

Lexis Advance® Get Published by Your Law Review or Journal

Writing for law review or journal means analyzing a compelling legal issue or an important case. Thorough analysis requires a significant amount of research, but before starting you must ensure your topic or case is original enough for publication. For more information about originality see, 115 Harv. L. Rev. 1988



Finding the right legal issue or case to analyze with Lexis Advance®

Whether you decide to analyze a legal issue or a case, there are a wide variety of Lexis Advance® sources that law review and journal students use each year to make finding the right legal issue or case easier.

Legal Issue

vs.

Case

If you choose to analyze a legal issue you must:

1. Focus on a current legal controversy.
2. Make a legal argument advocating the pro or con for the controversy.
3. Use a wide variety of sources to support your argument.

Use the **Search – Tab – Filter** method to quickly find a compelling legal issue.

► Emerging Issues:

Search: your topic (e.g., "Health Care")

Tab: click the **Second** tab

Filter: limit your results to Emerging Issues Analysis with the Content Type filter

► Circuit Splits:

Search: circuit w/2 split or disagree!

Tab: click the **Cases** tab

Filter: use the Timeline filter for cases from the last year

► News for Challenged Legislation:

Search: law or legislation or statute w/s challenge! or lawsuit w/p circuit or new york or new jersey

Tab: click the **News** tab

Filter: use the Timeline filter for stories from the last year

If you choose to analyze a case you must:

1. Cover a case of first impression or a conflict between upper and lower courts.
2. Demonstrate the case's impact on a specific area of law.
3. Analyze the sources contained in the case to show its impact.

Use the **Search – Tab – Filter** method to quickly find a case of first impression or a conflict between courts.

► Cases of First Impression:

Search: "first impression"

Tab: click the **Cases** tab

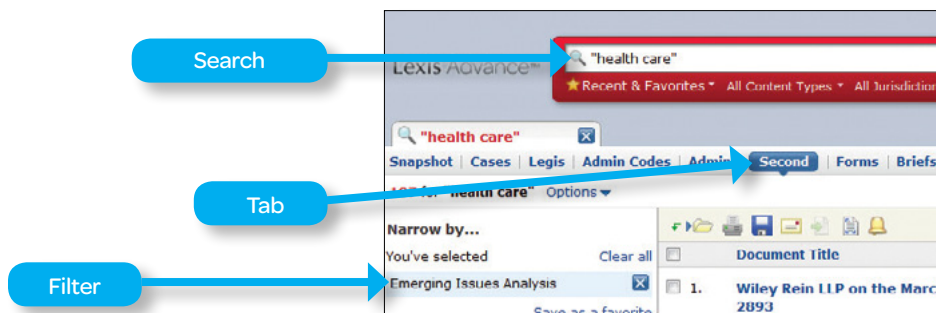
Filter: limit your search by the desired court, jurisdiction or date

► 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!

Tab: click the **Cases** tab

Filter: limit your search by the desired court, jurisdiction or date



Be sure you're not "Preempted" with Lexis Advance and *Shepard's*®

You don't want to select a legal issue or a case that has already been analyzed by another law review or journal article. Those issues and cases are "Preempted," and most likely will not be published.

Legal Issue

vs.

Case

Original analysis of legal issues increases your chances for publication. With over 740 law reviews and journals on Lexis Advance you can conduct a comprehensive "Preemption Check" to ensure the originality of your analysis.

Use the **Search – Tab – Filter** method to conduct a comprehensive preemption check, and easily determine the originality of your legal issue or case.

Search: your legal issue or case (e.g., "social media" w/25 "personal information").

Tab: click the **Second** tab.

Filter: limit your results to law reviews and journals with the Content Type filter.

After selecting the case you want to analyze use the *Shepard's*® Citations Service to see if there are other law review or journal articles with similar analysis of your case. If there are, you should select another case to analyze or you risk being "Preempted."

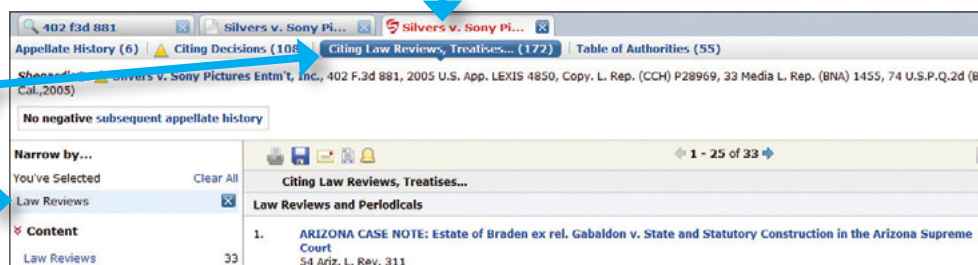
It's as easy as *Shepardize*® – **Tab – Filter** to conduct a "Preemption Check" for a case.

Shepardize: Click the *Shepardize* button at the top of every Lexis Advance case.

Tab: Click the **Law Reviews** tab at the top of the *Shepard's* report.

Filter: Click **Law Reviews** under the Content filter to see the articles citing your case.



The screenshot shows the Lexis Advance interface for a Shepardize report. At the top, there are tabs for 'Appellate History (6)', 'Citing Decisions (108)', 'Citing Law Reviews, Treatises... (172)', and 'Table of Authorities (55)'. Below the tabs, the case name 'Silvers v. Sony Pictures Entm't, Inc., 402 F.3d 881, 2005 U.S. App. LEXIS 4850, Copy. L. Rep. (CCH) P28969, 33 Media L. Rep. (BNA) 1455, 74 U.S.P.Q.2d (BN Cal.,2005)' is displayed. A 'No negative subsequent appellate history' message is shown. Below this, there is a 'Narrow by...' section with a 'Clear All' button. Under 'You've Selected', 'Law Reviews' is checked. Under 'Filter', 'Content' is selected, and 'Law Reviews' is chosen under the 'Content' filter, showing 33 results. The first result is '1. ARIZONA CASE NOTE: Estate of Braden ex rel. Gabaldon v. State and Statutory Construction in the Arizona Supreme Court, 54 Ariz. L. Rev. 311'.