, sometimes not making initial offers until well into March.

Q: It seems like the fall season is kind of short.
A: Yes, the fall sucks. It is short, no one really knows when it starts, there is less overlap among journals in when they are reading (I’ll explain why that matters when we get to expedites), and many journals have relatively few slots or are even full. My analysis of submission data suggests that only about a third of acceptances happen in the fall.

Q: So how can I tell when the particular journal I want to submit to is open?
A: Often, you can’t. In theory, there are a few places to look. Each journal’s web page may (but usually doesn’t) have a useful statement about when they will consider submissions. Often these statements are obviously old and haven’t been updated (e.g., a top 10 journal I won’t name at this moment has a web page that says that they are “now accepting” submissions for last year’s volume). Other are uselessly vague, as in “we will begin considering submissions in August.” There is a useful document compiled by Allen Rostron and Nancy Levit each year, based on available web data, that summarizes what those web sites can tell us about submission dates.

Expresso and Scholastica, the submission services, also give some hints about journal status. But they are only hints. If a journal is “closed” and you can’t send it a submission, most of the time this means
they are not making offers. But the fact that you can click on it doesn’t mean that they are making offers. Many journals do not bother to close submissions when they are done reading for a cycle. This is one of my favorite things. <sarcasm emoji here>

The “submission angsting” thread on prawfsblawg also collects reports from other hapless authors about their submission experiences. I don’t recommend scrolling through the comments, unless you really enjoy the suffering of others. But the spreadsheet at the top will give you useful data points on whether other people have gotten offers, rejections, or news that a journal is full.

**Q: Well, is there any downside to submitting too early?**

**A:** No one really knows for sure. Expresso uses an e-mail interface in which unread submissions accumulate in the journal’s inbox. Scholastica has a similar chronological feed, in which older submissions will disappear off the bottom of the screen (unless the editor thinks to scroll down). I suspect that it is more difficult to get the attention of an editor if one is somewhere at the bottom of the pile.

Another risk of submitting early in a cycle relates to how the expedite process works. More on that later.

**Q: Let’s back up. What are these Expresso and Scholastica thingies?**

**A:** Really? Wow, ok. These are websites that will take your manuscript (along with accompanying documents, such as c.v. and cover letter) and batch-submit it to many journals at once. They charge a fee for this service (around $3 per journal for expresso, $5 for scholastica), which ordinarily is covered by your home institution (if you work at one, and you appear on that institution’s list of covered subscribers). Some schools will put you on their list if you are an alum on the teaching market; talk to your friendly neighborhood “alumni in law teaching” committee rep.

If you are short of funds, you can usually submit by e-mail as well, though journals say they don’t like it. See the Rostron & Levit document for a collection of which journals consider e-mail submissions.

You should also be aware that the “flagship” journals at Harvard, Stanford, and Yale do not accept submissions via either service; you have to go through their respective proprietary web sites to submit. Don’t forget they expect anonymous submissions.

**Q:** Hi. I just arrived from Mars/Poland/a Ph.D. program in comparative linguistics, and for some reason I want to submit to a law journal. Tell me about the editors who will be deciding what to publish. I assume this is all done by exclusive submissions and peer review, like the rest of academia?

**A:** <Weeps>

**A:** But in all seriousness, peer review also has lots of problems. I’m not here to opine on which system is better. Some law journals do have at least some elements of peer review; see the special topics section later for more on that.

**Strategy: Timing and Expedites**

**Q: How do I decide which journals to submit to, and when?** I’ve heard some people talk about “playing the game.” I assume this isn’t about that David Fincher movie?
A: Another complicated one. Let’s start small. Ask me about expedites.

Q: Ok. Can you explain what expedited review is?
A: Most law journals permit simultaneous submissions. In the event you receive an offer from one journal, the custom is to then contact other journals and inform them of your competing offer. Typically, the offering journal provides a deadline for you to decide whether to accept their offer. By convention, journals with more market power (i.e., higher-ranked journals) typically offer less time, though a few have recently signed on to an agreement that they will provide authors at least a week to decide. A typical deadline for journals ranked between 20-ish and 50-ish is one week; many journals of lower rank will offer two weeks. Columbia gives you one hour (note: it is still possible, with very elaborate planning, to successfully obtain another offer in that one-hour window – I’ve done it. We’ll cover this in special topics).

In any event, this deadline is usually a shorter period than other journals typically take to make a decision. So what you do is you inform the other journals that your offer comes with a deadline, and you ask them to try to reach a decision by then. Expresso and Scholastica each have standardized systems for sending these requests to multiple journals at once.

