

# Law Student Publication Guide

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**Toronto  
Metropolitan  
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## Why should I publish?

Practically speaking, law students are in a good position to publish scholarly work. Students are immersed in learning about the law through readings, in class discussions, and summer employment, and these can all provide inspiration for an eventual research question. Whether it makes sense for you to publish as a student is entirely up to you and your career goals. Do you plan on becoming an academic? If so, publishing in scholarly journals will eventually become essential to your career, and law school is not too early a point to start. Do you plan on practising law? If so, a publication on your CV can be an excellent way to demonstrate your engagement with current legal issues; imagine interviewing for a position at a law firm specializing in employment law when you have published a paper about recent legislative changes in this area.

Students also have a wealth of resources available to them: professors they can ask for expert advice, librarians who can offer research support, on campus writing help, and the support of their peers. Having access to—and making use of—such resources is important because academic publishing contains unwritten rules that can be baffling, especially for first generation students. In the spirit of demystifying scholarly publishing, this guide will offer basic explanations of legal scholarship and list resources for student authors to learn about academic research and writing in more depth.

There are also higher, loftier reasons to publish academic work. Doing so allows you to contribute to the scholarly conversation on the topic. Have you ever researched a topic you are passionate about but weren't able to find your dream article on — because it didn't exist? That paper is waiting for you to write it. Engaging in scholarly writing can advance new ideas and move the needle on academic discourse.

This guide is intended to clarify the legal publishing landscape, help you assess your options, and answer common questions students face about scholarly publishing. It is not a goal of this guide to downplay the amount of time, energy, and hard work that writing a scholarly article requires. It is a serious commitment both for you as an author and for the journal editors and reviewers involved in the process. It requires very rigorous research and analysis and isn't for the faint of heart (see the [emotional process of publishing](#)). If you decide after reading this guide that writing a scholarly article isn't for you, there is nothing wrong with that. There are other ways to get your ideas out into the world (see [different types of articles](#)). In any case, this guide will help you understand your options for scholarly publishing and how to seek support.

## The legal publishing landscape

Let's start with the basics. What are scholarly journals? Scholarly journals, also called academic journals or periodicals, are a primary output of scholarship for the academy, namely higher education and research institutions. Journals contain collections of articles that have undergone a thorough editorial review process. Scholarly articles typically address a legal issue of current concern and analyze it using a conceptual or theoretical perspective, sometimes offering a broad narrative overview of a topic or having an empirical research focus. This form of writing is very different from other practical formats of legal writing such as memos or factums, which seek to offer an objective statement of law or advance a persuasive argument within a practice-oriented context.

The standard scholarly article is well supported with references, written in an academic tone, and lengthy (from 20-40 pages single spaced). Articles typically contain the same generic elements, including an abstract, introduction, research question, literature

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review, discussion section, and conclusion. For a brief overview of these elements, see the TMU Library handout on [reading strategically](#). In addition to publishing scholarly articles, journals will often publish other works, such as book reviews and case comments, that are still academic in tone but do not fit the same format. These works are usually shorter, may have a less thorough review process, and require less in-depth analysis.

Law journals present unique opportunities for student engagement in the editorial and publishing process. In the USA student-run journals are common; the top ten journals in the USA in 2023 on the [Washington and Lee Law Journal Rankings](#) are all student-edited. In contrast, faculty-run journals and hybrid journals are more common in Canada. For examples of these publication models, the [University of Toronto Law Journal](#) is a faculty-run journal, the [TMU Law Review](#) uses a hybrid model, and the [Saskatchewan Law Review](#) is student-run. It is worth noting that student editorship is uncommon in most academic disciplines outside of law.

Another unique aspect of law journals is the interplay they allow between research and practice. Law schools commonly host a journal with their name, as in the examples above. Scholarly articles are often cited in Supreme Court of Canada decisions, and journals will rightfully brag about this on their homepages. Practicing lawyers and judges may publish scholarly work, depending on the journal. Given that law has such a broad impact, interdisciplinary journals also exist that allow legal researchers to communicate with colleagues in disciplines with shared concerns such as criminology, business, or public administration. Due to the interplay between legal scholarship and practice, there is academic debate about how practical the conclusions reached in a scholarly article should be. Some authors argue for a strong focus on

methodology and conceptual analysis,<sup>1</sup> while others argue that scholarship should reach practical conclusions, arguing for revisions in law;<sup>2</sup> the answer likely falls somewhere in the middle.

## What are different types of articles?

An academic article can take many forms, although there are several different common areas of focus.

- Articles might be **critical** in nature. They may argue for law reform, describing a problem with a legal system and how it can be fixed. They may advocate changes in practice or philosophy based on informed legal analysis.
- Articles might also be **theoretical** in nature, drawing on a known philosophy or methodology (e.g. positivism) or the work of a known theorist (e.g. Kant) to advance an argument. Theoretical articles can shed new light on an old problem by addressing it through a particular lens.
- **Doctrinal** scholarship uses inductive or deductive reasoning to describe and interpret an area of law in order to make generalizations or predictions about it. It is also called “black letter law,” focusing on the rules of law as they have emerged, and it might be pragmatic (e.g. how to operate within those rules) or academic (e.g. why we should critique those rules) in nature. Doctrinal scholarship factors into different types of analysis.
- There are also articles that offer a narrative summary of the **history of an area of law**.
- Another similar article type is the **literature review**, which offers an overview of the literature, or secondary source writing, on a topic. The purpose of review articles is to identify where a legal issue stands, how it got there, and what the landscape of concern looks like.

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1 Rob van Gestel & Hans-Wolfgang Micklitz, “Why Methods Matter in European Legal Scholarship” (2014) 20:3 ELJ 292–316.

2 Richard A Posner, “Legal Scholarship Today” (2002) 115:5 Harv L Rev 1314–1326.

- **Comparative** law articles describe the differences and similarities between legal systems. For instance, an article might describe how Canadian law could be improved if it were reformed based on foreign law.
- Most articles use textual evidence when making their argument, drawing on primary sources of law (e.g. legislation, case law) and secondary sources (e.g. books, articles). Articles can also use **empirical** evidence for their argument. Original research may describe the use of a quantitative or qualitative method to collect data.
- **Interdisciplinary** articles show the connections between different disciplines, describing how a legal question is relevant to another area of study or how the practices in another discipline can solve a legal problem. The law intersects with many aspects of society, and different disciplines use different analytical approaches and frameworks, meaning that the possibilities for interdisciplinary articles are very broad.

