Texas Review of Law & Politics
Associate Editor's Guide

I. Requirements

An Associate Editor is required to participate in three editing sessions a semester. An Associate Editor's primary duties regarding each editing session are explained below. Associate Editors are also required to attend two final edit sessions during the semester.

II. Editing Process

A. Stage 1: The Senior Editors

The first person to read an article is the Editor-in-Chief (EIC). The EIC will read a submitted article and upon accepting it for publication, assign it to a Senior Editor. The Senior Editor will be the person communicating with the author. Before the edit session, the Senior Editor will read through the article with two purposes in mind. First, to understand what the article is about. The answers to some questions at the edit session will require some context of what the article is about; the Senior Editor provides this context. Second, to complete a quick scrub of the article. At this point, the Senior Editor will fix all glaringly obvious errors. On more substantive errors, the Senior Editor will type into the article notes to the Associate Editors explaining what is wrong or what needs to be done. These notes will be in bold or highlighted. For example, if the Senior Editor notices that a pinpoint is missing, he or she will insert into the text: **"[Need pinpoint cite.]"** The Associate Editor will then be responsible for responding to that note.

The Senior Editor will then compile a source list for the book pull. This list will include the call number for the source. At the edit session, the first task of the Associate Editors is to retrieve these sources from the law library. The Senior Editors will have already retrieved the sources from other libraries. The Senior Editor will then re-format the article for ease of editing.

B. Stage 2: Associate Editors and the Initial Edit Session

The Senior Editors and the EIC will schedule edit sessions for times when the Senior Editor is available to attend. The edit session is when the bulk of the work is should be completed. Usually, edit sessions are on Friday and/or Saturday morning. Associate Editors will be notified of the location of the edit session closer to time. Lunch is provided at all edit sessions. Associate Editors must arrive on time for their scheduled editing session. The sooner everyone arrives, the sooner we begin, and ultimately, the sooner we finish. The length of editing sessions will vary depending on the length and difficulty of the article and the number of Associate Editors attending. For that reason, voluntary attendance at more than the required three sessions is appreciated.

Associate Editors should bring the following items with them if possible (TROLP has a limited number of *Bluebook*s and other sources, so please bring your own if you have one):

- *Bluebook* (most recent version: 18th Ed.)
- Texas Law Review Manual on Usage and Style (most recent version: 10th Ed.)
- Texas Rules of Form
- Pencil
- Editor's marks
- Editing Check List (*See* Appendix A; Appendix B is an abridged index of the MoUS and *Bluebook* and may also be helpful to bring)

At the editing session, each Associate Editor will be given a section of the article to edit. It is very important that Associate Editors complete editing tasks with great attention to detail. Mistakes or oversights made at this stage of the editing process can be very time consuming. Furthermore, an Associate Editor is usually the **only person to see the actual source cited to.** Therefore, it is absolutely critical that the Associate Editor make sure that the original source actually supports the assertion the author used it for. An Associate Editor's work is an essential part of producing a quality journal!

During the edit session, Associate Editors must do the following:

(1) ensure that the author's footnotes support the text;
(2) identify where additional authority is required;
(3) ensure that the footnotes provide all needed information and conform to the Eighteenth Edition of *The Bluebook*, the Tenth Edition of the *Texas Law Review Manual on Usage & Style*, and the Eleventh Edition of the *Texas Rules of Form*;
(4) draft parentheticals when necessary;
(5) **lightly** edit the text and the footnotes to correct errors in grammar, style, or spelling (defer to the author on style questions);
(6) answer all inquiries made by the Senior Editor;
(7) when making a change, **cite to what *Bluebook*, MoUS, or TROF rule you based the change on** so the Senior Editor can easily check it.

A more complete and detailed list of the Associate Editor's tasks can be found in Appendix C. An Associate Editor is responsible for completing *all* of the tasks listed in Appendix C. Associate Editors are required to have read through this entire packet, but especially Appendix C, before his or her first edit session. It will also be helpful to bring this packet to all of your edit sessions.