Q: Does requesting expedited review affect my chances of getting an offer at another journal?
A: Yes, without question. Journals use expedite requests as a screening device to identify which articles should be given priority attention. If this seems outrageous—and it is—consider that the average journal has 5-7 articles editors and receives around 3,500 submissions per year. My experience is that mid-tier journals are especially likely to rely on expedites to focus their attention (or, perhaps, are so swamped by the volume of requests they receive that they can do no more than respond to expedites). At top-20 journals you have something like a 50% chance of getting read at some point in the submission cycle without an expedite request. At a journal between 20 and 40, I would put those odds at closer to zero. It’s a strange process.

The quality of the journal from which you expedite may also affect your odds. The offering journal sends a signal to the time-constrained editor about how seriously to consider your manuscript.

Q: So I don’t necessarily want to request expedited review at Yale after my offer at the Poughkeepsie Journal of Bridge Law?
A: Correct. This is “the game.” The game is that one first submits to a very large number of journals. After receiving an initial offer, one then send requests for expedited review to journals that you prefer to the offering journal, but which are not far, far, higher ranked than the offering journal. A typical heuristic is to expedite to the next 50 or so higher-ranked journals. One then hopes for another offer from that grouping, and then sends news of the two offers to the next 50. And so on, potentially.

Some journals don’t like the game, and have persuaded Scholastica to refuse to allow expedited review requests if the author is expediting to more than, say, 20 journals. (Duke is an example here). My opinion is that this is hypocrisy; it is the journal’s own refusal to consider articles without expedited review, and use of the quality of the offering journal as screen, that forces us to play the game. But you’ve been warned.
Q: It sounds like that could take a while. What happens if time runs out on my existing offer before I get any other offers?
A: Well, you should be happy. Many people, including me, have sent out articles and gotten no offers from anyone. You’ll be a published author. People will find your piece on westlaw or google scholar. That is a great and rare thing. Congratulations.

Still, you may wish to press on for various reasons, which we will consider in a bit. What you do in that case is ask for an extension. This is an awkward dance. It can feel quite a bit like telling your high school friend that you will take her to the prom, but only if that cute girl in your bio class who you’ve never talked to says no. Keep in mind, though, that these transactions are routine, and students know the deal. Be fair, honest, and above-board, and they will not complain.

A common extension period is one week, at least among journals that offer at least that long of a deadline. In some cases, you might also have specific information from a journal about when they hope to have a decision (for example, many journals will say things like, “We can review your article, but won’t reach a decision until 10 days from now,”) and you might ask for an extension until that day.

Q: What if I just go radio silent for an extra day or two?
A: No, that isn’t cool. Deadlines are a form of hardball, it’s true. But they also are a necessary part of the journal’s planning process. Your failure to stick to the terms of the agreement has downstream effects on other authors, who may themselves be on deadlines from yet other journals. If you are waiting to hear from another journal, and have good reasons to believe that a reply is imminent, you should be upfront with the offering journal. Often, editors will be willing to extend even more time if you make clear that you are waiting only for one or two decisions to come in.

Q: Can I pile up offers just to extend my deadline?
A: Opinions will differ on this, but I don’t think it’s a best practice. Again, the process of considering your manuscript takes time and attention from students, and that in turn costs opportunities for fellow authors. For those reasons, I would typically avoid asking for expedited review from journals that are close substitutes for the offering journal.

Q: Should I expect to hear back from the journals where I request expedited review?
A: Sadly, no. Many student editors appear to take the view that you should understand that silence is tantamount to rejection. That is not to say that your piece was actually read and rejected. Usually, you will never know if the editors actually saw the manuscript or not. Remember back there when I was weeping?

Q: So, I had a deadline from Journal X on Sunday. Journal Y claimed they would reach a decision by Sunday. It’s Sunday night and I’ve heard nothing from Journal Y. What should I do?
A: Again, sadly, this is indeed a frequently-asked question. Number one is to be forthright with Journal X. Once more, remember that there is someone just like you who is hoping that Journal X will offer them your slot as soon as you turn it down. My experience is that the offering journal editors are pretty understanding and will be willing to wait for Journal Y. They may ask that you withdraw from all other
journals, though. Then, a polite and professional follow-up e-mail, and if necessary phone call, to Journal Y is in order.

Quite often you still will get no response until a day or two later, whereupon you will receive the standard-form rejection. It’s a tough biz.