The areas of focus for articles are not mutually exclusive. For instance, an article might be comparative in nature and cover the history of an area of law, or be both theoretical and interdisciplinary. In addition to these broad areas of focus, journals may also publish other distinct works. Sometimes these are published within their own sections of journals and have their own submission criteria, such as required word length.

- **Case comments** describe a recent decision including its facts, history, arguments, reasoning, significance, and consequences.
- A **legislative** note or **statute** note describes proposed or recently enacted legislation. This includes a summary, analysis, and critique.

- **Book reviews** are a critical assessment of a recent legal publication. A good review indicates the strengths and weaknesses of a book in a way that will be useful to a researcher who is considering reading it, and does not merely summarize the content.
- Some law journals also include articles about the **practice of law** or **legal trends** and developments. For instance, an article about how artificial intelligence is impacting insurance claims, or an article about the number of clerkships available to students, might be published in this section.

This guide primarily focuses on scholarly articles, as these are a primary mode of academic knowledge dissemination. However, writing a scholarly article is a serious time and energy commitment. After reflecting on the requirements of an academic article you might decide that writing a shorter work is a better fit for your current experience and interests. Writing a shorter piece, such as a book review or case comment, is a valuable way to engage with publishing, especially for first-time authors. Non-scholarly writing, such as a blog post, current awareness news post, or social media post are all valid forms of communication that might better fit your needs, especially if you want to engage the public or legal community at large about a topic (see resources for [knowledge translation](#)).

## Writing Competitions

Writing competitions are another great way for students to engage with publishing. These contests are often only available to current students and may have a financial prize or be featured on the website of a well known journal or association. See this [list of writing competition opportunities](#) which is maintained by the Career Development and Professional Placement Office (CDPPO).



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## Resources

- For more information on different types of articles, see “[Archetypal Legal Scholarship: A Field Guide](#)”<sup>3</sup>
- To learn more about specific methodologies see the [Classic Legal Theory](#) and [Critical Legal Theory](#) research guides.
- For more information on specific topics related to article focus (e.g. empiricism, doctrinal) see the these [legal encyclopaedias and introductory books about legal theory](#)
- For in depth resources on methodology see these [methodology databases and book collections](#)

## Where should I publish?

### Is the journal open to receiving student manuscripts?

When deciding where to publish, the first criteria should be determining if the journal is open to receiving student manuscripts. If they aren't, don't proceed any further. This information can usually be found on the submissions page of the journal website. For instance, the *Dalhousie Journal of Legal Studies* [submission page](#) states that it “publishes articles and case comments from law students and recent graduates” and lists the degree types accepted. Other journals are not as clear in their submission criteria, although typically, general law school journals are more likely to accept student submissions than specialized journals. If you are unsure if the journal accepts student submissions, read through a few recent issues. Ask yourself, “are there student authors?”

In order to support students in navigating the journal landscape, the Law Library maintains a journals list and indicates those journals that explicitly state that they accept student

submissions: [Canadian Academic Law Journals List](#). A small number of Canadian law journals focus specifically on publishing student scholarship. These are: *Appeal: Review of Current Law and Law Reform*, *Dalhousie Journal of Legal Studies*, *University of Toronto Faculty of Law Review*, and *Western Journal of Legal Studies*.

### Does the focus of the journal match your focus as an author?

Law journals fall along a spectrum: from being general in nature, covering all areas of law, to being highly specialized in terms of the scope of what is accepted. Traditionally, journals describe their focus in an “aim and scope” statement, although newer journals may include this information on the website “about” page. Ideally, wherever it is located, this statement should tell you what kind of work the journal publishes and why. For instance, the *Canadian Journal of Women and the Law* [aim and scope statement](#) reads:

The *CJWL*'s mandate is to provide an outlet for those wishing to explore the impact of law on women's social, economic and legal status, and on the general conditions of their lives. The Journal promotes the expansion of women's legal scholarship into new areas of research and study, and it aims to increase the volume and improve the accessibility of legal scholarship by Canadian women, on specifically Canadian topics.

If you were writing an article about a legal issue in Canada affecting women, this journal could be a good fit. If you submitted an article that does not match the aim and scope, such as an article about tax law with no gendered element, it would be immediately rejected. To avoid the pain of rejection and save everyone involved time and energy, only submit to a journal with an aim and scope that closely fits the focus of your work.

3 Martha Minow, “Archetypal Legal Scholarship: A Field Guide” (2013) 63:1 J Leg Ed 65.

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## How do I assess a journal?

To assess a journal, one strategy is to read the table of contents and a few recent articles. As you do so:

- Pay attention to article authors and Google their names. Are they a scholar, practitioner, or student? Are they an expert on this topic, based on their education, experience, or societal role? What else have they written (a library resource like [OMNI](#) can answer this)? How would you feel to see your name included next to theirs in this journal?
- Determine if the majority of articles are well written. Are they on topics you find novel, engaging, and forward-thinking? Are the articles well researched?
- Pay attention to the presentation of the articles online. Are they well formatted and copy-edited, with no spelling or grammatical mistakes? Can you easily access the material? Scholarly journals are not typically focused on beautiful aesthetics, but the journal presentation needs to be professional as this will reflect on your work as a published author.

Another assessment strategy is to ask for help from trusted, experienced researchers.

- Ask a professor that you trust, perhaps one who marked the paper you are considering revising for publication, about advice on where to publish. Faculty members have subject matter expertise and are familiar with reputable journals specializing in their area of focus. As publishing is essential to an academic career, law faculty have all published in law journals and can speak to their own lived experience of the process.
- Ask a law librarian. They can tell you anything you need to know about how to access journals, including where they are indexed, journal metrics such as ranking and citation rates, and about how to assess journal quality. If writing

your article requires conducting more research, librarians can also provide direction and support, including helping you develop efficient and comprehensive strategies.

- If you have a specific question that only the journal editor can answer, you can email them. For instance, if you are unclear about the submission deadlines you can ask for clarification. However, as this guide will later describe in more detail, journal editors are often unpaid and balancing a host of academic obligations. It is good to be cognizant that writing to them is requesting additional labour on their part and so to keep questions brief and narrowly related to the journal submission process. It is also important to note that where internal reviews are being conducted blindly, prospective authors should be careful not to disclose identifying information that would affect the integrity of the review process.

### Resources for choosing where to publish

- [Scholarly Communication Research Guide Tips on Where to Publish](#)

## What is the journal submission process?

Every journal should have submission processes posted on its website. These will typically describe:

- If submissions are welcome on an ongoing basis or if they must be submitted by a specific deadline.
- If the call for submissions must be on a specific topic, usually for inclusion in a special issue, or if any submissions that fall within the scope of the journal are welcome at this time. For an example of journal issues on special topics, see the [Canadian Journal of Comparative and Contemporary Law](#).