Associate Editors search the *Bluebook* and the Texas Manual on Usage and Style (MoUS) until they find the necessary cite or style form. However, one of the advantages of these scheduled editing sessions is that other Associate Editors, a Senior Editor, and either the EIC or Chief Manuscripts Editor will be there to help you with any questions. Please feel free to consult any of the above people when completing the required tasks. Associate Editors should **not get frustrated** if it takes a couple of hours to edit just a few pages. An initial edit is *supposed* to go slowly, especially when you are new at it. As you get more experience and become more accustomed to the *Bluebook*, you will get faster, but always remember that thoroughness, not speed, is the key to a successful edit session.

C. Stage 3: The Final Edit

Once the edit session is complete, the Senior Editor will incorporate all of the edits made by the Associate Editors into the master copy of the article. The revised version of the article will then be emailed back to the EIC. Once any outstanding issues between the Associate Editors, Senior Editor, EIC, and author are resolved, a final edit session will be scheduled. At the final edit session, Associate Editors will once again receive a section of the article and will then read through the article correcting all remaining grammatical mistakes and making sure that footnotes are in the proper *Bluebook* format. At this stage, Associate Editors will **not** be checking the sources cited to for any substantive purpose (e.g. to make sure the source supports the assertion made). That is why it is so vital that Associate Editors pay careful attention at the initial edit session to the sources the author cites. More detailed final edit procedures will be made available to Associate Editors closer to the final edit stage.

III. Publication Process

After the final edit session, the Senior Editor will incorporate into the master copy of the article the edits made by the Associate Editors. The article will then be sent back to the author of the article for his or her approval of the revisions. Sometimes the author will have problems with one of the changes and we will then work with the author to find an acceptable solution for both the author and TROLP.

Upon receiving final approval of the revised article from the author, the EIC and the Chief Manuscripts Editor will re-format the articles so they are ready for publication. Before sending the issue to the printers, the EIC will read through the entire issue one last time, making any necessary changes along the way.

Appendix A: *Bluebook* Cite Check Checklist

Identify textual propositions and whether a support source exists

Check source for textual support

Check quotations word for word … MoUS part 8

Check usage and order of signals … BB Rule 1.2–1.4

Check parenthetical and draft new parenthetical if needed … BB Rule 1.5

Check pinpoints and provide pinpoints where needed … BB Rule 3.2

Check Short forms … BB Rule 4

Follow “5 footnote” rule (full or short form, including *id.*, in one of preceding five footnotes) … BB Rule 10.9

Check order of authorities … BB Rule 1.4
- Constitutions … BB Rule 11
- Statutes … BB Rule 12
- Treatises & International Agreements … BB Rule 21
- Cases … BB Rule 10
  - Names of parties
  - Volume number of reporter … BB Rule 10.2, BB Table T.6
  - Name of reporter
  - First page number … BB Rule 10.3, BB Table T.1
  - Date of decision
  - Court designation … BB Rule 10.5
  - Parenthetical information regarding case … BB Rule 10.4, BB Table T.1
  - Relevant prior history or subsequent history … BB Rule 10.6
  - Petition or writ history (for Texas cases only) … BB Rule 10.7 and, for TX cases, TROF Rule 6.4–6.7
- Legislative, Administrative, and Executive Materials … BB Rule 13–14
- Resolutions, Decisions, and Regulations of International Organizations
- Secondary materials
  - Books, Pamphlets, and Collected Works
    - Author’s name … BB Rule 15.1
    - Title … BB Rule 15.2
    - Editor, translator, publisher … BB Rule 15.3
    - Volume … BB Rule 15.1.2
    - Essay title, form … BB Rule 3.2
  - Periodicals
    - Author’s name … BB Rule 15.5.2
    - “Note,” “Comment,” etc., designation (if needed) … BB Rule 16
    - Title … BB Rule 16.1
    - Date & pinpoint … BB Rule 16.2
    - Name of periodical … BB Rule 16.2
  - Unpublished materials … BB Rule 16.2, 16.3
  - Cross-references … BB Table T.14, BB Rule 17.1, BB Rule 3.6

