Sizzle on the Steak: How To Sell a Law Review Article

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So you have a great manuscript—great idea, coherently structured, beautifully written, well argued. That's the steak. Now, how can you make it sizzle? How can you increase your chances that a law review will pick it out of the pile, read it, and recognize its greatness?

Please keep in mind that the following "top ten" tips are all about getting an article placed. Therefore, they are by definition superficial. They do not substitute for having a quality product to sell in the first place. They are simply intended to help get your article *read* and *seriously considered* by a journal.

Finally, these are not only my tips; they come from many of you. I'm just taking credit for them. (But in a law review article, don't do that.)

10. Three places to sell: cover letter, abstract, introduction.

You should view each of these as an opportunity to convince the journal of your article's worthiness. Most editors read all three, so do not waste any of these opportunities to show them how good the article is and how good a writer you are.

- The cover letter is a great place to put stuff that doesn't go anywhere else.
  - How awesome you are (previous publications etc.).
  - How awesome the article is (SSRN downloads, selection for workshops and conferences, praise from others, etc.).
  - How the article ties into current events, upcoming cases, etc. (you might want the article itself to seem timeless but nevertheless have some topical hook that is worth mentioning—the cover letter is a great place for that).

- In addition to being another chance to sell, the abstract is also a way to get your ideas out to the broader scholarly community, because it will be read by anyone who gets the relevant SSRN bulletins—and occasionally a journal will see it on SSRN and make an offer.

- Introduction. Polish it, and then polish it more. Make the strongest case for your thesis that you can, and don't go overboard on caveats and long explanatory footnotes; everyone knows that those details will follow in the body of the paper.

- Title and Table of Contents—a fourth and fifth place to sell?

9. Those clever turns of phrase? Save and deploy.

If you're anything like me, you'll come up with several different ways of saying the same thing as you draft the article. So as you write, keep a scratch pad where you can store the catchier, more expressive bits. Then, as you polish the introduction and draft the cover letter and abstract, you can return to those turns of phrase and use them in key spots.

Another way of thinking about this is that you want the cover letter, abstract, and introduction to make the same argument, but you want to express it slightly differently in each place. And if you can make the same argument differently, three times—each time in a different, catchy way—you've probably convinced the editors that they're in good hands and should keep reading.

8. Remember, your first audience is Law Students.

That's good and bad. The bad is obvious, but the good is that writing for non-experts can keep you disciplined about stating your premises explicitly, being clear, not skipping steps in the analysis, etc. It's also good because you aren't always just writing for folks in your field—think about workshops with your colleagues, colloquies at other law schools, and promotion and tenure committees.

7. Claim, but don't over-claim. (Get it patented!)

By "don't overclaim," I mean you should address counterarguments, acknowledge limitations, and not exaggerate the importance of your work. This can be counterintuitive for the new scholar, who has no body of work yet and who accordingly wants to make a big mark. But even a second-year law student can smell bullshit.

By "claim," I mean be explicit about what your thesis is and what it adds to the literature. Make the usual moves: "The conventional wisdom is wrong," "No one has yet considered *X*," "I offer a previously unexplored alternative," etc.

And in the cover letter and intro in particular, show why your article is "patentable" (to borrow Eugene Volokh's metaphor). You see, for an invention to be patentable, it must be *useful, novel, and non-obvious*, and the inventor has to *disclose* those elements—has to prove that they exist. So prove to the reader of your article, early and often, that you are making a useful, novel, and non-obvious contribution to the literature. Just one "a-ha" moment can make an article worth publishing.

6. Get help. From everyone. On everything.

Get help from people in your field on the ideas in the article. Get help from those outside your field to make sure you are explaining it adequately to the non-expert (see Tip No. 8)—this also helps get good names for that first starred footnote. Get help from your research assistants for the same purpose, and for checking you on proper Bluebooking and so forth.

And don't just get help on the article; get help on the abstract and cover letter. (Why would you have other people review the article but not the cover letter? The cover letter is usually the first thing that an editor will read.)

And after you've gotten all this help from others, remember to pay it forward.

5. Show journals how little work they'll have to do.

Journals want good articles, but they also want articles that will not require endless hours of spading, grammatical editing, restructuring, etc. So appeal to their laziness and self-interest by sending them a finished, polished product. Perfect prose. Perfect Bluebooking. Under no circumstances should you submit an article that says "still need to write this subsection" or "cite needed here."

4. Prime the pump: promotion before submission.

Time permitting, try to get some buzz going before submission.

- Get it on SSRN several weeks beforehand, so you'll have downloads to talk about in your cover letter. (It's unclear whether journals independently investigate the number of SSRN downloads and thus might downgrade an article that does not have very many; my guess is that journals are too busy for that sort of thing, but who knows?) It's surprisingly easy to get on an SSRN top-ten downloads list, given how many such lists there are.
- Workshop it to death (which has the possible added value of getting good feedback and giving you material for that first starred footnote).
- Get friendly folks at good schools to look at it. That way, if they're asked by a journal to review it for submission (an increasingly popular trend), you have a ready ally.

3. Get personal with journals (just short of stalking).

Take every opportunity to connect with a journal as an actual person, rather than just as one more nameless author among thousands.

- If you get a confirmation email or other correspondence from an actual editor, make a note of the name and make that your first point of contact (in addition to any official means of contact, like an online expedite form).
- Use every reasonable excuse to communicate after submission, like if you make a SSRN top-ten list, or have interest (even if no offer yet) from another journal. Give them a reason to pick your article out of the stack and give it a read.
- Opinions differ on the wisdom of calling or emailing to ask for an update without any excuse, but the consensus is that almost any colorable excuse is sufficient.
- All for one, one for all. If you have interest from a journal but have already moved on, tell the journal about a colleague's article. This works—it has resulted in great placements for us on more than one occasion!

2. Don't be a jerk. You want them to want you.

Submission is just the beginning of relationship between you and the journal. You'll be working together for a long time—more than a year in some cases. The editors know this. All else being equal, they do not want to form that sort of relationship with someone prickly, unfriendly, or snooty. Don't be that person. We may not like the system under which students make the placement and editing decisions, but for better or for worse students take their role very seriously. So to the extent possible, treat them like you would a peer.

If you keep this in mind, it could pay off for you not only for a current placement, but in the future as well. It's probably no coincidence that we've had multiple placements in the same journals (e.g., Notre Dame, UCLA, Washington & Lee) in quick succession. Being nice helps both you and your Richmond brand.

1. Don't freak out. Avoid tricks. It's just an article.

This is easy advice for a tenured professor to give, and hard advice for the non-tenured to follow, but I think it's true anyway. The fact is that anyone on our faculty who wants to have a long, successful career as a scholar will have a long, successful career as a scholar. No one article is going to change that.

- This means that there's no need for the shady tricks people sometimes ask about (e.g., dropping names into the first footnote that don't belong there, or over-claiming in the submitted version and then scaling back the claims before publication).
- In addition, think long and hard about submitting to a journal that you would not publish with, especially if you are tenured. And if someone at another school offers to walk your article down to its journal, great—but is it really worth asking them to do so if they don't volunteer?
- In the end, your good name and reputation (and the school's) is more important than any single placement opportunity.