- The types of submissions accepted, ranging from articles to shorter works like book reviews.
- How to submit, which is usually either through an online portal requiring an account (e.g. Open Journal Systems, Bepress) or by email.
- The formatting requirements for submissions, including word length and citation style required. A majority of *Canadian law journals use the Canadian Guide to Uniform Legal Citation*, more commonly called the McGill guide.
- See the [Legal Citation Guide](#) for more information on this citation format and access to the McGill Guide
- Sometimes, but not always, the submissions processes will include information on who can submit articles, which is important to gauge if the journal accepts student submissions.

It is also typical for journal submission pages to state that only original work not under consideration elsewhere may be submitted. This is a good practice, as scholarly journals are operated with volunteer labour, often as a form of academic

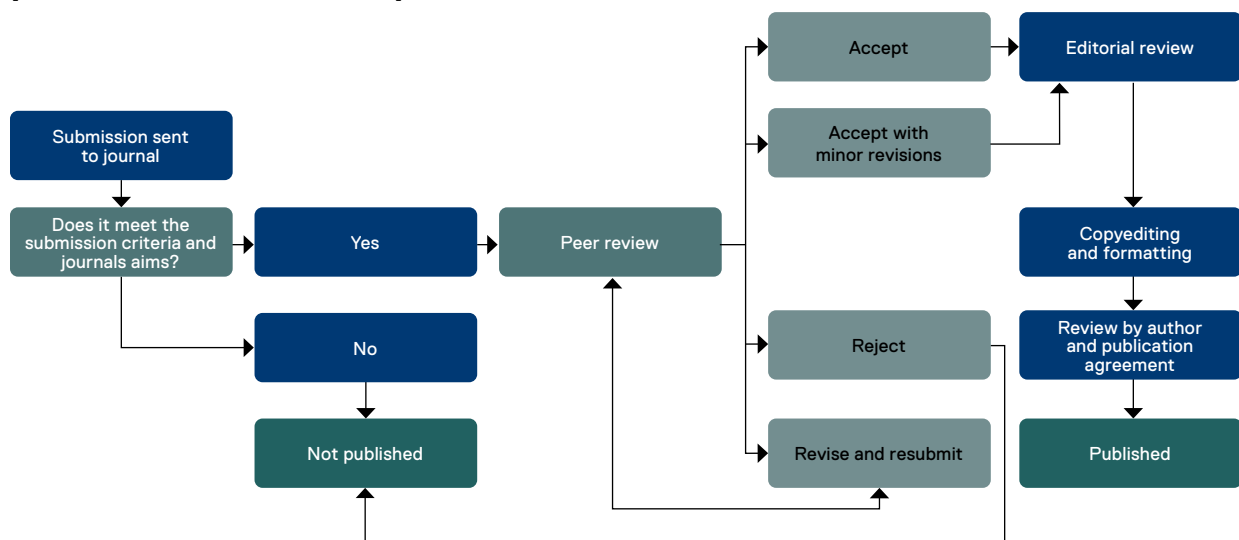
service. Do not submit the same article to more than one journal at the same time.

Journal websites usually also list the members of the editorial board and describe the editorial review process. In general, scholarly articles undergo the most thorough editorial review, and may undergo external peer review, in contrast to other article types, such as book reviews, which have a less thorough review process (see [different article types](#)).

## What is peer review?

Peer review, also called referring, is a process of assessment employed by scholarly journals with the intent of ensuring quality of scholarship. The “peers” in peer review are typically two to three experts who are knowledgeable about the content of the submission. For instance, a faculty submission about criminal law would be reviewed by other faculty or high-level researchers with criminal law expertise. In addition, article submissions are also reviewed by the journal editors at several stages in the manuscript submission to publication process.

## The peer review submission process



This flowchart shows the peer review process from submission to publication.

The typical submission process for a journal that uses a peer review model is shown in the diagram above. After being submitted to a journal, an initial, internal review is conducted by the editors to confirm that the submission meets the submission criteria, falls within the scope of work published by the journal, and is substantively sound. Submissions that do not meet this criteria are rejected. Submissions that do meet the criteria are then sent out for peer review. The reviewers will then send a written appraisal of the article along with a decision to the editor. The decisions typically fall within these four options: the article is accepted, the article is accepted with minor revisions, the article is rejected, or the article needs to be revised and resubmitted. A revise and resubmit decision requires major changes to the paper and a further round of peer review. Once it is accepted, an article that requires revisions will receive an additional round of internal review. All accepted articles will be cite-checked and copyedited for spelling, grammar, and syntax. The article is then formatted into the typeset used by the journal. The author is able to review the article's proofs before publication, and an [author agreement](#) with the journal may be signed at this time. Finally, the article is published in the journal, either on a rolling basis or with a complete new issue.

It is worth noting that in the USA, student editors may also act as reviewers. This is uncommon in Canada and it is a controversial practice that some American faculty would like very much to change.<sup>4</sup> Now that you have an overview of the peer review process, here is information that might be useful as a potential author:

- Some journals use guidelines or a rubric for reviewers to follow, and this is sometimes available for authors to review. The typical review criteria include: is the article well written; is it original; are its ideas clearly

communicated; and, does it make an important contribution to a topic within the scope of the journal? Generally, spelling and grammar do not fall under the purview of peer-reviewers unless they are distractingly bad.

- Peer review is typically conducted “blind”, or anonymously. In a single-blind model the author does not know the identity of the reviewers, while in a double-blind model neither the author nor the reviewers know the others' identities. For a double-blind review, the journal editor will ensure that identifying information, such as the author's name, is removed from the submission.
- Ideally, the author and editor will work closely together. The author has agency in how they respond to review feedback and to copyediting suggestions. The editor cannot make changes without the author's permission.
- Reviewer and editorial suggestions are intended to produce articles of higher quality than the original submissions. Revisions might include more clearly stating the objective of the paper, including new supporting references and examples, or removing unnecessary passages.
- Each step of the review process takes time. It typically takes, at minimum, six months to a year to progress from submission to publication.

More topics for the critical author to consider:

- The review process of the journal can tell you about the values of the journal. Is the model rigorous? Does it have a tight timeline? Is it confidential? Some social justice oriented journals will have a review model that reflects its mandate, with open, democratic, and collaborative elements incorporated into its processes.

4 Paul Caron, “It’s Time To Replace Student-Edited Law Reviews With Peer-Reviewed Journals”, *TaxProf Blog* (16 November 2015), [online](#).

