

To: Class of 2021
From: Brigid Larkin and Lauren Sexton,
Topic Access and Recruitment Editors, *The University of Chicago Law Review*
Date: February 28, 2020
Re: Candidacy for *Law Review* Membership via Topic Access

Thank you for your interest in the Topic Access Program! The Topic Access Program offers an alternative path to membership onto the *Law Review*. If you choose to accept an offer of membership, your responsibilities as a staffer will mirror those of your peers accepted through the Writing Competition. This memorandum explains updates to the Topic Access program timeline that will take effect immediately. If you have questions, please contact the Topic Access and Recruitment Editors, Brigid Larkin (brigid.p.larkin@gmail.com) and Lauren Sexton (lsexton33@gmail.com). Should you wish to consider or begin the process, either Brigid or Lauren will be assigned as your primary contact and will work with you throughout the process.

A candidate may complete the Topic Access program through one of two routes: Comments generated through the Topic Access Process and Comments generated by a 499 or Seminar Paper. Historically, aside from a final deadline for 3Ls, candidates controlled the timing of the process. In an effort to provide structure and meaningful feedback to candidates, the new policy will set firm deadlines for submission and consideration for both approaches. Membership on a Journal frequently entails strict deadlines, and this process is representative of the staffer experience. Comments generated through the Topic Access Process must be submitted by **July 12, 2020**. Comments originally written as a 499 or Seminar Paper must be submitted by **November 9, 2020**. The effects of these deadlines on both processes will be discussed in further detail below.

Staffers on the *Law Review* contribute to the Journal via two main functions: producing high-quality student scholarship and supporting academic authors via substantive cite checks. Candidates in the Topic Access Program meet the first expectation through the submission of their Comment. Successful Comments address a legal issue that lends itself well to either critical evaluation or innovative reevaluation and provide a creative or novel legal approach to the problem. They go beyond research papers, which simply analyze the existing problem, and litigation briefs, which merely take a position on an existing legal debate. We urge those who are considering this process to familiarize themselves with the attached Comment Manual, which goes into greater depth on the expectations for successful Comments.

As a final note, it is the goal of Topic Access to help qualified candidates join the *Law Review*. While the process may seem daunting at first, students can and do succeed in completing the process and becoming members of the *Law Review*. We are here to help and encourage anyone who is interested in joining the *Law Review* to apply.

I. Comments Generated by the Topic Access Process

Candidates who seek to join *Law Review* through the traditional Topic Access Program undergo the same five-step Comment process as new *Law Review* staffers. This process includes a Preliminary Preemption Check, a Topic Proposal (TP), a Topic Analysis (TA), an Outline, and finally, a Comment Draft. For more information on the content and structure of these requirements, please see the attached Comment Manual. Historically, the Topic Access program has been relatively unstructured in terms of deadlines. Under the new policy, candidates will have firmer deadlines on completion of each step of the Topic Access Program.

The deadlines listed below indicate the last day on which a candidate can submit work for consideration at each stage. Candidates may submit before this deadline and are encouraged to do so. It is not uncommon for TPs/TAs to be rejected or require significant edits. We therefore encourage candidates to submit well before the final deadline. Consideration of each submission may take up to a week, so candidates should plan accordingly. Please see below for the updated schedule of deadlines for the Topic Access Process.