Appendix B: Abridged Index of MoUS and *Bluebook*

I. MoUS
   a. Why do you use the MoUS?
      i. Style: the MoUS is a style guide like AP guides, Chicago Manual of Style
         1. Conventions
      ii. Technical Detail
         1. Grammatical Errors
         2. Editing Marks
   b. The Meat of the MoUS
      i. Conventions
         1. Punctuation
            a. Em-dash (1.26) vs. En-dash(1.27) vs. hyphen (1.29)
            b. Ellipsis (1.10)
            c. Numbers and symbols (2.1–2.7)
            d. Serial Comma (1.16)
         2. Capitalization
            a. Governmental nouns and Titles, etc. (3.1–3.22)
         3. Quotations
            a. Block quotes (8.6)
            b. Alterations: brackets (8.3–8.5)
         4. Font
            a. Italics (4.1–4.12)
         5. Grammar
            a. Subject-verb agreement (6.4)
            b. Adverbs (6.7)
            c. Split Infinitive (6.8)

II. Bluebook
   a. Introduction: use it for citations
      i. Quick Reference: helps get started
      ii. Avoid blue pages at beginning
      iii. Do not cite ALWD style; completely different from practitioner's style
      iv. **You** are the **only** one looking at the actual source, so you must make the decision on it. This is the most important role for associate editors.
   b. Specifics: Do **not** trust the author
      i. Signals: difference between signals (1.2)
         1. "See" is not acceptable for every source
      ii. Order of Authorities (1.4)
      iii. Parentheticals (1.5)
      iv. Typefaces: important because allows quick glance of type of source, and you are the only one looking at this source (2)
      v. Subdivisions (3)
         1. Sections and paragraphs (3.3)
         2. Internal Cross References (3.5)

            a. Supra and infra (4.2)

vi. Short form
    1. *Id.* (4.1)
    2. Supra and Hereinafter (4.2)

vii. Cases (10):
    1. Cases in citations vs. cases in textual sentences (10.2.1)
        a. Do not abbreviate case names when used in textual sentences (do not use Table 6), except for "&," "Ass'n," "Bros.," "Co.," "Corp.," "Inc.," "Ltd.," and "No.," unless it begins a party's name.
    2. Case names
        a. When to abbreviate (see Table 6 for citations)
    3. Court
        a. Tables 1 and 2 for preferred reporters in domestic and foreign sources
    4. Weight of Authority Parentheticals (10.6)
    5. Short forms (10.9)
    6. Court filings (10.8.3)
    7. Five footnote Rule (10.9)

viii. Books (15)
    1. Pinpoint
    2. Two or more authors; editors and translator
    3. Shorter Works in Collection
    4. Starting page
    5. Prefaces, forewords, introductions, and epilogues
    6. Short form

ix. Periodical Materials (16)
    1. Pinpoint: first page then pinpoint
    2. Fonts
    3. Table 13
    4. Newspaper: find the page, date, etc.
        a. Get the periodical right: Sunday New York Times; New York Times Magazine
    5. Consecutively vs. non-consecutively paginated journals
    6. Book reviews, notes & comments, symposia
    7. Short forms

x. Unpublished and Forthcoming (17)

xi. Constitutions and Statutes (11 & 12)

xii. Rules of Evidence, Procedures, Model Codes, Standards and Sentencing Guidelines (12.8.3 & 12.8.5)

xiii. Legislative Materials and Administrative/Executive Materials (13 & 14)

xiv. Electronic Media and Resources (real all of Rule 18)

xv. Unknown Citations:
    1. ask the Senior Editors and other Senior Staff present at the edit session

Appendix C: Specific Tasks

Specific Tasks

(1) *Name*—Write your name on every page that you edit.

(2) *Grammar, Logic, and Style Check*—Read your section (text and footnotes) for grammar, logic, and style errors.

Logic: Make sure the author's arguments are organized logically and are supported sufficiently. If something is not supported sufficiently, then either add the support (if it is readily accessible) or note that the author needs to find additional support.

Grammar: The author is allowed deference on debatable stylistic use of punctuation or wording. Only correct errors. Do not correct poor stylistic choices with which you have a simple disagreement

Spelling: Check for errors in word usage that spell-check might miss.