- As an example, the *European Journal of Legal Studies* reflects on its peer review process<sup>5</sup>
- Blind models of review do not always completely protect the identity of authors and reviewers. If your area of scholarship is niche or closely connected to your identity it can be impossible to ensure true anonymity. For example, this article “[The Complainant: The Canadian Human Rights Case on First Nations Child Welfare](#)”<sup>6</sup> is about the author’s role in a highly publicized series of human rights complaints and could not have been subjected to a fully double-blind review. For a long time, blind review was considered the highest form of review, but some journals are moving away from blind review due to its challenges, the importance of personal voice, and the need for transparency in scholarly practices.
- The intent of peer review is to ensure quality of scholarship. There has been widespread criticism of how effective it is at this task, as peer review is subjective, promotes consensus with established norms, and does not include a fact-checking process. Bad articles are regularly published, and some are eventually retracted (see [Retraction Watch](#) for current examples).
- Despite this criticism of peer review, it remains the gold standard for scholarly articles, especially in the sciences.

### Resources on peer review

- [COPE Ethical Guidelines for Peer Reviewers](#)
- [Queen’s Library Peer Reviewer Guidelines](#)

## Is my paper publishable?

Papers that are good candidates for publication are usually:

- Original
- On a topic of current interest or debate
- Well researched
- Fit into the format of a scholarly article

In meeting these criteria, students can encounter some seeming contradictions that need to be carefully navigated.

For instance, an article must be original in order to be publishable. Many successful essays submitted as coursework do not meet this high threshold, which requires a unique contribution to the scholarly literature. However, originality does not mean that the topic has never been written about before. For example, there are thousands of articles that have been written about the work of Emmanuel Kant. What matters is if your article contributes a new idea to the scholarly literature about Kant.<sup>7</sup> Of course, you do want to avoid writing the exact article someone else has already written, so it can be useful to review the literature thoroughly before deciding on a topic. This process is sometimes called preemption, especially by Americans, and the process involves searching through the literature, as described in this guide to [Preemption Checking for Law Reviews & Journals](#). Major legal resources are available in the [TMU Law Guide](#) and a law librarian can assist with a comprehensive search strategy. There are several approaches to finding opportunities for original contributions.<sup>8</sup> For instance, journal articles sometimes include a discussion section that describes areas for further research. Identifying

5 Olga Ceran & Anna Krisztian, “From Inclusivity to Diversity: Lessons Learned from the EJLS’ Peer Review Process Editorial” (2018) 11:2 *European J Leg Studies* 1.

6 Cindy Blackstock, “The Complainant: The Canadian Human Rights Case on First Nations Child Welfare” (2017) 62:2 *MLJ* 285.

7 See Eric Yong Joong Lee, “Legal Editology and Publication of Scholarly Law Paper: How to Translate Academic Stimulus into Creative Legal Writing?” (2020) 13:2 *J East Asia & Intl L* 277.

8 See Mathias M Siems, “Legal Originality” (2008) 28:1 *Oxford J Leg Stud* 147.

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where a gap in the literature exists can be a useful resource for determining where a new voice is needed to respond to and progress scholarship.

Another approach to progress the scholarly conversation is to write about a topic of current legal research, such as an emerging trend or development of law. To learn about these it can be useful to review the resources in this guide to [Keeping Current with the Law](#). However, very new topics can present challenges for research as there will be limited secondary sources available and limited judicial interpretation. One strategy is to consider how developments have occurred in an analogous area. For instance, when cannabis was first legalized in Canada authors would have researched other controlled substances, such as alcohol regulation, control, and sale.

Articles need to be well researched, containing citations that support the argument of the paper with relevant evidence. However, as an author you need to balance the inclusion of relevant research with the importance of presenting a clear and coherent narrative. Authors should avoid producing articles that have a laundry list of sources and instead focus on the most effective resources that directly contribute to the content of the article. For example, when writing about Kant, it is not necessary to cite the thousands of works about Kant that have come before, but only to include the most relevant for your thesis. Additionally, research is an iterative process. If a research paper was graded in December and you are looking to create a submission from it in April, it is a good idea to update your sources to reflect emerging commentary and developments in law, especially when writing about a contemporary topic.

Finally, your paper is only publishable if it fits into the mold of what a scholarly article is. If you are using an assignment as a starting point for an academic work it will require significant revision,

as it is highly unlikely your assignment requirements match the exact submission criteria of your chosen journal. Scholarly writing is generic to some extent. Just as most rock bands contain the same instruments — a guitar, bass and drums — most scholarly legal writing incorporates the same elements — such as an abstract, research question, and literature review — which stem from a long tradition of scholarship. The description of scholarly writing as a genre like rock music describes how it has cohesive elements within it but also how there is room for variation. The sound of rock music has changed drastically over time, incorporating the influence of important musicians. Scholarly writing is slow to change but it has increasingly incorporated novel elements from new scholarship. For instance, authors are increasingly likely to draw on their own identity as a relevant source of knowledge, especially if engaging in critical theoretical analysis. It is important for legal scholarship to continue to evolve, and the voices of emerging scholars are an important component of how this will occur. However, as a scholar you must consider how to make your work fit into existing scholarly formats in order to work through the publishing process and be legible within this genre.

### **How do I revise my paper before submission?**

Articles will only be published in journals that are a good fit, so it is worth considering how closely your paper aligns with the journal to which you are submitting. To revise your paper for submission to a journal, carefully review the submission criteria and ensure that your paper falls within its aims and scope and that it is of a high quality and appropriate academic tone. These revisions might require removing excess content to meet the required page length, which is a good opportunity to strengthen the paper. Remove any content that distracts from the main focus and remove weak or supplementary evidence. The goal should be to have a paper with a crystal clear focus, strong argument and solid evidentiary support.

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When revising an article it is a good idea to involve people that you trust. Find a peer that you trust to provide feedback on the content and writing, acknowledging that these are different areas for review. A professor can also provide invaluable feedback on your paper and suggest adjustment to an argument and resources for further research. Having conversations about your paper might make some of its strengths and weaknesses more evident; if you cannot verbally explain the point of your article in under a minute it may require revision.

During this revision process — indeed, during the entire research process — it is a good idea to keep detailed notes. Notes make the writing process much faster. Notes can become an outline, and an outline can become an article. Keeping notes prevents accidental plagiarism and avoids the awful situation of spending hours tracking down a lost reference. The journal submission process can often involve lengthy revisions, and having research notes on hand, including for sources you did not initially include, will simplify revisions. You might be glad you kept copies of your outlines, initial drafts, and detailed research notes when reimagining a piece of writing for publication.