Q: A journal told me that they would do a “board review” two days after my deadline expires. Should I turn down the offer in hand?
A: Again, you should first ask for an extension. If the offering journal is reluctant, you might offer to limit the number of expedite requests you send out.

If that fails, it’s probably best to take the offer. Board reviews are a good sign but no guarantee of an offer. At most journals, the decision about whether to extend an offer requires a vote of all the members of the articles board (or whatever equivalent jargon the journal uses). Some journals require super-majority or even unanimous vote. Typically, the board review is the second or third stage of a process that begins with a screening read by a single articles editor (or perhaps two such reads, maybe with the first by a 2L). So getting a board review means that you have one or two of the four+ votes needed to get an offer. At the average journal, board reads produce offers something like one time in five. If you’re up against an inflexible deadline, you should certainly ask the editor who communicated the existence of the board read about their ratio of board reads to offers (this may also give you some hints about the editor’s own views of your prospects, though I have tended to find a lot of optimism bias / salesmanship...).

Q: You mentioned earlier that expediting has some connection to when you should submit your article. Can you explain that now? What’s the best time for me to submit my article?
A: In order for “the game” to work, there must be an adequate volume of journals reading manuscripts at the same time. Otherwise, you may draw an offer from a journal that would be low on your list of preferences, and then never get consideration elsewhere within your deadline. On the other hand, if you are submitting at the same time as everyone else, there is a danger that your submission will get lost in a tidal wave of expedite requests. These considerations imply that the “shoulder season,” just off-peak, that may be as good or better than peak submission period.

Take a look again at the Scholastica data to get a sense of when most people are submitting and asking for expedites. You might aim for perhaps just a week before or after the peak of the curves. Since expediting takes a while, it may be better to aim for the early side in the Fall, which is usually fairly short. Submitting Sept. 1 is probably later than ideal. I usually send out in batches in the Fall as journals open.

Of course, your situation may vary. If you would be content with a mid-tier publication, you often can do better in fairly quiet stretches, such as in July, when there will be relatively little competition and you will get more attention from those journals that are operating (though figuring out which those are is hit or miss).

Q: Should I submit to all the journals at once, or in stages?
A: Some people do like to wait before submitting to top journals. I guess the theory is that they would like to have the signal of an expedite from a good journal before a screening editor looks at the piece. I don’t think this practice actually accomplishes anything, since the importance of the offering journal is
relatively modest, whereas giving top-tier journal editors more opportunity to look at your piece is important. Once more, though, no one really knows.

Decisions, Decisions
Q: So all of this seems to assume that I have a really strong preference for some journals over others. Why? Do people really care about journal rankings?
A: I’ve argued before that law review rankings are a little bit useful. Still, it is important to know what you want from your placement before you decide how to use a ranking system. Are you on the entry-level market? If so, you care about how the hiring committees and faculties you hope to interest will see your placement. This is tough, because it’s guesswork. Want readers? The same. Want tenure at your existing school? Your task is easier; you can just ask your P&T committee what’s important to them.

In general, while an article’s quality is important, so is its placement. Even those of us who say that quality is everything to us often believe that our less-enlightened colleagues rely on placement as a heuristic for quality, and the opinion of the less-enlightened is relevant to whether a person will contribute to the reputation of our school.

Having said all that, rankings are at best a fuzzy indicator. You should absolutely not obsess about whether Journal X is ranked three places higher or lower than Journal Y, because that difference will matter zero to anyone.

Q: U.S. News rankings or Washington & Lee rankings?
A: U.S. News peer reputation score.

Q: Really? People don’t care about Washington & Lee?
A: I mean, W&L itself has several different rankings systems. Who could possibly keep track of which journal is ranked where in which ranking?

Q: Journal Y has U.S. News peer ranking of 90, but a W&L ranking of 30. Journal X has a U.S. news peer ranking of 50, but a W & L ranking of 80. Which should I pick?
A: Journal X. But both are solid placements and you shouldn’t get too worked up about it.

Ok, in fairness, there are a few journals whose W&L rankings persistently run ahead of the school’s reputation. Mostly these are journals at schools that used to be much higher ranked (BC, Wisconsin, and William & Mary come to mind). I think most experienced academics are aware that these journals are a bit better than their school’s current U.S. News standing.

Also, it would be good for journal editors’ incentives if the law professoriate cared about W&L (or other, better-constructed) rankings, since that would give them motivation to maximize some (highly imperfect) measure of quality. But I assume you are asking me these questions because you want a job, not because you want to make law journals better.

