Researching for Law Review or Journal

Improve your chances for publication with thoughtful research and analysis.
Finding a compelling note topic

There are two primary considerations to finding a compelling note topic:

1. **Choose a topic that interests you** because you’ll be working on this note for a large part of the school year. If you’re published, it will be a topic of conversation in every job interview for the rest of your legal career.

2. **You’ll need to make a real argument.** To get published you must take a position and provide thoughtful analysis of the opposing point of view. If you’re having trouble coming up with a point and counter-point, this is an indication that your topic is too broad.

Use these searches to find a compelling note topic:

- **Circuit Splits:** search circuit w/2 split or disagree! and use the Timeline filter to narrow your results to opinions from the previous year.
- **Documents Referencing this Citation:** while viewing a case, click the link on the right to search (e.g. Search for 402 F.3d 881) for cases, statutes, news and other documents discussing the case.
- **Emerging Issues:** search health care or health insurance, click the Secondary tab and use the Content Type filter to limit your results to Emerging Issues Analysis.
- **News for Challenged Legislation:** search law or legislation or statute w/s challenge! or lawsuit w/p circuit or New York or New Jersey and use the News tab to limit the result to news articles.
Finding a good case for a comment

A good comment covers a case of first impression or conflict between upper and lower courts. Avoid district court opinions because there is usually not enough to discuss, and a district court case lacks the importance required for an article.

Use these searches to find a good case for your comment:

- Cases of First Impression: search "first impression" and use the filters to narrow your results to a desired court or jurisdiction from the last two years.

- Reversed or Dissenting Opinions: search `revers! w/20 "it is so ordered" or reasons or judgment or "therefore" or foregoing or decreed or adjudged and not affirm!`
Be sure you’re not “Preempted”

Once you’ve settled on a topic, you want to be sure it is original. An original topic will increase your chances for publication. For a great discussion of “originality” see 115 Harv. L. Rev. 1988. Generally, if your topic has already been analyzed you are preempted and should adjust your topic or find a new one.

The only way to see if your topic is preempted is to run searches in law reviews and journals. For example:

• Search “social media” or “social network!” or facebook or twitter w/25 privacy w/25 “personal information.” Click the Secondary tab and use the Content Type filter to limit your results to Law Reviews and Journals.

Get Research Assistance & Extra Help

• Your Account Executive: Get in-person help and training from your school Account Executive, plus go to www.lexisnexis.com/lawschool and click the Training Calendar tab for your school’s training schedule.

• Call our 24/7 Support Line: 800.45.LEXIS (800.455.3947).

• Chat with our Live Support: Click Live Support on lexisadvance.com.