### Resources for note taking

- Citation managers such as [Zotero](#) track your references and annotations
- Note taking and project management web applications such as [Notion](#)
- Note taking strategies such as [mind-mapping](#)

### How can I improve my writing?

First-time authors are often unaware that writing is an iterative process. That is, writing down your thoughts can help you better understand what your thoughts are, which then informs revisions. Revisions will also be required as you encounter feedback from peers and incorporate emerging

research into your writing. The first draft of an article usually differs significantly from the final, published version. This can be a challenge for first-time authors, who can become attached to first drafts and whose identities can become tied up in their scholarly work.

One strategy that supports an iterative approach to writing is to treat writing and editing as separate processes. In this method, “writing” involves putting ideas on the page and generating written content, while “editing” involves finessing written content by removing extraneous material, improving syntax, and improving the flow of content within a cohesive article structure. This two-step approach allows writers to separate out steps of the writing process that are very different, the creative and the critical, and it prevents writing perfectionism. This strategy also helps reinforce that you are not your writing. Your writing can always improve, and as you develop your skills as an editor you will develop your capacity to make improvements.

### Resources for the writing and revision process

- A [Guide to Legal Research and Writing](#) is available through the TMU Law Library. It includes books on legal research, which requires specific processes, analysis frameworks, and resources. It also includes books on legal academic writing, which requires specific formats, argumentation, and conventions.
- Resources on the elements of scholarly articles are available through TMU Libraries. This handout on [reading strategically](#) gives a brief overview of the elements and what to scan for when reading. This guide on [literature reviews](#) describes what they are and how to conduct them. And, this guide on [critical legal theory](#) describes different approaches to theory and how to research theory and research methods.



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Specific writing resources include:

- The [Legal Writing Manual](#) is an open educational resource from the University of Georgia.<sup>9</sup>
- This article “[Legal Editology and Publication of Scholarly Law Paper](#)”<sup>10</sup> contains a advice on writing articles, including specific elements
- The article “[A Writing Life: Reflections on Legal Writing](#)”<sup>11</sup> contains writing advice from prominent legal scholars to early career scholars
- Writing help is available through the [Legal Writing Center](#). It provides support through one-on-one teaching sessions that strengthen writing expertise with a focus on big-picture content and the personalised communication of ideas. This support is only available to students at the Lincoln Alexander School of Law.
- Writing help is also available through [TMU Writing And Language Support](#), which offers workshops, group writing sessions, and one on one support with grammar and academic writing. This support is available to all students at TMU.

## What do I need to know about copyright?

### Attributing your sources

Scholarly papers typically include lengthy lists of references. When writing your paper it is important to properly credit all sources used in the paper. This serves a number of purposes:

- It allows you to participate in what is called the scholarly conversation. Your paper is responding to the work of other scholars by

building on, critiquing, or adding nuance to their ideas. This is how academic disciplines advance. It is worth keeping in mind that when you cite a contemporary legal scholar, they might have a mechanism set up to alert them of new citations (see [Develop a Researcher Profile](#)). They might well read your work and could even respond, so it is important to engage thoughtfully and respectfully.

- It is important to credit the originator of an idea. This is both morally correct and legally required. Under Canadian copyright law, you can copy limited portions of another’s work with attribution for the purpose of scholarly research through an exception to copyright protection known as fair dealing. In an academic paper, these exceptions might include textual references, short direct quotations, the use of a research method, and other limited uses. To evaluate if your use of a work falls under an acceptable use, especially if you are using a large portion of a work or a whole image, complete a [fair dealing analysis](#).
- Proper citation also allows readers to find your references. References often serve as evidence for an argument, so strong papers generally have strong references. Some scholars will even skim a bibliography before reading a paper. Imagine finding a paper about a niche topic you are knowledgeable about and realizing that the author did not cite the major scholars of that topic. Would you still read it? In legal scholarship it is important to reference the most relevant primary sources, relevant secondary sources, and emerging scholarship.

9 Jean Mangan, “*Legal Writing Manual*” on *OpenALG*, 3rd ed (Athens, GA: University System of Georgia).

10 Lee, “Legal Editology and Publication of Scholarly Law Paper”, *supra* note 7.

11 Linda H Edwards, “A Writing Life Reflections on Legal Writing” (2009) 61:3 Mercer L Rev 867–898.



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The only sources that do not require citation are the ones you would use in a preliminary stage of research, such as reference works like an encyclopedia or dictionary. Unless you are quoting from these directly, which would be unusual in a scholarly paper, citations are not required because your research has gone above and beyond these conventional starting points and should be anchored in the relevant primary and secondary sources.

The use of Generative AI in scholarly publishing is an evolving topic. Always attribute any use of Generative AI in your research and read the journal submission criteria to determine if they have a policy regarding its usage.

### Resources on Copyright

- [TMU Copyright Basics](#)
- A basic overview of Copyright, including detailed information on users' rights and fair dealing, is included in [Canadian Copyright: A Citizen's Guide](#)<sup>12</sup>

### What is open access?

Open access refers to resources that are freely available for anyone to use. The open access movement arose in response to problems with the subscription model of scholarly publishing, which requires payment for access to resources.

Subscription journals refer to those that cost money to access, either on a yearly basis or per article. Generally, the costs associated with subscription resources are paid to the publisher; the journal editors, reviewers, and authors are all unpaid. Subscription journals can be described as having limited or closed access, because only subscribers who can afford access can view it. Generally, subscriptions are paid for by libraries,

higher education institutions or large law firms, and the costs are significant, from an annual fee that can be hundreds of dollars per journal or thousands of dollars per large database. This creates hierarchies in information access, with lower income institutions and individuals not affiliated with a research institution not having equal access to information. It can even be the case that researchers cannot access their own scholarship if they are not at an institution with a subscription. Subscription resources have been criticized for transferring publicly funded research by scholars into private collections, with public funds moving from public institutions, such as libraries and universities, to private companies.<sup>13</sup>

Open access journals refer to those that are publicly available to be read at no cost. In contrast to subscription models of publishing, open access research increases access to information. It reduces hierarchies in access to information because it is open to anyone to read, which results in more information sharing between researchers at different institutions, regardless of wealth. Open access scholarship also reduces barriers to knowledge faced by researchers in developing nations. As a result of their ease of access, open access articles have been shown to have increased readership and citation counts compared to articles that are behind paywalls.<sup>14</sup>

There are many different models of open access. Some, namely gold open access, have associated costs for institutions and authors. Currently the Toronto Metropolitan University Library does not offer funding for article processing charges (APCs) associated with gold open access publishing.