Q: What about specialty journals? I’ve heard that the rule of thumb is that you add 20 to the U.S. news ranking of the school. Or maybe 50. I don’t know. W&L?
A: Rankings are like money. They’re worth something because other people think they’re worth something. So again, choosing between a specialty journal and a general-interest journal is largely a question of your audiences and what they value.

Specialty journals are an excellent way to reach a specialized audience. Scholars in that field will often have a sense of specialty-journal hierarchy, and you should consult them if you’re considering competing offers.

My sense is that many specialists have an inflated sense of their own specialty journals, however. For example, I think the Virginia Tax Review is a pretty good placement. I have heard international law scholars say that placing with Harvard’s international-law journal is almost as good as placing in the Harvard Law Review. Let me be blunt. That is absurd. For most purposes, specialty placements are not as valuable as general-interest journal placements, and a 40- or 50-place discount seems closer to my sense of the difference than 20. Certainly, I would never take a VTR placement over, say, the Emory Law Journal. But this can vary by field and by journal. This is an instance where W&L rankings can give you some helpful guidance. While I think it would be inadvisable to publish in, say, the Stanford JOLT over the Washington Law Review, JOLT’s excellent W&L ranking does make it worth considering when compared to, say, the Florida Law Review.

There is probably a premium for the very top specialty journals. I might put outlets such as the Yale Journal on Regulation in or close to the top 20, while some Columbia or Virginia journals, say, are probably best measured by adding 50 or more.

When in doubt, a good way to assess a journal is to look at who has published there in the last few years. Is that a company you’d like to keep?

There are also flagship-type specialty journals that present special considerations. Some journals enjoy such a wide readership, and have published so many leaders in the field, that they always represent at least a good fallback option, and some are affirmatively really excellent placements. The Supreme Court Review, the Admin. Law Review, the Journal of Corporations Law, and the Tax Law Review are examples here. Notably, two of those are peer reviewed, which makes a big difference.

Q: Can I turn down an offer from a journal, and just hold onto my article until the next submission season?

A: You can, but you probably shouldn’t. Not to pummel this particular deceased equine for too much longer, but your submission takes scarce time and resources away from many other people, including your peers. In general, I think it is hard to defend a practice of submitting to a journal whose offer you would never consider accepting.

This is not to say you need only submit to journals whose offer you would accept enthusiastically. Journal editors understand the game. Some know that they have only a slender chance of getting you to accept an offer. If they opt to devote their time to your manuscript anyway, that is their choice. This logic only holds, though, if there is a real possibility that you might accept—a possibility that, in my opinion, you essentially promise when you submit the manuscript.

To be honest, I find “the game” itself problematic. I usually try not to play; the first time I send out an article, I’ll only submit to journals I really would be happy to publish with. Sometimes it’s meant I had nowhere to sit when the music stopped. That’s a luxury of tenure, of course.
Failure Is Temporary

Q: So, I listened to you and only submitted to journals I wanted to publish with, and then I didn’t get any offers. Thanks, doofus. Now what?
A: You wait. Ideally, you take the opportunity to workshop and refine. You might also try to seek out feedback from student editors, particularly if you had a close board vote. It’s rare to get any feedback, and even rarer to get any that is useful (a typical comment I hear is “half of us liked Section IV, and half of us didn’t like it”). Sometimes it happens, though!

It is perfectly acceptable to resubmit an article to a journal that considered it before, even if that journal rejected the article, and even if you are submitting to the same editorial board (that is, resubmitting in the fall after a spring strikeout). If your piece is good, many editors will be grateful for a second chance to consider it, perhaps in a situation when they have a little more time to engage. And journals know that the snap reaction of the first screening reader who dinged your ms. last time isn’t always the best assessment of the piece.

For these reasons, I tend to favor a cover letter that is up-front about the fact that the article is a re-submission. Indeed, you can highlight the editorial improvements you’ve made since the last go-round, which is particularly useful for journals that might have taken the piece to a full-board read before (Harvard used to explicitly ask for this on their web page).