Punctuation: Review punctuation usage very closely. Pay particular attention to the following issues:

a. Quotations—must be block quote if 50 or more words
b. Dashes—hyphens vs. em-dashes vs. en-dashes
c. Numbers in Text vs. Footnotes—*see Bluebook* Rule 6.2 and MoUS pg. 77; where these are inconsistent, side with the *Bluebook*
d. Smart Quotes & Quotations—always use smart “quotes” as opposed to regular "quotes" (notice the format of the actual quotation mark)
e. Ellipses and Spacing—*see Bluebook* Rule 5.3 and MoUS pp. 54–59.
f. Page Number Sequencing

(3) *Check support*—Make sure the source supports the author's proposition.

Most readers assume that when an author cites an authority that authority in fact supports the author's assertion. However, scholarly writing is a complex process and is rife with potential for honest error. As a result, sources do not always support the assertion made by the author.

The Associate Editor's task can be boiled down to a three step process in most cases: (i) identify substantive assertions in the text; (ii) check whether each assertion has a supporting footnote; and (iii) compare what the source says with what the text says and why the text cites the source.

When a footnote adequately supports the author's textual proposition, ***circle the footnote number***. When a footnote has multiple citations and one or more of the cites does not support the author's proposition or when a footnote wholly does not support an author's assertion, make a note to the side of the unsupporting cite explaining why you believe the passage is unsupported. Typically, any such note begins with the signal "EN:" (representing "editor's note").

Caution: Some footnotes are so involved that a cited source is no longer being used to support a textual proposition in the body of the piece but rather an assertion made in the footnote itself. At all times, be cognizant of what proposition the cited source is being used to support.

(4) *Check signals*—Add or delete signals as necessary, and explain why you did so. Even when you do not add or delete a signal, it may be helpful to explain to the editor why you left it unchanged.

Choosing the correct signal is essential as it will affect decisions surrounding the order of authority and the need for parentheticals. Often times the most difficult decision surrounds the choice between "no signal" and the "see" signal. As you will learn in greater detail from materials later in this Handbook as well as in *The Bluebook*, the "*see*" signal is used when the text requires that an inference be drawn from the cited source. In deciding whether a "see" signal is necessary, ask yourself "what must I infer from the cited source to write the author's text?" If you cannot articulate the nature of the inference required, in all probability no signal is needed.

(5) *Write parentheticals*—As a general rule, sources cited with no signal are never in need of a parenthetical. Parentheticals are required any time a signal is used *and* the text of the parenthetical says something helpful to the reader rather than merely repeats what the author has already stated. If, for example, the author states in the text the inference required from the cited source, a parenthetical will be unnecessary since the only thing helpful to the reader following a signal of "see" is an allusion to the inference. Since the author has already stated this, a parenthetical would merely be repeating what the author said. If, on the other hand, the author uses any signal and the reader is left to wonder why a signal is necessary, a parenthetical is probably in order.

When writing parentheticals, keep in mind that their purpose is to explain to the reader why the author is citing the source—why the source supports the text's proposition—not simply to repeat what the source said. You should therefore begin by rereading the proposition for which the source is cited; then try to draft a parenthetical that explains the relationship between the proposition and the cited authority.

(6) *Parentheses*—Count to make sure that every parenthesis that was opened in a footnote is closed. Also check *Bluebook* rules carefully to determine what goes inside and outside parentheticals.

(7) *Check typeface*—There are different typeface conventions for books, journals, cases, and statutes. Make sure all sources are cited in the correct typeface. For example, when citing law review articles in footnotes, the author's name is in Roman typeface, the title of the article is in italics, the title of the Review or Journal is in small caps, and all other text is in Roman typeface, unless italics are called for in special instances. As a general rule (see BB rule 2, p. 30), law review citations will therefore look as follows:

See Bryan A. Garner, *The Wit and Wisdom of Charlie Wright*, 76 TEXAS L. REV. 1587 (1998) (recounting the poignant friendship between two mavens of the written language).

For specific typeface information, see BB rule 2.1, pages 20–32 for footnotes and BB rule 2.2, pages 32–33 for textual material.