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<sup>12</sup> Laura J Murray & Samuel E Trosow, *Canadian Copyright: A Citizen's Guide* (Canada: Between the Lines, 2013).

<sup>13</sup> Kelly Crowe, "Why does it cost millions to access publicly funded research papers? Blame the paywall", CBC (9 March 2019), [online](#).

<sup>14</sup> Heather Piwowar et al, "The state of OA: a large-scale analysis of the prevalence and impact of Open Access articles" (2018) 6 PeerJ e4375.

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As an author it is your choice where to publish. Open access publications are increasingly common because of their equity focus, which is a concern for justice-minded individuals and can be a part of decolonizing scholarship. However, if your article topic matches the focus of a particular subscription journal, that journal might be the best fit. The publication model of a journal as subscription or open access has no bearing on the quality of scholarship published.

### How can I find out if a journal is open access?

- Check the [Canadian Journals List](#) maintained by the TMU Law Library
- Use the Directory of Open Access Journals, or [DOAJ](#)
- Review the journal homepage, including the about page. For instance, the [Windsor Yearbook of Access to Justice](#) states that they are open access and articles use a creative commons licence

### Resources on open access publishing

- This book provides a good overview of open access publishing models and other major concepts in scholarly publishing: [The STM Report: An Overview of Scientific and Scholarly Journal Publishing](#)<sup>15</sup>

### Publication agreements

Before publication, authors are often required to sign a publication agreement with the journal. This agreement sets out the terms of publication, and depending on what it requires this agreement could alternately be called an author, licensing, or copyright transfer agreement. As an author it is

important to read this agreement carefully as it may place limitations on your use of the article. Does the transfer agreement include moral rights? Are you comfortable fulfilling agreement stipulations, such as allowing your paper to be indexed in major databases or mentioning the journal as the first point of publication in subsequent reprints? Before signing a licensing agreement, read it closely and know that you can ask the publisher for clarification and changes.

A small number of law journals require authors to transfer copyright to the journal.<sup>16</sup> Under Canadian copyright law, copyright exists at the moment a work is created. When you write a scholarly article you automatically own the copyright for your work. Transferring copyright to a journal means that you no longer own the article you wrote, which can make it challenging to share the work.

### Resources for navigating publication agreements

- The [SPARC Author Addendum](#) includes information on author's rights and can be used to modify a licensing agreement.
- [Open Policy Finder](#) provides summaries of publisher copyright and open access archiving policies on a journal-by-journal basis. This is not a comprehensive resource and not all Canadian law journal publishers are included.
- For an example of a publishing agreement, see [The Journal of Law and Social Policy](#). With this agreement, the author retains copyright but grants the journal certain rights, such as the reproduction of the article and its inclusion in article databases.

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<sup>15</sup> Mark Ware & Michael Mabe, *The STM Report: An Overview of Scientific and Scholarly Journal Publishing*, 4th ed (International Association of Scientific, Technical and Medical Publishers, 2015).

<sup>16</sup> Benjamin John Keele, "Copyright Provisions in Law Journal Publication Agreements" (2017) 102:2 L Lib J 269.

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## Creative commons licences

Open access journals often use a version of licensing called [Creative Commons](#). This model of licensing allows you as an author to decide how your work will be used. The type of Creative Commons licence chosen determines:

- if attribution is required;
- if copies can be used commercially;
- if copies be remixed or altered; and
- if subsequent uses of the work must be licensed under the same or a similar license.

For instance, articles published in the *Windsor Yearbook of Access to Justice* online are available under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International licence, as described on their [about](#) page. According to the [Creative Commons 4.0 license](#) description, that means that anyone can read these articles and can share and adapt them, but they must attribute them properly and cannot apply technological limitations to them, such as locking them behind a password.

Journals that use a Creative Commons license usually apply the same licence to all articles. As an author, if you want a different Creative Commons licence you can negotiate that just as you would an author transfer agreement, although some journals may require the same license for all articles.

## Should I be a solo author or collaborate?

Different academic disciplines have different norms related to co-authorship. In the sciences collaborative authorship is normal, and it is not uncommon to have a large number of authors listed on a paper, including the primary investigator (PI)

who leads the project and manages grant funding, members of the research team, and graduate or postgraduate student assistants. By contrast, in the humanities and social sciences solo authorship is the norm. These disciplinary differences are practical: empirical research done in a laboratory requires a team-based approach, while the humanities relies heavily on textual research that can be done alone. They are also philosophical and conventional, and the norms are not entirely settled; for instance, the order that authors are listed on scientific papers in relation to the weight of their contributions is a matter of debate. In law, solo authorship is the most common form of authorship.

However, collaborative authorship offers a number of advantages. Collaboration can mean a shared writing workload, where separate components of the article are written by separate authors and later edited to match in tone. Ideally, this means that the paper benefits from each author's expertise. As we all hold different forms of expertise based on our lived experience, education, and societal roles, this can be a significant strength. For example, the authors of the article "[Kitchenuhmaykoosib Inninuwug First Nation: Mining, Consultation, Reconciliation and Law](#)"<sup>17</sup> are a law professor (Rachel Ariss) and former band council leader (John Cutfeet), which strengthens the focus of the paper on comparing Canadian Aboriginal Law and Indigenous Law from both insider and outsider perspectives. Writing collaboratively can be an opportunity for authors to share perspectives and create an article with their combined strengths.

There are also benefits to solo authorship as well. Collaborative authorship can be time consuming, as the time saved on writing must be spent on communicating and coordinating schedules. Solo authorship allows for writers to work at their own pace, while collaborative authorship

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<sup>17</sup> Rachel Ariss & John Cutfeet, "Kitchenuhmaykoosib Inninuwug First Nation: Mining, Consultation, Reconciliation and Law" (2011) 10:1 Ind LJ 1.

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usually requires shared deadlines. Collaborative authorship can also lead to interpersonal conflict and power imbalances, which solo authorship avoids. Successful collaboration relies on clear communication, trust, and similar working styles.

For students who are working as research assistants (RAs) it would be normal to assist with the research of a faculty member's paper. Typically, students receive an acknowledgement for this work but not co-authoring status. This should be the subject of an explicit discussion between faculty and students when working together.

### Resources for collaborative authorship

- See [The Handbook of Scholarly Writing](#)<sup>18</sup> chapter 20 on co-authoring
- For a narrative of the experiences of three co-authors, see the article "[Sympoiesis 'becoming with and through each other': Exploring collaborative writing as emergent academics](#)."<sup>19</sup>
- For a study of co-authorship with issues discussed by chapter, see the book [First Person Squared](#)<sup>20</sup>

## What are journal indicators?

Journal indicators, also called metrics or bibliometrics, are used to compare publications and rank them against one another. The standard measurements that are used as indicators are typically citation counts, with the most cited

journals ranking highest. For an example of law journal rankings, see the Washington and Lee Journal Rankings and the methodology for this ranking. Journal metrics are a quantitative measure of a journal that does not take into account qualitative journal attributes about scholarship.