Q: Do I have to change the title of my article when I re-submit it?
A: No. Like I said, I don’t think there is any reason to conceal the fact that you submitted this piece before, and we should favor honesty and fair dealing in our interactions with students. Still, missing out on a publication offer is a good opportunity to reflect honestly about the piece. It’s tempting to just grumble about the student editing process, but sometimes the signals the market sends us are a bit meaningful. Be open to the possibility that there are things you could have explained better, counter-arguments you didn’t convincingly rebut. The title is part of that. Ask friends for title suggestions. An awkward title lives on your c.v. forever…

Q: Do I have to wait until the next submission season to re-submit?
A: There is no crystal-clear norm here, but probably so. My view is that it is probably contrary to implicit rules of the game to submit the same piece, without any major edits, in the same cycle. If you can manage a major revision—not just tweaks here and there—and still get the piece back out before the season is over, that is probably ok. Again, though, I think it is incumbent on authors in that situation to be forthright that that is what they are doing. Submitting repeatedly under new titles in order to play “screening editor roulette” wastes the journal’s resources in a way the journal likely wouldn’t consent to. And what do you think will happen if you get to a board review, and the first screener who dinged you realizes what you did?

Presentation and Formatting: Sweating the Small Stuff

Q: Do I need a colon in my title?
A: No, but without one you will be drummed out of the academy in shame.

Seriously, titles matter. A good title gets you a little extra notice (or, in my case, placement in a journal way, way better than the article deserves). A bad title is a bit like showing up to a business-casual event
in a t-shirt. After you’ve been in the academy long enough, you will usually be able to recognize a student note by its awkward title. There are title norms and fads that are hard to describe succinctly but which one develops a feel for. Ask academic friends or mentors about your title.

Q: Is there really “letterhead bias”?
A: Probably, but what are you going to do about it? Not to get too Rumsfeldian on you, but do the best you can with what you’ve got.

Q: Why do expresso and scholastica ask me for my c.v.?
A: Because journal editors look at it. Many editors have said to me that the c.v. matters. Editors are more receptive to “I’ve seen a mistake in this literature that no one else has ever seen” claims when the author is someone who’s written in the field successfully, or at least had impressive practice experience there.

So spend a few minutes considering whether the c.v. you’ve used for finding a law job makes sense as the c.v. you send to editors. You might, for example, move up your list of publications, and highlight the most relevant experience for your submission. You might omit your college clubs (unless they are awesome, like Quiz Bowl National Champion). Senior folks, please feel free to leave off presentations and media appearances that are more than, oh, five years old. The ten-page c.v. just gets you eye rolls.

Q: How important is the abstract?
A: Really, really important. Like, probably the only thing half or more of the people who look at your manuscript will see important (that includes other law professors, by the way). A lot of people have a tendency to write their abstract last, the day before they send out the piece, when they are tired and really impatient to get it out. This is a mistake. My advice is to spend more time per word on the abstract than any other part of the article. It should sell the piece, contextualize it, and summarize it. Oh, and it should be short. 750 words is an op-ed, not an abstract. Economists make do with 150 words, max! 400 or so is probably the absolute longest you should consider.

Q: Should I bother with a cover letter?
A: Not much. The way that expresso and scholastica are set up, editors have to click separately on your cover letter to see it. I gather that they rarely do so, since the letter rarely adds anything to the abstract (which they can see without clicking). The cover letter now is useful primarily for telling the editors how many words the piece is, how to get in touch with you, and any special circumstances (such as that you are granting exclusive review or whatnot).

Q: Are word limits important?
A: Hard to say. I’ll confess that I have spent a lot of time trying to squeeze some manuscripts down to 25,000 words. But consider that most journals view themselves as having a limited number of pages in each volume, due to staff time constraints. The longer your piece, the greater the opportunity cost for the journal if they accept. So slimming down makes it easier for the journal to say yes.

Q: Do I have to use the law review style template?
A: I never have. Maybe that means you’ll have a competitive advantage if you do.
Q: I left lots of footnotes and pincites blank. Does anyone care about that?
A: Probably. Were you on a journal? Was there anything you liked less that having to find an author’s pincites for her? In the 2,000-page book written in medieval French?

You want to minimize the reasons for a journal to reject your manuscript. Do you want to add “might not be ready to go into editing when we want” to the list?

After the Offer
Q: I accepted an offer of publication.
A: Congratulations!

Q: Now I have this author-agreement thingy. Should I sign this?
A: Happily, nearly all law journals are close to open access, in the sense that you are usually free to repost even a final published version as long as you provide a full citation. Beyond that, to be honest, I probably have never read the fine print of my author agreements with law journals, and so I may not be the best authority on this one. I gather that they vary considerably in rights of second publication, among other factors. I also understand, however, that often these points are negotiable. Don’t feel you have to walk away from an offer if you don’t like the author agreement.