(8) *Check case names*—Check the parties' names carefully. Use the first page of the case, not the running header. Make sure that party names are properly abbreviated according to *Bluebook* rule 10.2.2, page 86 and Table T.6, pages 335–37. Never abbreviate the first word in a party's name, unless the abbreviation is widely recognized (e.g., ACLU).

(A) <u>Procedural phrases</u>. *See Bluebook* Rule 10.2.1(b), page 82.

- Abbreviate "on the relation of," "for the use of," and "on behalf of" to *ex rel.*
- Abbreviate "in the matter of" to *In re*.
- Always italicize procedural phrases.

(B) <u>Geographical terms</u>. *See Bluebook* Rule 10.2.1(f), pages 83–84.

- Omit "State of," except when citing state court decisions involving that state as a party, in which case abbreviate to "State."
- Omit "City of," or similar expressions, except when they begin a party's name.
- Omit all prepositional phrases of location not following "City," or similar expressions, unless the omission would leave only one word in the party's name.
- *But* include designation of national or larger geographic area (e.g., Carter v. Aluminum Co. of Am.), except in union names.
- Never abbreviate "United States."

(C) <u>Business designations</u>. *See Bluebook* Rule 10.2.1(h), pages 84–85.

Omit "Inc.," "Ltd.," "Co.," etc. if the party's name includes words such as "R.R.," "Co.," "Corp.," "Bros.," "Indus.," "Assoc.," or "Ass'n" indicating that the party is a business.

(9) *Check deciding court and date*—For cases, always provide the deciding court (except for U.S. Supreme Court cases in *U.S. Reports* or *S. Ct. Reporter*). Be sure to give the date decided, not the date of hearing or rehearing. Domestic court abbreviations are found in T.1 of *The Bluebook*, pages 193–242, and foreign jurisdictions are noted in T.2, pages 243–331.

(10) *Provide pinpoints*—If you do not provide a pinpoint in a citation, explain briefly why one is not required.

(11) *Check for middle initials and middle names*—Cite the author's name as it appears in the publication, including middle name, middle initial, or any designation such as "Jr." or "III" (inserting a comma only if the author does).

(12) *Check direct quotations carefully.*—Check direct quotations carefully, word for word, letter for letter. Please pay particular attention to punctuation and misspelled words. The ellipsis (*see* MoUS 8.4–8.5, pages 59–60) and block quote rules (*see* MoUS 8.6–8.7, pages 60–61) in the MoUS are complicated, so refer to the rules as you check each quote. **Place a small check mark over each word as you check a quotation.** If you have **any** doubt about where to put an ellipsis, ask.

(13) *Order of authorities*—Put sources within the same footnote in the correct order according to *Bluebook* Rule 1.4, page 48. Explain any substance-related rationale for deviating from this rule.

(14) *Identify sources not available*—If a source is not available, write an editorial note item that says "[Name of Source] Not Available" and indicate whether the source was included on the bookpull list. **If any source (available or not) did not appear on the bookpull list, please add it to the last page of the list.**

(15) *Flag missing information*—If a standard cite form requires information that is unavailable, make a note to that effect. For example, cite form for student notes calls for the author's full name. However, some journals contain unsigned student notes. Unless you indicate that there is no author name, a subsequent editor may assume that you forgot to check.

(16) *Insert find authorities*—If your section contains unsupported statements, mark them with the notation "FA" (Find Authority). You should spend some time looking for authority for these statements as you work with the available sources. If you are unable to find authority for the statement,

write a note to the editor explaining where you looked and giving any ideas you have for where to look next. The more detailed a description of the type of footnote needed (and the potential source for the footnote), the easier it is for the Senior Editor, or another member of the journal to fill it in later. Footnotes are:

- <u>Needed</u> when an author states a fact or an opinion that is otherwise unsupported by the text.
- <u>Needed</u> when a case is referenced, even if the reference is indirect.
- <u>Not needed</u> for a fact or an opinion that is deduced from material discussed immediately prior to the statement of fact or opinion.
- <u>Not needed</u> for a fact or an opinion that will be deduced from a discussion following the statement if the statement serves simply as a topic sentence for the discussion.
- <u>Not needed</u> for facts that are difficult to verify in published sources **if**, considering the author's position, the fact is something that is likely to be within the author's personal knowledge.
- <u>Not needed</u> if the material is clearly intended to state a purely personal opinion of the author, although in this circumstance, citing other authors with similar opinions may be helpful.