Despite the challenges with journal metrics, they can be used as an indicator of the relative impact of a journal. Although students might want to publish in highly ranked journals, this is inadvisable for three reasons:

- Many highly ranked Canadian journals do not welcome student submissions
- Highly ranked journals receive a high number of submissions and so have a high rejection rate
- A top criterion should be whether a journal is a good fit for the content of a submission, and ranking does not impact this question of fit

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18 Tonette S Rocco, Timothy Gary Hatcher & John W Creswell, eds, *The Handbook of Scholarly Writing and Publishing*, first edition ed, The Jossey-Bass Higher and Adult Education Series (San Francisco, CA: Jossey-Bass, 2011).

19 Dr Collett, Carolien Van den Berg & Belinda Verster, "Sympoiesis 'becoming with and through each other': Exploring collaborative writing as emergent academics." (2020) 8:SI Critical Studies in Teaching and Learning 168.

20 Kami Day & Michele Eodice, *First Person Squared: A Study of Co-Authoring in the Academy* (University Press of Colorado, 2001).

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# How can I make it easy to find and access my article?

## Practice knowledge translation

Authors can promote their articles in a manner that might improve their altmetrics. Authors can consider posting an article link to social media, especially on platforms that allow engagement with scholarly ideas. When posting a link, authors should ideally share a version where the full text can be publicly accessed. Posting to social media touches on an academic topic called knowledge translation, or how you can take one form of disseminated knowledge, such as a scholarly article, and change the format for a different audience, such as you do in a post on BlueSky. Knowledge translation is one aspect of the broader topic of knowledge mobilization, which is an important area of study for academics who want to see their work adapted into practical applications, or who want to better understand how networks like social media impact societal understanding. To engage in knowledge translation, authors can consider writing a plain language summary, writing a blog post that builds on aspects of the article, or creating a new academic resource, such as a conference presentation or poster. Knowledge translation is a useful skill to have for a number of reasons. It helps you reach a broader audience, it helps you better understand the core points of your research, and it allows you to create multiple outputs from a single research project.

## Resources for knowledge translation

- The book [Modern Legal Scholarship](#) has a guide to legal writing for social media and blogs<sup>21</sup>
- The TMU Office of the Vice-President, Research & Innovation offers [resources on knowledge mobilization](#), including handouts and guides
- This article describes how to balance traditional and non-traditional publications by following a “[Goldilocks Path](#)”<sup>22</sup>
- Monash University has a guide called [Top tips on writing short articles and blog posts](#)

## Increase access to your article

The easier it is to access information, the more people will read it. If you would like to have your article be read broadly, it might be worth considering how to increase access to it.

If you would like to make sure that the greatest number of individuals can access your article, you may want to publish open access. This will ensure that, for instance, future employers who may not have database subscriptions can access an article you include on your CV.

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21 Christine Nero Coughlin, *Modern Legal Scholarship: A Guide to Producing and Publishing Scholarly and Professional Writing* (Durham: Carolina Academic, 2020).

22 Orly Lobel, “The Goldilocks Path of Legal Scholarship in a Digital Networked World Symposium Articles” (2018) 50:2 Loy U Chi LJ 403.

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When reviewing where to publish, you can check to see if the journal is available in major subscription databases. Is it available through Westlaw, Lexis, HeinOnline, or elsewhere? Journals will sometimes list where they are indexed on their sites, but you can always ask a [TMU law librarian](#) for support in researching indexes. CanLII includes a list of [open access Canadian journals](#) that it is licensed to republish, which may appeal to you if you want to have a publicly available version of your article which can be easily accessed.

Posting to a digital repository is a way to increase access, as long as your copyright agreement with the journal allows it (see [Publication agreements](#)). For law, two of the most commonly used digital repositories are [SSRN](#) and the [Digital Commons](#), the latter of which hosts repositories associated with specific institutions. Digital repository postings normally indicate the final location of the publication. For instance, the article “Sustainable Professional Development”<sup>23</sup> by Trevor Farrow was [initially published](#) on SSRN and [later published](#) in the *Osgoode Hall Law Journal*. Digital repositories include pre-prints, or articles that have not yet been reviewed, post-prints, articles that have been reviewed but not yet typeset, or the final accepted version of the article.

At Toronto Metropolitan University the digital scholarship repository is called [RShare](#). Students who choose to self-archive their Open Access scholarship on RShare greatly increase the discoverability and citation of their work, with permanent DOIs, detailed metrics, and robust search engine indexing. To self-archive your work you must hold the copyright or have agreed on the right to self-archive in your [publication agreement](#).

## Develop a researcher profile

If you have previous publications or imagine that you might have a number of publications in the future, developing a researcher profile might be a priority. A researcher profile is an online listing that includes your name, contact information, a short biography or description of research interests, and links to your publications. Research profiles can also include helpful tools, such as alerts for new citations.

There are several options for creating a researcher profile. Two options that are highly popular, free, and have a semi-automated process for importing citations are:

- ORCID: this tool allows you to create a scholarly profile with a persistent identifier or permanent link. This profile can include employment, education, and scholarly publications, with your publications imported and linked. The Library has a [research guide on creating ORCID](#) account and offers [workshops](#) on this topic.
- Google Scholar allows scholars to create a profile that brings together all of their publications into one convenient page. For an example, see [Hadley Friedland's Google Scholar profile](#). As a benefit of creating a Google scholar profile, authors can choose to be notified when their article is cited.

23 Trevor Farrow, “Sustainable Professionalism” (2008) 46:1 Osgoode Hall LJ 51.



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## What is the emotional process of publishing?

Publishing can be emotionally challenging for a number of reasons.

Research and writing are inherently challenging tasks, requiring skills that must be developed over time. A first-time author can easily become lost in the research and writing process. Experienced researchers develop skills to tackle the pain points of research and writing, including finding all relevant resources, synthesizing large amounts of information, and clearly articulating an argument. These tasks never become easy but they do become manageable as a result of skills developed over years of experience. First-time authors are writing, researching, and *learning how to write and research* within the framework of academic publishing, which is a substantial task.