- **Preliminary Preemption Check:** The *Law Review* keeps an internal list of topics that other staffers have proposed or written Comments about in recent years. Ideas on that list are not available for Comments written via the Topic Access program. All Candidates should check with Brigid or Lauren to verify that their idea is not preempted by topics on the *Law Review*'s internal list before beginning their TP.
- **Topic Proposal:** A TP is a short memorandum that states a candidate's proposed topic, provides a brief discussion of the topic and of existing commentary, and concludes with a bibliography. Should a candidate fail to get a topic approved after two good-faith submissions, they may work with Brigid and Lauren to find a suitable topic. For more information on the structure and content of a TP, please see the attached Comment Manual. The deadline for submitting a TP for approval will be **April 19, 2020**.
- **Topic Analysis:** If a TP is approved, the candidate must write a TA for approval, which may also require multiple submissions. A TA is an additional short memorandum that serves as a more detailed preemption check and states how the candidate plans to analyze and resolve the issue. For more information on the structure and content of a TA, please see the attached Comment Manual. The deadline for submitting a TA for approval will be **May 10, 2020**.
- **Outline:** Once a TA has been approved, candidates should set up a meeting with their Topic Access and Recruitment Editor to discuss goals, priorities, and a tentative timeline for their work. Candidates must write an Outline and have it approved by both Topic Access and Recruitment Editors before beginning to write a first draft of the Comment. The Outline should be detailed and thorough and is typically five to ten pages long. The Topic Access and Recruitment Editors should be able to track all of the arguments, evaluate their support, and understand the direction in which a candidate wishes her Comment to go. The deadline for completing an Outline is **June 7, 2020**.
- **Comment:** Candidates who wish to submit a Comment are highly encouraged to submit drafts before their final submission. The candidate's Topic Access and Recruitment Editor will edit the piece for substance, clarity of argument, and style. Comments are rarely accepted on their first submission and receiving feedback will help the candidate strengthen their submission. The final submission deadline is **July 12, 2020**.

II. Comments Generated by a 499 or Seminar Paper

Students may also submit a 499 (that is, Independent Study) paper or seminar paper for consideration. However, past experience has taught the Board that there is often a significant difference between papers for credit (even those receiving high grades) and Comments that meet the *Law Review*'s membership and publication requirements. The *Law Review* has a different readership

than a typical 499 or seminar paper and thus has different requirements for the content of Comments. Therefore, a student who wishes to successfully use a 499 paper for a Comment should expect to revise the paper substantially.

Students who wish to submit a 499 or seminar paper will be required to submit a modified Topic Proposal and a modified Topic Analysis before their Comment will be considered for membership. The Topic Access Program is meant not just to solicit outstanding student scholarship, but to assess how a candidate will contribute to the *Law Review* as a staffer. Following procedural requirements is an important part of that experience. As such, candidates who fail to complete either the TP or TA will not be considered for *Law Review* membership regardless of the quality of their Comment submission.

To receive any substantive feedback on a Topic Proposal, Topic Analysis, Outline, or Comment draft from the *Law Review* for work that is also being done for a 499 or seminar paper, candidates must first obtain written permission from the faculty member who will be evaluating the paper. Professors must be put on notice that they are grading work that is the result of collaboration between the candidate and their Editors. The Topic Access and Recruitment Editors cannot give any substantive feedback without first receiving this written preapproval from the faculty member.

The deadline for submission of the Comment generated by a 499 or seminar paper for membership consideration is **November 9, 2020**. A modified TP, modified TA, and acceptable Comment must be submitted by this date. As noted, approval of a TP or TA may take up to a week, and Topic Access Editors will frequently require changes or adjustments before granting approval. Candidates pursuing this track should therefore plan their submission timing carefully.

- **Topic Proposal (modified):** Candidates who seek to submit a 499 or seminar paper must write a short memorandum that states the proposed topic and provides a brief discussion of the background. The bulk of the analysis should focus on an overview of the paper's current structure and give an outline of what changes, if any, will be made to accommodate the academic audience.
- **Topic Analysis (modified):** If a TP is approved, the candidate must write a TA. Because in the case of paper submissions the legal analysis is already relatively far along, TAs in this context should focus on performing a more detailed preemption check. Additionally, candidates should provide an explanation of how their paper fits into existing literature and contributes to the current scholarship.
- **Comment:** Candidates who wish to submit a Comment are highly encouraged to submit drafts before their final submission. The candidate's Topic Access and Recruitment Editor will edit the piece for substance, clarity of argument, and style. Comments are rarely accepted on their first submission and receiving feedback will help the candidate strengthen their submission.

Those who have questions about either the substance of the Topic Access Program or the new deadlines should not hesitate to reach out to either Brigid or Lauren. Thank you for your interest in joining the *Law Review*. We look forward to working with those of you who embark upon this process and encourage participation from all who are interested.