Q: They want me to publish in issue 6, but I want to publish sooner. What to do?
A: Well, after you’ve accepted the offer, probably not a lot except ask nicely. But if timing is important to you, it certainly can be something you bargain over while the offer is open. Again, keep in mind that most journals are perfectly happy if you post your manuscript prior to publication, so there is not really much downside to publishing in a later issue.

Publishing in Top Journals
Q: I’d really like to publish in one of the top 20 or 25–ranked journals. Anything special I should know?
A: It’s tough. Remember, 3500 submissions. The average journal publishes something like ten articles. So you’re talking about 200 out of 3500. Don’t be disappointed. Many people have excellent careers without publishing in so-called top journals.

Q: Yeah, yeah. Come on, out with it.
A: I don’t think there’s a magic formula. Write something that excites you, and try to bring readers who don’t share your commitments to a place where they can appreciate what is moving for you about the project. It’s probably fair to say that top journals are relatively less likely to publish work whose primary focus is on a particular doctrinal controversy, unless that work deals with a major topic of public interest.

Q: On other words, write something good. Thanks, that’s helpful. Ok, well, is there anything in particular that is different about the process at the most selective journals?
A: Sure. One difference is that these journals are a lot more likely to notify authors about board reviews in advance. In other words, you will get an e-mail from the journal saying something like, “We plan to bring your article up for consideration at the next meeting of our articles board on Feb. 29.
Please confirm that your article is still available for publication, and let us know if you have any deadlines that would expire before that date.”

Q: Do you always get a board review notification in advance?
A: No, but it’s more common for these journals. Sometimes, an editor will mention that there was a board review in a rejection letter. Sometimes, there’s just an offer out of the blue. It’s hard to guess what fraction of board reviews one hears about, since by definition you don’t know what you don’t know.

Q: Does knowing about a board review do anything useful, or does it just give you a day and time on which to focus your anxiety?
A: It’s a useful data point when negotiating over and deciding about expedite deadlines, as I’ve mentioned. Remember that most board reviews fail to produce offers.

Some people, including me, will sometimes “shop” board reviews as though they were offers. That is, one writes to a few other journals and mentions that there is an upcoming board review. My theory is that this gives the rival journals more time to read the piece, if they’re interested. It’s worked for me once or twice. I have seen editors on prawfsblawg say that they think it is kind of “desperate,” though, and usually if I get any response it’s a slightly sarcastic e-mail that says, “thanks, get back to us when you have real news.” I happen to think this is unfortunate, because as I said I don’t like to “play the game,” and I think shopping board reviews is a fairer alternative to shopping offers from journals I don’t really want to publish with. But admittedly, on the list of things about this system that need fixing, this is pretty low down on the list.

Q: Should I bother submitting exclusively to Harvard, Stanford, Yale, or Chicago?
A: There does seem to be some benefit. When I’ve used the exclusive submission option, I almost always get an actual response from the journal—in other words, I get a rejection, instead of silence. In a couple of instances, I have gotten an e-mail from the journal editor when the exclusive period expired asking me for more exclusive time. So it seems to help to get the piece read.

The process at Harvard is also genuinely lengthy, and often I have had to just give up on asking them for expedited review—because it is hopeless, but also because they just say it will take too long. Yale and Stanford say that they also have long processes, but I’ve never really had much problem getting them to respond to an expedite.

Having said that, given the likelihood of success, the benefits of exclusive review are pretty small relative to the other considerations that go into the timing of your submission elsewhere. Typically what I will do is grant one of these journals an exclusive when my manuscript is ready very early in the cycle, and I’m going to hold off on general submission for a few weeks anyway.

Q: What’s the process like at Harvard, Yale, and Stanford?
A: With the disclaimer that a lot of this is second-hand, here’s what I know. Harvard has several layers of screeners. An article that gets past the screens then advances to a review by the articles board. Both screening reads and the articles board read are anonymous; one articles editor will know the author’s contact information but isn’t supposed to disclose it. The articles board read may be preceded by or followed by a peer review request. The peer review turnaround time is short, usually a week or less, and is often just in the form of an e-mail. The article is in theory anonymous even for the peer reviewer,
but in practice most readers know the work of their peers well enough to guess (and there’s always ssrn). Following the articles board, there is a vote by the full membership of the law review. Harvard faculty get a “float” directly to the articles board stage, as is typical at most schools with an articles board process.

Stanford and Yale are similar, but don’t have a full-member vote. Peer review seems to happen about half the time for articles that get to board review.