Rejection is a normal part of the publishing process. Some journals, especially those with open submissions or high rankings, receive a high number of submissions, meaning that rejections are inevitable. It is also typical for papers to be rejected if they do not meet the aims and scope of a journal. It is also unusual for the first draft of a paper to be published in its original form; most papers go through many revisions as a result of peer review, editorial suggestions, and proofreading. It can be a challenging process to see your work criticised but it's worth knowing that this process is typical and tends to result in stronger papers.

For papers that have a review process, reviewers can have differing opinions, which can be challenging to navigate as an author. Imagine that you have submitted a comparative law paper focusing on the USA and Canada; one reviewer might suggest that sections about the USA are the strongest and should be a greater focus, while another reviewer might suggest that the sections

about Canada are the strongest and should be a greater focus. While there is usually an appropriate compromise that the journal editor can advise upon, the process can be perplexing.

Finally, while writing and research are always emotional, some topics are more upsetting or disturbing than others. For instance, writing about an upsetting topic like abuse can be very challenging and it can take a heavy toll on the scholar. This is especially the case when the topic at hand relates to the author's own identity or experience. Imagine the emotional challenges faced by an author who grew up in foster care writing about the legal issues of this system. If you are writing about a challenging topic like this you are highly encouraged to seek out colleagues, mentors, and subject matter experts who can offer you emotional support and research strategies that will help you succeed.

Some strategies for navigating the emotional pitfalls of publishing include:

- **Set yourself up for success.** Choose an appropriate project, one that is feasible for your time, energy, and interests.
- **Learn what works for you.** One book about how to develop a writing strategy might suggest long writing sessions, while another might suggest writing a short amount daily. Take all advice with a grain of salt as you develop your own habits and skills. There is no single, correct way to write an academic article.
- **Take time to process negative feedback and suggested revisions, even if it is only for a few hours or overnight.** If the journal editor requires an immediate response, communicate clearly and courteously about the required revisions, for instance writing: "I am not able to make these revisions today. Would it be acceptable if I sent them to you by tomorrow afternoon?"

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- **Know that you are not your writing.** It can be challenging to receive criticism when you have worked very hard, especially if you are writing about a sensitive topic or one that is close to your heart. Your value as a scholar does not hinge on one piece of writing.
  - **Reach out for help.** This could be from faculty who can advise you on your research and help you navigate the publication process, to [librarians](#) who can help with your research process, or peers who can offer you emotional support. Toronto Metropolitan also offers [Mental Health and Wellbeing Resources for Students](#).

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## FAQ

### **Will I get paid for writing articles, editing, or reviewing academic articles?**

Generally, no. Academics involved in the publishing process are unpaid, including the authors of papers, journal editors, and reviewers. This is a stunning fact given the amount of work involved in academic publishing and its importance for advancement in academia. By contrast, publishers, specifically those with a large platform and foothold in academia, make a significant amount of money from journal publications.<sup>24</sup> Law students do have some opportunities to enter [writing competitions](#) with financial rewards.

### **Can I submit the same piece to multiple journals at the same time?**

No, you cannot. This is bad academic practice because reviewing articles for publication is time-consuming, unpaid labour. Many journals also explicitly state on their submission criteria that manuscripts must not be under consideration elsewhere.

### **If I have written a collaborative article, does it matter who gets listed as first author?**

Generally, the author who has contributed the lion's share of the work is listed first. Authors may decide on a different order for any number of reasons, including boosting name recognition of a lesser-known scholar, or capitalizing on the name recognition of a known one. The extent to which first authorship matters is debatable; what is more important is whether all authors equitably contributed to the final publication.

### **Is there a difference between a law review and a law journal?**

No. It is traditional for law journals, especially those associated with law schools, to be named law reviews, but this has no significant contemporary distinction. The historic origin is that law reviews did what the name suggested and reviewed developments in law with a doctrinal approach.

### **Are open access journals lower quality scholarship?**

No, the access model of a journal has no bearing on its quality of scholarship. Many long established journals have been slow to adopt open access models, although many now have.

### **What is a predatory publisher?**

Predatory publishers publish low quality journals that mimic legitimate scholarly journals in order to make money. These publishers exploit researchers in a number of ways: by requiring a fee for publication, through illegal copying of content, or by convincing researchers to publish in a low-quality venue and thereby harming their reputation. Predatory publishers are not a major concern in Canadian legal publishing, but if you need support assessing a publisher contact the law library.

### **I am trying to access the most recent issue of a journal, but I can't get access. Why?**

Always check with the law library to determine journal access. Some journals use what is called an embargo to limit access to content published within a recent time period, such as the most recent year of publication. The journal will then charge a subscription fee for access to recent issues while making older issues available for institutional purchase or publishing them open access.

### **Can I repurpose an old assignment or research project into an article?**

If your assignment received a high grade or your instructor has encouraged you to publish, yes, this can be a good starting point. However, prior work will almost always require a substantial amount of revision work to meet the submission requirements for a publication.

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<sup>24</sup> Stephen Buranyi, "Is the staggeringly profitable business of scientific publishing bad for science?", *The Guardian* (27 June 2017), [online](#).

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### **I want to use prior work to begin an article. Where can I go to have it revised?**

You are responsible for revising your own work. You can seek out [writing help](#), contact the library for research help, and ask for advice from trusted mentors, but you are ultimately responsible for your own research, writing, and revision.

### **Where can I find submission guidelines?**

Journal submissions are normally listed on their website on the about page or “aims and scope” page. See the list of [Canadian Academic Law Journals](#) for links.

### **How can I create a good thesis statement?**

See the resources on [writing help](#). Many of the writing help guide books contain a section on developing a clear, concise, and arguable thesis.

## **Helpful Links**

- [Canadian Academic Law Journal List](#)
- [Law Student Publication Opportunities and Writing Contests](#)
- [Contact a Law Librarian](#)
- [Legal Writing Center](#)
- [TMU Writing And Language Support](#)
- [Reading Strategically Handout](#)
- [Copyright Basics at TMU](#)
- [Directory of Open Access Journals \(DOAJ\)](#)
- [SPARC Author Addendum](#)
- [Open Policy Finder](#)
- [Creative Commons](#)
- [Altmetrics](#)
- [TMU Resources on Knowledge Mobilization](#)
- [Washington and Lee Law Journal Rankings](#)
- [Mental Health and Wellbeing Resources for Students](#)

## **Library Research Guides**

- [Law Student Publication Guide](#)
- [Legal Research and Writing Guide](#)
- [Legal Citation Guide](#)
- [Scholarly Communication Guide](#)
- [ORCID Guide](#)
- [Literature Reviews Guide](#)
- [Critical Legal Theory](#)
- [Classic Legal Theory](#)

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