(17) *Note wrong edition of books*—If you are dealing with a book, be sure that you have the edition the author cites (if possible). *The Bluebook* calls for use of the newest edition that provides support. If our edition is newer than the author's, update the citation information (including pinpoints). If our edition is older, check all information as you would for a normal source, and then write an EN note explaining that you used an older edition.

(18) *Short forms and the "Five-Footnote" Rule*—All sources that have been cited once in full may be subsequently used in short form thereafter. A short form for cases, however, may be used only if:

- it clearly identifies a case already cited in the *same footnote*;
- the case is cited (in either full or short form) in *a manner such that it can be readily found in one of the preceding **five** footnotes*; or
- the case is named in the *same general textual discussion* to which the footnote is appended.

(19) *The use of "Id."*—Any use of "*id.*" must be eminently clear. "*Id.*" may only be used:

- to refer to the immediately preceding source in the *same footnote*, or
- to refer to the immediately preceding source in the immediately preceding footnote if that footnote contains *only one source*.

(20) *Explain troublesome cites*—If you use an unusual cite form or are unsure of a cite form, note the *Bluebook* or *Texas Rules of Form* rule on which you rely so the E2 Editor can understand your work. If you have trouble, discuss the problem with the attending editor or with others participating in the edit session. When in doubt, always ask.

(21) *Delete parallel citations*—Prior editions of *The Bluebook* required that all cases decided by state courts be cited to the official state reporter (such as Tex.), if any, and then to the appropriate regional reporter (such as S.W.2d). The Eighteenth Edition of the *Bluebook* does not contain this requirement; therefore, all cases are to be cited only to the relevant regional reporter. If the case is not included in the regional reporter, consult *Bluebook* Table T.1, pages 193–242.

If a case is cited to the Supreme Court Reporter (S. Ct.), please check to see if the case is reported in the U.S. Reports (U.S.). According to *Bluebook* Table T.1, Supreme Court decisions should be cited to U.S., if therein. Otherwise, cite to S. Ct., L. Ed., or U.S.L.W., in that order of preference. A parallel citation is not necessary. However, if you delete a Supreme Court Reporter cite that contains a pinpoint and provide a U.S. Reports cite without a pinpoint, make an editorial notation as to the original Supreme Court cite to aid in locating a U.S. pinpoint.

(22) *Use of* supra, infra, *and hereinafter*—These indications **may** be used to refer to: legislative materials, administrative and executive materials, books, pamphlets, unpublished materials, periodicals, services, treaties and international agreements, regulations, directives, and decisions of intergovernmental organizations. According to *Bluebook* Rule 4.2, they may **not** be used to refer to cases, statutes, or constitutions except in extraordinary circumstances, such as when the name of the authority is extremely long. For example: *In re* Multidistrict Private Civil Treble Damage Antitrust Litig. Involving Motor Vehicle Air Pollution Control Equip., 52 F.R.D. 398 (C.D. Cal. 1970) [hereinafter *Air Pollution Control Antitrust Case*].

(23) *Fifteen minute rule*—Answer all of the Senior Editor's questions. Follow the "15-minute rule" for **FAs** (Find Authority): Do not spend more than 15 minutes searching for a supporting source for the proposition in the text. **However,** once a source has been located **DO** spend as much time as it takes to *read* the source and *verify* that the source supports the textual proposition.

(24) *Check dashes*—Check for proper use of hyphens, en-dashes, and em-dashes pursuant to MoUS Rules 1.26–1.33, pages 11–15.

(25) *Periods*—Make sure every footnote ends with a period.

(26) *Correct all errors*—Use the standard editing marks attached to this guide and in the MoUS when indicating corrections. When making a change, **cite to what *Bluebook*, MoUS, or TROF rule you based the change on** so the Senior Editor can easily check it.